To: Ex. 6 - Personal Privacy
From: Sergio Resendez - Outage Notification Primary
Sent: Mon 5/1/2017 5:57:34 PM
Subject: test internal

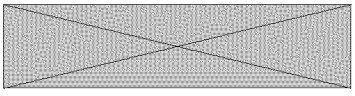
This is only a test. please do not reply.

Sergio Resendez

Tier 2 Support Office 365

1981 Snyder St. Richland, WA 99352

509.578.3126 : *Sergio.Resendezhf@usepa.onmicrosoft.com*



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To: Ex. 6 - Personal Privacy
From: Will Garcia
Sent: Fri 4/28/2017 12:47:24 PM
Subject: Test 2: Test from External EMail

Test 2: Test from External EMail

Thank You,

Mr. William H Garcia, Jr
wgarcia@hotmail.com
301 536 1536

To: Ex. 6 - Personal Privacy
From: Microsoft Outlook
Sent: Thur 5/11/2017 5:43:31 PM
Subject: Your mobile device has been denied access to the server because of server policies.

This device has been temporarily quarantined. Please contact your local support to have the device approved.

Your device won't be able to synchronize with the server via Exchange ActiveSync because of an access policy defined on the server.

Information about your device:

Device model:	iPhone8C1
Device type:	iPhone
Device ID:	Ex. 6 - Personal Privacy
Device OS:	iOS 10.2.1 14D27
Device user agent:	Ex. 6 - Personal Privacy
Device IMEI:	
Exchange ActiveSync version:	16.1
Device access state:	Blocked
Device access state reason:	Individual

Sent at 5/11/2017 5:43:31 PM to Ex. 6 - Personal Privacy

To: Ex. 6 - Personal Privacy
From: Microsoft Outlook
Sent: Tue 5/2/2017 2:40:16 PM
Subject: Your device is temporarily blocked from synchronizing using Exchange ActiveSync until your administrator grants it access.

This device has been temporarily quarantined. Please contact your local support to have the device approved.

Your device is temporarily blocked from accessing content via Exchange ActiveSync because the device has been quarantined. You don't need to take any action. Content will automatically be downloaded as soon as access is granted by your administrator.

Information about your device:

Device model:	iPhone8C1
Device type:	iPhone
Device ID:	Ex. 6 - Personal Privacy
Device OS:	iOS 10.2.1 14D27
Device user agent:	Ex. 6 - Personal Privacy
Device IMEI:	
Exchange ActiveSync version:	16.1
Device access state:	Quarantined
Device access state reason:	Global

Sent at 5/2/2017 2:40:16 PM to Ex. 6 - Personal Privacy

To: Ex. 6 - Personal Privacy
From: Microsoft Outlook
Sent: Tue 5/2/2017 12:00:36 PM
Subject: Your device is temporarily blocked from synchronizing using Exchange ActiveSync until your administrator grants it access.

This device has been temporarily quarantined. Please contact your local support to have the device approved.

Your device is temporarily blocked from accessing content via Exchange ActiveSync because the device has been quarantined. You don't need to take any action. Content will automatically be downloaded as soon as access is granted by your administrator.

Information about your device:

Device model:	iPad5C4
Device type:	iPad
Device ID:	Ex. 6 - Personal Privacy
Device OS:	iOS 10.1.1 14B100
Device user agent:	Ex. 6 - Personal Privacy
Device IMEI:	
Exchange ActiveSync version:	16.1
Device access state:	Quarantined
Device access state reason:	Global

Sent at 5/2/2017 12:00:36 PM to Ex. 6 - Personal Privacy

To: Will Garcia[wgarcia@hotmail.com]
From: Ex. 6 - Personal Privacy
Sent: Fri 4/28/2017 12:49:55 PM
Subject: RE: Test 2: Test from External EMail

test

From: Will Garcia [mailto:wgarcia@hotmail.com]
Sent: Friday, April 28, 2017 8:47 AM
To: **Ex. 6 - Personal Privacy**
Subject: Test 2: Test from External EMail

Test 2: Test from External EMail

Thank You,

Mr. William H Garcia, Jr

wgarcia@hotmail.com

301 536 1536

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Tue 12/5/2017 3:15:52 PM
Subject: ITC imposes duties on biodiesel imports from Argentina, Indonesia

By Doug Palmer

12/05/2017 10:12 AM EDT

The U.S. International Trade Commission today approved hefty double-digit duties on imports of biodiesel from Argentina and Indonesia, opening the door for a possible World Trade Organization challenge against the United States.

The trade panel voted 4-0 there was enough evidence of injury to U.S. producers to justify the restrictions.

The move clears the way for the Commerce Department to issue final countervailing duties in the range of 72 percent on imports from Argentina and 35 percent to 65 percent on imports from Indonesia.

Importers have already been required to post cash deposits based on those rates.

Biodiesel is made from a diverse mix of resources such as recycled cooking oil, soybean oil and animal fats, and can be used in existing diesel engines without modification, according to the National Biodiesel Board, which brought the case along with 15 domestic producers.

Argentina exported about $1.2 billion worth of the energy product to the United States last year and Indonesia exported about $268 billion.

That was a combined increase of 464 percent from 2014 levels, taking 18.3 percentage points of market share from U.S. manufacturers, the biodiesel board said.

Argentina President Mauricio Macri told Reuters last month that Argentina would challenge the duties at the WTO if the Trump administration went through with the measures.

Argentina had hoped to settle the dispute by negotiating a minimum price for its exports, but no agreement was reached before the Commerce Department announced it final countervailing duty determinations last month.

Indonesian Trade Minister Enggartiasto Lukita has also threatened to challenge the duties either through the U.S. court system or at the WTO.

To view online:
https://www.politicopro.com/agriculture/whiteboard/2017/12/itc-imposes-duties-on-biodiesel-imports-from-argentina-indonesia-195694

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Yes, very	Somewhat	Neutral	Not really	Not at all

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To: Maisano, Frank[frank.maisano@bracewell.com]
From: Maisano, Frank
Sent: Mon 12/4/2017 6:55:52 PM
Subject: Dec 4 PRG Energy Update: Solar Rallies Against Trade Barriers; Cruz Gets RFS Mtg w/Prez

Friends,

I hope you got a great view of two things yesterday: 1) last night's Super Moon and 2) the epic sign of Detroit Lions futility (and I'm not referring to the horrible performance in Baltimore). The Super Moon was pretty spectacular, while in Michigan, demolition crews tried to implode the former home of the Lions, the Pontiac Silverdome to an epic fail. The highlighted links have the videos. These launch a Super Busy Week starting today when President Trump heads to Utah where he is expected to announce that he will shrink the size of at least two national monuments.

Over the weekend, the Senate passed its tax reform bill which moves the process forward to this week. Now, they will scramble to put together a House-Senate Conference as soon as this evening to hash out the differences. While there are many out there, Axios has a good summary of a few energy issues at play in the tax plan including ANWR, corporate issues, EVs/Renewables, BEAT, AMT and oil/gas. My tax expert colleague **Liam Donovan** is all over it and can answer your questions. Follow him on twitter at @LPDonovan or at http://lpdonovan.com/

Tomorrow, solar advocates including **Abby Hopper** will hold a presser at the National Press Club at 9:15 a.m. to roll out an approach for protecting the booming solar industry with an American First plan instead of harmful tariffs proposals. Then on Wednesday, the US Trade Rep holds a public hearing to take comments on the solar tariffs. Expect a whole lot of rallying from solar advocates who will be out in force across from the White House. Already, a diverse group including the Campbell Soup Company, Schneider Electric, utility NextEra Energy and the National Electrical Contractors Assn have weighed in against tariffs.

Other events Wednesday include the Feminist Majority's 30th Women, Money, Power Summit and the widely attended, popular Southern Company Holiday party at Union Station. Out of town on Wednesday, ALEC hosts its annual States & Nation Policy Summit, a three-day conference in Nashville consisting of intensive, in-depth sessions addressing issues that will be at the top of state legislative agendas the following year.

Then Thursday, President Trump will meet with Sen. Ted Cruz and several Cabinet members to discuss U.S. biofuel policy and fuel efficiency standards, holding the meeting Cruz and 8 other senators requested in October. It will be a busy day for EPA Administrator Scott Pruitt who will have to rush over to the White House from the House Energy Committee where he will start testifying earlier that morning.

Finally, two special honors: First, congrats to our colleague **David Mann** who attends his final MBA class tonight at Georgetown University. David, who handles many of PRG's Admin and FEC/Lobbying filings (as well as serving as Segal's gatekeeper) has been plugging away on his MBA for more than 3 years. Secondly, this evening at City Tap House in Dupont, many of us will honor veteran energy reporter **Chris Holly** as he retires. Chris has long been one of the most savvy, intelligent and fair reporters, covering so many issues, it is hard for me to remember all of them. He was one of the first reporters I worked with when I started on this beat 20-plus years ago when he was at *McGraw-Hill's Electric Utility Week*. He has since graced the pages of *Energy Daily* for the last 15 or so. We have enjoyed working with him all these years, and certainly will miss his wit, tough reporting and intellect.

Call with questions. Best,

Frank Maisano

(202) 828-5864

c. (202) 997-5932

FRANKLY SPOKEN

"The time is ripe for EPA to grant substantive relief from the unique, adverse impacts the RFS program is having on the state of Texas. The extreme, detrimental impacts on large portions of the refining sector have now placed unacceptable burdens on the Texas economy and the economy and security of the nation as a whole."

Texas Gov. Greg Abbott requesting a waiver from the Renewable Fuels Standard Friday.

IN THE NEWS

Groundbreaking Fluorocarbon Conversion Technology Advances under Montreal Protocol – The groundbreaking HFC chemical conversion technology offered by Midwest Refrigerants advanced to next stage of commercialization with a decision by the Montreal Protocol Multi-Lateral Fund (MLF) recently. The timetable for development could lead to construction of first-ever commercial scale unit in China in 2018. According to the decision of the MLF Executive Committee, UNDP will prepare a project business proposal to be submitted by March 26, 2018, for review, consideration, and approval for funding at its next meeting in June 2018. The decision also set a budget of $2.8 million to support the project. The project also received strong statements of support and encouragement from MLF representatives from the United States government. UNDP will develop a project proposal between Midwest Refrigerants and LUXI Chemical, in Liaocheng City, China, for the conversion of HFC-23, a byproduct of the R-22 manufacturing process that is also a potent greenhouse gas. R-22 is used as a refrigerant that is being phased out under the Montreal Protocol and is also used as a feedstock for polymer manufacturing. The Midwest conversion technology, which operated in a pilot facility for more than 24 months, has been shown to convert fluorocarbon compounds to their original components suitable for reuse in the manufacturing process, while leaving no waste stream. At commercial scale, this technology is expected to be considerably less expensive and more sustainable than current destruction technology. Happy to connect you Midwest's Lew Steinberg if you are interested.

New Report: US is Most Attractive Place for Oil & Gas Investment in the World – The Fraser Institute recently released its annual Global Petroleum Survey ranking the appeal for investment in 97 oil and gas jurisdictions around the world. This year's survey results found six of the top 10 most attractive regions in the world for oil and gas development are located in the United States: Texas (1st), Oklahoma (2nd), North Dakota (3rd), West Virginia (5th), Kansas (6th} and Wyoming (9th). In fact, according to the report, in the last six surveys, Texas, Oklahoma and North Dakota, as well as Saskatchewan in Canada, are the only four jurisdictions in the world to consistently rank in the top 10. Three hundred thirty-three oil and gas executives and managers responded to this year's survey, which evaluates jurisdictions based on investment factors such as fiscal terms, taxation, environmental regulations, regulatory costs, consistency and enforcement, political stability, quality of infrastructure and geology, and availability of a skilled workforce.

EIA Says Taller, More efficient Turbines Producing More – The U.S. Energy Information Administration reported that installed wind turbines are taller and more efficient than in the past.

EIA found that the average height and power generating capacity for wind turbines installed in the country are taller and more efficient that in years past. According to data on utility-scale electricity generators collected by EIA, wind turbine capacity is based largely on the length of the blades and taller turbines are able to not only have longer blades, but also take advantage of better wind resources that are available at greater heights. The largest onshore turbines in the United States are in Texas, with capacities of 4 MW each. One of the world's largest wind farms is also in Texas: the Horse Hollow Wind Energy Center has 420 wind turbines spread over about 47,000 acres. The project has a combined electricity generating capacity of about 735 MW. Turbines are taller now than they were in previous decades. Since 2012, the average height of wind turbines installed in the United States has been about 280 feet, or 80 meters. Before 2006, few wind turbines were as tall as 280 feet. Wind speed typically increases with altitude and increases over open areas without windbreaks such as trees or buildings. Favorable sites for wind turbines include the tops of smooth, rounded hills; open plains and water; and mountain gaps that funnel and intensify wind.

TX Gov Abbott Requests RFS Waiver – Texas Gov. Greg Abbott requested a waiver from the RFS late Abbott, in particular, cited high RIN prices as causing hardship to refiners across the state. He said as a result of the increasingly unpredictable cost of RINS, refiners are exploring all options to reduce these escalating costs, including exporting product, which reduces fuel inventories in the United States, increasing the cost of fuel available to U.S. consumers and decreasing the U.S.'s energy independence and self-reliance strategy mentioned in the goals of the legislation when passed. Abbott also said small retailers are impacted dramatically. According to Professor Bernard Weinstein, a distinguished economist at the Maguire Energy Institute at Southern Methodist University in Dallas, "On a global scale, if profit margins for small, independent retailers continue to narrow in order to 'meet the competition,' even more of these businesses can be expected to fail in coming years. Fewer small retailers, in turn, will result in higher fuel prices for consumers along with a reduction in the services these businesses provide, such as auto repair and maintenance."

Diverse Groups Urge Opposition to Solar Tariff – There were four interesting separate sectors weighing in in the USTR Comments opposed to Solar Tariffs: 1) Campbell Soup Company, 2) Schneider Electric 3) utility NextEra Energy and 4) the National Electrical Contractors Assn CEO John Grau. These comments show the broad impacts that this policy could have on many companies, sectors, workers or consumers. And remember Duke Energy also offered strong comments at the ITC docket. I can send pdfs of all of these if you cannot find them.

Cape Wind Project Gives Up Lease – Cape Wind Associates will not go through with their proposed wind farm in Nantucket Sound, halting a controversial project that has been in the works for more than a decade. Cape Wind will give up its 46-square-mile federal lease. The decision was disappointing but not unexpected. The project was dealt a major setback in January

2015, when Eversource and National Grid ended contracts to buy power from the turbines. Then in 2016 when the state Energy Facilities Siting Board declined to extend permits for the project that had originally been issued in 2009. Interestingly, this project is not really representative of the current state of offshore wind, given that larger turbines are now being installed in truly offshore locations. Deepwater Wind has successfully launched a project in Rhode Island and Current Statoil is moving forward with a project in leaded areas off New York.

US Rig Count Sees 4th Straight Week of Gains – Baker Hughes said the number of US oil and natural gas rigs climbed by six to 929 last week -- the fourth consecutive week of increases. Four new rigs were deployed in the Permian Basin and three were added to the Haynesville Shale, while North Dakota's Williston Basin gained one rig.

ON THE SCHEDULE THIS WEEK

Clean Edge, GridWise Alliance Host gridCONNEXT – GridWise Alliance and Clean Edge will host gridCONNEXT today through Wednesday in Washington, D.C. with hundreds of regulators, utility executives, corporations, and other industry stakeholders to explore the many grid modernization.

USGCRP to Take Comment – Today and tomorrow, the US Global Change Research Program is taking comments from the public at the National Academy of Sciences Building on topics like its Climate Communications Initiative, its Rising Seas Initiative and Building Resilience in the US-Mexico Drylands

EPA Holds Truck Emissions Kit Hearing – The EPA holds public hearings today on proposed repeal of emission requirements for glider vehicles, glider engines, and glider kits at EPA HQ. The EPA earlier this month announced its plan to reclassify glider kits as non-new vehicles, thereby restricting the EPA's ability to regulate their exhaust emissions, and to repeal the glider kit-specific provisions of the Phase 2 emissions regulations.

Climate Film to Be Screened – Tonight at 6:00 p.m., New America and Columbia University's School of International and Public Affairs hold a special screening of 'The Age of Consequences,' a documentary investigating the links between climate change, U.S. national security, and global stability.

Solar Tariff Opponents to Weigh-in at Press Club – Opponents of tariffs on solar imports will hold a briefing tomorrow at 9:15 a.m. at the National Press Club. As the Trump Administration nears a determination on remedies for the Section 201 solar trade case, solar industry leaders will discuss the details of a true "America First" Plan for solar energy that supports domestic cell and panel manufacturing without destroying demand for American solar energy. Experts will preview the U.S. Trade Representative hearing and discuss why the Administration should not impose quotas and tariffs on imports of these products and instead adopt an approach that will not inflate the cost of electricity for all Americans and harm workers, consumers and the U.S. economy.

ITC to Vote on Biodiesel Tariffs – Tomorrow at 9:30 a.m., the U.S. International Trade Commission holds meeting and vote on biodiesel from Argentina and Indonesia. In May, USITC determined that there is a reasonable indication that a U.S. industry was materially injured by reason of imports of biodiesel from Argentina and Indonesia that are allegedly subsidized and sold in the United States at less than fair value.

EIA, Interior Noms Hearing Set – The Senate Energy Committee holds a hearing tomorrow at 10:00 a.m. on the nominations of Timothy Petty to be an assistant Interior secretary and Linda Capuano to be administrator of the Energy Department's Energy Information Administration.

Forum to Look at Media, Journalism, Trump – Talkers Magazine will host a forum at Hillsdale College's Kirby Center In Washington DC looking at the Trump Administration and its coverage by the media. A panel of talk show hosts including former talk show host and Hillsdale College radio station GM Scot Bertram, Dom Giordano of WPHT/Philadelphia, Hugh Hewitt of Salem Radio Network, Joe Madison SiriusXM Satellite Radio, Janet Parshall of the Moody Radio Network and Bill Press of the TYT Network.

Forum to Look at China Impact – The National Bureau of Asian Research will host a public panel discussion tomorrow at 3:45 p.m. in CVC 268 on China's Growing Energy and Geopolitical Impact in Xi Jinping's New Era. The event will also mark the launch of NBR's 2017 Energy Security Program report on "Asia's Energy Security and China's Belt and Road Initiative." Rep. Ann Wagner leads the discussion.

Forum to Look at Climate Diplomacy – The German Marshall Fund is holding a forum tomorrow at 5:30 p.m. for a discussion on the future of climate action in the United States, the role of cities and regions in implementing international climate policy, and the importance of strong transatlantic leadership in this area of global concern. The speaker will be Tim Robinson, Chief Counsel of the House Committee on Energy and Commerce.

Roll Call Forum to Look at Infrastructure – Roll Call Live and CQ holds an infrastructure forum on Wednesday morning featuring expert analysis and bipartisan discussion to examine the many questions that infrastructure stakeholders and policymakers will face in the new administration. Rep. Peter DeFazio and White House aide DJ Gribben.

USTR Hearing on Solar Trade Tariff – The US Trade Representative will hold a public hearing on Wednesday to discuss the solar tariff issue.

California AG Hits Press Club – The National Press Club Newsmakers Committee will host California AC Xavier Becerra at a Headliners Newsmaker news conference Wednesday at 10:00 a.m. in the club's First Amendment Lounge. The news conference will look at Cali's two dozen lawsuits challenging the Trump Administration's efforts to make changes that affect immigrant rights, civil rights, environmental standards and consumer protections. Becerra will discuss these legal actions and other issues and will be moderated by *Los Angeles Times* reporter Chris Megerian.

Women, Power, Money Summit Set at Press Club – The Feminist Majority hosts its 30th annual Women Money Power Summit Wednesday at the National Press Club. The summit brings together a combination of feminist thinkers, speakers, and activists as well as top political leaders. New strategies and campaigns to increase women's economic and political clout and to stop the war on women and reproductive rights are always at the top of the agenda. Main Speakers will include Sens. Dianne Feinstein and Mazie Hirono and Reps. Niki Tsongas and Maxine Waters. Our colleague Dee Martin is a board member of FM.

Senate Enviro to Host Army Corps Nominee – The Senate Environment Committee holds a hearing Wednesday on the nomination of R.D. James to be assistant secretary of the Army for civil works.

WCEE to Host NatGas Leaders – The Women's Council on Energy and the Environment (WCEE) will hold a forum on Wednesday looking at the role of natural gas in the economy. Dena Wiggins, President and CEO of the Natural Gas Supply Association (NGSA), and Lori Traweek, Chief Operating Officer of the American Gas Association, will discuss how natural gas fits into our country's energy future and how they rose to leadership in the energy world.

AEI to Host Ag Discussion – American Enterprise Institute will hold a forum on Wednesday at 12:30 p.m. for a discussion on substantive reforms to US agricultural subsidy programs. AEI's Vincent Smith will facilitate a discussion among these experts as they break apart the 2018 Farm Bill. The event looks at the current state of the American farm sector. In the newest papers of AEI's "Agricultural Policy in Disarray" series, leading agricultural economists evaluate federal programs and regulations that affect conservation and the environment. Erik Lichtenberg will present his findings on conservation programs. Aaron Smith will discuss the future of the Renewable Fuel Standard. Nathan Hendricks will present his findings on the contentious debates between agricultural and environmental interests about the Clean Water Rule.

Wilson Forum Looks at Moving Villages – The Wilson Center will hold a forum on Wednesday at 1:00 p.m. looking at moving villages due to climate change. The event will feature the Village of Newtok, a Yupik Eskimo community of 450, faces certain destruction from a slow-moving climate disaster. The discussion with Newtok's leadership will focus on their experiences and struggles to preserve their Yupik way of life on their historic subsistence lands.

Senate Environment to Discuss Superfund Sites in Disasters – The Senate Environment Committee's Superfund and Waste Management Subcommittee holds a hearing Wednesday at 2:30 p.m. on challenges facing Superfund and waste cleanup efforts following natural disasters.

Forum Looks at Future of Ag – The National Museum of Natural History and Resources for the Future will host a forum on Wednesday evening with Jesse Ausubel, Director and Senior Research Associate of the Program for the Human Environment at Rockefeller University, for a look into the future as he explores how precision agriculture and better sources of food and fuel can benefit the natural world. Ausubel's work covers forests and farms, marine and human life, energy and materials. He marries climate and Earth sciences to elaborate the vision of a large, prosperous society that spares large amounts of land and sea for nature and emits little or nothing harmful into the atmosphere. This event is presented by Resources for the Future with the Smithsonian Institution's National Museum of Natural History as part of an ongoing series, Anthropocene: Life in the Age of Humans.

ALEC Conference Set for Nashville – Starting Wednesday in Nashville, the American Legislative Exchange Council hosts the States & Nation Policy Summit, a three-day conference consisting of intensive, in-depth educational sessions addressing issues that will be at the top of state legislative agendas the following year. Nearly 1,000 state and local lawmakers, policy experts and other stakeholders gather to explore the philosophical principles that guide a free society.

Forum to Look at NAFTA, Energy – The Washington International Trade Association holds an event Thursday at 9:00 a.m. the Ronald Reagan Building & International Trade Center at as part of its NAFTA series on energy and NAFTA. The forum will look at NAFTA renegotiation's impact on energy trade across North American borders, as well as its investment, jobs and North American energy independence. Former Rep. Charles Boustany hosts API's Jack Gerard, CSIS's Sarah Ladislaw and Sergio Marchi of the Canadian Electricity Association. Panel 2 includes our friend Maryam S. Brown of Sempra Energy, former State Department Energy envoy David Goldwyn and ADM's Lorraine Hawley.

Pruitt to Head to House Energy Panel – The House Energy and Commerce Environment Subcommittee will hold a hearing on Thursday with EPA Administrator Scott Pruitt testifying. The appearance will be Pruitt's first before the Energy and Commerce Committee.

House Resources to Look at Interior Dept Reforms – House Natural Resources panel lawmakers will review Interior Department reform proposals in a hearing on Thursday at 10:00 a.m.

House Transpo Roundtable to Look at Trucking Techs – On Thursday at 10:00 a.m., the House Transportation Committee's Subcommittee on Highways and Transit will host a roundtable on emerging technologies in the trucking industry.

ASE Forum to Look at Biz Case for Energy Efficiency – The Alliance to Save Energy hosts a forum on Thursday at 12:00 p.m. to discuss the business case for tax incentives promoting energy efficiency. From residential retrofits to commercial-scale systems improvements, energy efficiency upgrades deliver massive benefits to consumers, businesses and taxpayers – creating jobs and economic activity, saving money, and reducing harmful emissions while strengthening U.S. energy security. Yet the U.S. tax code no longer contains meaningful tax incentives for energy efficiency. Hear directly from leading businesses and advocates about tax policies new

and old that could advance this important cause – and the business case for getting them done as Congress looks at rewriting the tax code.

CSIS to Release World Oil Outlook – The CSIS Energy & National Security Program is hosting the U.S. launch of OPEC's World Oil Outlook 2017 (WOO) on Thursday at 2:00 p.m. The WOO is OPEC's outlook for medium- and long-term oil supply, demand, and downstream to 2040, factoring in the latest developments in global oil markets and OPEC production adjustments. The analysis includes the impacts of worldwide shifts in demographics, emissions reductions, and technological development in the oil sector. The presentation of WOO 2017 will be given by OPEC's Al-Qahtani.

POLITICO to Look at 2018 Mid-Terms – Playbookers Anna Palmer and Jake Sherman are going LIVE with POLITICO Playbook in a special extended version of the Playbook Audio Briefing on Thursday at 6:00 p.m. at the 6th & I Synagogue. The POLITICO Playbook Team and other key reporters will try to make sense of Washington as it marches toward mid-term elections in 2018. Speakers will include POLITICO's Rachel Bade, Annie Karni and Seung Min Kim, as well as Michael Barbaro of the *New York Times*, John Rogers of the National Republican Congressional Committee and Dan Sena of the Democratic Congressional Campaign Committee.

House Energy to Look at Cybersecurity, Energy – The House Energy and Commerce Energy Subcommittee holds a hearing on Friday at 9:00 a.m. examining the role of the Department of Energy in energy sector cybersecurity. Bruce Walker, DOE's Assistant Secretary of the Office of Electricity Delivery and Energy Reliability will testify.

IPAA Exec to Address Energy Economists – The National Capital Area members of the US Assn of Energy Economist will host Fred Lawrence for their Friday lunch. Lawrence, VP at the Independent Petroleum Association of America, will discuss the outlook for U.S. oil and natural gas, including shale export trends over the past two years, focus on the Independents in a Sector and demand and geopolitical reality vs. ideology.

Forum to Touch on Climate, Bonn Results – The GW Law School is hosting a roundtable discussion on Friday at Noon looking at the status of climate change policy under the Trump Administration. The discussion will draw on articles written for the recent Special Edition of the Climate and Carbon Law Review (CCLR). The program will feature several CCLR authors including Vicki Arroyo, Executive Director of the Georgetown Climate Center at Georgetown

Law, Professor Robert Glicksman from the George Washington University Law School, Fatima Ahmad and Jennifer Huang from the Center for Climate and Energy Solutions, and Charles Di Leva, visiting scholar at the Environmental Law Institute. Topics under discussion will include, the reaction of state and local authorities to the withdrawal of the US from the Paris Agreement, the fate of the Clean Power Plan and the flexibility of Nationally Determined Commitments (NDCs) under the Paris Agreement.

IN THE FUTURE

Paris Forum to Focus on Anniversary – Forum to French President Macron will host the One Planet Summit on December 12 in Paris, on the two-year anniversary of the Paris Agreement. The Summit will focus specifically on climate finance. Heads of State will be invited to attend this meeting.

Nuclear Weapons Triad Forum Set – The Advanced Nuclear Weapons Alliance Deterrence Center (ANWA DC) will host the Inaugural morning forum on Capitol Hill on December 12th. The event will feature key Members of Congress representing nuclear triad communities at Air Force and Naval bases, and NNSA sites, The group will also outline a series of 11 more 2018 forums and roundtables with key government officials, industry leaders and suppliers, and academic experts on the triad issues of the day, Each of these events will tackle the nuclear triad's emerging issues and challenges, while sharing the successes, in the ongoing nuclear weapons enterprise modernization.

Energy Storage Forum Set –The 3rd annual U.S. Energy Storage Summit will be held in San Francisco on December 12th and 13th at the Hilton Union Square. The forum will bring together utilities, financiers, regulators, technology innovators, and storage practitioners for two full days of data-intensive presentations, analyst-led panel sessions with industry leaders, and extensive, high-level networking. Speakers will Include APRA-E's Susan Babinec, Peter Klauer of Cal ISO, Cal PUC Commissioner Carla Peterman, ESA CEO (and former MD PSC Chair) Kelly Speakes-Backman and our friends Shayle Kann of GTM Research, Stephen Lacey and Justin Gerdes of Greentech Media.

Forum Set to Look at NatGas – On December 12th and 13th, the Energy Institute at Colorado State University (CSU) and Gas Technology Institute (GTI) will be co-hosting the CH4 Connections conference at CSU's campus in Fort Collins. This conference, now in its fourth year, will focus on methane emissions quantification, mitigation, and capture for the natural gas

industry, and will include a tour of the Methane Emissions Test and Evaluation Center (METEC) that will showcase the solutions under development and in field testing at the center.

***NJ* to Host NAFTA Webinar** – *National Journal* will host a webinar on Thursday December 14th at 11:00 a.m. to look at renegotiating the North American Free Trade Agreement. In this webinar, speakers will examine NAFTA's history, development, and future, and address the major players involved, each side's key demands, the timeline, potential outcomes and the impact of President Trump's rhetoric on the process.

Forum to Look at US-Mexico NatGas – The Latin American Dialogue hosts a panel discussion on Friday December 15th aimed at understanding the role of LNG for US energy exports and commercial ties in Latin America, as well as the US-Mexico energy relationship. As global energy trade grows and the United States looks to expand oil and gas exports, Latin American countries provide significant commercial opportunities for exporters and investors alike. It remains imperative that Latin American countries and the United States strive to find mutually beneficial opportunities in order to boost energy ties and expand energy cooperation. Speakers include State's Deputy Assistant Secretary of the Bureau of Energy Resources John McCarrick, Sempra's Mark Nelson, Leslie Palti-Guzman of the Rapidan Group and several others.

***The Last Jedi* Hits Theaters** – DECEMBER 15th

CSIS to Host World Coal Report – On December 18th at 3:30 p.m., CSIS will host the launch of the IEA's new report analyzing coal's recent trends and forecasting its demand, supply, and trade through 2022. Coal remains world's dominant fuel. Under pressure from decarbonization, cheaper alternatives, and geopolitical shifts in demand, coal continues to be one of the most pressing questions in energy. Peter Fraser, Head of Division for Gas, Coal, and Power Markets at the International Energy Agency, will present the IEA's report.

API's Annual State of Energy Address – January 4th (expected).

75th Annual Global Globes – Can't wait for Seth Myers to host this one from January 7th from Hollywood.

World Energy Outlook Set For Launch – On January 16th at 1:30 p.m., the CSIS Energy & National Security Program will host a forum and the U.S. launch of the International Energy Agency's World Energy Outlook 2017. Fatih Birol, Executive Director of the IEA, will present the findings from the report.

Pruitt to Head to Senate Environment – The Senate Environment and Public Works Committee said EPA Administrator Scott Pruitt will appear before the Committee on Jan. 31, 2018, making his first return to the panel nearly a year after his confirmation.

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Tue 12/5/2017 3:06:36 PM
Subject: POLITICO's Morning Score: Trump endorses Roy Moore as Republicans come around on working with him — NRSC staffers resign after digital break-in — A congressman's accuser gets blackballed

By Elena Schneider | 12/05/2017 10:00 AM EDT

With Scott Bland

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

MOORE SUPPORT - "Trump endorses Roy Moore as Republicans come around on working with him," by POLITICO's Daniel Strauss and Louis Nelson: "President Donald Trump moved Monday to quash any lingering doubts about his support for Roy Moore, as Washington Republicans increasingly come to terms with the idea of the controversial former Alabama Supreme Court judge joining the Senate. Early Monday morning, Trump tweeted that 'we need Republican Roy Moore to win' in order to push through the president's agenda. Later, Trump called the Senate candidate directly to endorse his campaign, principal deputy press secretary Raj Shah said, and he has a rally planned later this week just over the state line in Pensacola, Florida. Some Alabamians have been receiving robocalls urging them to travel to the neighboring state for the rally. ... Hanna Ford, Moore's deputy campaign manager, said Trump called the former judge 'a fighter' during their call Monday. Brett Doster, a Moore adviser, said the president also stressed 'the importance of winning next Tuesday.'" **Full story.**

- "Woman shares new evidence of relationship with Roy Moore when she was 17," by The Washington Post's Stephanie McCrummen: "...'Happy graduation Debbie,' it read in slanted cursive handwriting. 'I wanted to give you this card myself. I know that you'll be a success in anything you do. Roy.'" **Full story.**

'RESIGNED' - "NRSC staffers resign after digital break-in," by Campaign Pro's Kevin Robillard: "Two fundraising staffers for the National Republican Senatorial Committee who broke into the computer servers of the House GOP campaign arm resigned late last week, GOP sources told POLITICO. The staffers, Laura Kleffner and Krista Madaio, had previously worked at the National Republican Congressional Committee. Three Republican sources told POLITICO last week NRSC aides used their old NRCC passwords to collect information on more than 200,000 donors. The digital break-in infuriated NRCC officials when they became aware of it in October." **Full story.**

ICYMI - LAST WEEK - "Senate GOP campaign arm stole donor data from House Republicans," by Campaign Pro's Robillard and Elena Schneider. **Full story.**

'IT'S A RECKONING' - "A congressman's accuser: Blackballed and babysitting for cash,"

by POLITICO's Rachael Bade: "North Carolina native Lauren Greene aspired to a career in politics when she arrived on Capitol Hill as an intern in 2009. She spent the next five years climbing the Capitol Hill ladder, ultimately becoming a communications director for a congressman in 2014. But Greene's budding career imploded, she said, the minute she accused Rep. Blake Farenthold (R-Texas) of sexually harassing her. Since the summer of 2014, when she says Farenthold fired her for raising concerns about a hostile work environment, Greene has been unable to land a full-time job. She's making $15 an hour working temporary gigs for a homebuilder. She babysits on the side to earn extra cash. Her family has had to support her financially. And Greene, now 30, has left D.C., with no illusions that she will ever work in politics again." **Full story.**

IT'S ON - "Former CFPB head and Trump target Richard Cordray to run for Ohio governor as Democrat," by the Cincinnati Enquirer's Jessie Balmert: "Cordray, 58, will announce his candidacy for governor Tuesday morning at Lilly's Kitchen Table in his hometown of Grove City, an advisor said. After that, he will tour the state to meet with Democratic activists, leaders and voters. ... Cordray, a former Jeopardy champion, should enter the race with considerable support from Democratic fundraisers nationwide. Mary Ellen Withrow, former U.S. treasurer under President Bill Clinton, was listed as Cordray's campaign treasurer in paperwork filed Monday. ... Last week, GOP Ohio Attorney General Mike DeWine named Ohio Secretary of State Jon Husted as his running mate. The powerful Republican duo was hoping to clear the primary field, which includes Lt. Gov. Mary Taylor and U.S. Rep. Jim Renacci." **Full story.**

ON THE HILL - "House conservatives almost topple tax vote," by POLITICO's Bernie Becker, Sarah Ferris and Colin Wilhelm: "House conservatives threatened to derail a key tax vote on Monday in an attempt to win more influence over the GOP's spending strategy, just four days before the deadline to fund the government." **Full story.**

- Organizing for Action out with digital ads against senators' tax vote: Organizing for Action is attacking nine senators for their vote on the tax bill last week. The ads target Sens. Susan Collins, Ted Cruz, Joni Ernst, Jeff Flake, Cory Gardner, Dean Heller, John McCain, Lisa Murkowski, Rob Portman and Marco Rubio.

- Not One Penny releases internal polling on tax reform: Not One Penny, a progressive group, popped internal polling that found the GOP's tax bill to be unpopular in six battleground House seats. The polling also tests popularity for the Republican incumbents, all of whom are losing in a race against a generic Democrat. Check out polling memos from the following districts: IA-01, CO-06, VA-10, ME-02, NY-24 and CA-25.

Days until the 2018 election: 336 (updated for 12/5 Score)

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

WATCH LIVE at 8 A.M. - WOMEN RULE: 5TH ANNUAL SUMMIT - POLITICO hosts a full day of live conversations with female leaders as we ask: who are the new women shaping our future - and what are their agendas? Where can women find common ground at a time of division? How are women taking their place at the table in the public and private sectors - and what difference can they make there? Featured speakers include: actress Kate Bosworth, "Me Too" movement founder Tarana Burke, Transportation Sec. Elaine Chao, Kellyanne Conway, Sen. Kirsten Gillibrand (D-N.Y.) and more. Learn more: here. Livestream: here.

JOIN POLITICO PLAYBOOK - LIVE: Join Playbook co-authors Anna Palmer and Jake Sherman for a live taping of POLITICO Playbook. Featured guests include: Michael Barbaro, host of the New York Times' "The Daily" Podcast, DCCC Executive Director Dan Sena and NRCC Executive Director John Rogers, and Rachael Bade, Seung Min Kim, and Annie Karni. Sixth and I - Dec 7 - Doors open 6:00 p.m. Get tickets: here.

FIRST IN SCORE - Everytown targets 5 House members on concealed carry: Everytown for Gun Safety Action Fund is out with radio, digital and newspaper ads in five House districts, urging members to not support concealed carry reciprocity (H.R. 38 (115)). The ads will go after three Republicans - Mike Coffman (CO-06), Fred Upton (MI-06) and Leonard Lance (NJ-07) - and two Democrats, Kyrsten Sinema (AZ-09) and Kurt Schrader (OR-05). The ads are part of a $300,000 ad push as Congress considers the measure.

FIRST IN SCORE - DEPT. OF BIO VIDEOS - Dean Phillips, running in MN-03, pops new video: Democrat Dean Phillips' campaign is out with a new bio video that shows him driving a truck across the district. "The great intention of my campaign - and my personal mandate - is to get people to talk again, and the truck is simply a vehicle to do so. It's a conversation starter," Phillips said. The ad hits on "money in politics" as the "root of all the gridlock in Washington." **Check out the video here.**

MORE FROM THE HILL - "Ryan weighed stripping Frelinghuysen of chairmanship," via POLITICO's Rachael Bade and John Bresnahan: "Speaker Paul Ryan and his leadership team recently discussed replacing House Appropriations Chairman Rodney Frelinghuysen after he bucked the party and voted against the GOP tax bill, multiple sources told POLITICO. ...Chairmen are expected to support GOP leaders on tough votes or major pieces of legislation. And Frelinghuysen, who hails from a more moderate-minded swing district, was not given a green light to vote against the tax bill." **Full story.**

PRIMARY WATCH - "Menendez gets a potential primary challenger," by POLITICO New Jersey's Matt Friedman: "An attorney who worked on the Hillary Clinton and Barack Obama presidential campaigns is considering a Democratic primary challenge to Sen. Bob Menendez. Michael Starr Hopkins, in an op-ed piece for the Washington publication 'The Hill,' wrote that New Jerseyans deserve 'the chance to vote for someone who hasn't been tainted by the culture of corruption in Trenton and Washington, someone who doesn't owe any favors to the political establishment or powerful interests.'" **Full story.**

NOT ROMNEY - "Trump says he wants Hatch to seek 8th Senate term," by POLITICO's

Louis Nelson: "President Donald Trump said today that he is urging Sen. Orrin Hatch to seek reelection for an eighth six-year term. Trump, visiting a Salt Lake City food bank operated by the Church of Jesus Christ of Latter Day Saints, was asked if he was encouraging Hatch (R-Utah) to run for reelection, to which he replied 'yes.'" **Full story.**

FROM THE DGA - "Democrats eye major gains in depleted governors' ranks in 2018 'awakening,'" by CNN's Eric Bradner: "Washington Gov. Jay Inslee knows about political wave elections: He was wiped out by a Republican wave as a three-term House member in 1994. Now, citing President Donald Trump's unpopularity, he's confidently predicting an even bigger Democratic landslide in the 2018 midterm elections. Inslee projected that Democrats would reverse the 2010 and 2014 losses that left them with just 15 governor's offices." **Full story.**

DIGITAL WAR - "Giffords buys ads against 8 Republicans on concealed carry," by POLITICO's Edward-Isaac Dovere: "Gabby Giffords is going up on the air Monday with a six-figure ad buy against Reps. Rodney Frelinghuysen (R-N.J.) and Jason Lewis (R-Minn.) from her gun safety group. The ads come ahead of this week's expected House vote on Concealed Carry Reciprocity, which, if enacted, would be a massive opening of gun laws across the country, forcing all states to accept gun licenses issued in any state. The result could lead to gun carrying laws effectively being set everywhere at the lowest level any state would allow. ... Digital ads will also go out against Reps. Steve Knight (R-Calif.), Ed Royce (R-Calif.), Mimi Walters (R-Calif.), Mike Coffman (R-Colo.), Lee Zeldin (R-N.Y.) and Barbara Comstock (R-Va.)." **Full story.**

QUOTE OF THE DAY: "This is Armageddon." - Democratic Leader Nancy Pelosi on the GOP tax bill, Fox News reported.

To view online:
https://www.politico.com/newsletters/morning-score/2017/12/05/trump-endorses-roy-moore-as-republicans-come-around-on-working-with-him-040456

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To: Wagner, Kenneth[wagner.kenneth@epa.gov]
Cc: Jackson, Ryan[jackson.ryan@epa.gov]; Cheatham-Strickland, Latonia[Cheatham-Strickland.Latonia@epa.gov]
From: Greg Schildwachter
Sent: Mon 12/4/2017 6:55:32 PM
Subject: RE: species issues

Thanks, Ken – yes that's a good slot for me. Might need to make it a phone call, but please book me. Thanks again -Greg

cell: (202) 329-9493

Greg Schildwachter

Watershed Results – www.watershedresults.com

From: Wagner, Kenneth [mailto:wagner.kenneth@epa.gov]
Sent: Monday, December 4, 2017 12:33 PM
To: Greg Schildwachter <greg@watershedresults.com>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>; Cheatham-Strickland, Latonia <Cheatham-Strickland.Latonia@epa.gov>
Subject: Re: species issues

Greg:

Sorry for the delay in responding. I would be happy to set up a meeting, although time this month is scarce due to travel. I have some availability on the morning of the 13th after 10 am? Let me know if you could do 10 am -10:30am

Ken

Kenneth E. Wagner

Senior Advisor to the Administrator

For Regional & State Affairs

U S Environmental Protection Agency

1200 Pennsylvania Avenue, NW

Washington, DC. 20460

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cell: (202) 309-2418

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This email is for official EPA business only and is subject to disclosure under the Freedom of information Act

On Nov 29, 2017, at 8:06 AM, Greg Schildwachter <greg@watershedresults.com> wrote:

> Ken - introducing myself with Jackson as my calling card. He and I were at Senate EPW together and I've tried to keep him supplied with high-quality endangered species counsel ever since, as I moved over to the White House for GWB term two, and now making an honest living consulting and lobbying. Hoping to meet you and ask some questions about species issues that intersect your EPA agenda and that I expect are still a big deal to Admin Pruitt on general principles. Can we find a time for a visit? Regards -Greg
>
> cell: 202-329-9493
> Greg Schildwachter
> www.watershedresults.com
>
> Watershed Results
> 601 13th St. NW - Suite 580 South
> Washington, DC 20005
> 202-657-4330
> The Homer Building

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Tue 12/5/2017 3:06:29 PM
Subject: POLITICO's Morning Transportation: Nielsen nom moves along — DOT puts the brakes on ECP mandate — Brown sentenced to 5 years for fraud

By Tanya Snyder | 12/05/2017 10:00 AM EDT

With help from Brianna Gurciullo

NIELSEN MOVES ALONG: The Senate Monday evening cleared a procedural hurdle to bring debate to a close on the nomination of Kirstjen Nielsen to serve as Secretary of Homeland Security. The vote was 59-33, with all Republicans, 10 Democrats and Independent Angus King of Maine voting in favor. Majority Leader Mitch McConnell called Nielsen "a qualified candidate with the talent and experience to succeed," saying that her previous work with the department "makes her an ideal candidate to be ready to lead the agency on day one."

Her résumé: Nielsen would be the first DHS secretary to have prior experience in the agency. She started and ran TSA's offices of legislative policy and government affairs, and later served as DHS Secretary John Kelly's deputy (and moved over to the White House when he did). Some conservatives have targeted her for taking a softer line on immigration than President Donald Trump, and some Democrats have expressed concern about her role in FEMA's response to Hurricane Katrina, but no roadblocks are expected on her path to confirmation.

DOT PUTS THE BRAKES ON ECP MANDATE: DOT Monday rescinded the mandate for trains carrying crude oil and ethanol to be equipped with electronically controlled pneumatic (ECP) brakes, a rule that the freight rail industry has fought against since its inception. The 2014 FAST Act ordered a scientific evaluation of ECP brake performance in emergencies, with a requirement for a final decision on the rule's fate by Monday - the two-year anniversary of the law's passage.

Noped: The scientific study was inconclusive, and a GAO study found that DOT didn't have enough data to make a call. But a DOT analysis in October found that the costs outweighed the benefits of an ECP mandate. Commerce Committee Chairman John Thune (R-S.D.) praised the repeal decision. "Repealing this rule puts sound science and careful study ... over flawed guesswork," he said in a statement.

IT'S TUESDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ships. Tanya is in the MT cockpit. Send tips, feedback and song lyrics to tsnyder@politico.com or @TSnyderDC.

"Everywhere with helicopter / hard to follow when I'm slow / everywhere with helicopter / sending off where lightning goes."

LISTEN HERE: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) about lonely highways and south-bound trains?

BROWN SENTENCED: Former Rep. Corrine Brown (D-Fla.), the long-time top Democrat on the House Transportation subcommittee in charge of rail, was sentenced Monday to five years in federal prison for her role in a conspiracy and fraud scheme involving a sham scholarship charity. Brown's longtime chief of staff, Elias "Ronnie" Simmons, was sentenced to 48 months in prison, and the founder of the fraudulent charity, Carla Wiley, was sentenced to 21 months. "Corrine Brown abused her position as a member of Congress by defrauding charitable donors who wanted to help underprivileged young men and women receive a quality education," said Acting Assistant Attorney General Cronan. "Instead of helping those deserving students, Brown used the contributions she solicited to finance a personal slush fund to support her lavish lifestyle." Brown served 12 terms in Congress. Her top campaign donors were railroads and cruise lines.

FROM THE DEPARTMENT OF DUBIOUS HONORS: Transportation has overtaken power plants as the largest source of pollution in the United States for the first time in 40 years, according to data compiled by the U.S. Energy Information Administration and reported by Bloomberg. Important note: It's not that transportation is getting dirtier, it's that electricity generation is getting cleaner.

LET'S MAKE A FRESH START: After getting stood up by Democratic leaders last week, President Donald Trump will get his meeting with Senate Minority Leader Chuck Schumer and House Minority Leader Nancy Pelosi on Thursday. The three hope to hash out an agreement on government spending beyond Friday's deadline to avoid a government shutdown. "That year-end deal is also likely to include other long-stalled legislative priorities, including addressing funding lapses for the Children's Health Insurance Program and the National Flood Insurance Program," Jennifer Scholtes and Sarah Ferris report.

LET ME FLY FREE! The Association of American Railroads thinks the FAA should let railroads use small drones at night, past line of sight and over people, all of which require a waiver now to do. That's what the group wrote in comments submitted late last week in relation to President Donald Trump's order for agencies to take a look at their current regulations and put forward which rules could be repealed or tweaked. Drones "can be used to investigate accident scenes without exposing emergency responders and railroad personnel to dangerous conditions," the group wrote. Brianna breaks down AAR's other asks here.

MENENDEZ GETS PRIMARY CHALLENGER: Sen. Bob Menendez (D-N.J.), whose corruption trial ended in a jury deadlock last month, now faces a new battle: a potential primary challenge in the form of Democratic campaigner Michael Starr Hopkins. Hopkins announced in an op-ed piece for The Hill that he is "exploring" a bid against Menendez, though his website already says "Michael Starr Hopkins for United States Senate." Menendez's approval rating tanked during the trial, and 51 percent of New Jersey voters think he does not deserve to be reelected. Hopkins wrote that New Jerseyans deserve "the chance to vote for someone who hasn't been tainted by the culture of corruption in Trenton and Washington." Matt Friedman of POLITICO New Jersey has the full story.

RIDE ON: PeopleforBikes is rallying its members against the Senate tax bill's elimination of the $20-per-month bicycle commuter benefit. "This modest reimbursement program has helped bike

commuting grow by more than 50 percent nationwide during the last decade," the advocacy group said in an action alert.

ASCE WILL GIVE THIS REPORT A D-: In a new report , the RAND Corporation suggests "not everything is broken" with U.S. water and transportation infrastructure - a statement that will no doubt raise eyebrows in some camps. Researchers found that a 2.5 percent to 3 percent annual spending increase at the local, state, and federal level would essentially eliminate existing transportation and water infrastructure maintenance backlogs by 2030. Still, they said the problem isn't so much money as policy. Feds should stop trying to sprinkle transportation funds evenly throughout the country "without a sense of national purpose or priority," said lead author Debra Knopman. Rather, they should focus on "maintaining and modernizing vital federal infrastructure and on targeting nationally significant projects that are beyond the capacity of individual states and cities."

SHIFTING GEARS: Alison McAfee is the new new managing director of communications at Airlines for America. She worked in the comms shop of JetBlue from 2006 and 2013 and since then at Hawaiian Airlines. Harris Corporation chairman, president and CEO William Brown has been appointed the Vice Chairman of Aerospace Industries Association's Board of Governors for 2018.

THE AUTOBAHN:

- "How can the DOT deregulate? Almost 3,000 weighed in last week." Supply Chain Dive.

- "VW unveils new electric van to go into production next year for its ride-sharing service." Electrek.

- "Travelers asked to postpone Christmas trips to Bali." Smarter Travel.

- "3 obstacles ahead for autonomous farm equipment." Agriculture.com.

- "Supreme Court lets Trump fully impose latest travel ban." POLITICO.

THE COUNTDOWN: DOT appropriations run out in 4 days. The FAA reauthorization expires in 117 days. Highway and transit policy is up for renewal in 1,031 days.

To view online:
https://www.politico.com/newsletters/morning-transportation/2017/12/05/nielsen-nom-moves-along-039982

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Tue 12/5/2017 3:04:42 PM
Subject: POLITICO's Morning Energy: Trying to turn GOP climate talk into action — First lawsuits filed over Trump monument decision — Greens seek new reviews in Keystone XL saga

By Anthony Adragna | 12/05/2017 10:00 AM EDT

With help from Alex Guillén and Tanya Snyder

UPPING THE ANTE ON ANWR: Environmental advocates and Democrats are upping the pressure on the House GOP's self-styled climate hawks to withhold their vote on the final tax package H.R. 1 (115) if it contains a Senate provision allowing oil and gas drilling in the Alaska National Wildlife Refuge. But those efforts don't appear to have borne any fruit yet, Pro's Ben Lefebvre and your ME host report. The rider - a key priority for Senate Energy Chairman Lisa Murkowski - is just one of many dicey items Senate and House negotiators must work through as they go to conference to iron out differences in their bills, even as drilling opponents push Republican members of the Climate Solutions Caucus to back up their words with action.

Six of the 12 House GOPers who signed a letter last week opposing ANWR drilling backed the initial tax bill, and activists staged protests at the offices of Reps. Pat Meehan and Carlos Curbelo on Monday. Three of those six tax bill supporters who oppose ANWR - Reps. Dave Reichert, Ryan Costello and Curbelo - suggested the fate of the ANWR rider wouldn't determine their final vote. "It would be very disappointing, but I doubt that I would deny all of my constituents the opportunity to experience tax relief because of any one provision," Curbelo told ME at Monday votes.

Earthjustice, the Center for Biological Diversity and other groups sent a letter to Climate Solutions Caucus Republicans asking them, among other things, to work against opening ANWR. And Democrats say the final tax bill vote offered a concrete opportunity for members of the group to demonstrate their pro-climate stance. "It would certainly be nice if the symbolic power of them acknowledging climate change through this caucus translated into action at some point," Rep. Jared Huffman told ME. "This would be a good point."

Two interesting polls suggest there's no widespread public support for opening ANWR despite the vocal backing of Alaska's delegation. One, from the Harvard T.H. Chan School of Public Health and POLITICO, found 67 percent of respondents said opening ANWR "should not be a priority" for the federal government. The other poll, conducted for the Yale Program on Climate Change Communication, found that 70 percent of Americans oppose drilling in ANWR.

Late Monday, Speaker Paul Ryan named four lawmakers of particular note to ME fans to the House's conference committee: Natural Resources Chairman Rob Bishop, Energy and Commerce Chairman Greg Walden, John Shimkus and Don Young. Also joining the Republican conference party: Ways and Means Chairman Kevin Brady, Devin Nunes, Peter Roskam, Diane Black and Kristi Noem.

WELCOME TO TUESDAY! I'm your host Anthony Adragna, and Squire Patton Boggs' Lem

O. Smith was first to identify Sen. Lamar Alexander as the one-time Trent Lott roommate. For today: Who was the original House sponsor of the Energy Policy Act of 2005? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

FIRST MONUMENT LAWSUITS FILED: A coalition of environmental groups filed the first lawsuit challenging President Donald Trump's long-expected move to shrink the Grand Staircase-Escalante National Monument just hours after he announced his decision to significantly pare two national monuments in Utah. The groups argue in their complaint filed in Washington federal court that the Antiquities Act "does not authorize Presidents to abolish [national monuments] either in whole or in part, as President Trump's action attempts to do." And the Native American Rights Fund, representing the Hopi Tribe, Navajo Nation, Pueblo of Zuni and Ute Mountain Ute Tribe, filed its own challenge the Bears Ears proclamation late Monday evening.

Report's coming today: While on hand for Trump's announcement in Utah, Interior Secretary Ryan Zinke told the press pool to expect the release of the results today of his review of several dozen national monument designations. And Natural Resources Chairman Rob Bishop, as well as Utah Reps. Chris Stewart and John Curtis, host a pen and pad briefing this morning at 11 a.m. where they'll discuss Trump's visit and the introduction of related legislation on Utah monuments.

Pro's DataPoint has whipped up a nifty graphic showing Trump's drastic reductions to the Bears Ears and Grand Staircase-Escalante national monuments in Utah. Check that out here.

The quote everyone's talking about: "Does he know the interior. He's knows it, he loves it. He loves seeing it and riding on it," Trump on Zinke.

NEW REQUESTS FOR KEYSTONE XL PROJECT: Environmental groups are asking the Trump administration to conduct a new supplemental environmental impact statement and Endangered Species Act consultation after the Nebraska Public Service Commission approved a modified path for the Keystone XL pipeline last month. "Now the administration has no choice but to update its assessment to reflect the pipeline's current proposed route," Doug Hayes, a senior attorney with the Sierra Club, said in a statement. That comes as the Nebraska regulators scheduled a Dec. 12 hearing for TransCanada and environmental groups to argue it should reconsider its decision on the controversial pipeline, Pro's Ben Lefebvre reports.

Meanwhile, the Pipeline and Hazardous Materials Safety Administration said a weight put in place to keep the Keystone pipeline from moving may have played a role in the 210,000 gallon oil spill in South Dakota last month, Reuters reports. It's a finding that could trigger costly inspections of tens of thousands of miles of underground pipelines.

KEEPING THE LIGHTS ON: House Republican leaders think they'll have enough votes from their caucus alone to pass a two-week, stopgap spending package to keep the lights on this week, Pro Budget & Appropriations Brief reports. But a warning signal went up Friday as the Florida and Texas delegations (that's 63 people for those counting at home) threatened to withhold

support unless they get a more generous disaster aid package. That threat didn't appear to refer directly to the two-week bill currently under consideration, but shows how much power the two delegations could exert on the spending debates going forward.

Even amid the now-routine House hiccups over the short-term package, Senate Majority Leader Mitch McConnell coolly predicted his chamber "will pass it before the end of this week."

Green groups launch new push: Ahead of the funding deadline, a collection of environmental and public health groups are unveiling a new website today highlighting local stories of the importance of environmental protections and what budget cuts could mean for health and safety. That comes as Mike Mikulka, president of the largest union for EPA Region 5 employees, warned a government shutdown would "create an unprecedented emergency for human health and our environment."

And a dozen environmental and union groups are sending a letter to congressional leaders calling for a disaster supplemental package that is "robust, funds recovery and rebuilding efforts in a way that results in stronger and more resilient communities." Link here.

Oh and ICYMI: House Republicans, including Ryan, weighed stripping House Appropriations Chairman Rodney Frelinghuysen of his gavel after the long-time New Jersey Republican voted against their tax bill, POLITICO's Rachael Bade and John Bresnahan report.

AMERICA FIRST FOR SOLAR PLAN: The Solar Energy Industries Association this morning rolls out its plan for Trump that it argues would keep America First and, at its core, reiterates the group's push against any tariffs or quotas on imported solar equipment. SEIA argues imposing tariffs represents a "bailout" for two foreign-owned companies that are exploiting U.S. trade law and would be a "bad deal for America." One idea floated in the plan is an import license fee that the group says would "get hundreds of millions of dollars in direct investment help to U.S. companies and our economy." They'll roll the whole thing out at 9:15 a.m. at the National Press Club.

DOT PUTS THE BRAKES ON ECP MANDATE: DOT Monday rescinded the mandate for trains carrying crude oil and ethanol to be equipped with electronically controlled pneumatic brakes, with the understanding that such brakes would reduce the risk of derailment in cases of emergency. The 2014 FAST Act ordered a scientific evaluation of ECP brake performance in emergencies, with a requirement for a final decision on the rule's fate by Monday - the two-year anniversary of the law's passage. The scientific study was inconclusive, and a GAO study found that DOT didn't have enough data to make a call. But a DOT analysis in October found that the costs outweighed the benefits of an ECP mandate by a factor of three. Commerce Committee Chairman John Thune praised the repeal decision. "Repealing this rule puts sound science and careful study ... over flawed guesswork," he said in a statement.

MOVING MORE NOMINATIONS: The Senate Energy and Natural Resources Commitee takes up the nominations of Timothy R. Petty to be Interior assistant secretary for water and science and Linda Capuano to run the Energy Information Administration today at 10 a.m. Watch here.

LAWSUIT ROUNDUP! SUIT FILED OVER MISSED SMOG DEADLINES: Ten environmental and public health groups filed a lawsuit Monday over a missed Oct. 1 statutory deadline for EPA to say which parts of the U.S. were meeting the 2015 ozone standard, Pro's Alex Guillén reports. A coalition of Democratic attorneys general is also expected to sue EPA soon.

Interior appeals loss in methane rule stay suit: The Interior Department said Monday evening it will appeal a federal judge's October ruling that said its delay of the Obama administration's methane waste rule was illegal. The judge said the Bureau of Land Management should have gone through notice-and-comment rulemaking to delay the rule since it had already taken effect. Interior proposed an 18-month delay and took public comments into November. It is unclear when that delay will be finalized. Interior's appeal will go to the 9th Circuit.

Are you new here? A lawsuit challenging EPA's delay of a regulation limiting power plants' toxic wastewater discharge was transferred from an Obama appointee to newly confirmed Judge Dabney L. Friedrich on Monday, Pro's Alex Guillén reports. Environmental advocates originally filed the case in May, and in September EPA finalized the delay of certain implementation deadlines.

ANOTHER HIRE AT EPA: Clint Woods, the head of an association that represents conservative state air agencies, will become the deputy assistant administrator of EPA's air office, Pro's Emily Holden reports. Woods is executive director of the Association of Air Pollution Control Agencies. He previously worked for the energy and environment subpanel of the House Science Committee and for the American Legislative Exchange Council. He'll begin his new job at EPA in mid-December.

NEW EPA PUSH ON PFAS: EPA announced Monday it was launching a cross-agency effort to address PFAS contamination around the country that will include identifying a set of near-term actions it can take to help local communities. No details were given though. You'll remember that concerns over PFAS contamination in North Carolina waterways were one of the major concerns for that state's senators in deciding they couldn't support Michael Dourson's nomination to run the agency's chemical office.

MUSICAL CHAIRS AT E&C: Mississippi Rep. Gregg Harper takes over as chairman of the Energy and Commerce Oversight and Investigations Subcommittee, Chairman Greg Walden announced Monday. Also of interest to ME readers: South Carolina Rep. Jeff Duncan joins both the Energy and Environment subcommittees.

PERRY'S IN UAE! Energy Secretary Rick Perry's swing through the Middle East next takes him to Abu Dhabi in the United Arab Emirates, where he'll co-chair the Carbon Sequestration Leadership Forum along with UAE Minister of Energy Suhail Mohamed Al Mazroui. Agenda here . The visit comes after he inked a memorandum of understanding with Saudi Arabia during his trip there to increase research and collaboration on carbon capture technologies. "This MOU outlines a future alliance not only in supercritical carbon dioxide, but also in a range of clean fossil fuels and carbon management opportunities," Perry said in a statement.

Also, guys, he's having the best time! Check out these pictures of Perry with his feet in the sand, shopping and doing other fun looking things here.

TAKE A GLANCE! The American Council for Capital Formation is out with a report today blaming the struggles of the California Public Employees' Retirement System, the nation's largest public pension fund, in part on investments in "certain political causes and issues at the expense of doing what's necessary to improve fund performance." It argues prioritizing environmental, social and governance investments frequently comes "at the expense of other investments more likely to optimize returns."

FOR YOUR VIEWING PLEASURE: Vice President Al Gore is hosting The Climate Reality Project's seventh-annual 24 Hours of Reality through 6:30 p.m. today with people like California Gov. Jerry Brown, San Juan Mayor Carmen Yulín Cruz, Mariah Carey, Sheryl Crow, Ellie Goulding and others talking up the importance of climate action and activism. Watch online here and a schedule of speakers is here.

STREAMLINING UTILITY SUSTAINABILITY REPORTING: The Edison Electric Institute announced Monday a pilot template that it said would help utilities more consistently provide investors with sustainability and other similar information. Utilities participating in the pilot project will begin using the template as they report 2016 information in the coming weeks.

LIGHTER CLICK! Pruitt tweeted out scenes from what seemed like a lovely holiday party in his office. Check them out here.

QUICK HITS

- Trump Disbands Group Meant to Prepare Cities for Climate Shocks. Bloomberg.

- Trump's Attack Dog on the Environment. Outside.

- OPEC oil output falls in November to lowest since May. Reuters.

- Secrecy surrounds pro-coal group eyeing Ohio wind cases. Midwest Energy News.

- Governor's staff struck climate change language from Act 250 report. Burlington Free Press.

THAT'S ALL FOR ME!

To view online:
https://www.politico.com/newsletters/morning-energy/2017/12/05/trying-to-turn-gop-climate-talk-into-action-040348

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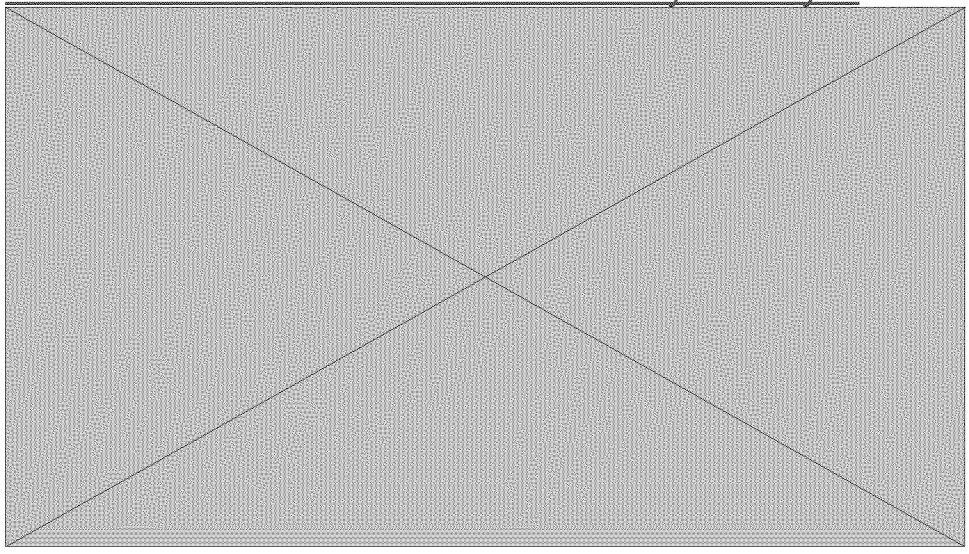
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: The Pew Charitable Trusts
Sent: Tue 12/5/2017 3:00:47 PM
Subject: What influences economic mobility today?

2017 research roundup—American Dream, volatility, more View Online

What Influences Economic Mobility Today?



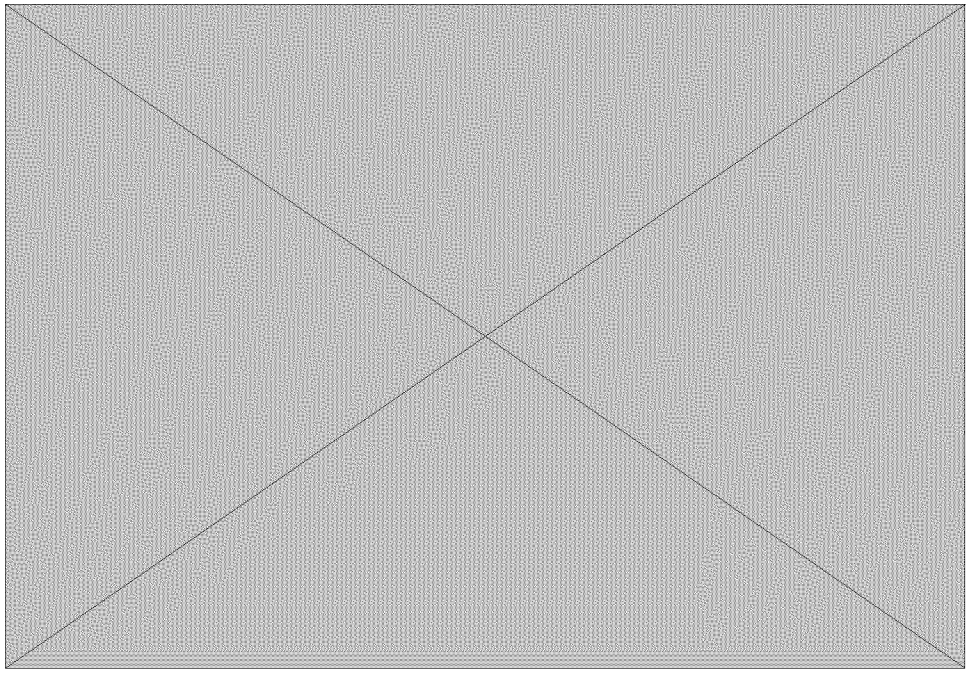
How are technology and the movement toward a knowledge- and service-based economy affecting employment? Experts from the Pew Research Center, Samasource, the Aspen Institute, and the W.K. Kellogg Foundation recently convened to discuss.

Key themes »

ICYMI: Best of 2017

Podcast: Where the American Dream Stands

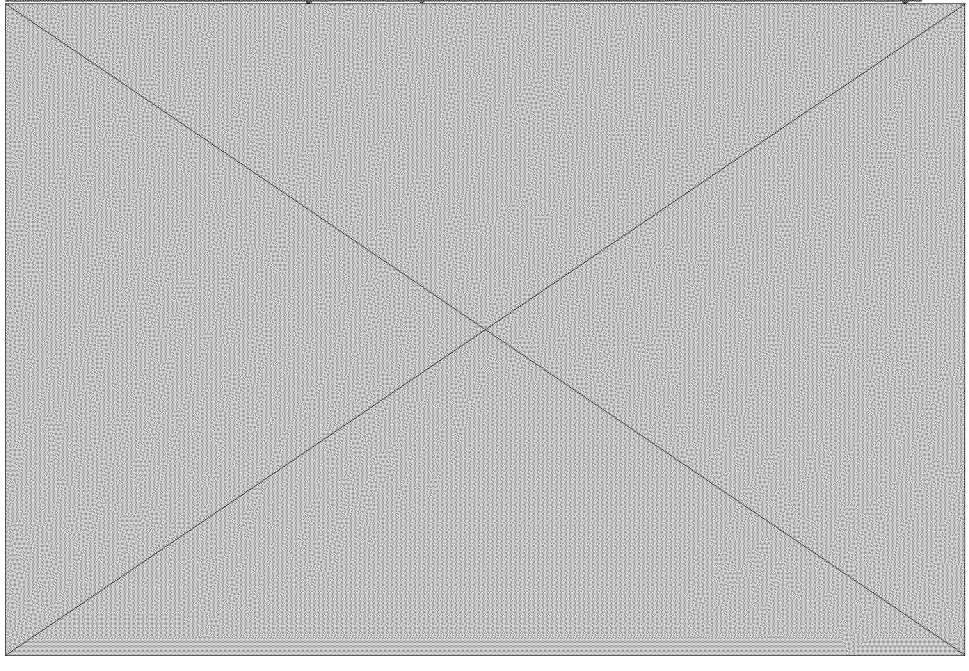
Ninety-two percent of Americans are seeking financial stability rather than climbing the economic ladder. Pew's Erin Currier shares her insights on the hardships families face today and what that says about the American Dream.



Ninety-two percent of Americans are seeking financial stability rather than climbing the economic ladder. Pew's Erin Currier shares her insights on the hardships families face today and what that says about the American Dream.

Listen »

Income Volatility's Impact on Financial Security

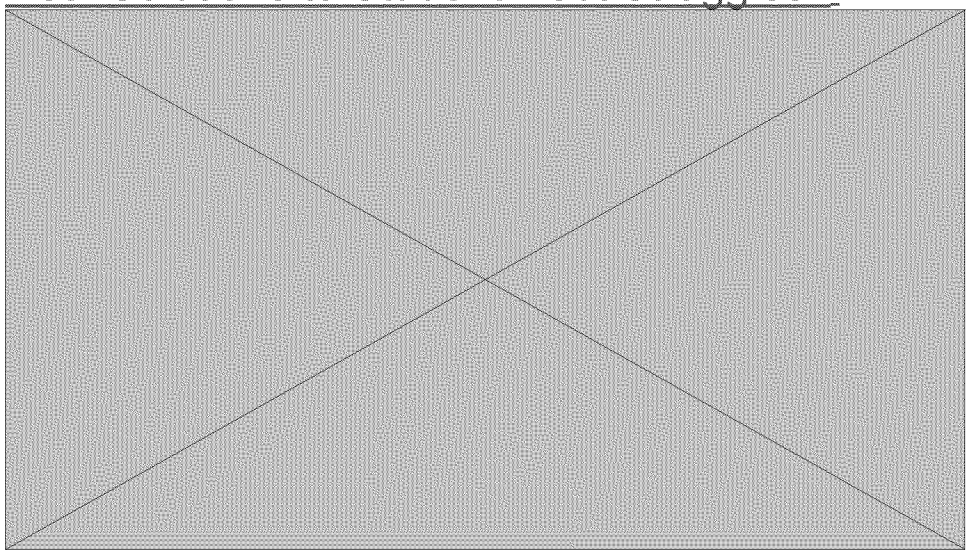


When annual income changes by 25 percent or more from year to year, it's

difficult for families to plan, pay regular expenses, save, or pay down debt. This survey data shows how families that experience income volatility differ from those that don't.

A common problem »

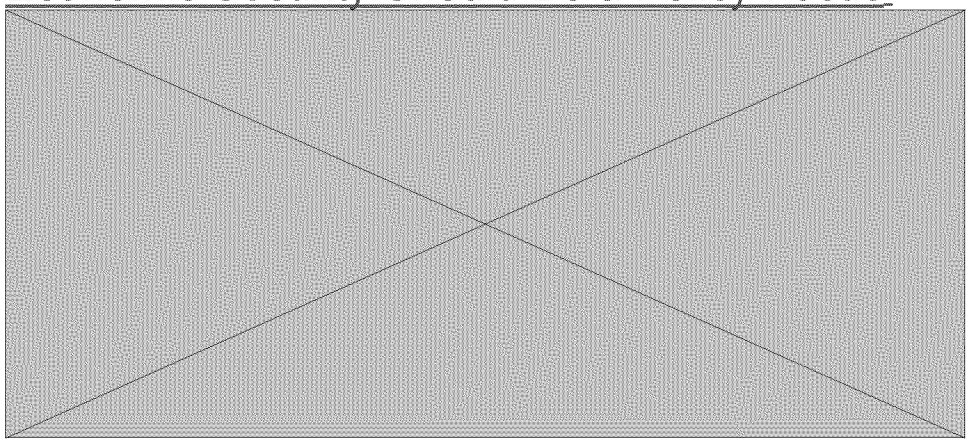
Real Solutions to Student Debt Struggles?



One proven key to financial security is higher education—but at what cost? As many student loan borrowers struggle to repay their loans, experts explore ways to help.

Tough questions, tackled »

Economic Security Should Be a Policy Focus



It's time for decision-makers at all levels of government to promote policies that improve families' ability to weather economic storms.

Trends, potential solutions »

More information on financial security and mobility »



Site: www.economicmobility.org | Contact: info@pewtrusts.org

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Dan Blumenthal
Sent: Tue 12/5/2017 3:00:10 PM
Subject: America needs to step up the military to keep China at bay

Dear Colleagues:

I'm writing to share my latest essay in *The Hill*, " America needs to step up the military to keep China at bay." China has engaged in a vast, ambitious military modernization program, even as almost all other countries have slowed their defense spending. One oft-overlooked aspect is China's emphasis on informational and psychological warfare as part of its "three warfares" strategy. I argue that Washington must reverse its military decline and develop ways to counter China's attempts to "win without fighting."

As always, I look forward to your comments and feedback.

Best,

Dan Blumenthal
Director of Asian Studies and Resident Fellow
American Enterprise Institute

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Tue 12/5/2017 1:58:07 PM
Subject: POLITICO's Women Rule Summit begins

At a moment of far-reaching change in politics and policy, women are more politically engaged than ever before - and yet remain vastly under-represented at every level of local, state, national and corporate decision-making.

At this year's Women Rule Summit, POLITICO is bringing together female leaders from the public and private sectors for a frank and forward-looking discussion about what it will take for women to finally break through.

Who are the women shaping our future - and what are their agendas? Where can women find common ground at a time of division? How are women taking their place at the table in the public and private sectors - and what difference can they make there?

Follow along with our live blog: http://politi.co/2Awjap0
Check out the schedule: http://politi.co/2Axmhx1
Watch the livestream: http://politi.co/2zLZ74J

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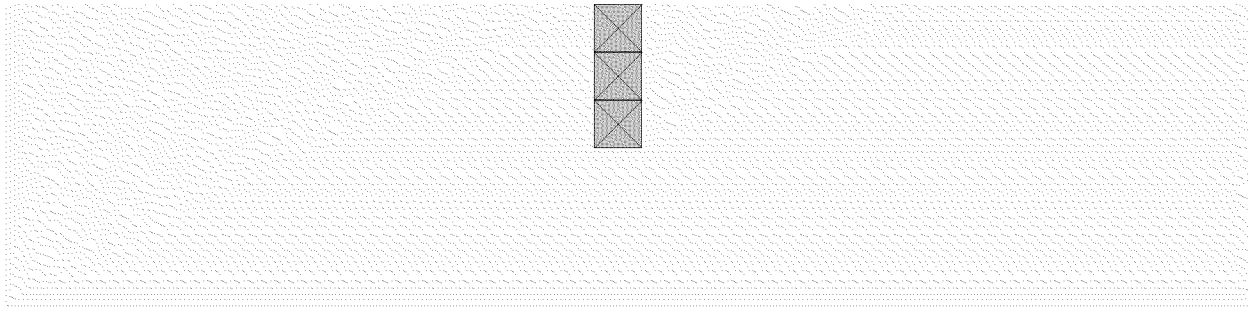
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Security Today
Sent: Wed 12/6/2017 12:46:31 PM
Subject: Nielsen to Lead DHS, Tragic Christmas Tree Ship, Marshals End Manhunt, Zoohackathon, IARPA C3





To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Mon 12/4/2017 4:39:28 PM
Subject: BREAKING NEWS: NRSC staffers resign after digital break-in

Two fundraising staffers for the National Republican Senatorial Committee who broke into the computer servers of the House GOP campaign arm resigned late last week, Republican sources told POLITICO.

The staffers, Laura Kleffner and Krista Madaio, had previously worked at the National Republican Congressional Committee. Three Republican sources said last week that the NRSC aides used their old NRCC passwords to collect information on more than 200,000 donors. The digital break-in infuriated NRCC officials when they became aware of it in October.

The NRSC declined to comment.

Read more: https://www.politico.com/story/2017/12/04/nrsc-staffers-resign-after-digital-break-in-277852

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Wed 12/6/2017 11:28:07 PM
Subject: POLITICO Investigation: The Environmental Scandal in Scott Pruitt's Backyard

Tar Creek, Oklahoma, is an uninhabitable toxic wasteland. The best hope for residents was a program engineered by Senator Jim Inhofe and state politicians to help them move elsewhere. But when residents sued over alleged wrongdoing, and the state auditor investigated, President Donald Trump's EPA Chief Scott Pruitt, as Oklahoma attorney general, kept the audit from being made public. Now, residents are demanding its release and a public-interest group is suing to get it out.

Read the full investigation: http://politi.co/2nzsYvD

View the photo essay: http://politi.co/2kue08Z

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Wed 12/6/2017 12:40:54 PM
Subject: The Morning Headlines from InsideEPA/climate -- December 6, 2017

December 6, 2017

California Officials Upbeat On ZEVs Despite Likely Failure On Sales Goals

California energy and air regulators are painting a rosy picture for the future of zero-emission vehicle (ZEV) sales in the state, despite acknowledging that the total number of ZEVs in operation by 2025 likely will not meet Gov. Jerry Brown's (D) 1.5 million target, and the number in 2030 will fall well short of the state air board's 4.2 million goal.

District Court Rejects Refiners' Suit Aiming To Shift RFS 'Obligation' Point

A federal district court in Texas has rejected refiner Valero's suit aiming to force EPA to shift the renewable fuel standard's (RFS) "point of obligation" compliance mandate from refiners to fuel blenders, saying the court cannot compel the agency to assess the change by a "date certain" -- a decision other courts weighing similar suits might adopt.

API Touts Voluntary Methane Reduction Effort But Hedges On EPA Rules

The oil and gas sector's main trade association, the American Petroleum Institute (API), is touting its new voluntary program for members to reduce emissions of the potent greenhouse gas methane from onshore production facilities, though officials are hedging on the role of EPA rules on the issue, which the Trump administration is seeking to roll back.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 12/5/2017 1:28:55 PM
Subject: Dec. 05 -- EHS Federal Regulatory Alert

EHS Federal Regulatory Alert

December 05, 2017 - Number 232

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Summaries

AIR
Massachusetts SIP/Logan Airport Parking Freeze
AIR

Proposed rule of the EPA would approve a revision to the Massachusetts SIP to increase the total number of commercial parking spaces allowed in the Logan Airport Parking Freeze Area by 5,000 parking spaces. The revision is intended to reduce carbon monoxide and nitrogen oxide emissions by reducing vehicle miles traveled resulting from insufficient available parking. Comments are due Jan. 4, 2018. Contact: Anne McWilliams; EPA Region 1, Air Quality Planning Unit; 617-918-1697; mcwilliams.anne@epa.gov. Citations: 40 CFR 52

82 FR 57415 (12/05/2017)

Regulatory Update

AIR
New York SIP/Cross-State Air Pollution Rule
AIR

Final rule of the EPA conditionally approves portions of revisions to the New York SIP regarding Cross-State Air Pollution Rule (CSAPR) federal trading programs. The revisions replace default allowance allocations of the federal trading programs for annual nitrogen oxide (NOx) and sulfur dioxide emissions for the state's large electric generating units for the control periods in 2017 and beyond with state-determined allocations. The revisions leave the corresponding CSAPR federal implementation plans and all other provisions of the trading programs in place. No action is being taken on the proposed revision addressing NOx ozone season emissions. The approval is conditioned on the state correcting certain regulatory deficiencies by Dec. 29, 2017. The rule is effective Dec. 5, 2017. Contact: Kenneth Fradkin; EPA Region 2, Air Programs Branch; 212-637-3702; fradkin.kenneth@epa.gov. Citations: 40 CFR 52.38, 52.39, 52.1670

82 FR 57362 (12/05/2017)

Regulatory Update

AIR
West Virginia SIP/2015 Ozone NAAQS
AIR

Notice of the EPA announces the withdrawal of an Oct. 16, 2017, direct final rule (82 FR 47981) that would have approved revisions to the West Virginia SIP to incorporate the 2015 ozone NAAQS. The revisions address the 2015 ozone monitoring reference and equivalent methods pertaining to fine particulate matter, carbon monoxide, and course particulate matter. The revisions also update the ozone monitoring season, the federal reference and equivalent methods, and the photochemical assessment monitoring stations network. In addition, the revisions replace a reference to the "West Virginia Department of Environmental Protection" with the "Division of Air Quality." The withdrawal is in response to adverse comments. The agency will proceed with a final rule based on the related proposed rule (82 FR 48033; 10/16/2017). The withdrawal is effective Dec. 5, 2017. Contact: Joseph Schulingkamp; EPA Region 3; 215-814-2021; schulingkamp.joseph@epa.gov. Citations: 40 CFR 52.2520

82 FR 57362 (12/05/2017)

Regulatory Update

AIR
West Virginia SIP/Source-Specific Emissions Control
AIR

Proposed rule of the EPA would approve revisions to the West Virginia SIP concerning source-specific SIP requirements to achieve various NAAQS. The revisions remove source-specific requirements relating to the following five sources in Brooke, Hancock, and Marshall counties, that have permanently ceased operation: Columbian Chemicals Co., Follansbee Steel Corp., International Mill Service Inc., Mountaineer Carbon Co., and Standard Lafarge. Comments are due Jan. 4, 2018. Contact: Irene Shandruk; EPA, 215-814-2166; shandruk.irene@epa.gov. Citations: 40 CFR 52, Subpart XX

82 FR 57418 (12/05/2017)

Regulatory Update

ENDANGERED SPECIES
Oklahoma/American Burying Beetle Incidental Take Permits
ENDANGERED SPECIES

Notice of the U.S. Fish and Wildlife Service announces the receipt of two applications for incidental take permits under the amended oil and gas industry conservation plan in Oklahoma for the endangered American burying beetle. The applications, from XTO Energy Inc., of Fort Worth, Texas, and Tall Oak Woodford LLC, of Edmond, Okla., relate to geophysical exploration and construction, maintenance, operation, repair, decommissioning, and reclamation of oil and gas well field infrastructure and pipelines in the state. Comments are due Jan. 4, 2018. Contact: Marty Tuegel; USFWS, Environmental Review Division; 505-248-6651

82 FR 57465 (12/05/2017)

Regulatory Update

FOOD SAFETY
Genetically Engineered Cotton/Determination of Status
FOOD SAFETY

Notice of the Animal and Plant Health Inspection Service announces the receipt of a petition from Texas A&M AgriLife Research, of College Station, Texas, requesting a determination of nonregulated status of cotton designated as event TAM66274, which has been genetically engineered for ultra-low gossypol levels in the cottonseed. Comments are due Feb. 5, 2018. Contact: John Turner; APHIS, Biotechnology Regulatory Services; 301-851-3954; john.t.turner@aphis.usda.gov. Citations: 7 CFR 340

82 FR 57426 (12/05/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Biological Control of Hoary Cress
GENERAL ENVIRONMENT AND SAFETY

Notice of the Animal and Plant Health Inspection Service announces the availability of an environmental assessment concerning a permit to release the Aceria drabae mite for biological control of hoary cress invasive weed infestations in the continental U.S. Comments are due Jan. 4, 2018. Contact: Colin Stewart; APHIS; 301-851-2237; Colin.Stewart@aphis.usda.gov

82 FR 57424 (12/05/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Categorization of Investigational Device Exemption Devices for Coverage Decisions
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the availability of a guidance regarding categorization of investigational device exemption (IDE) devices to assist the CMS with coverage decisions. The guidance updates current policy on categorization of IDE devices to support CMS in Medicare coverage determinations and implements a Dec. 2, 2015, memorandum of understanding that describes the efficient categorization of investigational medical devices. Comments may be submitted any time. Contact: Owen Faris; FDA, Center for Devices and Radiological Health; 301-796-6356

82 FR 57460 (12/05/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Continuous Release Reporting Regulation
GENERAL ENVIRONMENT AND SAFETY

Notice of the EPA announces the submission of a continuing information collection request to the OMB regarding the reporting and recordkeeping requirements for compliance with the continuous release reporting regulation under CERCLA Section 103. The collection modifies the current approved collection (72 FR 55197, 09/28/2007) by adding the farms sector and associated burden and costs for release reporting. Farms may use the continuous release reporting option to report air releases of hazardous substances from animal wastes, rather than provide notification on a per-occurrence basis. Comments are due Dec. 15, 2017. Contact: Sicy Jacob; EPA, Office of Emergency Management; 202-564-8019; jacob.sicy@epa.gov. Citations: 40 CFR 302.8

82 FR 57443 (12/05/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Louisiana/TransCameron Pipeline and Calcasieu Pass Terminal Projects
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the availability of the environmental review schedule for the TransCameron Pipeline Project and the Calcasieu Pass Terminal Project, both in Cameron Parish, La. The projects, proposed by TransCameron Pipeline LLC and Venture Global Calcasieu Pass LLC, include construction and operation of nine single-mixed refrigerant liquefaction blocks, two liquid natural gas (LNG) storage tanks, a 720 megawatt electric generating plant, a marine terminal consisting of a turning basin and LNG carrier berths, LNG piping, transfer lines, and loading facilities. The projects also consist of 23.4 miles of 42-inch-diameter pipeline, one meter station, three mainline valves, one pig launcher, and one pig receiver. The system would provide 10 million tonnes of LNG annually. The issuance of the environmental assessment is scheduled for July 3, 2018, and the 90-day federal authorization decision is due Oct. 1, 2018. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOnlineSupport@ferc.gov

82 FR 57440 (12/05/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oklahoma/Pensacola Hydroelectric Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces an additional meeting on the procedure for relicensing the Grand River Dam Authority's Pensacola Hydroelectric Project, located on the Grand River in Craig, Delaware, Mayes, and Ottawa counties in Oklahoma. The meeting will provide an overview of the integrated licensing process, the schedule for the project, and how FERC assesses information needs during the study planning process. The meeting is scheduled for Dec. 13, 2017, in Miami, Okla. Contact: Rachel McNamara, FERC; 202-502-8340; rachel.mcnamara@ferc.gov

82 FR 57440 (12/05/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Pennsylvania/FM100 Modernization Project
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of FERC to prepare an environmental assessment for the FM100 Modernization Project in Cameron, Clearfield, Elk, McKean, and Potter counties in Pennsylvania. The project, proposed by National Fuel Gas Supply Corp., of Williamsville, N.Y., would involve abandonment of existing lines FM100 and FM120 and the Costello Compressor Station. The project also would include installation of new natural gas pipeline; a new compressor station; a natural gas pipeline loop; and interconnects, valves, and metering. The project would disturb approximately 369 acres of land during the construction phase, and National Fuel would maintain about 188 acres for permanent operation of project facilities. Comments are due Dec. 29, 2017. Contact: FERC, Office of External Affairs; 866-208-3372; FercOnlineSupport@ferc.gov

82 FR 57436 (12/05/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Technical Considerations for Additive Manufactured Medical Devices
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the availability of a final guidance for industry regarding technical considerations for devices using additive manufacturing, the broad category of manufacturing encompassing three-dimensional printing. The guidance outlines technical considerations associated with additive manufacturing processes and testing and characterization for final finished devices fabricated using additive manufacturing. The leapfrog guidance provides the FDA's initial thoughts on technical considerations and recommendations may change as more information becomes available. Comments may be submitted at any time. Contact: Matthew Di Prima; FDA, Center for Devices and Radiological Health; 301-796-2507

82 FR 57462 (12/05/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Wyoming/Billy Creek Storage Field Abandonment Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the availability of the environmental review schedule for the Billy Creek Storage Field Abandonment Project, in Johnson County, Wyo. The project, proposed by WBI Energy Transmission Inc., of Bismarck, N.D., involves withdrawing an estimated 2.3 billion cubic feet of cushion gas from the Billy Creek Storage Field and then abandoning the storage field and related facilities in-place and by removal. The issuance of the environmental assessment is scheduled for Feb. 2, 2018, and the 90-day federal authorization decision is due May 3, 2018. Contact: FERC, Office of External Affairs; 866-208-3676; FercOnlineSupport@ferc.gov

82 FR 57438 (12/05/2017)

Regulatory Update

PESTICIDES

Pesticide Tolerance Exemption/DBDMH

PESTICIDES

Final rule of the EPA establishes an exemption from the requirement of a tolerance for residues of 1,3-dibromo-5,5-dimethylhydantoin (DBDMH) in or on food when used in antimicrobial pesticide formulations applied to food contact surfaces in public eating places, dairy processing equipment, and/or food processing equipment and utensils. The rule also establishes an exemption from the requirement of a tolerance for residues of the pesticide when used as an antimicrobial treatment solution. The rule is issued in response to a petition filed on behalf of Albemarle Corp., of Baton Rouge, La. The rule is effective Dec. 5, 2017. Contact: Steven Weiss; EPA, Office of Pesticide Programs; 703-308-6411; ADFRNotices@epa.gov. Citations: 40 CFR 180.940

82 FR 57367 (12/05/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: AEI Publications
Sent: Mon 12/4/2017 4:03:44 PM
Subject: Now or never for the Chinese economy

Now or never for the Chinese economy

December 2017

Derek Scissors

Key points

- **China has fundamental economic challenges, featuring sharp resource constraints, a rapidly aging workforce, and a terrible recent record of debt accumulation. These indicate a process of stagnation, not the continued GDP growth Beijing will of course report.**
- **China needs to return to the pro-market reform of 1978–2002, which was abandoned by 2009. Rural land ownership rights and less protection of state-owned enterprises are the key elements.**
- **Greatly improved rural education and systemic financial deleveraging would also improve China's prospects.**
- **If Xi Jinping declines to start pro-market reform now, there is little prospect for China to become rich. By the time he is expected to fade from the scene in 2027, the population will have aged further, and China will likely still be wasting resources on state firms.**

Read this publication online.

View a printable copy.

Also of interest

America's inconvenient trillions

Derek Scissors | The National Interest | November 27, 2017

China's economic reform plan will probably fail

Derek Scissors | American Enterprise Institute | February 11, 2014

Putting India to work

Derek Scissors | Foreign Affairs | October 11, 2016

Questions or comments? Contact Cecilia Joy Perez at Cecilia.JoyPerez@aei.org. To book an interview or for other media inquiries, contact MediaServices@aei.org (202.862.5829).

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Wed 12/6/2017 11:20:01 PM
Subject: Volkswagen Senior Manager Sentenced to 84 Months in Prison for Role in Conspiracy to Cheat U.S. Emissions Tests

Volkswagen Senior Manager Sentenced to 84 Months in Prison for Role in Conspiracy to Cheat U.S. Emissions Tests

WASHINGTON (December 6, 2017) - The former general manager of Volkswagen AG's (VW) U.S. Environment and Engineering Office was sentenced today 84 months in prison for his role in VW's scheme to sell diesel "clean diesel" vehicles containing software designed to cheat U.S. emissions tests.

Acting Assistant Attorney General John P. Cronan of the Justice Department's Criminal Division, Deputy Assistant Attorney General Jean E. Williams of the Justice Department's Environment and Natural Resources Division, Acting U.S. Attorney Daniel L. Lemisch of the Eastern District of Michigan, Special Agent in Charge David P. Gelios of FBI's Detroit Field Office and Acting Assistant Administrator Larry Starfield, for the Environmental Protection Agency (EPA)'s Office of Enforcement and Compliance Assurance made the announcement.

Oliver Schmidt, 48, a citizen and resident of Germany, was sentenced by U.S. District Judge Sean F. Cox of the Eastern District of Michigan, who also ordered Schmidt to pay a criminal penalty of $400,000. Schmidt pleaded guilty on Aug. 4 to one count of conspiracy to defraud the United States, to commit wire fraud and to violate the Clean Air Act, and to one count of violating the Clean Air Act.

"Upon learning of Volkswagen's massive scheme to defraud and mislead U.S. consumers and regulators, Oliver Schmidt chose to join the conspiracy and deceive U.S. regulators," said Acting Assistant Attorney General Cronan. "This case, along with the prior prosecution of the company and another Volkswagen engineer, further demonstrate the Criminal Division's unwavering commitment to hold both corporations and individuals accountable for their wrongdoing."

"Oliver Schmidt cheated the American people, and today's sentencing shows that such behavior will be prosecuted to the fullest extent of the law," said Deputy Assistant Attorney General Williams. "The Department of Justice and its partner agencies will continue to work together to ensure a level playing field for all competitors and a cleaner environment for all Americans."

"This sentence reflects how seriously we take environmental crime," said Acting U.S. Attorney Lemisch. "Protecting natural resources is a priority of this office. Corporations, and individuals acting on behalf of corporations, will be brought to justice for harming our environment."

"Americans expect corporations to follow laws and regulations designed to protect consumers and the environment," said FBI Special Agent in Charge Gelios. "The sentence of Mr. Schmidt demonstrates the Department of Justice's commitment to hold companies that defraud their customers both personally, as well as, corporately accountable for their crimes."

"As this case demonstrates, EPA is committed to ensuring a level playing field for companies that follow the rules and pursuing individuals whose actions create an unfair competitive advantage for

their employer," said EPA Acting Assistant Administrator Starfield.

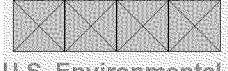
In connection with his guilty plea, Schmidt admitted that he agreed with VW employees to mislead and defraud the United States and domestic customers who purchased diesel vehicles, and to violate the Clean Air Act. Schmidt first learned during the summer of 2015 that certain VW diesel vehicle models contained a defeat device, or software that detected the difference between when the car was undergoing standard U.S. emissions testing and when it was being driven under normal conditions on the road. If the vehicle recognized that it was not being tested, many of its emissions control systems were significantly reduced, resulting in NOx emissions that were sometimes 30 times higher than U.S. standards. Schmidt admitted to participating in discussions with other VW employees in the summer of 2015 on how to coordinate responses to questions from U.S. regulators about VW's diesel vehicles without admitting to the defeat device contained in vehicles. On the instructions of management, Schmidt met with U.S. regulators twice in August 2015 and attempted to obtain approval for the sale of additional VW diesel vehicles without disclosing what he knew was the truth – that the real reason for the high emissions on the road was that VW had intentionally installed software designed to cheat emissions testing.

Schmidt further admitted that he knew during his participation in the conspiracy that the VW "clean diesel" vehicles were being marketed to the public as being environmentally friendly and promoting increased fuel economy while complying with U.S. environmental regulations. Schmidt knew that VW's diesel vehicles were not compliant with U.S. standards and regulations and that these representations made to domestic customers were false, he admitted.

As part of his guilty plea, Schmidt agreed that during his participation in the scheme, he and his co-conspirators caused losses to victims of more than $150 million and that he obstructed justice.

The FBI's Detroit Field Office and the EPA's Criminal Investigation Division are investigating the case, with assistance from U.S. Immigration and Customs Enforcement's Homeland Security Investigations. Securities and Financial Fraud Unit Chief Benjamin D. Singer and Trial Attorney David M. Fuhr of the Criminal Division's Fraud Section, Senior Trial Attorney Jennifer Blackwell of the Environment and Natural Resources Division's Environmental Crimes Section and White Collar Chief John K. Neal of the U.S. Attorney's Office for the Eastern District of Michigan are prosecuting the case.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg Environment
Sent: Wed 12/6/2017 11:56:32 AM
Subject: First Move: Disasters and Superfund Sites • Clean Air Bills Moving • EPA to Get Earful at Hearing

What you need to know to start your day.

Disasters and Superfund Sites • Clean Air Bills Moving • EPA to Get Earful at Hearing

By Chuck McCutcheon

Senators will talk today about toxic waste sites and what to do after natural disasters inflict damage on them.

The Senate Environment and Public Works' subcommittee on Superfund and waste management will look not only at the impact on toxic-waste sites from the recent hurricanes in the southeastern U.S., but also how California's record-setting wildfires affected toxic sites.

California Sen. Kamala Harris, the top Democrat on the subcommittee, told David Schultz she'll be highlighting the need for greater accountability at Superfund sites from both the EPA and the companies that are responsible for dumping waste on them. But South Dakota GOP Sen. Mike Rounds, the subcommittee chairman, emphasized he wants to avoid a "gotcha" hearing, in which lawmakers seek only to make federal officials look bad.

The problem of natural disasters affecting Superfund sites predates this year's hurricane and wildfire season. In 2011, floods caused by Hurricane Irene threatened berms for benzene-laden lagoons at a New Jersey Superfund site, requiring reinforcement of the structures to withstand similar floods.

It's a productive day for the House Energy and Commerce Committee, which will mark up seven bills for eventual House floor action.

Four of those bills are meant to relax clean air rules for industry. One throws a lifeline to plants powered by coal waste that can't conform to EPA's mercury rule; another extends the date by which brick makers have to control hazardous air pollution from their kilns.

A third clean-air bill gives manufacturers three more years before their heaters have to meet more stringent emissions standards under the Clean Air Act. A final one excludes cars made or modified for racing from being regulated as motor vehicles

under the Clean Air Act. Stephen Lee is tracking.

The EPA is likely to get an earful from all sides today when it discusses at a public meeting how it's changed its reviews of new chemicals following changes Congress made last year to the primary U.S. chemicals law.

Chemical manufacturers remain frustrated with how long it takes the EPA to review chemicals they'd like to bring to market. Meanwhile, environmental and health advocates are frustrated the agency isn't being more rigorous or transparent. Steve Gibb is covering.

Other Stories We're Covering

- The Senate's environment committee holds a hearing on the nomination of R.D. James, an engineer for the Mississippi River Commission, to lead the Army Corps of Engineers. David Schultz is covering.
- The U.S. Trade Representative holds a hearing on a pending solar panel trade case. The International Trade Commission in September decided that the sola industry is being hurt by cheap solar panel imports, recommending that President Trump take action.
- A host of agencies are expected to meet Dec. 13 at Energy Department-sponsored talks to discuss plans for the future of Puerto Rico's storm-ravaged electricity grid, Deputy Energy Secretary Mark Menezes tells Rebecca Kern. Likely participants include FEMA, the Army Corps of Engineers, New York Power Authority, Puerto Rico Electric Power Authority, and the Energy Department's national labs.

Pope Francis appears with Cardinal Peter Turkson at the Vatican in November 2016.
Photographer: Vincenzo Pinto/AFP/Getty Images

Quote of the Day

"America First. America can be first, only you have to ask the question of who must be number two? What does it take for one to be first and for another one to be number two?"
—Cardinal Peter Turkson, who led the drafting of Pope Francis's 2015 encyclical letter on climate change and the environment, in calling for the European Union or China to fill the void left by the U.S. after President Trump's decision to pull the country out of the Paris Agreement.

Around the Web

- FERC Acting Chairman Neil Chatterjee has gotten into a spat with actor/environmental activist James Cromwell, known for his roles in "Babe" and "L.A. Confidential," following Cromwell's participation in recent pipeline protests. Cromwell's criticism of Chatterjee and FERC led Chatterjee to refer to

the actor as a "C-list movie star," then—following further barbs from the actor—posted "Come at me bro!" above a screenshot on Cromwell's Facebook page.
- The Texas county that's home to Houston has adopted regulations that will, for the first time in two decades, increase the amount that new homes must be elevated to avoid floodwaters.
- Rhode Island's Sheldon Whitehouse and six other Senate Democrats want Congress' watchdog arm to analyze the social cost of carbon—an influential figure used to weigh the value of efforts that reduce greenhouse gas emissions—after Trump administration agencies used lower values in a recent regulatory analysis.

Today's Events

- **10 a.m. • Endangered Fish** • House Natural Resources panel holds hearing on a bill to extend endangered fish recovery programs.
- **12:30 p.m. • Agriculture/Environment** • American Enterprise Institute sponsors talk with agricultural economists on conservation programs, Renewable Fuel Standard, and Clean Water Rule.
- **3 p.m. • Water Infrastructure** • Democratic Reps. Dan Kildee of Michigan and Elizabeth Esty of Connecticut will host a discussion on water infrastructure at the Capitol as part of Kildee's "Future of America's Cities and Towns" initiative.
- **All Day • Electricity** • gridCONNEXT conference brings together business, utility, and policymakers to explore topics affecting the electricity grid at the national, regional, state, and local levels. Scheduled speakers include Alaska GOP Sen. Lisa Murkowski, chairman of the Senate's energy committee, and Bruce Walker, assistant energy secretary for electricity delivery and energy reliability.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 12/5/2017 1:27:13 PM
Subject: Dec. 05 -- EHS State Regulatory Alert

EHS State Regulatory Alert

December 05, 2017 - Number 232

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

California

AIR
Greenhouse Gas Emissions Reporting/Crude Oil and Natural Gas Facilities
California AIR

Final rule of the California Air Resources Board amends regulations under 17 CCR 95673 regarding greenhouse gas emissions reporting requirements for crude oil and natural gas facilities. The rule revises an email address that may be used for reporting required information. The change without regulatory effect was filed Nov. 20, 2017. Contact: Bradley Bechtold; CARB; 916-322-6533

—State Publication Date: 12/01/2017. Citations: Title 17 CCR Section 95673 (amended)

Regulatory Update

AIR
Mobile Automotive Repair Advertising
California AIR

Final rule of the Department of Consumer Affairs, Bureau of Automotive Repair, amends and adopts regulations under 17 CCR 3351 and 3371 to establish registration, advertising, and other standards for automotive repair dealers that engage in the business of mobile automotive repair and that do not operate a currently registered place of business where the diagnosis or repair of motor vehicles is performed. The rule is effective Nov. 16, 2017. Contact: Brian Clark; DCA; 916-403-8560; brian.clark@dca.ca.gov

—State Publication Date: 12/01/2017. Citations: Title 16 CCR Section 3371.1 (amended); Title 16 CCR Sections 3351.7.1, 3351.7.2, 3351.7.3 (new)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Inhalation Hazard Shipments/Routes and Stopping Places
California HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the California Highway Patrol amends regulations under 13 CCR 1157.21 regarding routes and stopping places for inhalation hazard shipments. The rule adds one safe stopping place and updates information on business names, access, services, and hours for five stopping places. The rule is effective Jan. 1, 2018. Contact: Tian-Ting Shih; CHP, Commercial Vehicle Section; 916-843-3400

—State Publication Date: 12/01/2017. Citations: Title 13 CCR Section 1157.21 (amended)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Motor Carrier Safety/Modified Limousine Buses
California HAZARDOUS MATERIALS TRANSPORTATION

Proposed rule of the California Highway Patrol would amend and adopt regulations under 13 CCR 1212.5, 1218, 1231, 1239, and 1264 to establish requirements for a modified limousine terminal inspection program. The rule also would establish a terminal inspection fee based on carrier fleet size. In addition, the rule would apply certain requirements regarding maximum driving and on-duty time, fueling restrictions, commercial vehicle safety out-of-service criteria, and passenger compartment signaling devices to modified limousines. The proposal currently is in effect as an emergency rule, expiring Jan. 30, 2018. Hearing requests are due Jan. 2, 2018. Comments are due Jan. 15, 2018. Contact: Joseph Mosinski; CHP; 916-843-3400; cvsregs@chp.ca.gov

—State Publication Date: 12/01/2017. Citations: Title 13 CCR Section 1231.3 (new); Title 13 CCR Sections 1212.5, 1218, 1239, 1264 (amended)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Motor Carrier Safety/Modified Limousines
California HAZARDOUS MATERIALS TRANSPORTATION

Proposed rule of the California Highway Patrol would amend and adopt regulations under 13 CCR 1201 through 1269 (nonconsecutive) regarding modified limousine safety. The rule would add a definition of "modified limousine" and clarify requirements regarding the location, size, marking, latching, maintenance, inspection, and operability requirements for push-out side window emergency exits. The rule also would set forth requirements for passenger doors, emergency exit maintenance, and fire extinguishers. The proposal currently is in effect as an emergency rule, expiring Jan. 30, 2018. Hearing requests are due Jan. 2, 2018. Comments are due Jan. 15, 2018. Contact: Joseph Mosinski; CHP; 916-843-3400; cvsregs@chp.ca.gov

—State Publication Date: 12/01/2017. Citations: Title 13 CCR Section 1267.1 (new); Title 13 CCR Sections 1201, 1217, 1232, 1242, 1268, 1269 (amended)

Regulatory Update

SOLID WASTE
Division of Recycling/Reasonable Financial Return Calculation

California SOLID WASTE

Emergency rule of the Department of Resources Recycling and Recovery amends regulations under 14 CCR 2975 to establish fixed reasonable financial returns for urban and rural recycling centers for the 2018 calendar year. The rule establishes a rate of return of 11.5 percent of the statewide average allowable costs generally and a rate of 16.6 percent of such costs for recycling centers in rural regions. The rule is effective on Nov. 16, 2017, and expires May 16, 2018. Contact: Adam Tauber; DRRR; 916-323-6888; Adam.Tauber@CalRecycle.ca.gov

—State Publication Date: 12/01/2017. Citations: Title 14 CCR Section 2975 (amended)

Regulatory Update

TOXIC SUBSTANCES
Reference Exposure Levels/Hexamethylene Diisocyanate, Toluene
California TOXIC SUBSTANCES

Notice of the Office of Environmental Health Hazard Assessment announces the availability of documents summarizing the toxicity and derivation of draft reference exposure levels for hexamethylene diisocyanate (HDI) (CAS. No. 822-06-0) and toluene (CAS No. 108-88-3). HDI is primarily used as a hardener for automobile and airplane polyurethane spray paints, and toluene is produced in petroleum refining and coke oven operations and in automobile emissions. The reference exposure limits are airborne concentrations of a chemical that are not anticipated to result in adverse noncancer health effects for specified exposure durations in the general population, including sensitive subpopulations. Following the comment period, the documents, with any revisions by OEHHA, will be peer reviewed by the state's Scientific Review Panel on Toxic Air Contaminants. Workshops are scheduled for Jan. 8 and 10, 2018, in Sacramento and Diamond Bar, respectively. Comments are due Jan. 30, 2018. Contact: John Budroe; OEHHA; 510-622-3145; John.Budroe@oehha.ca.gov

—State Publication Date: 12/01/2017.

Regulatory Update

TOXIC SUBSTANCES
Safe Drinking Water and Toxic Enforcement Act/Clear and Reasonable Warnings
California TOXIC SUBSTANCES

Final rule of the Office of Environmental Health Hazard Assessment amends regulations under 27 CCR 25600.1 through 25607.13 (nonconsecutive) regarding clear and reasonable warnings under the Safe Drinking Water and Toxic Enforcement Act (Proposition 65). The rule clarifies requirements established under a Sept. 9, 2016, final rule that expanded right-to-know provisions and provided specific guidance on the content of safe harbor warnings for a variety of exposure situations and corresponding methods for providing such warnings, effective Aug. 30, 2018. The rule revises definitions; clarifies the required format and location of product labels; and clarifies specific exposure warning requirements for restaurant food and beverages, prescription drugs and emergency medical and dental care, furniture products, diesel engines, and vehicles. The rule is effective Aug. 30, 2018. Contact: Monet Vela; OEHHA; 916-323-2517; monet.vela@oehha.ca.gov

—State Publication Date: 12/01/2017. Citations: Title 27 CCR Sections 25600.1 to 25607.13 (non seq) (amended)

Regulatory Update

WATER
Drinking Water Operator Certification, Fees
California WATER

Emergency rule of the State Water Resources Control Board amends and adopts regulations under 22 CCR 63750.80 and 63850 regarding the Drinking Water Operator Certification Program. The rule adds a definition of "State Water Board" and revises the operator examination and certification fee schedules. The rule is effective Nov. 16, 2017. Contact: Alice Webber; SWRCB; 916-449-5642; alice.webber@waterboards.ca.gov

—State Publication Date: 12/01/2017. Citations: Title 22 CCR Section 63750.80 (new); Title 22 CCR Section 63850 (amended)

Regulatory Update

WATER
Use of Coastal and Estuarine Waters for Power Plant Cooling
California WATER

Final rule of the State Water Resources Control Board amends regulations under 23 CCR 2922 to incorporate revisions to the statewide water quality control policy on the use of coastal and estuarine waters for power plant cooling (Resolution 2017-0047). The policy establishes uniform technology-based standards to implement Section 316 of the Clean Water Act, which requires that the location, design, construction, and capacity of cooling water intake structures use the best technology available for minimizing adverse environmental impact. The revisions extend a compliance deadline for Encina Power Station Units 2 to 5 by one year to Dec. 31, 2018. The rule is effective Nov. 20, 2017. Contact: Maria de la Paz Carpio-Obeso; SWRCB; 916-341-5858

—State Publication Date: 12/01/2017. Citations: Title 23 CCR Section 2922 (amended)

Regulatory Update

WATER
Wastewater Operator Certification, Fees
California WATER

Emergency rule of the State Water Resources Control Board amends regulations under 23 CCR 3682, 3702, and 3717 regarding wastewater treatment plant classification, operator certification, and contract operator registration. The rule changes the certification renewal period from two years to three years and reduces various operator, provisional operator, and operator-in-training fees. The rule is effective Nov. 16, 2017. Contact: Wes Wilkinson; SWRCB; 916-341-5131; wes.wilkinson@waterboards.ca.gov

—State Publication Date: 12/01/2017. Citations: Title 23 CCR Section 3682.2 (amended); Title 23 CCR Section 3682.3 (amended); Title 23 CCR Section 3702.1 (amended); Title 23 CCR Section 3702.2 (amended); Title 23 CCR Section 3702.3 (amended); Title 23 CCR Section 3702.4 (amended); Title 23 CCR Section 3717 (amended)

Regulatory Update

Massachusetts

OCCUPATIONAL SAFETY AND HEALTH
Board of Boiler Rules
Massachusetts OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Fire Services, Board of Boiler Rules, amends regulations under 522 CMR 1.00, 4.00, 15.00, and 18.00 to reflect the transfer of the board and the boiler and pressure vessel program from the Department of Public Safety to the DFS. The rule also clarifies the correct minimum boiler output threshold that triggers regulatory compliance. The rule is effective Dec. 1, 2017. Contact: Holly Bartlett; DFS, Board of Boiler Rules; 978-567-3782; Holly.Bartlett@massmail.state.ma.us

—State Publication Date: 12/01/2017. Citations: 522 CMR 1.01 (amended); 522 CMR 1.02 (amended); 522 CMR 1.03 (amended); 522 CMR 1.04 (amended); 522 CMR 1.05 (amended); 522 CMR 4.01 (amended); 522 CMR 4.02 (amended); 522 CMR 4.03 (amended); 522 CMR 4.04 (amended); 522 CMR 4.05 (amended); 522 CMR 15.01 (amended); 522 CMR 18.01 (amended); 522 CMR 18.02 (amended); 522 CMR 18.03 (amended); 522 CMR 18.04 (amended); 522 CMR 18.05 (amended)

Regulatory Update

TOXIC SUBSTANCES
Lead Poisoning Prevention and Control
Massachusetts TOXIC SUBSTANCES

Final rule of the Department of Public Health amends regulations under 105 CMR 460.000 regarding lead poisoning prevention and control. The rule reduces the lead level defined as lead poisoning and modifies abatement standards. The rule is effective Dec. 1, 2017. Contact: James Ballin; DPH; 617-624-5213

—State Publication Date: 12/01/2017. Citations: 105 CMR 460.010; 105 CMR 460.020; 105 CMR 460.040; 105 CMR 460.050; 105 CMR 460.060; 105 CMR 460.070; 105 CMR 460.100; 105 CMR 460.105; 105 CMR 460.110; 105 CMR 460.115; 105 CMR 460.120; 105 CMR 460.130; 105 CMR 460.135; 105 CMR 460.140; 105 CMR 460.150; 105 CMR 460.160; 105 CMR 460.170; 105 CMR 460.175; 105 CMR 460.180; 105 CMR 460.190; 105 CMR 460.200; 105 CMR 460.210; 105 CMR 460.220; 105 CMR 460.230; 105 CMR 460.240; 105 CMR 460.300; 105 CMR 460.400; 105 CMR 460.410; 105 CMR 460.430; 105 CMR 460.500; 105 CMR 460.510; 105 CMR 460.520; 105 CMR 460.530; 105 CMR 460.600; 105 CMR 460.700; 105 CMR 460.710; 105 CMR 460.720; 105 CMR 460.725; 105 CMR 460.730; 105 CMR 460.735; 105 CMR 460.740; 105 CMR 460.750; 105 CMR 460.751; 105 CMR 460.760; 105 CMR 460.770; 105 CMR 460.800; 105 CMR 460.900; 105 CMR 460.990

Regulatory Update

Michigan

OCCUPATIONAL SAFETY AND HEALTH
General Industry Safety and Health Standards/Electrical Power Generation, Transmission, and Distribution
Michigan OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Licensing and Regulatory Affairs, Director's Office, would amend and adopt regulations under MAC 408.18601, .18602, .18605, and .18610 regarding general industry safety and health standards for electrical power generation, transmission, and distribution (Part 86). The rule would align provisions with federal standards under 29 CFR 1910.269, as amended Oct. 5, 2015, and 29 CFR 1910, Subpart D. The rule also would update an address and add provisions concerning obtaining standards at no charge. A comment due date is not specified. Contact: Daniel Dykstra; DLRA; 517-284-7734; dykstrad@michigan.gov

—State Publication Date: 12/01/2017. Citations: R 408.18601 (amended); R 408.18602 (amended); R 408.18605 (amended); R 408.18610 (new)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
General Industry Safety and Health Standards/Powered Platforms for Building Maintenance
Michigan OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Licensing and Regulatory Affairs, Director's Office, would amend, adopt, and rescind regulations under MAC 408.10501 through .10592 (nonconsecutive) regarding general industry safety and health standards for powered platforms for building maintenance (Part 5). The rule would align provisions with federal standards under 29 CFR 1910, Subpart D. The rule also would revise the chapter title from scaffolds and clarify that the requirements apply to powered platform installations permanently dedicated to interior or exterior building maintenance but not temporary suspended scaffolds or swinging scaffolds. In addition, the rule would add and revise definitions, update incorporated standards, address inspections and tests, and add mandatory requirements for existing installations. A comment due date is not specified. Contact: Daniel Dykstra; DLRA; 517-284-7734; dykstrad@michigan.gov

—State Publication Date: 12/01/2017. Citations: R 408.10501 (amended); R 408.10502 (amended); R 408.10503 (amended); R 408.10504 (amended); R 408.10505 (amended); R 408.10506 (amended); R 408.10507 (amended); R 408.10508 (amended); R 408.10509 (amended); R 408.10511 (repealed); R 408.10512 (repealed); R 408.10513 (repealed); R 408.10521 (repealed); R 408.10522 (repealed); R 408.10523 (repealed); R 408.10524 (repealed); R 408.10525 (repealed); R 408.10526 (repealed); R 408.10527 (repealed); R 408.10528 (repealed); R 408.10529 (repealed); R 408.10530 (repealed); R 408.10531 (repealed); R 408.10532 (repealed); R 408.10533 (repealed); R 408.10534 (repealed); R 408.10535 (repealed); R 408.10541 (repealed); R 408.10542 (repealed); R 408.10543 (repealed); R 408.10544 (repealed); R 408.10545 (repealed); R 408.10546 (repealed); R 408.10548 (repealed); R 408.10549 (repealed); R 408.10518 (new); Appendix D (new); R 408.10550 (repealed); R 408.10561 (amended); R 408.10564 (amended); R 408.10565 (amended); R 408.10568 (amended); R 408.10571 (amended); R 408.10573 (amended); R 408.10575a (amended); R 408.10575b (amended); R 408.10575c (amended); R 408.10575e; R 408.10582 (amended); R 408.10592 (amended)

Regulatory Update

Nevada

GENERAL ENVIRONMENT AND SAFETY
Dissolved Mineral Resource Exploration
Nevada GENERAL ENVIRONMENT AND SAFETY

Notice of the Commission on Mineral Resources announces changes to a Nov. 21, 2017, proposed rule to adopt regulations under NAC 534B to establish requirements and fees for dissolved mineral resource exploration. The rule would establish application requirements and procedures and set a $1,000 fee for a two-year permit to drill an exploration well. The rule also would establish responsibilities for exploration borehole and well drillers at a drilling site. In addition, the rule would restrict drilling below 3,000 feet, require continuous temperature monitoring, require plugging of an exploration borehole within 60 days, and require specific sealing for a borehole in which an artesian condition is discovered. Finally, the rule would require the use of and recordkeeping for blowout prevention equipment and water monitoring equipment, require public reporting of certain information, and specify penalties for violations. The changes clarify that if drilling does not commence within 60 days of the approval of a notice of intent to drill, a new notice of intent must be submitted, and specify that dissolved mineral resource exploration well monthly reports are to be submitted to the Division of Minerals. Contact: CMR; 775-684-7040; ndom@minerals.nv.gov

—State Publication Date: 11/30/2017. Citations: NAC 534B (amended)

Regulatory Update

WATER
Water Controls/Water Quality Standards
Nevada WATER

Notice of the State Environmental Commission announces additional changes to a June 23, 2016, proposed rule to amend regulations under NAC 445A regarding water quality standards to conform with EPA numeric criteria for Escherichia coli bacteria for protection of water contact recreation beneficial use. The rule would change the existing reference period from annual geometric mean (AGM) to geometric mean (GM) for all waters that have an existing AGM; replace the unit of measurement from most probable number (MPN) per 100 milliliter (mL) with colony-forming-units (CFU) per 100 mL; and remove existing single value (SV) criteria of 235 MPN, 298 MPN and 576 MPN and replaces with a SV of 410 CFU. The rule also would explain frequency and duration limits of the GM and SV criteria and add a definition of "colony-forming-units." The changes specify that the number of E. coli bacteria present in a sample of water may be determined and reported by counting the colony-forming units in the sample or through the use of a statistical testing method to determine the most probable number of bacteria in the sample. Contact: Valerie King; SEC; 775-687-9374

—State Publication Date: 11/30/2017. Citations: NAC 445A.1746 (amended); NAC 445A.1748 (amended); NAC 445A.1752 (amended); NAC 445A.1754 (amended); NAC 445A.1756 (amended); NAC 445A.1758 (amended); NAC 445A.1762 (amended); NAC 445A.1764 (amended); NAC 445A.1796 (amended); NAC 445A.1798 (amended); NAC 445A.1802 (amended); NAC 445A.1804 (amended); NAC 445A.1806 (amended); NAC 445A.1808 (amended); NAC 445A.1812 (amended); NAC 445A.1814 (amended); NAC 445A.1816 (amended); NAC 445A.1818 (amended); NAC 445A.1822 (amended); NAC 445A.1824 (amended); NAC 445A.1826 (amended); NAC 445A.1828

(amended); NAC 445A.1832 (amended); NAC 445A.1834 (amended); NAC 445A.1836 (amended); NAC 445A.1838 (amended); NAC 445A.1842 (amended); NAC 445A.1844 (amended); NAC 445A.1846 (amended); NAC 445A.1848 (amended); NAC 445A.1852 (amended); NAC 445A.1854 (amended); NAC 445A.1856 (amended); NAC 445A.1858 (amended); NAC 445A.1862 (amended); NAC 445A.1864 (amended); NAC 445A.1886 (amended); NAC 445A.1888 (amended); NAC 445A.1892 (amended); NAC 445A.1894 (amended); NAC 445A.1896 (amended); NAC 445A.1898 (amended); NAC 445A.1902 (amended); NAC 445A.1904 (amended); NAC 445A.1906 (amended); NAC 445A.1908 (amended); NAC 445A.1914 (amended); NAC 445A.1916 (amended); NAC 445A.1918 (amended); NAC 445A.1922 (amended); NAC 445A.1926 (amended); NAC 445A.1928 (amended); NAC 445A.1932 (amended); NAC 445A.1934 (amended); NAC 445A.1956 (amended); NAC 445A.1958 (amended); NAC 445A.1962 (amended); NAC 445A.1964 (amended); NAC 445A.1966 (amended); NAC 445A.1968 (amended); NAC 445A.1972 (amended); NAC 445A.1974 (amended); NAC 445A.1976 (amended); NAC 445A.1978 (amended); NAC 445A.1982 (amended); NAC 445A.1984 (amended); NAC 445A.1986 (amended); NAC 445A.1988 (amended); NAC 445A.1992 (amended); NAC 445A.1994 (amended); NAC 445A.1996 (amended); NAC 445A.1998 (amended); NAC 445A.2002 (amended); NAC 445A.2004 (amended); NAC 445A.2006 (amended); NAC 445A.2008 (amended); NAC 445A.2012 (amended); NAC 445A.2014 (amended); NAC 445A.2016 (amended); NAC 445A.2018 (amended); NAC 445A.2022 (amended); NAC 445A.2024 (amended); NAC 445A.2026 (amended); NAC 445A.2028 (amended); NAC 445A.2032 (amended); NAC 445A.2034 (amended); NAC 445A.2035 (amended); NAC 445A.2036 (amended); NAC 445A.2038 (amended); NAC 445A.2042 (amended); NAC 445A.2044 (amended); NAC 445A.2046 (amended); NAC 445A.2048 (amended); NAC 445A.2052 (amended); NAC 445A.2054 (amended); NAC 445A.2056 (amended); NAC 445A.2058 (amended); NAC 445A.2062 (amended); NAC 445A.2064 (amended); NAC 445A.2066 (amended); NAC 445A.2068 (amended); NAC

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WATER
Water Controls/Water Quality Standards
Nevada WATER

Notice of the State Environmental Commission announces additional changes to a Sept. 23, 2016, proposed rule to amend regulations under NAC 445A regarding water quality standards (WQS). The rule would revise the WQS tables to establish numeric criteria for alkalinity, color, and turbidity based on current EPA standards; to remove references to the 95th percentile for total dissolved solids beneficial use numeric criteria; and to remove references to "X" in the beneficial use columns for secondary uses. The rule also would remove references to "natural conditions" and "no adverse effects," reformat how nitrogen species are presented in the WQS tables, and specify the criteria for toxic materials. In addition, the rule would move the ammonia standards tables so they occur after standards applicability discussions and beneficial uses. The changes update the referenced version of the Water Quality Standards for Salinity, Colorado River System, to 2017. Contact: Valerie King; SEC; 775-687-9374

—State Publication Date: 11/30/2017. Citations: NAC 445A.2106 (amended); NAC 445A.2108 (amended); NAC 445A.2112 (amended); NAC 445A.2146 (amended); NAC 445A.2148 (amended); NAC 445A.2152 (amended); NAC 445A.2154 (amended); NAC 445A.2156 (amended); NAC 445A.2158 (amended); NAC 445A.2162 (amended); NAC 445A.2164 (amended); NAC 445A.2166 (amended); NAC 445A.2168 (amended); NAC 445A.2172 (amended); NAC 445A.2174 (amended); NAC 445A.2176 (amended); NAC 445A.2178 (amended); NAC 445A.2182 (amended); NAC 445A.2184 (amended); NAC 445A.2186 (amended); NAC 445A.2188 (amended); NAC 445A.2192 (amended); NAC 445A.2194 (amended); NAC 445A.2196 (amended); NAC 445A.2198 (amended); NAC 445A.2202 (amended); NAC 445A.2204 (amended); NAC 445A.2206 (amended); NAC 445A.2208 (amended); NAC 445A.2212 (amended); NAC 445A.2214 (amended); NAC 445A.1658 (amended); NAC 445A.1662 (amended); NAC 445A.1664 (amended); NAC 445A.1666 (amended);

NAC 445A.1682 (amended); NAC 445A.1684 (amended); NAC 445A.1686 (amended); NAC 445A.1688 (amended); NAC 445A.1692 (amended); NAC 445A.1694 (amended); NAC 445A.1698 (amended); NAC 445A.1702 (amended); NAC 445A.1704 (amended); NAC 445A.1706 (amended); NAC 445A.1708 (amended); NAC 445A.1722 (amended); NAC 445A.1724 (amended); NAC 445A.1726 (amended); NAC 445A.1728 (amended); NAC 445A.1732 (amended); NAC 445A.1734 (amended); NAC 445A.1736 (amended); NAC 445A.1738 (amended); NAC 445A.1742 (amended); NAC 445A.1744 (amended); NAC 445A.1746 (amended); NAC 445A.1748 (amended); NAC 445A.1752 (amended); NAC 445A.1754 (amended); NAC 445A.1756 (amended); NAC 445A.1758 (amended); NAC 445A.1762 (amended); NAC 445A.1764 (amended); NAC 445A.1792 (amended); NAC 445A.1796 (amended); NAC 445A.1798 (amended); NAC 445A.1802 (amended); NAC 445A.1804 (amended); NAC 445A.1806 (amended); NAC 445A.1808 (amended); NAC 445A.1812 (amended); NAC 445A.1814 (amended); NAC 445A.1816 (amended); NAC 445A.1818 (amended); NAC 445A.1822 (amended); NAC 445A.1824 (amended); NAC 445A.1826 (amended); NAC 445A.1828 (amended); NAC 445A.1832 (amended); NAC 445A.1834 (amended); NAC 445A.1836 (amended); NAC 445A.1838 (amended); NAC 445A.1842 (amended); NAC 445A.1844 (amended); NAC 445A.1846 (amended); NAC 445A.1848 (amended); NAC 445A.1852 (amended); NAC 445A.1854 (amended); NAC 445A.1856 (amended); NAC 445A.1858 (amended); NAC 445A.1862 (amended); NAC 445A.1864 (amended); NAC 445A.1886 (amended); NAC 445A.1888 (amended); NAC 445A.1892 (amended); NAC 445A.1894 (amended); NAC 445A.1896 (amended); NAC 445A.1898 (amended); NAC 445A.1902 (amended); NAC 445A.1904 (amended); NAC 445A.1906 (amended); NAC 445A.1908 (amended); NAC 445A.1914 (amended); NAC 445A.1916 (amended); NAC 445A.1918 (amended); NAC 445A.1922

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Oklahoma

PESTICIDES
Consumer Protection/Combined Pesticide
Oklahoma PESTICIDES

Proposed rule of the Department of Agriculture, Food, and Forestry would amend regulations under OAC 35:30 regarding combined pesticide standards. The rule would update citations to federal standards, revise licensing fees, require continuing education information to be submitted electronically, update recordkeeping requirements, and add definitions. A hearing is scheduled for Jan. 5, 2018, in Oklahoma City. Comments are due Jan. 5, 2018. Contact: Bennett Abbott; DAFF; 405-522-5803; bennett.abbott@ag.ok.gov

—State Publication Date: 12/01/2017. Citations: OAC 35:30-13-3; -17-1.2, -6, -13, -21, -89.1; -25-1, -7, -14, -15; -27-11 (amended)

Regulatory Update

SOLID WASTE
Disposal of Coal Combustion Residuals from Electric Utilities
Oklahoma SOLID WASTE

Proposed rule of the Department of Environmental Quality would amend regulations under OAC 252:517 regarding the disposal of coal combustion residuals from electric utilities. The rule would

remove outdated citations and clarify the program's compliance with federal standards. A hearing is scheduled for Jan. 11, 2018, in Oklahoma City. Comments are due Jan. 10, 2018. Contact: David Cates; DEQ, Land Protection Division; 405-702-5100; David.Cates@deq.ok.gov

—State Publication Date: 12/01/2017. Citations: OAC 252:517-1-3; -9-4; -11-1; -13-4; -15-7; -17-34; -19-1 (amended)

Regulatory Update

SOLID WASTE
Management of Solid Waste/Used Tire Recycling Program
Oklahoma SOLID WASTE

Proposed rule of the Department of Environmental Quality would amend regulations under OAC 252:515 regarding solid waste management. The rule would update provisions in response to legislative changes regarding tires that fall under the scope of the Used Tire Recycling Program and remove outdated references. A hearing is scheduled for Jan. 11, 2018, in Oklahoma City. Comments are due Jan. 10, 2018. Contact: David Cates; DEQ, Land Protection Division; 405-702-5100; David.Cates@deq.ok.gov

—State Publication Date: 12/01/2017. Citations: OAC 252:515-3-5; -21-2, -5, -51, -71, -72, -91, -92; -27-1 (amended)

Regulatory Update

WATER
Agriculture Pollutant Discharge Elimination System
Oklahoma WATER

Proposed rule of the Department of Agriculture, Food, and Forestry would amend regulations under OAC 35:44 regarding the Agriculture Pollutant Discharge Elimination System and permit conditions and requirements. The rule would update citations to federal standards. A hearing is scheduled for Jan. 5, 2018, in Oklahoma City. Comments are due Jan. 5, 2018. Contact: Bennett Abbott; DAFF; 405-522-5803; bennett.abbott@ag.ok.gov

—State Publication Date: 12/01/2017. Citations: OAC 35:44-1-3; -3-3 (amended)

Regulatory Update

WATER
Aquifer Storage and Recovery
Oklahoma WATER

Proposed rule of the Water Resources Board would adopt regulations under OAC 785:32 regarding aquifer storage and recovery. The rule would establish permit application requirements, including requirements for an approvable site-specific aquifer storage and recovery plan and minimum standards for well spacing. The rule also would address public notice requirements, annual reporting, and the process for cancellation or suspension of permits. A hearing is scheduled for Jan. 16, 2018, in Oklahoma City. Comments are due Jan. 16, 2018. Contact: Chris Neel; WRB; 405-530-8800; Chris.Neel@owrb.ok.gov

—State Publication Date: 12/01/2017. Citations: OAC 785:32-1-1, -2; -3-1, -2, -3, -4, -5, -6, -7; -5-1, -2, -3, -4 (new)

Regulatory Update

WATER
Implementation of Water Quality Standards
Oklahoma WATER

Proposed rule of the Water Resources Board would amend regulations under OAC 785:46 regarding implementation of water quality standards applicable to Sensitive Water Supply-Reuse (SWS-R) waters. The rule would establish the framework for antidegradation review in surface waters, which includes determination of assimilative capacity and use of assimilative capacity in tiers 2, 2.5, and 3 waters. The rule also would address sensitive water supply-reuse and other tier 2 waterbodies and update the numbering for tiers 2.5 and 3 and Appendix B areas. A hearing is scheduled for Jan. 16, 2018, in Oklahoma City. Comments are due Jan. 16, 2018. Contact: Monty Porter; WRB; 405-530-8800; Monty.Porter@owrb.ok.gov

—State Publication Date: 12/01/2017. Citations: OAC 785:46-13-1, -4, -5, -6, -7, -8 (amended)

Regulatory Update

WATER
Indirect Potable Reuse for Surface Water Augmentation
Oklahoma WATER

Proposed rule of the Department of Environmental Quality would adopt regulations under OAC 252:628 to establish the Indirect Potable Reuse (IPR) program to address surface water augmentation by public water supply systems. The rule would establish a permitting process and construction and operating standards. The rule also would require testing and modeling and establish permit and operating fees. A hearing is scheduled for Jan. 11, 2018, in Oklahoma City. Comments are due Jan. 2, 2018. Contact: Gregory Carr; DEQ, Water Quality Division; 405-702-8100; Gregory.Carr@deq.ok.gov

—State Publication Date: 12/01/2017. Citations: OAC 252:628-1-1 to -4; -3-1 to -10; -5-1 to -8; -7-1 to -9; -9-1 to -10; -11-1 to -7; Appendix A (new)

Regulatory Update

WATER
Water Quality Standards/Surface Water, Groundwater
Oklahoma WATER

Proposed rule of the Water Resources Board would amend regulations under OAC 785:45 regarding surface water and groundwater quality standards. The rule would clarify the waterbody-by-waterbody classification system under the existing antidegradation policy and related implementation standards. The rule also would add requirements for the development of site-specific criteria for copper limits for the city of Idabel's pollutant discharge elimination system permit for discharges to Mud Creek. A hearing is scheduled for Jan. 16, 2018, in Oklahoma City. Comments are due Jan. 16, 2018. Contact: Monty Porter; WRB; 403-530-8800; Monty.Porter@owrb.ok.gov

—State Publication Date: 12/01/2017. Citations: OAC 785:45-7-1 (amended); OAC 785:45-7-1, Appendix E (amended); OAC 785:45-5-25 (amended)

Regulatory Update

WATER
Water Quality/Swine, Concentrated Animal Feeding Operations
Oklahoma WATER

Proposed rule of the Department of Agriculture, Food, and Forestry would amend regulations under OAC 35:17 regarding water quality standards for swine feeding operations and concentrated animal feeding operations. The rule would revise certain notice requirements to include municipalities and update recordkeeping requirements. A hearing is scheduled for Jan. 5, 2018, in Oklahoma City. Comments are due Jan. 5, 2018. Contact: Bennett Abbott; DAFF; 405-522-5803; bennett.abbott@ag.ok.gov

—State Publication Date: 12/01/2017. Citations: OAC 35:17-3-6, -11; -4-4, -9, -13 (amended)

Regulatory Update

WATER
Water Resources Board/Fees
Oklahoma WATER

Proposed rule of the Water Resources Board would amend regulations under OAC 785:5 regarding board fees. The rule would increase fees for stream water and groundwater permit applications and administration and for stream water and groundwater petitions. The rule also would update statutory references, address copying and transmittal of agency audio recordings, and remove unnecessary definitions. In addition, the rule would remove the fee for a watercourse reclamation permit, add a fee for requests for water quality standards site-specific criteria, and add a filing and application fee for aquifer storage and recovery permits. Finally, the rule would clarify that the current fee schedule for loan applications is the maximum that may be charged. A hearing is scheduled for Jan. 16, 2018, in Oklahoma City. Comments are due Jan. 16, 2018. Contact: Sara Gibson; WRB; 405-530-8800; Sara.Gibson@owrb.ok.gov

—State Publication Date: 12/01/2017. Citations: OAC 785:5-1-1, -2, -3, -6, -7, -10, -14, -15, -16, -17, -19, -20 (amended)

Regulatory Update

WATER
Water Resources Board/Financial Assistance
Oklahoma WATER

Proposed rule of the Water Resources Board would amend regulations under OAC 785:50 regarding financial assistance. The rule would reorganize provisions concerning emergency grants and clarify and update language. A hearing is scheduled for Jan. 16, 2018, in Oklahoma City. Comments are due Jan. 16, 2018. Contact: Kate Burum; WRB; 405-530-8800; Kate.Burum@owrb.ok.gov

—State Publication Date: 12/01/2017. Citations: OAC 785:50-1-2; -5-1, -2; -6-1 to -4; -7-1 to -3, -5, -7; -8-3; -9-9, -21, -24, -28 to -31, -33, -35 to -45, -60 to -62; -10-3; -11-4, -5, -7, -10 (amended)

Regulatory Update

Oregon

AIR
Clean Fuels Program
Oregon AIR

Final rule of the Department of Environmental Quality amends, adopts, and repeals regulations under OAR 340-253 regarding the Clean Fuels Program. The rule adds provisions concerning a credit clearance market to serve as a cost containment mechanism in place of the monthly fuel price deferral. The rule also updates provisions concerning electricity as a transportation fuel, adds electricity used for certain public transit applications to the program, and reclassifies renewable hydrocarbon diesel as a regulated fuel. In addition, the rule restricts the transfer of the compliance obligation for large importers of finished fuels for in-state transactions below the rack, adds market monitoring and enforcement provisions, and revises provisions concerning the emergency fuel supply deferral to include the ability to respond to credit market disruptions. The rule is effective Nov. 17, 2017. Contact: Emil Hnidey; DEQ; 503-229-5946; hnidey.emil@deq.state.or.us

—State Publication Date: 11/17/2017. Citations: OAR 340-253-0000 (amended); OAR 340-253-0040 (amended); OAR 340-253-0060 (amended); OAR 340-253-0100 (amended); OAR 340-253-0200 (amended); OAR 340-253-0250 (amended); OAR 340-253-0310 (amended); OAR 340-253-0320 (amended); OAR 340-253-0330 (amended); OAR 340-253-0340 (amended); OAR 340-253-0400 (amended); OAR 340-253-0450 (amended); OAR 340-253-0470 (new); OAR 340-253-0500 (amended); OAR 340-253-0600 (amended); OAR 340-253-0620 (amended); OAR 340-253-0630 (amended); OAR 340-253-0640 (new); OAR 340-253-0650 (amended); OAR 340-253-0670 (new); OAR 340-253-1000 (amended); OAR 340-253-1005 (amended); OAR 340-253-1010 (amended); OAR 340-253-1020 (amended); OAR 340-253-1030 (amended); OAR 340-253-1040 (new); OAR 340-253-1055 (new); OAR 340-253-2000 (amended); OAR 340-253-2100 (amended); OAR 340-253-2200 (repealed); OAR 340-253-8010 (amended); OAR 340-253-8020 (amended); OAR 340-253-8030 (amended); OAR 340-253-8040 (amended); OAR 340-253-8050 (amended); OAR 340-253-8060 (amended); OAR 340-253-8070 (amended); OAR 340-253-8080 (amended); OAR 340-253-8090 (new); OAR 340-253-8100 (new)

Regulatory Update

AIR
Clean Fuels Program/Credit Basics
Oregon AIR

Final rule of the Department of Environmental Quality renumbers regulations under OAR 340-253 regarding credit basics for the Clean Fuels Program. The rule addresses standards for the acquisition, use, and transfer of program credits by regulated entities, credit generators, and brokers. The rule is effective Nov. 6, 2017. Contact: Emil Hnidey; DEQ; 502-229-5946; hnidey.emil@deq.state.or.us

—State Publication Date: 11/06/2017. Citations: OAR 340-253-1050 (renumbered)

Regulatory Update

AIR
Lane Regional Air Protection Agency
Oregon AIR

Proposed rule of the Department of Environmental Quality would amend regulations under OAR 340-200 to update Lane Regional Air Protection Agency rules. The rule would adopt new federal standards for kraft pulp mills, crude oil and natural gas facilities, greenhouse gas emissions for electric generating units, and wool fiberglass manufacturing. The rule also would incorporate by reference revised area source national emissions standards for hazardous air pollutants (NESHAPs), major source NESHAPs, and new source performance standards. A hearing is scheduled for Jan. 11, 2018, in Springfield. Comments are due Jan. 11, 2018. Contact: Max Hueftle; DEQ; 541-736-1056; max@lrapa.org

—State Publication Date: 11/13/2017. Citations: OAR 340-200-0040 (amended)

Regulatory Update

ENDANGERED SPECIES
Department of Fish and Wildlife/Administration
Oregon ENDANGERED SPECIES

Proposed rule of the Department of Fish and Wildlife would repeal regulations under OAR 635-001 to remove model public contract rules. The department would be subject to model rules adopted by the attorney general. A hearing is scheduled for Jan. 19, 2018, in Salem. Comments are due Jan. 19, 2018. Contact: Michelle Tate; DFW; 503-947-6033; michelle.l.tate@state.or.us

—State Publication Date: 11/13/2017. Citations: OAR 635-001-0007 (repealed)

Regulatory Update

ENDANGERED SPECIES
Wolf Conservation and Management Plan
Oregon ENDANGERED SPECIES

Proposed rule of the Department of Fish and Wildlife would amend regulations under OAR 635-045 and -110 to update the Wolf Conservation and Management Plan as part of a five-year review. The rule would address standards for the harassment and take of wolves. A hearing is scheduled for Jan. 19, 2018, in Salem. Comments are due Jan. 19, 2018. Contact: Roxann Borisch; DFW; 503-947-6314; roxann.b.borisch@state.or.us

—State Publication Date: 11/15/2017. Citations: OAR 635-045-0002 (amended); OAR 635-110-0000 (amended); OAR 635-110-0010 (amended); OAR 635-110-0020 (amended); OAR 635-110-0030 (amended); OAR 635-110-0040 (amended)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Energy Facility Siting Council/Termination of Site Certificates
Oregon GENERAL ENVIRONMENT AND SAFETY

Final rule of the Office of Energy, Energy Facility Siting Council, amends regulations under OAR 345-027 to correct references related to termination of a site certificate. The rule is effective Nov. 7, 2017. Contact: Jason Sierman; DOE, Energy Facility Siting Council; 503-378-4040; jason.sierman@oregon.gov

—State Publication Date: 11/07/2017. Citations: OAR 345-027-0110 (amended)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Energy, Waste Disposal Facility Site Certificates
Oregon GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Energy, Energy Facility Siting Council, announces corrections to a Nov. 1, 2017, final rule that amended regulations under OAR 345-021, -022, -027, and -050 regarding the structural, geologic, and seismic issues and hazards the council considers when issuing site certificates or amendments to site certificates for energy facilities and waste disposal facilities. The rule clarified relationship and consultation requirements between applicants and the Department of Geology and Mineral Industries. The rule also added factors for applicants to consider in their assessments and explanations of how they will design, engineer, construct, and operate a facility to avoid related issues and hazards. Such factors include the environment, resiliency, rapid recovery, future climate conditions, and tsunami hazards. The corrections replace language under OAR 345-027 concerning site certificates that was inadvertently omitted. The corrections are effective Nov. 20, 2017. Contact: Jason Sierman; DOE, Energy Facility Siting Council; 503-378-4040; jason.sierman@oregon.gov

—State Publication Date: 11/20/2017. Citations: OAR 345-025-0006 (amended)

Regulatory Update

NOISE
Noise Control Regulations/Definitions
Oregon NOISE

Final rule of the Department of Environmental Quality amends regulations under OAR 340-035 to correct duplicate note language in the definitions related to noise control. The rule is effective Nov. 7, 2017. Contact: Meyer Goldstein; DEQ; 503-229-6478; goldstein.meyer@deq.state.or.us

—State Publication Date: 11/07/2017. Citations: OAR 340-035-0015 (amended)

Regulatory Update

NOISE
Noise Control Regulations/In-Use Motor Vehicles
Oregon NOISE

Final rule of the Department of Environmental Quality amends regulations under OAR 340-035 to

remove duplicative language related to noise control regulations for in-use motor vehicles. The rule is effective Nov. 8, 2017. Contact: Meyer Goldstein; DEQ; 503-229-6478; goldstein.meyer@deq.state.or.us

—State Publication Date: 11/08/2017. Citations: OAR 340-035-0030 (amended)

Regulatory Update

NOISE
Noise Control Regulations/In-Use Motor Vehicles
Oregon NOISE

Final rule of the Department of Environmental Quality amends regulations under OAR 340-035 to remove duplicative language related to noise control regulations for in-use motor vehicles. The rule is effective Nov. 8, 2017. Contact: Meyer Goldstein; DEQ; 503-229-6478; goldstein.meyer@deq.state.or.us

—State Publication Date: 11/08/2017. Citations: OAR 340-035-0040 (amended)

Regulatory Update

NOISE
Noise Control Regulations/Industry and Commerce
Oregon NOISE

Final rule of the Department of Environmental Quality amends regulations under OAR 340-035 to remove duplicative language related to noise control regulations for industry and commerce. The rule is effective Nov. 8, 2017. Contact: Meyer Goldstein; DEQ; 503-229-6478; goldstein.meyer@deq.state.or.us

—State Publication Date: 11/08/2017. Citations: OAR 340-035-0035 (amended)

Regulatory Update

NOISE
Noise Control Regulations/New Motor Vehicles
Oregon NOISE

Final rule of the Department of Environmental Quality amends regulations under OAR 340-035 to correct duplicate language concerning noise control requirements for the sale of new motor vehicles. The rule is effective Nov. 7, 2017. Contact: Meyer Goldstein; DEQ; 503-229-6478; goldstein.meyer@deq.state.or.us

—State Publication Date: 11/07/2017. Citations: OAR 340-035-0025 (amended)

Regulatory Update

WATER
Clean Water State Revolving Fund
Oregon WATER

Final rule of the Department of Environmental Quality amends regulations under OAR 340-054 to align clean water state revolving fund provisions with federal law. The rule expands eligible land purchase costs for treatment works construction projects, defines eligible recipients for additional subsidization, and incorporates federal requirements for procuring architectural and engineering contracts. The rule also extends the period for applicants to remain on the program's intended use plan, establishes criteria for refinancing and restructuring loans, extends the time frame for borrowers to request the first loan disbursement, and requires a 30-day prepayment notification from borrowers that intend to prepay a loan. In addition, the rule provides eligible borrowers an alternate subsidy equivalent to principal forgiveness, establishes a principal forgiveness calculation for eligible green projects based on the cost of the components, and deletes expired bond purchase language. The rule is effective Nov. 7, 2017. Contact: Meyer Goldstein; DEQ; 503-229-6478; Goldstein.Meyer@deq.state.or.us

—State Publication Date: 11/06/2017. Citations: OAR 340-054-0005 (amended); OAR 340-054-0010 (amended); OAR 340-054-0025 (amended); OAR 340-054-0026 (amended); OAR 340-054-0036 (amended); OAR 340-054-0056 (amended); OAR 340-054-0060 (amended); OAR 340-054-0065 (amended); OAR 340-054-0071 (amended); OAR 340-054-0072 (amended)

Regulatory Update

WATER
NPDES and WPCF Permits/Onsite Wastewater Treatment Systems
Oregon WATER

Notice of the Department of Environmental Quality announces a correction to a Nov. 1, 2017, final rule that amended regulations under OAR 340-045 and -071 regarding water quality permitting fees for fiscal year 2017. The rule increased water quality fees by 3 percent above the FY 2016 fees for National Pollutant Discharge Elimination System (NPDES) permits; water pollution control facility (WPCF) permits, including those specific to onsite septic systems; and nonpermit-related fees for the onsite septic system program. The rule also clarified requirements and fees for reviewing environmental management plans, revised the procedure for establishing the effective date of a permit, and incorporated underground injection control fees. The rule is being refiled due to a filing error and now is effective Nov. 17, 2017. Contact: William Knight; DEQ; 503-229-6442; deqinfo@deq.state.or.us

—State Publication Date: 11/16/2017. Citations: OAR 340-071-0345 (amended)

Regulatory Update

Pennsylvania

WATER
Susquehanna River Basin Commission/Projects Approved for Consumptive Water Uses
Pennsylvania WATER

Notice of the Susquehanna River Basin Commission announces a list of projects approved for consumptive use of water in October 2017. The notice addresses 16 project approvals by rule for consumptive use, including uses related to unconventional natural gas and other hydrocarbon development. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

—State Publication Date: 12/02/2017.

Regulatory Update

WATER
Susquehanna River Basin Commission/Projects Approved for Minor Modifications
Pennsylvania WATER

Notice of Susquehanna River Basin Commission announces the availability of a list of minor modifications for previously approved projects in October 2017. The notice addresses a project in Snyder County, approved by rule to add stormwater as an additional source of water for consumption use and change the design of the intake structure. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

—State Publication Date: 12/02/2017.

Regulatory Update

WATER
Susquehanna River Basin Commission/Projects Rescinded for Consumptive Uses of Water
Pennsylvania WATER

Notice of the Susquehanna River Basin Commission announces two projects rescinded for the consumptive use of water in October 2017. The projects are located in in Susquehanna County. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

—State Publication Date: 12/02/2017.

Regulatory Update

Utah

WATER
Drinking Water Facility Design and Operation
Utah WATER

Final rule of the Department of Environmental Quality, Division of Drinking Water, amends regulations under R309-500 regarding plan review, operation, and maintenance requirements for drinking water projects. The rule removes the requirement for water systems with approved standard installation drawings and specifications to obtain plan submittal waivers from the division for the installation of water lines, and instead allows such water systems to install water lines up to and including 16 inches in diameter for a five-year period without any further interaction with the division. The rule also updates and reorganizes provisions, provides additional examples of public drinking water projects and operation and maintenance, and clarifies plan submittal requirements. The rule is effective Nov. 7, 2017. Contact: Bernie Clark; DEQ, Division of Drinking Water; 801-536-0092; bernieclark@utah.gov

—State Publication Date: 12/01/2017. Citations: R309-500-1 (amended); R309-500-2 (amended); R309-500-3 (amended); R309-500-4 (amended); R309-500-5 (amended); R309-500-6 (amended); R309-500-7 (new); R309-500-8 (renumbered and amended); R309-500-8 (repealed); R309-500-9 (amended); R309-500-10 (amended); R309-500-11 (amended); R309-500-12 (amended)

Regulatory Update

WATER
Drinking Water Source Protection for Groundwater Sources
Utah WATER

Final rule of the Department of Environmental Quality, Division of Drinking Water, amends regulations under R309-600 regarding drinking water source protection (DWSP) for groundwater sources. The rule allows the director to authorize the designated Division of Drinking Water source protection manager to "concur" and "concur with recommendations" with DWSP plans submitted by public water systems for review. The rule is effective Nov. 6, 2017. Contact: Melissa Noble; DEQ, Division of Drinking Water; 801-536-4224; mnoble@utah.gov

—State Publication Date: 12/01/2017. Citations: R309-600-8 (amended)

Regulatory Update

WATER
Drinking Water Source Protection for Surface Water Sources
Utah WATER

Final rule of the Department of Environmental Quality, Division of Drinking Water, amends regulations under R309-605 regarding drinking water source protection (DWSP) for surface water sources. The rule allows the director to authorize the designated Division of Drinking Water source protection manager to "concur" with DWSP plans submitted by public water systems for review. The rule is effective Nov. 6, 2017. Contact: Melissa Noble; DEQ, Division of Drinking Water; 801-536-4224; mnoble@utah.gov

—State Publication Date: 12/01/2017. Citations: R309-605-7 (amended)

Regulatory Update

WATER
Water Supply Operator Certification
Utah WATER

Final rule of the Department of Environmental Quality, Division of Drinking Water, amends regulations under R309-300 regarding certification requirements for water supply operators. The rule allows operators who fail an exam to apply for reexamination 30 days after taking the initial exam. The rule also removes provisions regarding the conversion requirement for operators, failure to remain in the waterworks field as a grounds for denial of renewal, and population and continuing education unit requirements for grandparent certificates. In addition, the rule updates applicability, removes the definition and references to "specialist," and adds individuals who passed the certification exam to the definition of "operator." The rule is effective Nov. 9, 2017. Contact: Kim Dyches; DEQ, Division of Drinking Water; 801-536-4202; kdyches@utah.gov

—State Publication Date: 12/01/2017. Citations: R309-300-1 (amended); R309-300-2 (amended); R309-300-3 (amended); R309-300-4 (amended); R309-300-5 (amended); R309-300-6 (amended); R309-300-7 (amended); R309-300-8 (amended); R309-300-9 (amended); R309-300-10 (amended); R309-300-11 (amended); R309-300-12 (amended); R309-300-13 (amended); R309-300-14 (amended); R309-300-15 (amended); R309-300-16 (amended); R309-300-17 (amended); R309-300-18 (amended); R309-300-19 (amended)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Wed 12/6/2017 10:42:52 PM
Subject: Republicans divided over taking up tax extenders this year

By Brian Faler

12/06/2017 05:40 PM EDT

Republican leaders are divided over whether to take up a second tax-cut bill this year.

Senate Republicans want to move legislation reviving a rump group of tax "extenders," separate from their more sweeping plan to rewrite the code.

But the House's top tax writer isn't so sure.

"I don't like the extenders," said House Ways and Means Chairman Kevin Brady (R-Texas). "It's horrible policy and process."

"No decision yet," he added, saying lawmakers need to talk it over.

His comments came after Sen. John Thune, the chamber's No. 3 Republican, said today lawmakers will revive biodiesel, geothermal and other energy-related breaks along with other "cats and dogs," including a tax credit to maintain short-line railroads.

Thirty-four temporary tax provisions expired at the end of last year, including 16 energy ones, and lawmakers are now facing demands to revive them. Some want to attach the provisions to funding legislation needed to keep the government open H.J. Res. 123 (115).

Many Republicans had sworn off the "extender" ritual after a 2015 tax agreement made many of the breaks permanent while giving others what lawmakers said was one final extension — which, for some, ended last year.

Putting together an extender bill, even as lawmakers negotiate a final compromise on their tax-overhaul plans, is likely to test tax writers' bandwidth.

To view online:
https://www.politicopro.com/tax/whiteboard/2017/12/republicans-divided-over-taking-up-tax-extenders-this-year-210416

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This email was sent to jackson.ryan@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA.com
Sent: Wed 12/6/2017 11:50:14 AM
Subject: The Morning Headlines from InsideEPA.com -- December 6, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

December 6, 2017

Latest News

EPA Enforcement Letter May Signal Weaker Oversight Of States' Programs

Former EPA employees fear that a recent Region 7 letter to Missouri saying agency officials will reduce oversight of the state's enforcement efforts could signal a broader administration push to weaken oversight of states with delegated authority on environmental programs, including enforcement and reviews of state-issued federal permits.

EPA Claims Broad Discretion To Reject Suits Targeting State NPDES Powers

EPA is defending its decision to work with Alabama on improving the state's Clean Water Act (CWA) permitting program rather than revoking the state's authority to issue discharge permits as environmentalists had sought, arguing the CWA provides broad discretion in how to respond to such petitions and that requiring automatic withdrawal proceedings is contrary to cooperative federalism.

API Touts Voluntary Methane Reduction Effort But Hedges On EPA Rules

The oil and gas sector's main trade association, the American Petroleum Institute (API), is touting its new voluntary program for members to reduce emissions of the potent greenhouse gas methane from onshore production facilities, though officials are hedging on the role of EPA rules on the issue, which the Trump administration is seeking to roll back.

District Court Rejects Refiner's Suit Aiming To Shift RFS 'Obligation' Point

A federal district court in Texas has rejected refiner Valero's suit aiming to force EPA to shift the renewable fuel standard's (RFS) “point of obligation” compliance mandate from refiners to fuel blenders, saying the court cannot compel the agency to assess the change by a “date certain” -- a decision other courts weighing similar suits might adopt.

Staff Urge Changes To Risk Assessment Division In OPPT Reorganization

Staff in EPA's toxics office, which senior officials are reorganizing to better implement

the reformed Toxic Substances Control Act (TSCA), are urging managers to also reorganize the Risk Assessment Division (RAD) as part of the effort, saying any failure to tap the RAD for overhaul would hobble TSCA implementation.

Daily Feed

AAPCA's Woods joins EPA as air office deputy

Clint Woods will leave the state air group to join EPA as a deputy to air chief William Wehrum.

Environmentalists' ELG suit transferred to Trump judge

The decision to transfer the case to a newly confirmed district judge could potentially delay a ruling on whether to dismiss environmentalists' lawsuit.

FOIA suits seek Pruitt's schedule, speeches

Environmentalists and the *New York Times* file separate suits seeking information about Pruitt's meetings and his speeches.

POTWs urge high court to enforce CWA 'blending' ruling

The Wet Weather Partnership says EPA has effectively ignored an appellate ruling that barred it from banning wastewater “blending” through Clean Water Act permits.

Ewire: API launches voluntary methane reduction program

In today's Ewire: Nearly all member companies with onshore operations are set to join the American Petroleum Institute's voluntary methane program. Plus: DOJ courts climate scientists.

Environmentalists' suit aims to compel ozone designations

Environmentalists are seeking to force EPA to issue all ozone area designations for its 2015 standard, ahead of likely similar suits from states.

ALEC slated to vote on divisive measure urging EPA to scrap GHG finding

The group of conservative state legislators is facing an internal “civil war” over the draft resolution, which is backed by hard-line conservatives even as some industry groups shy away from it.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Ex. 6 - Personal Privacy
From: Coleman, Sam
Sent: Mon 12/4/2017 3:33:43 PM
Subject: Re: introductions

Thanks Ryan.
Anne,
My contact, including cell is included below. I can be available anytime.

Samuel Coleman, P. E.,
Deputy Regional Administrator

214.665.2100 Ofc
214.665. 3110 Desk
214.665.2016 Cell

Coleman.sam@epa.gov

Sent from my iPhone

On Dec 4, 2017, at 9:18 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

> I wanted to make introductions for you two in a new capacity. Sam, per telephone conversation, Anne will be joining us as early as 12/18 as the new RA for Region 6. I anticipate OPM will complete her paperwork today and PPO has already approved.
>
> I wanted to get you both together to prepare for the transition because there's a lot of changes ahead for Region 6 and wanted Anne to get read into that soon.
>
> Thank you both
>
> Ryan.

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

(202) 564-6999

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Wed 12/6/2017 10:39:29 PM
Subject: Today on Climate Beat

December 6, 2017

Today on Climate Beat . . .

. . . we headed West, where EPA says it will host three additional public hearings on its proposal to repeal the Obama-era Clean Power Plan greenhouse gas rule, with the events to be held in San Francisco, Gillette, WY, and Kansas City, MO.

In Congress, seven Democratic senators are urging the Government Accountability Office to analyze several aspects of the Obama-era social cost of carbon metric for estimating climate change-related damages, arguing the review is necessary because the Trump administration has directed agencies not to use the tool when crafting climate rules.

Speaking of Congress, two House Energy & Commerce subcommittees are planning a joint hearing next week on vehicle fuel economy and greenhouse gas standards, a forum likely to showcase auto industry calls to relax EPA's GHG standards and also highlight pending legislation to "harmonize" the EPA and Department of Transportation (DOT) vehicle programs.

Staying in that committee, EPA's Inspector General is agreeing with a call by Rep. Frank Pallone (D-NJ), the top Democrat the energy panel, to launch an investigation into an April meeting in which EPA Administrator Scott Pruitt visited the National Mining Association and reportedly urged the group to support withdrawing from the Paris climate deal.

And our daily news roundup looked at a brewing showdown over a pending American Legislative Exchange Council resolution urging EPA to scrap its greenhouse gas endangerment finding, including news that ExxonMobil is opposing the measure.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Wed 12/6/2017 11:33:40 AM
Subject: POLITICO Playbook, presented by PhRMA: WILDFIRES RAVAGE California -- POPE urges Trump to keep status quo in Israel, as REX gets a chilly reception in Europe -- THREE DAYS UNTIL GOV'T SHUTDOWN -- Holes in Trump's political operation -- B'DAY: Don Nickles

View online version | Add politicoplaybook@politico.com to your address book.

Today's POLITICO Playbook presented by PhRMA

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

Listen to today's Audio Briefing | Subscribe on Apple Podcasts | Visit the online home of Playbook

Driving the Day

JUST POSTED -- AP'S JOSH LEDERMAN: "Doctors identify brain abnormalities in Cuba attack patients": "Doctors treating the U.S. Embassy victims of mysterious, invisible attacks in Cuba have discovered brain abnormalities as they search for clues to explain the hearing, vision, balance and memory damage, The Associated Press has learned.

"It's the most specific finding to date about physical damage, showing that whatever it was that harmed the Americans, it led to perceptible changes in their brains. The finding is also one of several factors fueling growing skepticism that some kind of sonic weapon was involved." http://bit.ly/2Ay35S2

Good Wednesday morning. REMEMBER: The government shuts down Friday. Neither chamber of Congress will have a government funding bill on the floor today -- the House delayed its funding vote until Thursday. Congressional leaders go to the White House tomorrow. Rep. Al Green, Democrat from Texas, says he will force a vote on impeaching **PRESIDENT DONALD TRUMP** today. Watch that vote. It could be a tough one for some Democrats. House Republicans are expected to be united in opposition.

-- STEVEN SHEPARD, with the latest POLITICO/Morning Consult poll: "Sixty-three percent say members of Congress should should avoid a shutdown at all costs. Only 18 percent of voters surveyed say members should allow a temporary government shutdown if it helps them achieve their policy goals. The remaining 19 percent of voters are undecided." http://politi.co/2knFs8r

IN CALIFORNIA -- "Ventura County wildfire rages over 50,000 acres, reaches

Pacific Ocean as it jumps 101 Freeway," by L.A. Times' Ruben Vives, Laura Nelson, Sarah Parvini, Matt Hamilton and Sonali Kohli: "The destructive Thomas fire finally met a fire line it could not jump: the Pacific Ocean. The fast-moving, wind-driven wildfire continued to rage through the city of Ventura on Tuesday evening, jumping Highway 33 and burning through oil fields before crossing the 101 Freeway into Solimar Beach, authorities said.

"The blaze has consumed 50,500 acres on its journey to the ocean. The 101 remains open, but authorities warned drivers to be cautious traveling through the area. Thousands of homes were still threatened by flames, 27,000 people were forced to flee, a firefighter was injured and Gov. Jerry Brown declared a state of emergency, as some 1,100 personnel continued to battle the blaze." http://bit.ly/2BKEOWS

HAPPENING TODAY -- "Trump to recognize Jerusalem as Israel's capital," by Nahal Toosi and Andrew Restuccia: "President Donald Trump will announce Wednesday that the United States recognizes Jerusalem as the capital of Israel and will eventually relocate its embassy there - a declaration that could spur violent protests in the Middle East and undermine the White House's effort to strike a peace deal between Israel and the Palestinians.

"Trump is making the announcement despite criticism from numerous U.S. allies, including France, Jordan and Saudi Arabia, which have urged him to avoid the extremely sensitive topic. The president is still open to the possibility of a two-state solution, and he understands that the final borders of Israel and a future Palestinian state remain subject to negotiations, senior administration officials told reporters Tuesday. Trump will also not declare that Jerusalem must be the 'undivided' capital of Israel, an official told POLITICO." http://politi.co/2jW1FGJ

-- SPOTTED at the Israeli Embassy Hanukkah party last night: Jason Greenblatt, Trump's Middle East negotiator.

-- NYT'S GARDINER HARRIS in **BRUSSELS:** "Secretary of State Rex W. Tillerson's reception in Brussels was distinctly chilly, as disappointment among European diplomats in President Trump's nationalistic tone and insulting messages on Twitter built into quiet fury on the eve of an expected announcement that the United States would recognize Jerusalem as the capital of Israel. Such a move could infuriate the Palestinians, who want East Jerusalem to be their capital in a future Palestinian state. ... 'We believe that any action that would undermine these efforts must absolutely be avoided,' said Federica Mogherini, the European Union's top diplomat. 'A way must be found through negotiations to resolve the status of Jerusalem as a future capital of both states.' ...

"Mr. Tillerson's spokesman, R.C. Hammond, acknowledged the less-than-warm reception. 'Allies have been very frank today in sharing some of their views,' Mr. Hammond said." http://nyti.ms/2AAcbM1

DISSENT -- "VATICAN CITY (AP) - Pope Francis urges status quo for Jerusalem, calls for 'wisdom and prudence' to avoid further conflict." ... **BARAK RAVID (@BarakRavid):** "Chinese foreign ministry: We are concerned by Trump's intention to recognize Jerusalem as the capital of Israel. This decision might lead to an escalation" ... "French president Macron called Jordan King Abdullah to discuss Trump's upcoming speech on Jerusalem. The king told Macron Trump's will have dangerous consequences of security and stability in the region".

-- GLOBE AND MAIL's Michelle Zilio in Ottawa: "A government official told The Globe and Mail on Tuesday that Canada will keep its embassy in Tel Aviv. The official also said Canada still does not recognize Jerusalem as Israel's capital city, despite reports Mr. Trump will declare the U.S. does during a speech on Wednesday." https://tgam.ca/2is7tHJ

-- U.S. AND PHILIPPINES ON THE SAME PAGE: @DanWilliams: "Philippine President Rodrigo Duterte tells Israel he's interested in moving his country's embassy to Jerusalem - @ReshetBet".

-- REUTERS: "Palestinian envoy says U.S. recognition of Jerusalem is 'declaring war'": "'If he says what he is intending to say about Jerusalem being the capital of Israel, it means a kiss of death to the two state solution,' Manuel Hassassian said in a BBC radio interview. 'He is declaring war in the Middle East, he is declaring war against 1.5 billion Muslims (and) hundreds of millions of Christians that are not going to accept the holy shrines to be totally under the hegemony of Israel' Hassassian added." http://reut.rs/2B4tZBY

-- @KhaledAbuToameh: "HAMAS declares Friday a DAY OF RAGE to protest Trump's intention to move US embassy to Jerusalem and calls for confrontations with Israel after Friday prayers."

SHOT -- @joshledermanAP: "Here in Brussels, British Foreign Minister Boris Johnson just called on Trump administration to offer a Mideast peace plan quickly following Trump's #Jerusalem move".

CHASER -- Senior Trump administration official: "The President will reiterate how committed he is to peace. While we understand how some parties might react, we are still working on our plan which is not yet ready. We have time to get it right and see how people feel after this news is processed over the next period of time."

SHELDON ADELSON'S PAPER -- ISRAEL HAYOM FRONT PAGE: "The eyes are on Jerusalem" -- ***Front page, with photo of Trump at the Wailing Wall*** http://bit.ly/2jYPwAZ

TRUMP'S WEDNESDAY -- An 11:30 a.m. cabinet meeting, followed by a 1 p.m. statement on Jerusalem.

AROUND THE TAX HORN ... "'Holy crap': Experts find tax plan riddled with glitches," by Brian Faler: "Republicans' tax-rewrite plans are riddled with bugs, loopholes and other potential problems that could plague lawmakers long after their legislation is signed into law. Some of the provisions could be easily gamed, tax lawyers say. Their plans to cut taxes on 'pass-through' businesses in particular could open broad avenues for tax avoidance.

"Others would have unintended results, like a last-minute decision by the Senate to keep the alternative minimum tax, which was designed to make sure wealthy people and corporations don't escape taxes altogether. For many businesses, that would nullify the value of a hugely popular break for research and development expenses. Some provisions are so vaguely written they leave experts scratching their heads, like a proposal to begin taxing the investment earnings of rich private universities' endowments." http://politi.co/2Ax1ax1

-- "Trump pressuring congressional Republicans to speed up on tax reform," by Nancy Cook and Aaron Lorenzo: "'We want it to proceed as quickly as possible, and we've communicated that to the Hill in a lot of ways,' said Marc Short, White House director of legislative affairs. 'There are not a lot of outstanding issues remaining, and we're not looking to open up Pandora's box.'" http://politi.co/2AcMsw7

THE HOUSE AND SENATE TAX BILLS handle nearly every single issue in a different way. There actually are a lot of outstanding issues remaining. The issues appear to be solvable, according to sources involved in the talks.

-- "California Republicans Push to Preserve Income-Tax Deduction," by WSJ's Rich Rubin and Siobhan Hughes: "Though the House and Senate have voted to repeal the deduction for state income taxes in Republican tax overhaul plans, it isn't dead yet. California Republicans are pushing for an income-tax deduction in the final tax bill being worked out by lawmakers in a House-Senate conference committee on tax legislation. ... California Republicans would like the $10,000 cap to be higher. And they want at a minimum to let taxpayers deduct $10,000 against either property or income taxes, said Rep. Mimi Walters (R-Calif.)." http://on.wsj.com/2k15F9g

-- "Tax Plan Crowns a Big Winner: Trump's Industry," by NYT's Patricia Cohen and Jesse Drucker: http://nyti.ms/2AyTo3r

****** **A message from PhRMA** : A medicine's path from the biopharmaceutical company to the patient involves many entities across the supply chain. A new report examines how money flows through this system - which includes wholesalers, pharmacy benefit managers, pharmacies and insurers - and how that impacts what patients pay at the pharmacy. Read more. http://onphr.ma/2kgd6Nu ******

UP NEXT! ... -- "After Push on Taxes, Republicans Line Up Welfare Revamp Next: Trump and GOP lawmakers ready to kick off fight to overhaul social programs," by WSJ's Louise Radnofsky: "The president didn't offer specifics about which of the dozens

of welfare programs he was seeking to change, or how. But congressional Republicans who have been pushing him for months to pursue the issue have proposed layering tougher work requirements on beneficiaries of programs such as food stamps, which are used by around 43 million Americans, and the cash benefit known as Temporary Assistance for Needy Families, which is received by around 3.5 million people. ...

"A spokesman for Mr. Ryan said the goals for 2018 would be set at a conference retreat in January. But Mr. Jordan, a head of the conservative House Freedom Caucus who often has the ear of the president, has argued in recent weeks that the issue is one of the most winning ones with Mr. Trump's voters and should take center stage next year." http://on.wsj.com/2nxdMzn

-- "Food stamp changes may usher in welfare reform push," by Helena Bottemiller Evich: "USDA signaled on Tuesday plans to give states greater flexibility over how they administer food stamps, potentially opening the door to stricter work requirements or drug testing on recipients. The announcement comes as Wisconsin Gov. Scott Walker announced that he would move ahead with drug testing on able-bodied adults applying for food stamps, something the Obama administration had successfully blocked in the past. The Trump administration is also expected to announced that it would allow states to impose work requirements for Medicaid recipients - moves that anti-poverty advocates see as an assault on the safety net for vulnerable Americans." http://politi.co/2nx5HK

-- BEHIND THE SCENES, there is a lot of trepidation about taking up a massive entitlement overhaul within months of a midterm election that could be bruising for the Republican Party, especially in the House. Welfare reform is something that could deeply divide House Republicans.

NYT'S JONATHAN MARTIN and **MAGGIE HABERMAN: "Trump's Endorsement of Roy Moore Points Up a G.O.P. Problem: Chaos":** "In a departure from every modern White House, Mr. Trump himself largely dictates whom to back and how to support his preferred candidates. Even before tensions between the president and Senate Republicans flared back up over Mr. Moore's candidacy, there was little regular communication between West Wing officials and Republicans overseeing the 2018 races, Republicans say.

"The scheduled meetings between the White House, the Republican National Committee and the House and Senate campaign committees stopped months ago. Congressional officials find it difficult to get presidential signoffs for even small requests like using Mr. Trump's name in direct-mail appeals, according to party officials. And less than a month until the election year begins, he has not scheduled a single fund-raiser for a candidate running for the House, Senate or governor. ...

"Yet the president does not completely understand his role as a principal, Republicans say, and his political operation does not have enough sway with him to make him fully grasp that he is the leader of the Republican Party. For example, he is

still telling his friends who attend high-dollar committee fund-raisers that they do not need to pay, the sort of favoritism that can create endless headaches for staff." http://nyti.ms/2BEzZh2

-- "The RNC's Silent Decision To Back Roy Moore Again - And How It Upset Everyone," by BuzzFeed's Henry J. Gomez and Alexis Levinson: "The [RNC's] renewed support for Roy Moore comes with a peculiar caveat: No one at the RNC is actually defending the decision publicly. The news broke late Monday, via Breitbart, the far-right website that never wavered in its support for Moore, even after accusations that the Alabama Senate candidate dated teenage girls as an adult and made sexual advances on a minor. Moore denies the allegations. RNC officials subsequently confirmed the move to BuzzFeed News and others on the condition that they not be identified in the stories.

"On Tuesday -- as the national party took a beating for the decision -- including from many fellow Republicans, the RNC remained silent. Several RNC committee members acknowledged frustrations but would not speak on the record. Senior party leaders punted questions to spokespersons who declined to comment. 'Oh man,' said a source close to the RNC. 'It's embarrassing.'" http://bzfd.it/2knuDDl

-- "Bannon welcomes Moore back to the GOP fold at Alabama rally," by Kevin Robillard in Fairhope, Alabama: "Roy Moore is fully back in the Republican fold, and Steve Bannon was here to greet him. Moore, the GOP Senate candidate to replace Attorney General Jeff Sessions, has faced multiple accusations of predatory sexual behavior aimed at young women and girls. (Moore has denied the allegations.) The NRSC, RNC and a slew of elected officials pulled their support.

"Bannon held firm, and now President Donald Trump, the RNC and the GOP base are all back with the twice-ousted former Chief Justice of the Alabama Supreme Court. At a rally here in a barn at Oak Hollow Farm, in an affluent suburb on the eastern shore of the Mobile Bay, Bannon, Moore and a host of other staunch backers of the president took turns taking shots at the media, the GOP establishment, and Moore's Democratic opponent, former U.S. Attorney Doug Jones. The rally here was a replay of a rally Bannon and a host of other conservative figures held for Moore on the eve of the September runoff." http://politi.co/2knvJyX

COMING ATTRACTIONS -- "Congress to Grill Trump's Data Guru and His Longtime Assistant," by The Daily Beast's Betsy Woodruff: "Alexander Nix, the data guru who offered to help Julian Assange distribute Hillary Clinton's emails, is scheduled to testify before the House intelligence committee on Dec. 14, according to a source familiar with the committee's interview schedule. The committee is also scheduled to interview Rhona Graff, Trump's longtime personal assistant, on Dec. 22. Rob Goldstone-the music publicist who helped arrange the notorious June 2016 Trump Tower meeting between Jared Kushner, Paul Manafort, Donald Trump Jr., and Kremlin-linked Russian operatives-offered to send information on the meeting to Trump himself through Graff." http://thebea.st/2Aww8W7

-- "Donald Trump Jr. asked Russian lawyer for info on Clinton Foundation," by NBC News' Ken Dilanian and Natasha Lebedeva: "Donald Trump Jr. asked a Russian lawyer at the June 2016 Trump Tower meeting whether she had evidence of illegal donations to the Clinton Foundation, the lawyer told the Senate Judiciary Committee in answers to written questions obtained exclusively by NBC News.

"The lawyer, Natalia Veselnitskaya, told the committee that she didn't have any such evidence, and that she believes Trump misunderstood the nature of the meeting after receiving emails from a music promoter promising incriminating information on Hillary Clinton, Donald Trump's Democratic opponent. Once it became apparent that she did not have meaningful information about Clinton, Trump seemed to lose interest, Veselnitskaya said, and the meeting petered out." http://nbcnews.to/2krExnm

-- JOSH MEYER: "Investigators probe European travel of Trump associates": "Several people close to then-candidate Trump visited Europe during and after the campaign, including his son Donald Trump Jr., Trump lawyer Michael Cohen and foreign policy advisers Carter Page, George Papadopoulos and Jeffrey Gordon. Their known destinations include London, Paris, Budapest and Athens. But their explanations of those trips have not always been forthcoming, and some congressional investigators find their stories suspect." http://politi.co/2jkgEuy

THE JUICE...

-- DANIELLE BURR of Peck Madigan Jones is joining Uber as its new head of federal affairs.

--HOT TICKET -- STEVE BANNON, NEWT GINGRICH, LAWRENCE KADISH and **ED ROGERS** are hosting a book launch party for Corey Lewandowski and Dave Bossie's new book "Let Trump Be Trump" tomorrow night from 6 to 8 p.m. at the Trump hotel. ***See the invite*** http://politi.co/2irQ2aa

--PLAYBOOK HOLIDAY PARTY GUIDE -- Tonight: The Hoover Institution is hosting is annual holiday party titled "A Winter Wonderland" at its D.C. office. ... **Tomorrow:** The U.S. Chamber of Commerce has its annual holiday reception at its HQ. ... CBS is having its annual holiday press party at Black Rock in NYC. ... The Economist is hosting a party to celebrate the publication of "The World in 2018" at Delicatessen in Soho in NYC. ... Sonoran Policy Group has a holiday party at the rooftop of the Graham in Georgetown. ...

... Saturday: Sara and Ron Bonjean will host their annual massive party this year titled "T'Was the 16th Night Before Christmas Party" at their home in Alexandria. ... **Sunday:** Lynne Weil and Nils Bruzelius have their annual Glogg party at their house on Capitol Hill.

YOU'RE INVITED -- Our first live podcast taping is **TOMORROW** night at 7 p.m. at

Sixth and I. Our inaugural guests: **MICHAEL BARBARO,** host of the New York Times' hit podcast "The Daily," **DCCC EXECUTIVE DIRECTOR DAN SENA** and **NRCC EXECUTIVE DIRECTOR JOHN ROGERS.** And a panel of **POLITICO** stars: **RACHAEL BADE, SEUNG MIN KIM a**nd **ANNIE KARNI**. Get your tickets now! http://bit.ly/2hWK7tF

Playbook Reads

PHOTO DU JOUR: Former President Barack Obama shares a laugh with Chicago Mayor Rahm Emanuel after Emanuel introduced Obama at a summit on climate change involving mayors from around the globe On Dec. 5 in Chicago. | Charles Rex Arbogast/AP Photo

CLICKER - "READ: The Op-Ed Manafort Is Accused Of Ghostwriting With A Russian Asset" - TPM: http://bit.ly/2jY5QCc

THE RESISTANCE -- "Consumer Bureau's New Leader Steers a Sudden Reversal," by NYT's Jessica Silver-Greenberg and Stacy Cowley: "Some employees, including a few of the bureau's top officials, have welcomed their new leader. Others, pointing to [Mick] Mulvaney's earlier hostility toward the agency and its mission, are quietly resisting. One small group calls itself 'Dumbledore's Army,' according to two of the people who were familiar with their discussions. The name is a reference to a secret resistance force in the 'Harry Potter' books. An atmosphere of intense anxiety has taken hold, several employees said. In some cases, conversations between staff that used to take place by phone or text now happen almost exclusively in person or through encrypted messaging apps." http://nyti.ms/2zQKAEV

BIG WEINSTEIN PIECE -- NYT'S MEGAN TWOHEY, JODI KANTOR, SUSAN DOMINUS, JIM RUTENBERG and **STEVE EDER: "Weinstein's Complicity Machine:** The producer Harvey Weinstein relied on powerful relationships across industries to provide him with cover as accusations of sexual misconduct piled up for decades": "A master of leverage, Mr. Weinstein parlayed his films into relationships across the worlds of entertainment, politics, publishing and beyond, achieving a stature that at times proved useful in intimidating others and protecting himself. 'I know the president of the United States. Who do you know?' Mr. Weinstein, a Democratic fund-raiser, would say during the years Barack Obama was in the White House, adding expletives. 'I'm Harvey Weinstein,' he used to say. 'You know what I can do.'

"In late September, emails show, he was discussing a documentary television show he was working on with Hillary Clinton. He had long raised campaign cash for her, and her feminist credentials helped burnish his image -- even though Tina Brown, the magazine editor, and Lena Dunham, the writer and actress, each say they had cautioned Mrs. Clinton's aides about his treatment of women. Now, Mr. Weinstein

exchanged questions about distribution rights for the show. 'I am hopeful we can get a good price for this,' Robert Barnett, Mrs. Clinton's lawyer, replied. ...

"In 2016, Lena Dunham, the writer and actress, said she was troubled by the producer's visible presence during Mrs. Clinton's presidential run, hosting fund-raisers and appearing at campaign events. She had heard stories, both directly and secondhand from other actresses, about disturbing encounters with him, she said. So in March last year, Ms. Dunham, a vocal Clinton supporter, said she warned the campaign." http://nyti.ms/2AwCrsD

LISTEN IN -- Anna talks with Centrolina chef Amy Brandwein in the latest Women Rule podcast. ***Listen*** http://bit.ly/2irRyJo

****** **A message from PhRMA** : A medicine's path from the biopharmaceutical company to the patient involves many entities across the supply chain. A new report examines how money flows through this system - which includes wholesalers, pharmacy benefit managers, pharmacies and insurers - and how that impacts what patients pay at the pharmacy. Read more. http://onphr.ma/2kgd6Nu ******

MEDIAWATCH -- "Behind the Murdochs' Sale Talks: Scale, Price and Family Dynamics," by WSJ's Amol Sharma, Joe Flint and Keach Hagey: "[T]he power-sharing arrangement instituted by Mr. Murdoch, 86 years old, in 2015 with the elevation of his sons, James and Lachlan, has faced stresses. The power-sharing setup made James Murdoch, 44, the chief executive of 21st Century Fox. Lachlan Murdoch, 46, is co-executive chairman of the company alongside his father and is viewed as the first among equals. At times, James has felt like a CEO in title only, according to some people who know him. These people say James was never keen about the setup, is ready for a new chapter in his career and has sometimes been on a different page from his father and brother. Despite having stepped down as CEO, the elder Mr. Murdoch has deepened his involvement in Fox, partly because he took the helm at Fox News last year to stabilize the network in the wake of a sexual-harassment scandal." http://on.wsj.com/2AWxA4l

-- SCOOPLET -- FOREIGN POLICY MAGAZINE was planning on including **SEN. AL FRANKEN** (D-Minn.) on its annual "Global Thinkers" list that was released this week. But they took him off the list when the sexual harassment allegations surfaced. A magazine spokeswoman told us: "[W]e were planning to make him an awardee but removed him from the list when we heard of his inappropriate behavior." Franken's office did not reply to a request for comment. ***The list*** http://atfp.co/2AyyBNA

Playbookers

SPOTTED: House Minority Leader Nancy Pelosi having dinner last night at Tosca with her husband Paul ... Susan Rice dining last night at La Piquette ... Sean Spicer walking

off a plane at DCA at 8:35 Tuesday evening, "wearing a sporty vest, earbuds in," per our tipster.

HOLIDAY PARTY CIRCUIT -- SPOTTED at the French Embassy's annual holiday gala at Ambassador Gérard Araud's residence in Kalorama: Justice and Mrs. Stephen Breyer, Sens. Chris Coons (D-Del.), Sheldon Whitehouse (D-R.I.), Mark Warner (D-Va.), and Gary Peters (D-Mich.), Rep. Ted Deutch (D-Fla.), Rep. Debbie Dingell (D-Mich.), Kathleen Kennedy Townsend, Tammy Haddad, Michael LaRosa, Phil Rucker, Jesse Rodriguez, Ryan Williams, Susan Glasser, Kevin Baron, Virginia Coyne, Eric Fanning, Neera Tanden, Wolf Blitzer, Jim Lehrer, Christine Lagarde, Vinoda Basnayake, Andrea Mitchell, Indira Lakshmanan, Ashley and Ben Chang, Suzanne Kianpour, David Sanger, Francesca Craig, Rima Al Sabah, Amb. Kim Darroch, Bob Barnett and Rita Braver, Amb. Dina Kawar, Fred and Ginny Ryan, Kristen Soltis Anderson, Elizabeth Thorp, Kathleen Biden, Steve Clemons, Paula Dobriansky, Ben Rhodes and Ann Norris, Jonathan Silver and Melissa Moss.

SPOTTED at Microsoft's annual Holiday Open House at the Microsoft Innovation & Policy Center on Tuesday night: Victoria Espinel, Mike Gallagher, Nuala O'Connor, Tammy Haddad, Dr. Bruce Gellin, Fred Humphries, Sen. Maria Cantwell (D-Wash.), Reps. Jim Himes (D-Conn.), Lacy Clay (D-Mo.), Debbie Wasserman Schultz (D-Fla.), Anthony Brown (D-Md.), Ruben Gallego (D-Ariz.), Lou Correa (D-Calif.), Suzan Delbene (D-Wash.), Frank Pallone (D-N.J.), Raja Krishnamoorthi (D-Ill.), Peter Welch (D-Vt.), Jerry McNerney (D-Calif.), Hakeem Jeffries (D-N.Y.), Sheila Jackson Lee (D-Texas), and Rick Larsen (D-Wash.).

TRANSITIONS -- **Tim Cameron** and **Kegan Beran** are launching a media strategy firm focused on helping Republicans with their paid media and digital efforts. Cameron previously served as the top digital strategist for the NRSC, former Speaker Newt Gingrich, and House Republican Conference Chair Cathy McMorris Rodgers. Beran previously served as president of Strategic Media Placement where he advised clients including Mike Pence, John Kasich, NRSC, Sens. John Boozman (R-Ark.), Rand Paul (R-Ky.), and Steve Daines (R-Mont.).

BIRTHWEEK (was Monday): former Transportation Secretary Mary Peters turned 69.

BIRTHDAYS OF THE DAY: former Sen. **Don Nickles** (R-Okla.), now chairman and CEO of the Nickles Group. He's celebrating by "having lunch with kids at Nobu ... dinner with spouse at Chez Francois." **His assessment of how the Trump presidency is going:** "His tweets are undermining the office ... and his chances of success." **Read his Playbook Plus Q&A:** http://politi.co/2B62Dv9

--Julian E. Zelizer, professor of history and public affairs at Princeton and a CNN political analyst. **How he got his start in his career:** "My academic career started when I finished my Ph.D. at Johns Hopkins University writing a dissertation about Wilbur Mills -- the congressman who wrote Medicare but was more famous for dipping into the Tidal Basin with an Argentine stripper named Fanne Fox. Early on, I also caught the

journalism bug. I earned my chops by appearing on the local CBS morning news show in upstate New York (once the hosts were dressed in Survivor costumes) and talking with callers about the NFL on the local ESPN radio as 'the professor.'" **Q&A:** http://politi.co/2kmVsHM

BIRTHDAYS: N.Y. Gov. Andrew Cuomo is 6-0 ... former Transportation Secretary Ray LaHood is 72 (hat tip: Jill Zuckman) ... National Law Journal's Cogan Schneier (h/t roommate and former colleague Eliza Collins) ... Dave Lugar ... Shareblue Media's Eric Boehlert ... Craigslist's Craig Newmark is 65 ... Hugo Gurdon, editorial director at the Washington Examiner ... Maia Johnson ... Mike Scotto ... Meg Reilly ... Angelica Annino, director of scheduling for Sen. Michael Bennet (h/t fiancé Joe Walsh) ... Rep Mia Love (R-Utah) is 42 ... WashTimes' Maria Stainer ... Mike Johnson ... Mike Netherton ... Nickie Titus ... ABC7 alum Cynné Simpson ... Bruno Florio ... Dana Brisbane of Twitter ... John Dogero ... Boehner alum Bill Greene ... Trav Robertson ... Amb. Nancy Brinker ... Edelman's Brendan Daley ...

... Roy Milan Schultheis, COS for Rep. Curbelo (h/t fiancée Ruth Guerra) ... Dan Levitan of BerlinRosen ... WSJ's Sara Germano ... Michael Greenstone, economics professor at University of Chicago ... Francis Brennan, the co-founder of the NTK Network and an alum of Mitt Romney, the Free Beacon and America Rising, is 28 (h/t Colin Reed) ... Evelyn Chang of the Open Society Foundations and a DNC alum (h/t Jonathan Kaplan) ... Bennett Roth ... Rouben Gregorian (h/t Nika Nour) ... Peg Bailey ... Amy Call Well of Ernst & Young ... CNN aviation editor Jon Ostrower ... Jack Gocke ... Smyth Fleming ... VOA's Jamie Dettmer ... Amy Well ... Oliver Willis ... Julianne Prok ... Ryan Sellinger ... Emily Barocas Carruth ... Lisa Antonelli Bacon ... Jeff Parcher ... Michael Johnson ... Jack Gocke ... Greg Butler is 6-0 ... Anne Crosson McMenamin ... Erin Rapp ... Kimberlin Love ... Gina Acosta ... Casey Fitzpatrick ... Luke Letlow ... Jerad Reimers ... Glenn Rushing ... Sera Alptekin ... JoAnna Richard ... Jeff Mayers ... Tim Brown ... JD Stier (h/ts Teresa Vilmain)

****** **A message from PhRMA** : In the competitive marketplace for medicines, negotiations between pharmacy benefit managers (PBMs) and biopharmaceutical companies result in substantial rebates and fees. According to a new report, in many cases, this system often creates incentives for PBMs to prefer medicines with higher list prices and higher rebates. Read more about how money flows through the supply chain here: http://onphr.ma/2kgd6Nu ******

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Is Trump Planning to Distract from His Tax Bill by Causing a Government Shutdown?

By Tom Jawetz, Sam Berger, and Miguel Rodriguez

In the early morning hours of Saturday, December 2, Senate leadership rammed through its tax bill, the final version of which had been drafted just a few hours earlier, on a party-line vote. The bill was a plutocrat's dream: massive tax cuts for the wealthy and corporations paid for by increases in middle-class taxes and cuts to middle-class health care. As his base realizes just how bad this bill is for them, Trump's already low approval ratings are likely to crater even further. **President Trump's response to this issue is apparently to try to change the conversation, and he may have settled on forcing a funding showdown as his best option.**

His latest plan appears to be to precipitate a shutdown fight by violating the deal he struck to address the problems caused by ending the Deferred Action for Childhood Arrivals (DACA) program. Due to Trump's reckless cancellation of DACA, nearly 800,000 young people who have lived in the United States since childhood soon will be at risk of detention and deportation. As Trump plays fast and loose with causing a government shutdown, it's important that Congress stand strong and hold the president to his promises.

Read more »

Related news from our partner, CAP Action: **Trump Is Driving the Country Toward the Shutdown He Always Wanted**

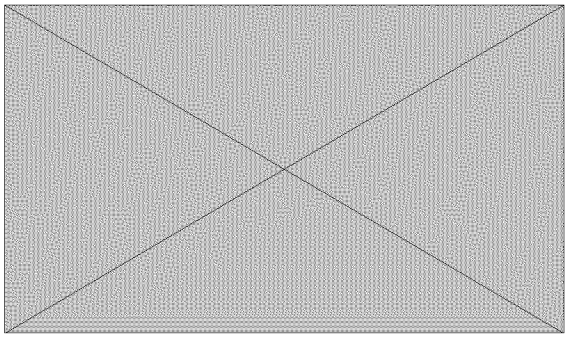
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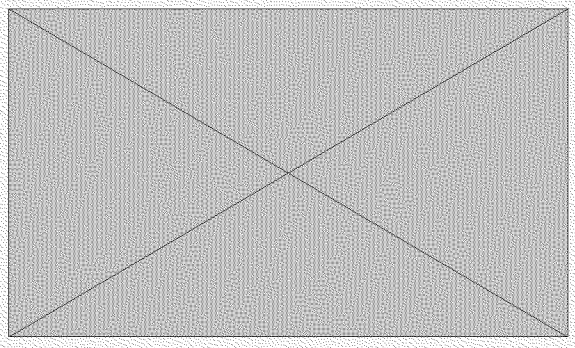


Twenty20

How hot air hurts school reform

Frederick M. Hess | Education Next

Usually, we claim to have little use for people who are all talk. We mock second-guessers and those Monday-morning quarterbacks who tell others what they should have done. We as a society are impressed by people who create or rebuild things. Whether talking about fixing a car or teaching algebra, what matters is taking responsibility for a task and then doing it well. Unfortunately, Rick Hess fears education reform is more and more the province of talkers and second-guessers.

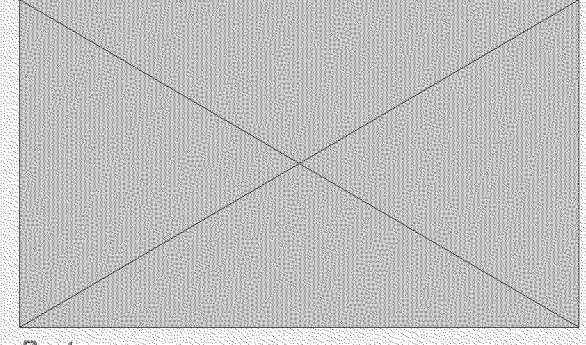


Reuters

After Saleh, what's next for Yemen?

Maher Farrukh and Katherine Zimmerman | Critical Threats

Ali Abdullah Saleh's death is a turning point for Yemen's civil war. Saleh was one of the most powerful figures in Yemen, and his influence permeated Yemeni institutions. It will certainly lead to the fragmentation of the alliance between Saleh's network and the Iranian-backed al Houthi movement. It will likely generate additional fracturing in Yemen's already-kaleidoscopic civil war. It requires a deep reexamination of US, Saudi, and Emirati policies in Yemen.



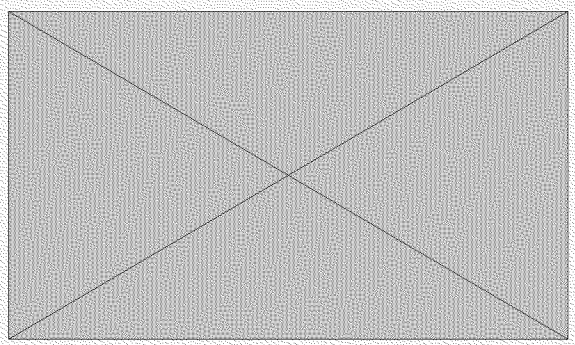
Reuters

The Constitution

doesn't allow prosecution, only impeachment

John Yoo and Saikrishna Prakesh | The New York Times

A wayward tweet has set off renewed accusations that President Trump obstructed justice. The known facts are too weak to support any federal prosecution. But even if President Trump did illegally conspire to improve relations with Russia, his critics are pursuing their quarry down the wrong path. Impeachment — not criminal prosecution — is the tool for a corrupt sitting president.



Twenty20

To spur homeownership, stop subsidizing it

Edward J. Pinto | The Wall Street Journal

Tax reform could make housing more affordable. Done correctly, it could increase the supply of homes by reducing federal tax subsidies for homeownership. The House's Tax Cuts and Jobs Act furthers this aim in several ways — by raising the standard deduction, capping new loans qualifying for the mortgage-interest deduction at $500,000, eliminating the deduction on loans for second homes and the deduction on cashing

out home equity, and capping the property-tax deduction at $10,000.

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Subject: POLITICO's Morning Score: Red-state Democrats stay away from GOP tax bill — Trump moves to block Romney Senate run — Latino Victory Fund endorses

By Daniel Strauss | 12/04/2017 10:00 AM EDT

With Scott Bland

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

TAXATION WITHOUT... - "Red-state Democrats stay away from GOP tax bill" by Campaign Pro's Kevin Robillard: "When Republicans began their push for tax reform earlier this year, they had hopes of wooing multiple Senate Democrats to back their plan: 10 of them faced reelection in states President Trump won, five in states he won by more than 20 points. But those dreams were dashed by the bill's unpopularity in public polling and the inclusion of measures no Democrat was willing to vote for. None of the Democrats voted for the plan on Friday night. But the GOP still thinks it can make them pay in 2018. ... According to a Democrat tracking media buys, Republican groups have spent about $6 million on ads promoting the plan, double the $3 million Democrats have spent attacking it. The state with the most action was Wisconsin. There, the Koch Bros.-backed Freedom Partners Action Fund spent $1.6 million blasting Baldwin for supporting tax increases in the past and not supporting tax reform. Senate Majority PAC responded with its own six-figure buy to defend the Wisconsinite." **Full story**.

DAILY ROLL TIDE - "McConnell on Moore: 'I'm going to let the people of Alabama make the call'" by Robillard: "Senate Majority Leader Mitch McConnell on Sunday shifted his tone on allowing Alabama GOP Senate candidate Roy Moore to serve in the Senate if elected. ... 'I'm going to let the people of Alabama make the call,' McConnell said on ABC's 'This Week.' He said he thought the Senate Ethics Committee would handle the allegations against Moore if he is elected: 'The ethics committee will have to consider the matters that have been litigated in the campaign should that particular candidate win.'" **Full story.**

- A CBS poll released Sunday found Moore leading Jones 49 percent to 43 percent. A Washington Post poll released Saturday, however, showed Jones leading Moore 50 percent to 47 percent.

- "Is Roy Moore winning? Don't ask the pollsters" by Politico's Steven Shepard: "The reality? No one really has a clue about where things stand with Alabama voters in the Dec. 12 special election. For all the national attention and the millions of dollars spent to win the seat, there's relatively little public polling in the contest. Only three public surveys in the average have been conducted since the Thanksgiving holiday, and odds are you've never heard of two of the three pollsters." **Full story.**

SEXUAL HARASSMENT IN CONGRESS - Freshman Democrat Ruben Kihuen accused by former campaign staffer, via BuzzFeed's Kate Nocera and Tarini Parti: "Samantha, whose last name BuzzFeed News is withholding at her request, began working for Rep. Ruben Kihuen early in his campaign to unseat Republican Rep. Cresent Hardy in December 2015 and quit by April 2016. Starting in February of that year, Samantha, who was 25 at the time, said Kihuen, who was then 35 and still competing in the primary race, propositioned her for dates and sex despite her repeated rejections. On two occasions, she says he touched her thighs without consent. ... After this story was published, the congressman's office sent out a new statement adding that he wanted to 'make it clear that I don't recall any of the circumstances' described by Samantha. ... DCCC chairman Ben Ray Luján called on Kihuen to resign." **Full story.**

- More from POLITICO's Heather Caygle and Elena Schneider: House Minority Leader Nancy Pelosi and Minority Whip Steny Hoyer also called on Kihuen to resign. Lucy Flores, a former state legislative colleague and primary rival of Kihuen's in 2016, said: "Even though he maintained a girlfriend, he was known to be very flirtatious and hands on. I personally witnessed him being grabby with young, attractive women. ... I can certainly confirm that was the reputation he maintained [in the state Legislature]." **Full story.**

- Flores also blistered ex-Sen. Harry Reid and the Culinary Union on Twitter for aiding Kihuen's rise: "You can thank @SenatorReid and his cronies for making sure the powers including @Culinary226 aligned behind his choice. He's got a terrible track record of male political mentees, BTW."

- IN FARENTHOLD'S TX-27 - Potential primary challenger steps forward: "It is a sad day when an elected official uses taxpayer money to settle a claim of sexual harassment," said Texas Water Development Board Chairman Bech Bruun in a statement, via the Texas Tribune. "I am humbled by the numerous calls I have received today and during the past weeks asking me to run for U.S. Congress to help restore voters' faith in our national leadership. ... I anticipate announcing my intentions next week." The filing deadline for Texas' primaries is Dec. 11.

Days until the 2018 election: 336

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

THE PLAYBOOK POWER LIST: 18 TO WATCH IN 2018: The final Playbook Power List of the year highlights 18 politicians, activists and operatives across the country who are poised to make waves in 2018. From the anti-Trump "Resistance" on the left to the far right Bannonite wing trying to remake the GOP, keep an eye on these people over the next 12 months. Click HERE to find out who made the list.

LEADERSHIP CHANGE - Washington Gov. Jay Inslee is poised to take over the

chairmanship of the Democratic Governors Association today. Here's a DGA video hailing the beginning of Inslee's chairmanship.

GO SOUTHWEST - "Latino Victory Fund endorses in Southwest governor races" by Robillard: "Latino Victory Fund is backing Rep. Michelle Lujan Grisham of New Mexico and David Garcia of Arizona in its first gubernatorial endorsements of the cycle. ... Garcia and Grisham are the two most prominent Latino candidates for governor in 2018. Garcia is competing with state Sen. Steve Farley for the Democratic nomination to challenge GOP Gov. Doug Ducey. Grisham is competing with state Sen. Joe Cervantes and businessman Jeff Apodaca, the son of former Gov. Jerry Apodaca. GOP Gov. Susana Martinez is term-limited. If Grisham wins, she would become the first Democratic Latina governor in the history of the United States." **Full story.** <<

LEVIN RETIREMENT - "U.S. Rep. Sander Levin will retire from Congress when term ends next year" by The Detroit Free Press's Kathleen Gray: "After 35 years in Congress, U.S. Rep. Sandy Levin , D-Royal Oak, has decided it's time for a different adventure. The 86-year-old Democrat will not run for reelection in 2018, but will instead join the University of Michigan's Gerald R. Ford School of Public Policy, where he will continue to work on issues that have engrossed him in Congress, such as health care and trade issues. ... Levin is leaving after three decades of doing everything from fighting to make sure Social Security isn't privatized to securing a bailout for the domestic auto industry and overseeing the passage of the Affordable Care Act as the chairman of the powerful tax-writing Ways and Means committee." **Full story.**

12-DIMENSIONAL CHESS - "Trump moves to block Romney from the Senate" by POLITICO's Alex Isenstadt: "Donald Trump is going all out to persuade seven-term Utah Sen. Orrin Hatch to seek reelection - a push aimed in no small part at keeping the president's longtime nemesis, Mitt Romney, out of the Senate. ... Trump is slated to ride [to Utah today] with Hatch both ways on Air Force One - a total of roughly nine hours round-trip. After descending from the plane together, the two will meet with Mormon leaders and then head to the state capitol for the signing of the executive order, according to three White House officials. Hatch will introduce Trump, who in turn is expected to lavish praise on the senator. After the order is signed, Hatch is expected to receive the president's pen." **Full story.**

- "Steve Bannon mulls Orrin Hatch endorsement to block Mitt Romney" by The Washington Examiner's David Drucker: "Steve Bannon is mulling an endorsement of Sen. Orrin Hatch in his bid to keep Mitt Romney out of the Senate, a source close to President Trump's former chief strategist confirmed on Sunday. Bannon is targeting Republican incumbents in 2018 primaries to undermine support for Senate Majority Leader Mitch McConnell, R-Ky. Hatch, a McConnell loyalist and a fixture of Washington and the Republican establishment for more than 40 years, is not Bannon's ideal choice. ... "If Steve had a choice between Orrin Hatch and Mitt Romney, he would pick Hatch 10 times out of 10," the source close to Bannon told the Washington Examiner." **Full story**.

STAFFING UP - "Former White House southeast political director running Tennessee Senate campaign" by Campaign Pro's Daniel Strauss and Daniel Lippman: "Thomas

Midanek, formerly the White House southeast regional political director, has left the Trump administration and joined former Tennessee Rep. Stephen Fincher's Senate campaign as campaign manager. A source familiar with Midanek's thinking said he left the White House because he 'wanted to get back into the campaign world.' Midanek confirmed the new job but declined to comment further. ... Fincher is one of a handful of Republicans running in the Tennessee Republican primary for Sen. Bob Corker's Senate seat. His most high profile opponent in the primary is Rep. Marsha Blackburn." **Full story**.

QUOTE OF THE DAY: "And we'll swear in whoever's elected and see where we are at that particular point." - Senate Majority Leader Mitch McConnell during an interview on "Face the Nation" on Sunday responding to a question about what to do about Roy Moore.

To view online:
https://www.politico.com/newsletters/morning-score/2017/12/04/red-state-democrats-stay-away-from-gop-tax-bill-039170

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From: POLITICO Pro Energy
Sent: Wed 12/6/2017 10:45:11 AM
Subject: Morning Energy: Senior Republicans feeling upbeat on ANWR's chances — Pruitt's unusual Thursday congressional appearance — Zinke recommends shrinking two more monuments

By Anthony Adragna | 12/06/2017 05:42 AM EDT

With help from Emily Holden, Catherine Boudreau and Eric Wolff

ODDS LOOKING GOOD FOR ANWR: Senior House Republicans said Tuesday they were optimistic a provision opening the Arctic National Wildlife Refuge to oil and gas drilling would make it into Congress' final tax package, even as a handful of their colleagues expressed unease. "I've been asking for ANWR for a long, long time," said Natural Resources Chairman Rob Bishop, who is on the conference committee sorting out the differences between the House and Senate bills. "And so have most rational people. I expect it to be part of the final product." Alaska Republican Rep. Don Young, also a conferee, said he was "feeling pretty good" about the provision's chances of making it through conference.

Alaska Sen. Dan Sullivan summed up the state of play over ANWR: "You don't want to jinx it and we're going to continue to work hard, but we're confident and we're going to have good representation on the conference." Senate Energy Chairman Lisa Murkowski is expected to join Young as a conferee once the Senate votes to go for conference. Sullivan added his vote on the package would be in jeopardy if the ANWR provision doesn't make it into the finished product.

Grassley ready to rumble: Senate Judiciary Chairman Chuck Grassley suggested he'd throw his weight around to alter provisions in the House-passed bill that would change qualification terms for some renewable energy projects and trim the renewable production tax credit. "I would think they'd be embarrassed of even putting it in," he told reporters. "What is there about wind that would cause them to do something that they haven't done for anything else?" Grassley also said changing the tax credits went against a promise he'd received from Treasury Secretary Steven Mnuchin back in January. A coalition of right-of-center clean energy groups sent a letter outlining their own concerns about the House and Senate bills on Tuesday.

Extenders package coming together: Legislation extending expired tax provisions, including short-term tax benefits to promote renewable energy sources like biodiesel and solar power, is expected to come together in the next couple of weeks, Pro Tax's Aaron Lorenzo and Bernie Becker report, citing senior GOP senators. Multiple sources say a package could hitch a ride with an end-of-year government funding agreement. Sens. Johnny Isakson and Tim Scott are advocating to extend a 2020 deadline on tax credits for new nuclear energy projects, while Grassley has pushed a biodiesel credit.

Meanwhile, senior congressional Republicans are drawing a line in the sand by promising they won't grant Democrats concessions in a second short-term spending bill later this month to keep the government open, Pro Budget & Appropriations Brief's Jennifer Scholtes and Sarah Ferris report. "If we pass a bill on or about the 22nd and go home, then the Senate will need to make up its mind about what to do about that," Rep. Hal Rogers said. "The option is either: Pass or have a

shutdown in place."

WELCOME TO WEDNESDAY! I'm your host Anthony Adragna, and the ClearPath Foundation's Spencer Nelson was first up to identify Joe Barton as the original sponsor of the Energy Policy Act of 2005. For today: What was the *smallest* national monument ever created in the U.S.? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

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NEVER HEARD OF THIS BEFORE: EPA Administrator Scott Pruitt will only stay for an hour during a Thursday appearance at an Energy and Commerce subcommittee before returning later in the afternoon. "Congressional Republicans need to grow a backbone and stand up to President Trump and the members of his cabinet, like Administrator Pruitt, who have repeatedly ignored any Congressional oversight," ranking member Frank Pallone told ME in a statement. "It's clear that we're simply not going to get any real oversight of the Trump Administration from Congressional Republicans anytime soon." A committee spokesman confirmed the arrangement and said it was to accommodate a meeting at the White House. EPA didn't respond to request for comment.

Context here: ME's never heard of a Cabinet official taking a lengthy break in the middle of a congressional hearing, regardless of the reason. And, remember, this is slated to be Pruitt's first appearance before the Energy and Commerce Committee.

Ahead of the appearance, more than 1,000 scientists asked congressional leaders to question Pruitt about efforts to overhaul the agency's science advisory panels. "Without the best available scientific advice, the EPA will be ill-equipped to tackle emerging environmental and public health challenges, and the American people will suffer," they write.

GOOD DAY, SUNSHINE: TRADE REP TO HEAR SOLAR CASE: The U.S. Trade Representative will hear arguments today at 9:30 a.m. for what kind of tariffs or quotas — if any — the president should impose on imported solar panels. The hearing will likely be a rehash of arguments that were made to the U.S. International Trade Commission before that body proposed its own set of remedies for the damage done to U.S. trade manufacturers by low cost imports.

Trump gets to make the call: The president will ultimately have full latitude to impose penalties on imported solar cells and panels, and the Solar Energy Industries Association is hoping to influence his decision by recasting their arguments against a tariff in Trump's preferred terms. The group rolled out its America First Plan for Solar Energy, saying rejecting tariffs would promote "U.S. energy dominance," help national security and save jobs. Trump must make a decision by Jan. 26.

Republicans urge no tariffs: 35 House and six Senate Republicans sent letters ahead of the hearing urging the Trump administration not to slap tariffs on imported solar equipment.

ZINKE FLOATS SHRINKING MORE MONUMENTS: Interior Secretary Ryan Zinke urged Trump in his 20-page final recommendations to downsize Nevada's Gold Butte and Oregon's Cascade-Siskiyou national monuments, in addition to the drastic scalebacks of Bears Ears and Grand Staircase-Escalante national the president announced Monday. Management plans at half a dozen other monuments would be changed, though their boundaries would not be altered. And Zinke suggests creating three new national monuments: Camp Nelson in Kentucky; Medgar Evers's home in Mississippi; and the Badger II Medicine Area in Zinke's own homestate of Montana.

CITIES RALLY ON CLIMATE: Some 36 U.S. mayors signed an agreement Tuesday vowing to do their part to curb greenhouse gas emissions even as the Trump administration has signaled its intent to leave the Paris agreement. Former President Barack Obama later delivered brief remarks to the gathering in Chicago thanking cities for showing "the kind of leadership that is needed at the moment" and mayors for helping to keep "our word on the world stage." Obama said "cities and states and businesses and universities and nonprofits have emerged as the new face of American leadership on climate change."

MCINTYRE MIA? It's been 34 days since Jones Day attorney Kevin McIntyre was confirmed by the Senate to be a FERC commissioner, and two weeks since he got his signed commission. Commissioners basically get to decide for themselves when they want to get sworn in, so speculation has swirled about why the would-be chairman hasn't shown up for work. McIntyre still has a webpage at Jones Day, which usually is one of the first things to go when a big firm lawyer takes a government job. An out-of-office reply from his work email account said he he would be back on Dec. 14. The White House did not respond to a request for comment, and a FERC spokesman said, "We have nothing on that at this time."

AIN'T NO THING: Grassley is downplaying the significance of the meeting that Sen. Ted Cruz secured with Trump and several Cabinet members on Thursday to discuss biofuels and vehicle fuel-efficiency policy. "The president keeps doing what he told the voters of Iowa, as well as me and Senator [Joni] Ernst , which is supporting ethanol," Grassley told reporters Tuesday, adding that it's not unusual for the president to accept a meeting request from senators. The Iowa Republican also said he thinks Cruz's leverage has diminished since the EPA last week released the rule setting 2018 blending requirements for biofuels — which kept flat the levels for corn ethanol.

SWEET TREAT: Bishop gave Trump a special little treat during his Monday visit to Utah to unveil his monument recommendations: a box of chocolates from a store in his district. "It was cheesy but I thought why not?" he said. "He says he likes chocolates." No word on what Trump thought of the candy, which Bishop said was the store's popular nut roll.

And another gift: At a tax event at the White House on Tuesday, North Dakota state Sen. Jessica Unruh gave Trump a Make Coal Great Again hat as she praised the tax overhaul. "The production tax credit has destroyed the energy market, especially in the Midwest. We don't have a lot of electricity produced from natural gas in North Dakota. So wind production has really eroded our state tax base and replaced coal production when it comes to electricity production," she said. "We're also very thankful for all the regulatory reform we've seen come from your office."

NO NOMINATION VACATION: The Senate Environment and Public Works Committee takes up R.D. James' nomination to run the Army Corps of Engineers this morning at 10 a.m. in Dirksen 406. The nomination earlier this month cleared the Senate Armed Services Committee on a voice vote, though the crowded December to-do list suggests he may not get a floor vote until next year.

In the afternoon, an EPW subcommittee holds a hearing entitled "Challenges Facing Superfund and Waste Cleanup Efforts Following Natural Disasters." Witnesses are from Texas and California alone.

SEE YOU IN COURT (AGAIN): Joining environmental and public health groups, a coalition of 15 Democratic attorneys general sued EPA on Tuesday for missing a key deadline related to implementation of its 2015 ozone standard, Pro's Alex Guillén reports.

MAIL CALL! DON'T TURN THE CAR (STANDARDS) AROUND: At least 22 Democratic senators, led by Ed Markey, Sheldon Whitehouse and Kamala Harris , are sending Pruitt a letter this morning urging him not to weaken emissions standards for model years 2021 through 2025. "Regulated industries should not be able to undermine technically sound standards that have clear environmental and health benefits," they'll say in letter which ME has glimpsed. And their letter comes as the Union of Concerned Scientists releases a new report arguing automakers have for decades repeated a "familiar pattern" of attacking new policies as technologically infeasible.

TAKE A LOOK PLEASE! Seven Democratic senators asked GAO in a letter to examine how the Trump administration developed its lower social cost of carbon figure. In particular, they asked for an examination of how other states and countries created similar measures. Link here.

FIGHTING PARK SERVICE CUTS: The NRDC Action Fund is launching a five-figure, TV ad campaign in Montana today against the Trump administration's proposed cuts to the National Park Service and urging Sen. Jon Tester to continue fighting them. Watch it here.

FOR YOUR RADAR: The American Legislative Exchange Council is meeting today through Friday in Nashville and conservative legislators will weigh a model resolution calling on EPA to review the endangerment finding, which requires regulations to limit greenhouse gas emissions. ALEC members will vote on the proposal Thursday. Exxon

Mobil, a private sector member of ALEC, is opposing the push, particularly because of its language questioning climate science, The Hill reports.

STUDY BUDDIES: E2, former DOE head Ernest Moniz's Energy Futures Initiative and the National Association of State Energy Officials are teaming up on a detailed analysis of energy jobs for every state, including jobs in solar, wind, energy efficiency and clean transportation. The groups expect the report out by Spring 2018.

HOW TO DIGITIZE AN ELECTRIC GRID: The Bipartisan Policy Center released a series of recommendations Tuesday for how to digitize the electric grid. Among their suggestions: Having DOE convene a task force on the issue and including funding for modernizing grid investment as part an infrastructure package. Read the whole report here.

QUICK HITS

— A radical startup has invented the world's first zero-emissions fossil-fuel power plant. Quartz.

— EPA Reaches Settlement With Energy Plant Over Toxic Odors. AP.

— Trump science job nominees missing advanced science degrees. AP.

— The Environmental Case Against Bitcoin. New Republic.

— Lisa Murkowski warns Trump nominee to keep federal energy data free of politics. Washington Examiner.

— PPL expects sharp decline in coal fleet by 2050. Utility Dive.

HAPPENING TODAY

9:30 a.m. — USTR hearing on crystalline silicon photovoltaic cells, 1724 F Street NW, Rooms 1 and 2

10:00 a.m. — Indigenous groups hold pray-in to demand Congress drop Arctic drilling from their tax bill, U.S. Capitol

10:00 a.m. — Hearing on "Endangered Fish Recovery Programs Extension Act of 2017," House Natural Resources Water Subcommittee, Longworth 1324

10:00 a.m. — Senate Environment and Public Works holds a hearing on the nomination of R.D. James to be assistant secretary of the Army for civil works, Dirksen 406

12:00 p.m. — "The Role of Natural Gas in the US Economy," Women's Council on Energy and the Environment, Denton's, 1900 K Street NW

12:30 p.m. — "Agriculture and the environment in 2018: Conservation programs, the waters of the United States, and the Renewable Fuel Standard," American Enterprise Institute, 1789 Massachusetts Avenue NW

1:00 p.m. — "Fleeing Change: Relocating the Village of Newtok, Alaska," Wilson Center, Ronald Reagan Building and International Trade Center, 1300 Pennsylvania Ave. NW

2:30 p.m. — "Challenges Facing Superfund and Waste Cleanup Efforts Following Natural Disasters," Senate Environment and Public Works Superfund and Waste Management Subcommittee, Dirksen 406

2:45 p.m. — Senate Indian Affairs Committee hearing on water rights, Dirksen 628

3:00 p.m. — Rep. McEachin hosts a roundtable discussion on Black Entrepreneurs in the Green Economy on Clean Power Plan repeal, Longworth 1539

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Stories from POLITICO Pro

House tax bill slashes value of wind energy tax credit Back

By Eric Wolff | 11/02/2017 02:20 PM EDT

The House tax bill released Thursday would substantially reduce the value of a key wind energy incentive, tighten requirements on what renewable energy companies have to do to qualify for tax credits, extend a nuclear energy tax break, and restore support for clean energy technologies that had been "orphaned" from an earlier tax extenders law.

The bill also eliminates an electric vehicle tax credit and jettisons some little-used oil industry tax breaks — as well as getting rid of the more significant domestic production tax deduction enjoyed by oil companies and other manufacturers.

The wind industry was quick to condemn the changes to its tax treatment.

"Despite comments to the contrary, this proposal reneges on the tax reform deal that was already agreed to, and would impose a retroactive tax hike on an entire industry," Tom Kiernan, CEO of the American Wind Energy Association, said in a statement. "The House proposal would pull the rug out from under 100,000 U.S. wind workers and 500 American factories, including some of the fastest growing jobs in the country. We expect members of the House and Senate to oppose any proposal that fails to honor that commitment, and we will fight hard to see that wind energy continues to work for

America."

Here are some highlights from the text and a section-by-section summary provided by the Ways and Means committee.

— **PTC cutbacks:** The bill would reduce the value of the Production Tax Credit to 1.5 cents per kilowatt-hour, the level it was set at in 1992, rather than indexing it for inflation. That would reduce its value far beyond the terms of a tax credit phase-out that was implemented with bipartisan support in 2015. Wind farms and other eligible projects that begin construction this year can now claim a 1.9 cents/kWh credit, down from 2.3 cents/kWH for projects that started last year. The credit is scheduled to disappear for projects built after 2019 under current law, a schedule maintained in the House bill.

Developers also would face tougher requirements to claim the credit, the value of which is determined by when construction begins. The House bill requires a "continuous program of construction" until a facility comes online in order to qualify for the credit, eliminating provisions of existing law that allow developers to make "safe harbor" investments to qualify. The Joint Committee on Taxation says eliminating the inflation-adjustment and tightening the construction requirements will save $12.3 billion over 10 years, according to the bill summary.

— **ITC repealed after 2027, orphan credits revived** : The House bill extends the investment tax credit for a set of "orphaned" technologies left out of the 2015 legislation phasing out the ITC and PTC over five years. Fuel cells, small wind turbines, combined heat and power systems and microturbines can now claim the ITC until Jan. 1, 2022, with the credits phasing down at the same rate as the solar ITC. But what was to be a permanent 10 percent tax credit for solar investments will now terminate at the end of 2026. The House bill includes similar "continuous construction" requirements for the ITC as for the PTC. The changes would cost the government $1.2 billion in reduced revenues over 10 years, according to JCT estimates cited in the bill summary.

— **Advanced nuclear tax credit extended:** The bill extends a tax credit for advanced nuclear projects, allowing the secretary of Treasury to transfer unused credits after 2020, which was the in-service deadline under current law. The extension has long been a priority for South Carolina Republican Sens. Lindsey Graham and Tim Scott, among others. The credits would cost $400 million over 10 years.

— **Utilities keep interest deduction**: The bill would change how much loan interest some businesses can deduct form their taxes, while allowing them to take advantage of full expensing of capital investments. However, it excludes regulated utilities from the new rules, providing a win for the industry. Eric Grey, director of government relations for the Edison Electric Institute, a trade group, told POLITICO in September that losing the interest tax deduction was a major concern for utilities. Overall, JCT estimates the deduction-and-expensing changes would save the government $172 billion over 10 years.

— **No more 199:** The House bill would eliminate the domestic manufacturing credit known as section 199. Current law allows certain oil and gas companies to claim a 6 percent tax deduction, and other manufacturers can claim a 9 percent deduction, but the House bill would strip section 199 from the tax code starting next year. Doing so would save $95.2 billion over 10 years.

— **Minor oil credits repealed:** The bill repeals two small oil industry credits that have barely been used because they only kick in when commodity prices are low. Repealing the enhanced oil recovery credit would cost the government about $200 million over 10 years, while eliminating the marginal well production credit would have no effect on revenues.

— **EVs lose credit:** The bill repeals a $7,500 tax credit for electric vehicles. It is part of a slew of tax credits, along with a mortgage credit, and an adoption credit, that the bill proposes repealing. Repealing all of the credits would save $4 billion over 10 years, but the summary does not include a JCT estimate for the electric vehicle credit alone.

— **Biodiesel, CCS missing:** An expired biodiesel blenders credit was not restored, something likely to become an issue in the Senate where Sen. Chuck Grassley wants it revived as a producers credit; and a credit for carbon capture and sequestration did not get in the text, despite having bipartisan support.

To view online click here.

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Senate tax writers teeing up tax extenders bill Back

By Aaron Lorenzo and Bernie Becker | 12/05/2017 07:23 PM EDT

Leading GOP senators expect legislation to extend expired tax provisions to come together in the next couple of weeks.

Energy and agriculture provisions are driving the plan.

"We always wind up doing it, so yeah, I suspect that's something we'll have to do," said Senate Finance Chairman Orrin Hatch (R-Utah). "There hasn't been much talk about it right now, but there's always loose ends that you just have to tie up."

The items, which would revive short-term tax benefits to promote renewable energy sources like biodiesel and solar power, as well as rail lines crucial to farming communities, weren't included in the major tax legislation already advancing in Congress, H.R. 1 (115). Nor were they part of the massive package of tax extenders Congress passed in 2015.

Instead, these extra extensions of longstanding policies are moving separately.

They could ride with an end-of-year government funding agreement, according to multiple sources on Capitol Hill, as well as lobbyists.

"I wanted it in the bigger tax bill but there are so many extenders that they just made it too complicated," said Sen. Mike Crapo (R-Idaho). "So the decision was made — not by me — to pull the extenders back for a different bill."

Crapo is pushing to continue a tax credit to maintain short-line railroads, which connect farm goods from hard-to-reach locations around the country to main rail arteries that can carry the food anywhere.

Sens. Johnny Isakson (R-Ga.) and Tim Scott (R-S.C.) are advocating to extend a 2020 deadline on tax credits for new nuclear energy projects. Sen. Chuck Grassley (R-Iowa) has worked on biodiesel.

In the House, a separate effort has been afoot to further delay start dates on several health care-related taxes, like the medical device excise tax and health insurance tax, connected to the Affordable Care Act.

WHAT'S NEXT: Government funding runs out Dec. 8, and talks on longer-term spending plans are ongoing.

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House GOP leaders vow no deals with Democrats on stopgap spending Back

By Jennifer Scholtes and Sarah Ferris | 12/05/2017 11:06 AM EDT

House Republican leaders have promised conservatives that they won't grant concessions to Democrats to get enough votes for a stopgap spending bill — gaining GOP support but also raising the specter of a government shutdown later this month.

Majority party leaders in the House tentatively decided Tuesday morning to hold tight on their plan to fund the government through Dec. 22, bucking calls from conservatives to move the deadline to Dec. 30.

Still whipping to ensure sufficient GOP support, leaders pushed off a Rules Committee meeting and final floor action by a day, with House passage on the two-week patch, H.J. Res. 123 (115), now expected Thursday. Government funding runs out on Friday.

Those intraparty talks will drag into Wednesday, after a huddle with House Speaker Paul Ryan, conservative holdouts and defense hawks ended without a resolution Tuesday afternoon. A final decision isn't expected until Wednesday morning, after

another last-minute meeting by the House Freedom Caucus.

The problem with the House strategy is that Senate Republicans still need the votes of at least eight Senate Democrats to advance spending legislation, likely resulting in deal-making later this month that won't fly with fiscal conservatives in the House.

Enough Senate Democratic votes appear possible for a "clean" stopgap spending bill, or continuing resolution, that would extend from Friday until Dec. 22. Both parties hope to have reached a bipartisan, two-year agreement on overall spending levels for defense and non-defense programs by later in the month.

"We don't know what the House is going to do, but if it's a short-term CR, it gives us a little more time to do the things we're talking about now," Senate Minority Leader Chuck Schumer told reporters Tuesday afternoon, noting that top congressional leaders plan to meet with President Donald Trump on Thursday to work on topline budget caps.

Senate Majority Leader Mitch McConnell also indicated that Republicans in the upper chamber are gunning for a two-week stopgap rather than a deal until Dec. 30, which he said isn't "the best way to go forward."

But the trouble could come with the vote on a second stopgap just before the Christmas holiday, when Democrats would be expected to make more demands such as an agreement on how to treat DREAMers, young undocumented immigrants. If GOP leaders in the lower chamber stay true to their promises to the likes of the House Freedom Caucus, the game plan could result in shutdown-spurring deadlock right before lawmakers plan to leave town for the holidays.

The scheduling changes in the House came after members of the Freedom Caucus temporarily withheld support on a tax vote Monday night to get leaders to opt for a Dec. 30 deadline.

But for now, fiscal hardliners seem appeased by other commitments they've clinched after making that demand.

Rep. Dave Brat (R-Va.), a member of the Freedom Caucus, said leaders "made some great assurances" during a Tuesday morning Republican Conference meeting that "the team stays together" on issues that could emerge.

"And that means you don't go to the Democrats like usual at Christmastime or right after," Brat told reporters.

Longtime spending leader Rep. Hal Rogers (R-Ky.) suggested House lawmakers could try to force the Senate to accept their version of the second patch.

"If we pass a bill on or about the 22nd and go home, then the Senate will need to make up its mind about what to do about that," Rogers said. "The option is either: Pass or have a shutdown in place."

Ryan expressed confidence that the initial funding measure will pass this week but didn't address prospects for a deal beyond Dec. 22.

"I feel like we're going to have a majority, and we're going to have 218 for passing the CR we had this week," Ryan told reporters Tuesday morning. "We're having a good conversation with our members about timing and date and tactics and all the rest. The point is, we're having the kind of family discussion that we need to have on how to proceed forward with a majority, and I'm confident we'll have that."

In punting the drama to the week before Christmas, GOP lawmakers may try to jam Democrats with big boosts to defense spending.

An unlikely mix of conservatives and defense hawks is still eyeing a plan to attach a full year of Pentagon funding to the Dec. 22 bill — a move that would cause a showdown in the Senate.

Democrats in that chamber have refused to back a bill that prioritizes the military over spending on domestic programs. And Senate Minority Whip Dick Durbin dug in on that threat Tuesday.

Some conservatives in the House are betting pressure to fund the Pentagon would be just enough to convince a handful of red-state Democrats to vote in support of a second government funding bill later this month.

If the military funding isn't enough, House Republicans are tossing around another bargaining chip: a disaster aid package. That bill would include tens of billions of dollars for storm-ravaged Florida, Texas, Puerto Rico and the U.S. Virgin Islands, making it tougher for Democrats to oppose.

Another must-pass item, funding for the Children's Health Insurance Program, could also be added to the bill, lawmakers said.

"Is the Senate going to turn around, Christmas or New Year's, and say we're not going to take care of the defense of America, we're not going to take care of these people with these hurricanes?" Rep. Bradley Byrne (R-Ala.) said. "If they are, then it's on them."

Connor O'Brien contributed to this report.

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Greens sue EPA over missed ozone designation deadline Back

By Alex Guillén | 12/04/2017 03:04 PM EDT

Ten environmental and public health groups today sued EPA for missing a key deadline to implement the 2015 ozone standard.

EPA faced a statutory deadline on Oct. 1 to say which parts of the U.S. were meeting the new ozone standard. Administrator Scott Pruitt said over the summer that he would delay that decision by one year, although he reversed course after several lawsuits were filed. EPA last month issued designations for 85 percent of all U.S. counties which it said met the standard or did not have enough information to decide.

But the agency has remained silent on the remaining 15 percent of the nation, which includes many of the urban and downwind regions that face the worst smog pollution. Any area deemed in "nonattainment" will have to write a plan to reduce ozone-related pollution, and EPA's delay also puts off any requirement for those areas to act.

A coalition of Democratic attorneys general is also expected to sue EPA soon.

EPA has faced similar lawsuits after delaying designations under previous standards — such as the 2010 sulfur dioxide rule, for which environmental groups negotiated a consent decree with the Obama administration that set a series of designation deadlines lasting through 2020.

It's unclear whether a similar deal can be reached here. Pruitt recently issued a directive barring EPA from agreeing to such consent decrees. If EPA resists negotiations, the court may set its own timeline for the agency to act.

WHAT'S NEXT: The environmentalists' suit was filed in the U.S. District Court for Northern California. EPA has not indicated when it may act on the remaining designations.

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Democratic AGs sue EPA over missed ozone deadline Back

By Alex Guillén | 12/05/2017 05:06 PM EDT

Fifteen Democratic attorneys general today sued EPA for missing a key deadline to implement the 2015 ozone standard.

EPA Administrator Scott Pruitt faced an Oct. 1 deadline to declare which parts of the country failed to meet the 2015 standard. Pruitt has issued designations for 85 percent of the nation's counties that either meet the standard or lack the data to make a decision. But he has not said which areas are in nonattainment, a designation that would require those states to write and implement a plan to clean up the air.

A number of the states involved face ozone pollution problems, including car-heavy California and New York as well as states in New England, which are often referred to as the "nation's tailpipe" since pollution from other states blows in their direction.

The AGs who joined the lawsuit include those from California, Connecticut, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Washington and the District of Columbia.

WHAT'S NEXT: The AGs' lawsuit comes one day after environmental and public health groups sued over the same issue. Both are in the U.S. District Court for Northern California.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Ryan Cook Flynn
Sent: Tue 12/5/2017 1:05:47 PM
Subject: Re:

Yes, I am working on it. Charles and I played phone tag yesterday but I will call this morning and get things done.

On Dec 5, 2017 6:01 AM, "Jackson, Ryan" <jackson.ryan@epa.gov> wrote:

> Ryan, just wanted to get back with you about one more trip to DC in mid-month Charles Munoz is helping me coordinate.
>
> Please call with any questions. Thanks.
>
> Ryan Jackson
>
> Chief of Staff
>
> U.S. Environmental Protection Agency
>
> (202) 564-6999

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Mon 12/4/2017 3:03:58 PM
Subject: POLITICO's Morning Transportation: Tax bill passes Senate with nothing for infrastructure — McConnell shuts down shutdown talk — Flying American over the holidays? Enjoy your flight.

By Tanya Snyder | 12/04/2017 10:00 AM EDT

With help from Stephanie Beasley and Brianna Gurciullo

YOU GET NOTHING! YOU LOSE! GOOD DAY, SIR! The Senate passed its tax overhaul early Saturday morning with no provision to route revenues toward a promised $1 trillion infrastructure plan or to fix the Highway Trust Fund's insolvency crisis. White House officials have reportedly told lawmakers that the Highway Trust Fund would be addressed later on in an infrastructure bill, but the timeline for such a bill is becoming increasingly slippery.

One last try (well, two): Sen. Ben Cardin (D-Md.) introduced a motion to amend the tax bill (S. 1 (115) , to use deemed repatriation revenue for infrastructure, but the Senate rejected it, 43-57. The motion would have sent the bill back to the Senate Finance Committee with instructions to "designate the revenue raised by the deemed repatriation provisions of the bill for infrastructure improvements." The motion's (predictable) defeat signals the end of the road for that long-held Democratic priority.

Last minute: Sen. Dan Sullivan (R-Alaska) was able to get a provision stripped out of the bill that would have created a new tax for international cruise ships. However, a provision sponsored by Sen. Rand Paul was included in the bill that allows auto dealerships to fully deduct the interest paid on a certain type of short-term loans. Both those provisions were on a list of amendments Sen. Claire McCaskill (D-Mo.) circulated hours before final passage that she said were never shared with Democrats.

IT'S MONDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ships. Tanya is in the MT cockpit. Send tips, feedback and song lyrics to tsnyder@politico.com or @TSnyderDC.

"On the drive back here, I was worried over nothing / On the drive back there, tears spilling over something."

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) about lonely highways and south-bound trains?

THE PLAYBOOK POWER LIST: 18 TO WATCH IN 2018: The final Playbook Power List of the year highlights 18 politicians, activists and operatives across the country who are poised to make waves in 2018. From the anti-Trump "Resistance" on the left to the far right Bannonite wing trying to remake the GOP, keep an eye on these people over the next 12 months. Click HERE to find out who made the list.

NOPE'N SKIES: A provision that would have forced Persian Gulf airlines to pay U.S.

corporate taxes during brief layovers in the United States was was axed because it was found to violate the Byrd rule, which prohibits extraneous provisions from budget bills that are going through the reconciliation process. U.S. Travel Association Executive Vice President Jonathan Grella called the Senate drama around the provision "the most significant moment in the three-year war on Open Skies."

THIS WEEK:

Tuesday - The American Association of Airport Executives, TSA and DHS hold a joint summit on aviation security.

Wednesday - The Atlantic hosts a summit on infrastructure and transportation. The Senate Environment and Public Works Committee holds a hearing on the nomination of R.D. James to be assistant secretary of the Army for civil works. The Senate Homeland Security and Governmental Affairs Committee holds a hearing on evolving international terrorist threats.

Thursday - The Airports Council International-North America hosts the two-day 2017 International Aviation Issues Seminar. The House Transportation Highways and Transit Subcommittee holds a hearing on "Emerging Technologies in the Trucking Industry."

FOR YOUR RADAR: The Senate plans to vote Monday to invoke cloture on Kirstjen Nielsen's nomination to be Secretary of Homeland Security.

DON'T PANIC: Senate Majority Leader Mitch McConnell (R-Ky.) Sunday promised "there's not going to be a government shutdown," on ABC's "This Week." It appears that a continuing resolution will run through Dec. 22, after which members will have to return to Washington during their holiday recess. Current appropriations run out Friday.

AV START BILL GETS A HARD STOP: The Republican senator objecting to the Senate driverless car bill is still a mystery, but at least two Democrats are now known to have put in a hold on the bill: Sens. Richard Blumenthal (D-Conn.) and Ed Markey (D-Mass.) want more time to discuss safety, privacy and cybersecurity issues, report The Hill and Bloomberg.

LIGHT MONDAY READING: The Congressional Research Service has a new breakdown of the "topics likely to arise as the 115th Congress continues to debate FAA reauthorization." Give it a read here.

CHRISTMAS IS SAVED: American Airlines has struck a deal with the Allied Pilots Association, resulting in an assurance from the union that the airline will be able to "maintain a full December schedule as planned." A technical glitch had let all of American's pilots take vacation time around Christmas, raising the possibility of cancellations. Leaders on both sides hashed it out Friday and over the weekend, discussing "APA's grievance concerning restrictions on premium pay and trip trading for December flying," the union told its members, and they reached an agreement to pay pilots up to double their normal pay rate during that time. More from Brianna here.

BATTERIES NOT INCLUDED: American Airlines passengers will stop permitting travelers to carry "smart bags" for recharging devices that don't have removable battery packs, starting Jan. 15, Stephanie writes. The air carrier announced the change Friday, saying it was taking the precautionary step in anticipation of smart bags being a popular gift this holiday season. The bags contain lithium-ion batteries which can explode when stored in aircraft cargo holds.

THE $84,000 QUESTION: POLITICO revealed Friday that Rep. Blake Farenthold (R-Texas) paid an $84,000 settlement to a former aide who had accused the congressman and another staffer of sexual harassment. As John Bresnahan and Rachael Bade report, Republicans are split on the question of whether to call on the House Transportation Committee member to resign.

NEW LEASE ON LIFE: Arlington Memorial Bridge is getting a $227 million facelift, Interior Secretary Ryan Zinke announced Friday. "Over the past six years, the National Park Service (NPS) and Federal Highway Administration (FHWA) have made emergency temporary repairs while planning the larger rehabilitation," DOI said in a news release. "Without a complete rehabilitation, the continued and accelerated deterioration of the bridge's concrete deck would have required it be closed by 2021." Construction will begin next year.

TITLE AND REGISTRATION: Cavarocchi Ruscio Dennis Associates registered to lobby for Embry-Riddle Aeronautical University on issues related to the U.S. Navy, Air Force and FAA.

THE AUTOBAHN:

- "Report: U.K. to seek to stay inside EU's aviation safety agency post-Brexit." POLITICO Europe.

- "Chinese drone maker denies giving data to government." The Associated Press.

- "Congress faces frantic week with possible shutdown, taxes, Russia." POLITICO.

- Michigan task force recommends including drones in driverless car test site. The Associated Press.

- "California DMV ditches rule to limit liability for self-driving car manufacturers." The Verge.

- Are Uber and Lyft cutting into transit ridership? The Washington Post.

- In Senate race, Rokita blames opponent for voting for a gas tax hike, just like he himself did. The Associated Press.

- "Hours after Senate GOP passes tax bill, Trump says he'll consider raising corporate rate." The Washington Post.

- "The boss made me do it: 43 percent admit using smartphone because of work while driving, survey says." The Washington Post.

THE COUNTDOWN: DOT appropriations run out in 5 days. The FAA reauthorization expires in 118 days. Highway and transit policy is up for renewal in 1,032 days.

To view online:
https://www.politico.com/newsletters/morning-transportation/2017/12/04/tax-bill-passes-senate-with-nothing-for-infrastructure-038753

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg Environment
Sent: Wed 12/6/2017 9:49:02 PM
Subject: Environment & Energy Report Highlights

Environment & Energy
Wednesday, December 06, 2017

Highlights

Leading the News

UN Leaders Tackle Air Pollution, Call It Globe's Greatest Threat

By *Wachira Kigotho*

Pollution accounts for 12.6 million deaths each year, in addition to causing other human suffering and the destruction of ecosystems, Edgar Gutierrez, the president of the 2017 United Nations Environment Assembly, told more than 4,000 delegates in Nairobi, Kenya.

Senate Likely to Confirm Army Corps Nominee Despite Delay

By *David Schultz*

The Trump administration's choice to lead the Army Corps of Engineers appears to be cruising toward Senate confirmation, despite one Republican senator's plan to block him as a way to get answers from the Pentagon about Russia.

Freeport-McMoRan Seeks 43-Fold Hike in a Water Pollution Limit

By *Tripp Baltz*

Colorado has decided to put off for two years a decision on a proposal by copper company Freeport-McMoRan Inc. to hike state water-pollution molybdenum levels in streams nearly 43 times higher than current standards.

Panel Sends Clean Air Carve-Out Bills to House Floor

By *Stephen Lee*

Republicans on the House Energy and Commerce Committee sent seven environmental bills to the House floor Dec. 6.

China to Ban 10 More Highly Toxic Pesticides

By *Michael Standaert*

Agricultural authorities in China are speeding up the phaseout of highly toxic pesticides, announcing Dec. 5 that another 10 pesticides will be eliminated by the end of 2022.

Today's News

Groundwater Pumping Fees Are Not Taxes, California Court Says

By *Carolyn Whetzel*

A decision by California's highest court could give a boost to local water agencies grappling with how to implement the state's landmark groundwater management law.

Packaging Industry in Brazil Boosts Recycling Above Year-End Goal

By *Michael Kepp*

Packaging importers, producers, and distributors in Brazil that signed a 2016 collection and reprocessing agreement have increased the volume of used packaging waste being recycled by 29 percent, well above the 19.8 percent increase targeted in their accord, a recent report shows.

Brazil Fines Companies $2.5M for Applying Banned, Toxic Pesticides

By *Michael Kepp*

Fifteen crop dusting companies in Brazil are facing 8.2 million reais ($2.5 million) in fines, the biggest of which were levied for using crop dusters to apply banned,

highly toxic pesticides, according to the country's environmental agency.

California Bill to Banish Gasoline Cars by 2040 Is in the Works

By *Ryan Beene* and *Dana Hull*

A California lawmaker wants to put the state alongside China, France and the U.K. and have its legislature consider a ban on vehicles powered by fossil fuels.

Natural Gas Risks Becoming Too Pricey in Climate

Change Battle

By Mathew Carr and Anna Shiryaevskaya

Natural gas risks becoming too expensive for its own good. Rising costs are likely to make gas increasingly uncompetitive against solar, wind and battery storage technologies, undermining its role as a "transition fuel" between coal-fired generation and renewables beyond 2030

Biggest U.S. Nuclear Owner Exelon Investing in Storage Startup

By *Brian Eckhouse*

Exelon Corp., the biggest U.S. nuclear operator, is investing in the batteries of the future.

European Power Companies Pledge Faster Shift to Clean Energy

By *Ewa Krukowska*

The European Union's electricity industry vowed to accelerate the transition to clean energy and take a leading role in the EU plan to reduce greenhouse-gas emissions.

Power Lines, Poles Focus of Industry Over Coal and Nuclear Plants

By *Naureen S. Malik, Mark Chediak* and *Jim Polson*

Hurricane winds and raging wildfires knocked out power to millions of people from Florida to California this year, underscoring the need to protect America's electric grid from disaster.

Your Recycling Heads to Dump as China Gets Picky About Waste

By Jen Skerritt and Kristine Owram

Amid the pear orchards and wineries of southern Oregon, more than 90 percent of residents dutifully dump discarded junk mail, unwanted phone books and old magazines into specially marked gray and red recycling bins. And every other week, the canisters get wheeled to the curb for pickup, as most of the contents begin their long trip to China.

Arctic Oil Rush Abates in Norway After Exploration Letdown

By *Mikael Holter*

Oil exploration in Norway's Arctic seems to have lost some of its appeal after a disappointing drilling campaign.

German Prosecutors Look into BMW Diesel Cheating Allegations

By *Karin Matussek*

Munich prosecutors are looking into allegations BMW AG diesel cars are fitted

with defeat devices to cheat on emissions levels following tests by German environmental group DUH.

Dead-Well Glut Has Alberta Regulators Scrutinizing Oil Licenses

By *Kevin Orland*

Alberta's government is giving its energy regulator new authority to scrutinize and reject applications for oil and gas production licenses to try to slow the growth of the province's inventory of abandoned wells.

World's No. 1 Miner Sees Bigger Role for Carbon-Capture Systems

By *Feifei Shen*

BHP Billiton Ltd., the world's biggest mining company, said wider use of systems that trap carbon emissions will be needed to meet international climate goals, even as investments in the technology stall.

Tuesday Night Wrapup

Argentine, Indonesian Biodiesel Imports Will Face New Duties

By *Brian Flood*

U.S. biodiesel producers scored a big win when the International Trade Commission Dec. 5 said imports of biodiesel from Argentina and Indonesia have seriously injured the domestic industry.

Update Groundwater Policies to Stem Depletion, Pollution: OECD

By *Rick Mitchell*

China is testing programs to trade groundwater in its northern region, while India is rationing electricity to reduce pumping, and Tucson, Ariz,, is striving to diversify its water portfolio.

Texas Toxic Site Might Wait Two Years for Cleanup (Corrected)

By *Nushin Huq*

Cleanup of a waste pit at a Texas Superfund site targeted for cleanup by the EPA might not begin for another two years, agency officials said.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Media
Sent: Wed 12/6/2017 10:35:01 AM
Subject: Morning Media: How Weinstein manipulated the media — National Enquirer editor accused of sexual misconduct — Lipman leaves USA Today — Breitbart expands on SiriusXM — MSNBC's 'afraid' of Cernovich

By Michael Calderone | 12/06/2017 05:33 AM EDT

HARVEY WEINSTEIN SURELY COULDN'T HAVE GOTTEN away with decades of alleged sexual misconduct if it weren't for his media enablers. The disgraced film mogul "held off press scrutiny with a mix of threats and enticements, drawing reporters close with the lure of access to stars, directors and celebrity-packed parties," the New York Times reported Tuesday night in a quintuple-byline blockbuster drawn from nearly 200 interviews and documents.

- "Some journalists negotiated book and movie deals with him even as they were assigned to cover him. The studio chief once paid a gossip writer to collect juicy celebrity tidbits that Mr. Weinstein could use to barter if other reporters stumbled onto an affair he was trying to keep quiet," the Times reported. "He was so close to David J. Pecker, the chief executive of American Media Inc., which owns The Enquirer, that he was known in the tabloid industry as an untouchable 'F.O.P.,' or 'friend of Pecker.' That status was shared by a chosen few, including President Trump."

- A few days before the 2016 election, the Wall Street Journal reported how Pecker's American Media once agreed to buy a former Playboy model's story of an alleged 2006 affair with Trump and never published the account, a practice known as "catch and kill" in the tabloid world. The Times reported Tuesday how American Media tried to buy an actress's 2015 account of Weinstein groping her to similarly squash it - though a deal never happened. However, Dylan Howard, the National Enquirer's editor-in-chief and American Media's chief content officer, worked with Weinstein in other capacities and even "dispatched reporters to find information that could undermine accusers," according to the Times.

- The Times latest Weinstein bombshell dropped just hours after The Associated Press reported that former employees accused Howard of sexual misconduct, of having "openly described his sexual partners in the newsroom, discussed female employees' sex lives and forced women to watch or listen to pornographic material." The alleged behavior sparked a 2012 company inquiry when Howard was working in the company's Los Angeles office. Howard quit following that investigation, but returned a year later to American Media's New York office in a higher-level position.

- Howard dismissed the claims of ex-employees to the AP as "baseless." An American Media lawyer told the AP that the investigation found that none of Howard's behavior "rose to the level of harassment that would require termination." The lawyer characterized the editor's actions as "horsing around outside the office, going to bars and things that are not uncommon in the media business."

Good morning and welcome to Morning Media. I included some media nuggets that stood out,

but the entire Times piece is a must-read. Please send tips to mcalderone@politico.com and @mlcalderone. Daniel Lippman (@dlippman) contributed to the newsletter. Archives. Subscribe.

TUNE IN: TIME'S 'PERSON OF THE YEAR': Editor-in-chief Ed Felsenthal will announce the winner around 7:30 a.m. on the Today show. The shortlist includes the Colin Kaepernick, the #MeToo Movement, and President Trump, who we can assume will be watching - and tweeting?

JOANNE LIPMAN, the chief content officer and editor in chief of USA Today, is leaving at the company at the end of the year to focus on her book on closing the gender gap in the workplace. "The heightened focus on sexual harassment has led to a flood of interest and opportunities surrounding my upcoming book about closing the gender gap," Lipman told staff on Tuesday. Some expressed surprise with the departure given that Lipman was the public face of Gannett, later rebranded as the USA Today Network. Temple University journalism dean David Boardman tweeted that Lipman "was the best thing to happen to @gannett in years."

- In addition to serving as USA Today's top editor, Lipman also helped merge Gannett's 100-plus newspapers, such the Des Moines Register, Cincinnati Enquirer, and Arizona Republic, into a more cohesive structure. "We have boots on the ground across the country, in red states and in blue states, in big cities and small towns and rural areas," Lipman told CJR in March. "To me, that's incredibly exciting because it's so different than the major national news organizations."

BREITBART LAUNCHES RADIO EXPANSION: Breitbart News chief Steve Bannon has rejoined a morning show, Breitbart News Daily, and the right-wing site's radio network is expanding with new weeknight show on SiriusXM's Patriot channel, hosted by West Coast editors Rebecca Mansour and Joel Pollak. It has plans for more weekend programming.

- "As I have said all along, everything I brought to the Trump campaign came directly from the listeners I spoke with every morning on Breitbart News Daily on SiriusXM's Patriot channel," Bannon said in a statement. "From the moment I left the White House, getting back behind the microphone was very important to me. To get on the road outside the Beltway and to spend time with the great men and women of America is an honor."

ALSO JUST LAUNCHED: "50 States of Blue," a new site for local news and progressive politics. "We have reached a moment when there are more local stories with national implications than ever," Howard Megdal, founder and editor-in-chief, said in a statement. "We will provide a conduit to these issues, stakeholders and movements through our passionate, intellectually honest pursuit of the stories that matter."

HOW NEW "60 MINUTES' BOOK EVOLVED: Longtime executive producer Jeff Fager took over writing the iconic newsmagazine's 50th anniversary book "after objecting to the direction" of original author Richard Zoglin, who was "focusing too much on the negative," according to the New York Times.

- "Specifically, Mr. Fager expressed concern that Mr. Zoglin had asked his interview subjects about the treatment of women in the '60 Minutes' workplace, according to three people who spoke on the condition of anonymity to describe sensitive internal matters," report John Koblin

and Michael Grynbaum. "Mr. Fager also asked Mr. Zoglin why he had brought up the rocky tenure of Katie Couric, a onetime correspondent for the show and former CBS News anchor who left the network on bad terms."

JEFF GLOR BRINGS DIGITAL CHOPS TO 'CBS EVENING NEWS': The Los Angeles Times' Stephen Battaglio writes that network executives see Glor's experience at streaming network CBSN as a real asset for the anchor desk. "Our entire newsroom needs a jolt of a new reality," Steve Capus, executive producer of "CBS Evening News," told the paper. "Our output is being consumed a lot of different ways and if we think about it too narrowly, we're missing a big segment of the audience."

MSNBC'S 'AFRAID' OF MIKE CERNOVICH: Liberal commentator and "Majority Report" podcast host Sam Seder told The Washington Post's Erik Wemple that he believes MSNBC is "afraid" of right-wing blogger and media personality Mike Cernovich, and others who amplified a 2009 tweet that led to the network cutting ties with him.

- In a video statement, Seder recalled being "disgusted" eight years ago as Hollywood figures defended "child rapist" Roman Polanski simply because he was also a good director. Seder posted a tweet intended to be satirical, to mock those excusing Polanski's deeds, that he says has now been willfully misrepresented by people acting in bad faith. MSNBC responded to the social media outrage by not renewing Seder's contract when it ends in February.

- The network, which boasts a progressive prime-time lineup, has come under fire from the left for appearing to cave to a right-wing blogger who has had success in the past applying pressure on a media company over an intended joke on Twitter. Cernovich told Wemple on Tuesday that it was a "conspiracy theory" to blame him for Seder's situation. Meanwhile, Seder has started a GoFundMe fund to defend against attempts to drive away his podcast advertisers.

SOUNDS BITES

"The entire culture and our politics are now dominated by people who have weaponized bad faith and shamelessness." [Chris Hayes]

"Everyone should subscribe to ... The Majority Report." [Chris Hayes]

"Before Seder/MSNBC, there was NPR axing its CEO. See my 2011 post: They Brought a Tote Bag to a Knife Fight: [Jay Rosen]

JAMES MURDOCH AS BOB IGER SUCCESSOR? The Financial Times reports that the Murdoch son has been suggested as a possible future CEO of Disney amid talks over the sale of 21st Century Fox entertainment assets (which doesn't include Fox broadcast network, Fox News, or Fox Business). James Murdoch is expected to take a senior role at Disney is the deal goes through, with Iger scheduled to retire in 2019.

AL FRANKEN WAS TAKEN OFF Foreign Policy magazine's Global Thinkers list when the sexual harassment allegations about him were revealed. A magazine spokeswoman told my

colleague Daniel Lippman: "We were planning to make him an awardee but removed him from the list when we heard of his inappropriate behavior." Franken's office did not reply to a request for comment. *The list* http://atfp.co/2AyyBNA

BEST OF 2017: The New Yorker has listed its top 25 most-read stories of the year, leading with Ronan Farrow's investigation of Harvey Weinstein and followed by Anthony Scaramucci's expletive-filled call to Ryan Lizza.

APPLY: The Nieman Foundation for Journalism at Harvard and the Abrams Foundation have launched a new local investigative journalism fellowship. "In the coming year, the new fellowship will fund up to three Nieman Fellowships for U.S. journalists who cover news in areas of the United States where resources are scarce," the announcement read. "In addition to studying at Harvard University for an academic year, the Abrams Nieman Fellowship will include a fieldwork period, during which fellows will work on a public service journalism project for up to nine months."

REVOLVING DOOR

Veteran foreign correspondent and video journalist **Stephen Farrell** was named Jerusalem bureau chief of Reuters, where he'll lead coverage of Israel and the Palestinian territories. For the Times of London, Farrell reported extensively from war zones, including in the Balkans, Afghanistan, and Iraq, and throughout the Middle East. He joined the New York Times in 2007, beginning in Baghdad, before moving several years later to New York to work on video projects.

POLITICO's own **Ali Watkins** is heading to the New York Times as a national security reporter. While an intern, Watkins was part of a 2013 McClatchy team that was a Pulitzer-finalist team reporting on CIA spying on the Senate Intelligence Committee. She later worked at HuffPost and BuzzFeed.

Monica Drake, a senior editor running the New York Times' travel section, has been promoted to a masthead-level position of assistant managing editor, overseeing new digital features and projects. "Having Monica join the masthead is a testament to the importance of her new job and our belief that the Times newsroom should play a leading role in securing our economic future, just as it did in the 1970s when a host of new sections broadened the paper's appeal," top editors Dean Baquet and Joe Kahn wrote in a memo.

Jeff Mays is joining the New York Times to cover City Hall and politics, deputy editor Dean Chang announced on Twitter.

ADDENDUM: Yesterday, Morning Media suggested that Fox News Radio's Jon Decker, who just passed the D.C. bar, may be the only lawyer in the White House press corps. It turns out Reuters White House correspondent Jim Oliphant has a law degree from Ohio State (and was also once editor-in-chief of Legal Times). In addition, Guardian political reporter Ben Jacobs graduated from Duke law school.

EXTRAS

- Corey Lewandowski and David Bossie continue to claim the New York Times provided an advance story to Paul Manafort during the campaign, a charge the paper denies.

- TheSkimm is exploring a possible sale.

- Wall Street Journal editors urge staff to be more precise when referencing millennials.

- At a media conference, News Corp's Robert Thomson discussed Fox News-Mark Zuckerberg meeting mentioned in yesterday's Morning Media. He also called YouTube a "toxic waste dump."

To view online:
http://www.politico.com/media/newsletters/morning-media/2017/12/06/how-weinstein-manipulated-the-press-national-enquirer-editor-accused-of-sexual-misconduct-lipman-leaves-usa-today-breitbart-expands-on-siriusxm-msnbcs-afraid-of-cernovich-001395

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Mon 12/4/2017 3:02:39 PM
Subject: POLITICO's Morning Energy: Trump visits Utah for monument announcement today — Energy world reacts to Senate tax bill passage — EPA axes mining cleanup rule

By Anthony Adragna | 12/04/2017 10:00 AM EDT

With help from Alex Guillén

TRUMP'S MONUMENTAL DECISION: The news spotlight will shift to Salt Lake City today, where President Donald Trump is expected to unveil his decision to drastically trim Utah's Bears Ears and Grand Staircase-Escalante national monuments after deciding the designations under the Antiquities Act were overreach. The moment marks a huge victory for the state's congressional delegation, which fought hard to undo the designation. "Every elected official from the mayors to the commissioners, every single elected representative, got engaged in it. It was the real, Utah cumulative, everybody-pull-together kind of thing," Boyd Matheson, president of the Sutherland Institute, told the Salt Lake Tribune. Look for a whole bunch of VIPs, including Interior Secretary Ryan Zinke, Sen. Orrin Hatch and House Natural Resources Chairman Rob Bishop, to be on hand for the Trump's announcement.

But expect the pushback to be instantaneous and lengthy legal battles to follow. Some 5,000 people protested the anticipated decision outside the Utah State Capitol over the weekend (picture via League of Conservation Voters here). Look for Native American, public lands and environmental groups to lodge lawsuits arguing the Antiquities Act doesn't provide the president authority to change a prior designation. Representatives from the Navajo, Ute, and Hopi Tribes will hold a telephone press conference tomorrow at 5 p.m. EST responding to announcement.

Trump is due to speak at 2:40 p.m. EST in Salt Lake City. One thing to watch for is whether his comments touch on the other national monument designations that Zinke recommended shrinking such as Cascade-Siskiyou, Organ Mountain-Desert Peaks, Rio Grande del Norte and Katahdin Woods and Waters.

Also, look for Trump to use the trappings of a presidential trip - and a roundtrip flight on Air Force One - to heap praise on Hatch as he tries to persuade the seven-term Utahn to seek reelection and block Mitt Romney's path to the Senate, POLITICO's Alex Isenstadt reports.

ANWR IN AS HOUSE-SENATE MOVE TO TAX CONFERENCE: House lawmakers vote today on whether to go to conference on their tax plans H.R. 1 (115) after senators voted 51 to 49 early Saturday morning to pass their massive tax overhaul. Sen. Maria Cantwell 's push to block language opening ANWR to oil and gas drilling fell short on largely party lines 48 to 52 during the debate. Here's what the energy and environment world had to say following the vote:

-Clean energy groups: "We applaud the reduction in the corporate tax rate and preserving frameworks that support the clean energy sector. However, we are concerned about provisions that will have a negative impact on clean energy investments, including Base Erosion Anti-Abuse Tax (BEAT) provision and the impact of the corporate Alternative Minimum Tax (AMT)

on investment tools that have been critical to the growth of the clean energy sector," a statement, signed by six groups including American Wind Energy Association and Citizens for Responsible Energy Solutions, reads.

-Oil, gas and utility industry groups liked what they saw and encouraged the chambers to iron out their differences ASAP. "We are encouraged that both the House and Senate agree that reducing the corporate tax rate is vital to modernizing the tax code, and urge Congress to quickly finalize legislation for the President to sign into law," American Fuel & Petrochemical Manufacturers said in a statement.

-Environmental groups warned the bill would undermine public health and environment: "The bill would threaten the climate by leaving billions of dollars of fossil fuel subsidies intact while changing the tax code in ways that would jeopardize the financing of numerous clean energy projects under construction and discourage future clean energy investments in wind and solar," Ken Kimmell, president of the Union of Concerned Scientists, said in one such statement.

Someone's not happy: Coal magnate Bob Murray bashed the Senate's plan as a "mockery" of the tax reform process and warned it might put him out of business, according to the Wall Street Journal. "This is not job creation. This is not stimulating income. This is driving a whole sector of our community into nonexistence," he said.

What's next on taxes? Pro Tax's Brian Faler has an excellent rundown.

WELCOME TO MONDAY! I'm your host Anthony Adragna, and Squire Patton Boggs' James Eklund was first to identify Michael Bennet as the senator who once led the public schools of his state's largest city. For today: Which current senator was once roommates (briefly) with former Sen. Trent Lott? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

Legislative Compass - Preferred Pricing for 2017: Test out POLITICO Pro's powerful, easy-to-use tool that simplifies federal and state legislative tracking. Get started.

THE PLAYBOOK POWER LIST: 18 TO WATCH IN 2018: The final Playbook Power List of the year highlights 18 politicians, activists and operatives across the country who are poised to make waves in 2018. From the anti-Trump "Resistance" on the left to the far right Bannonite wing trying to remake the GOP, keep an eye on these people over the next 12 months. Click HERE to find out who made the list.

Please welcome to the stage: The Pro Energy team's Darius Dixon and his wife recently expanded their family. Marcus Inali Dixon was born at 3:06 a.m. Friday at a healthy 8lbs. 10oz. All is well with the Dixon clan but it's not yet clear whether Marcus will share Dad's interest in FERC and nuclear waste. Here's a pic!

EPA SAYS NEVERMIND ON MINE BONDING RULE: EPA on Friday evening backtracked on the Obama administration's proposal to require hardrock miners to prove they have the money to clean up their mines, saying that it's actually "not appropriate" to regulate.

The issue has been brewing for years following an environmentalist lawsuit that said EPA had never fulfilled part of the Superfund law requiring it to write financial assurance regulations for industries that could leave behind toxic messes. The Obama administration's proposed rule required hardrock miners to obtain some type of bonding or collateral would have cost $171 million annually and was projected to save taxpayers $527 million in Superfund clean-ups over 34 years. It was strongly opposed by industry and Republicans.

On Friday, at the court-ordered deadline to finalize a rule, EPA said no regulation was necessary . "EPA is confident that modern industry practices, along with existing state and federal requirements address risks from operating hardrock mining facilities," Administrator Scott Pruitt said in a statement. "Additional financial assurance requirements are unnecessary and would impose an undue burden on this important sector of the American economy and rural America, where most of these mining jobs are based." The final rule noted especially that the savings for taxpayers would have been "relatively small" and that miners would have faced costs "an order of magnitude greater" than the government's savings.

Industry, Republicans celebrate: Supportive statements flooded in Friday night from the National Mining Association, Senate Energy and Natural Resources Chairwoman Lisa Murkowski, Senate Environment and Public Works Chairman John Barrasso, and Bishop. EPA's own release included praise from three Republican governors and Sen. Steve Daines , who chairs the Senate Western Caucus. Earthjustice, which represented a coalition of green groups in the lawsuit, vowed to sue over the decision in a statement over the weekend.

Two more points: 1) The Obama administration's plans to write similar rules for chemical makers, electric utilities and petroleum and coal products manufacturers are looking unlikely to happen following this decision. 2) Coal mines are regulated differently and are required to obtain financial assurance, a practice regulated by the states. Hardrock mining covers a variety of non-fuel resources, including gold, copper, silver, iron, gypsum and sulfur.

TAKE A PASS? Ahead of a Thursday meeting between Trump, Sen. Ted Cruz and other senior officials about biofuels policy, Texas Gov. Greg Abbott formally asked for a Renewable Fuel Standard waiver from Pruitt. "The time is ripe for EPA to grant substantive relief from the unique, adverse impacts the RFS program is having on the state of Texas," he wrote in a Friday letter . "The extreme, detrimental impacts on large portions of the refining sector have now placed unacceptable burdens on the Texas economy and the economy and security of the nation as a whole." Abbott, in particular, cited high RIN prices as causing hardship to refiners across the state.

SHUTDOWN? WHAT SHUTDOWN? Senior Republicans projected strong confidence Sunday they'd be able to avoid a government shutdown by passing a short-term funding package before the Friday deadline, POLITICO's Kevin Robillard reports. "There's not going to be a government shutdown," Majority Leader Mitch McConnell said on ABC's "This Week." "It's just not going to happen." House Appropriations Chairman Rodney Frelinghuysen on Friday released a two-week CR that would keep the lights on through Dec. 22.

But disaster aid will wait: House Republicans are tentatively planning to package the next

installment of disaster aid with the Dec. 22 stopgap funding bill, Pro Budget & Appropriations Brief reports. "There's working agreement to that model," Texas Rep. Pete Sessions said Friday. "I think some of these things all collide together." No word yet on how much bigger that package will be compared to the White House's $44 billion request.

WHITEFISH HIRES MORE LOBBYISTS: Whitefish Energy, the tiny Montana-based company that drew controversy for its now-canceled $300 million grid repair contract in Puerto Rico, hired the Tallahassee office of Foley & Lardner to lobby on its behalf, POLITICO's Matt Dixon reports. Lead lobbyists will be Robert Hosay, a former Gov. Jeb Bush administration official, and Jason Allison, who once led the Scott administration's Agency for State Technology. The hiring comes as the company filed a lawsuit Friday alleging a subcontractor interfered with tens of millions in payments, the Associated Press reports.

Speaking of which, Senate Homeland Security ranking member Claire McCaskill sent a letter Friday seeking additional information about a $200 million contract inked by Puerto Rico's utility with Cobra Acquisitions LLC, another newly-formed company, for grid restoration work. Link here.

OBAMA LAMENTS CLIMATE LEADERSHIP PAUSE: Speaking in France on Sunday, former President Barack Obama said U.S. states and cities were making up for what he called "a temporary absence of American leadership" on climate action, Reuters reports. Obama also met with French President Emmanuel Macron, his predecessor Francois Hollande and Paris Mayor Anne Hidalgo.

CALLING ALL COMMENTERS! EPA convenes a public hearing this morning at 10 a.m. at agency headquarters on its plan to repeal the Obama-era Phase 2 emissions rule for heavy-duty trucks that classified "glider kits" as new vehicles or engines that are subject to more stringent requirements. More information here.

PERRY'S IN THE MIDDLE EAST: Energy Secretary Rick Perry continues his Middle East swing this week. Among this weekend highlights: Meeting with His Royal Highness Crown Prince Mohammed bin Salman in Saudi Arabia and touring Aramco's facilities in Dhahran. ME readers will of course remember that Trump asked the oil giant to make its hugely anticipated stock offering on the New York Stock Exchange.

GETTING IN THE FAST LANE: Zinke used a trip to Louisiana over the weekend to pledge to remove regulatory barriers slowing down coastal restoration projects, The Advocate reports. "Louisiana and the coastline are important, and we're losing too much of it. ... There's a lot of things that Interior can do," Zinke said. Photos from his visit here and here.

CLARIFYING: ME wrote last week that coal magnate Robert Murray said at a conservative energy conference that he had met with Pruitt seven times. A spokesman clarified that Murray was referring to all meetings with anyone from the Trump administration, not just Pruitt, including "before and after the election." It was previously reported Murray has met several times this year with President Trump himself to discuss strategies to boost the coal industry, including his ultimately unsuccessful proposal to use the Energy Department's emergency

authority to keep coal plants operating.

QUICK HITS

- VW Bosses Coached Me to Lie, Jailed Manager Tells U.S. Judge. Bloomberg.

- Anchorage's climate change conundrum. The Week.

- A county in Utah wants to suck 77 million gallons a day out of Lake Powell, threatening the Colorado River. Los Angeles Times.

- Builders Said Their Homes Were Out of a Flood Zone. Then Harvey Came. New York Times.

- Blankenship has told courts that Las Vegas is his 'home'. Charleston Gazette-Mail.

- Study aims to determine feasibility of underground carbon storage. Bismarck Tribune.

THAT'S ALL FOR ME!

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https://www.politico.com/newsletters/morning-energy/2017/12/04/trump-visits-utah-for-monument-announcement-today-038971

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Sent: Wed 12/6/2017 9:47:11 PM
Subject: BREAKING NEWS: House passes concealed carry gun bill

The House passed legislation to permit concealed carry license holders to conceal a handgun in other states.

The "Concealed Carry Reciprocity Act," a top priority for the NRA and other gun-rights groups, passed 231-198. Senate Democrats are expected to block the measure.

Read more: https://www.politico.com/story/2017/12/06/house-passes-concealed-carry-gun-bill-283768

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Sent: Mon 12/4/2017 3:02:01 PM
Subject: Dec. 04 -- Environment & Safety Resource Center Update



Environment & Safety Resource Center Update

December 04, 2017 - Number 49

Analysis : Air Pollution Control Guide | Safety Guide | Waste Management Guide

Federal Statutes, Regulations and Agency Documents : Federal Chemical Controls Updates | Federal Register Final Rules | Federal Register Notices | Federal Register Proposed Rules | Federal Workplace Safety Updates | Military Documents

States—Environment : Arkansas | California | Florida | Illinois | Indiana | New Mexico | Oregon | South Dakota | Wyoming

Analysis

Air Pollution Control Guide

State

Indiana (Emissions Trading). Updated to reflect a final rulemaking by the Indiana Department of Environmental Management establishing emissions trading programs for annual and seasonal nitrogen oxides and sulfur dioxide as required by the federal Cross-State Air Pollution Rule (CSAPR). The rule took effect Nov. 24.

Virginia (NOx SIP Call). Updated to reflect a final rulemaking by the Virginia Department of Environmental Quality conforming the state's Nitrogen Oxide Budget Program to the federal CSAPR. This Virginia rule removes requirements pertaining to the trading of NOx emissions under CAIR. It also retains requirements necessary to control emissions from nonelectric generating units to make state requirements conform with CSAPR. The rule took effect Nov. 29.

Additional Analysis

Defining Green Finance for Climate Change. A new Practitioner Insights article by Daniel Rossetto, chief executive of Climate Mundial, and Bruce Tozer, chairman of Climate Mundial, is added that proposes a definition for "green finance" in the context of climate change. The authors argue that green finance is an important and emerging segment of financial markets that holds the promise of delivering environmental benefits that could help tackle climate change.

Safety Guide

State

Alaska (Whistle-Blowers). Updated to remove a requirement that discrimination reports alleging

retaliatory actions taken against employees who file complaints must be submitted within 30 days. The rule became effective Nov. 29.

Waste Management Guide

State

Alaska (Underground Storage Tanks (Financial Responsibility)). Updated to reflect an Alaska final rule amending financial responsibility requirements for owners of underground storage tanks.

Alaska (Underground Storage Tanks (Financial Assistance)). Revised to provide an updated analysis of Alaska financial assistance for remediating releases from underground storage tanks.

Alaska (Aboveground Storage Tanks). Revised to provide an updated analysis of Alaska's regulatory program for aboveground storage tanks.

Federal Statutes, Regulations and Agency Documents

Federal Chemical Controls Updates

The Chemical Diversion and Trafficking Act of 1988 (Amends history, adds new 303(j), redesignates former (j) as (k), PL 115-83, 11/17/17)

Federal Register Final Rules

33 CFR 117

82 FR 55945, 11/27/17: Drawbridge Operation Regulation; Jamaica Bay, Queens, NY

82 FR 56886, 12/1/17: Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, Albemarle and Chesapeake Canal, Chesapeake, VA

33 CFR 165

82 FR 56170, 11/28/17: Safety Zone; Delaware River, Pipeline Removal, Marcus Hook, PA

82 FR 56566, 11/29/17: Safety Zone; Delaware River, Marcus Hook, PA

82 FR 56568, 11/29/17: Safety Zone, Savannah River, Savannah, GA

40 CFR 52

82 FR 55951, 11/27/17: Approval of Nebraska Air Quality Implementation Plans; Adoption of a New Chapter Under the Nebraska Administrative Code; Withdrawal of Direct Final Rule

82 FR 56172, 11/28/17: Approval of Missouri Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2010 Sulfur Dioxide National Ambient Air Quality Standard; Withdrawal of Direct Final Rule

82 FR 56172, 11/28/17: Approval of Missouri Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2008 Ozone National Ambient Air Quality Standard; Withdrawal of Direct Final Rule

82 FR 56173, 11/28/17: Approval of Nebraska's Air Quality Implementation Plan, Operating Permits Program, and 112(l) Program; Revision to Nebraska Administrative Code; Withdrawal of Direct Final Rule

40 CFR 70

82 FR 56173, 11/28/17:

More...

Federal Register Notices

82 FR 55985, 11/27/17: Submission for OMB Review; Comment Request

82 FR 55985, 11/27/17: Departmental Management; Performance Review Board Membership; Notice Appointments

82 FR 55986, 11/27/17: Announcement of Grant Application Deadlines and Funding Levels for the Assistance to High Energy Cost Rural Communities Grant Program

82 FR 55986, 11/27/17: Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Rescission, in Part, of Antidumping Duty Administrative Review; 2016–2017

82 FR 55987, 11/27/17: Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Notice of Initiation of Changed Circumstances Reviews, and Consideration of Revocation of the Antidumping and Countervailing Duty Orders in Part

82 FR 55988, 11/27/17: Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In–Quota Rate of Duty

82 FR 55989, 11/27/17: Cast Iron Soil Pipe Fittings From People's Republic of China: Postponement of Preliminary Determination in the Less–Than–Fair–Value Investigation

82 FR 55990, 11/27/17: Certain Stilbenic Optical Brightening Agents From the People's Republic of China and Taiwan: Continuation of Antidumping Duty Orders

82 FR 55990, 11/27/17: Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Bravo Wharf Recapitalization Project, Year 2

82 FR 56006, 11/27/17: Mid–Atlantic Fishery Management Council (MAFMC); Public Meetings

82 FR 56012, 11/27/17: Public Availability of Department of Energy FY 2016 Service Contract Inventory

More...

Federal Register Proposed Rules

10 CFR 26

82 FR 55954, 11/27/17: Regulatory Improvements for Power Reactors Transitioning to Decommissioning

10 CFR 50

82 FR 55954, 11/27/17: Regulatory Improvements for Power Reactors Transitioning to Decommissioning

10 CFR 52

82 FR 55954, 11/27/17: Regulatory Improvements for Power Reactors Transitioning to Decommissioning

10 CFR 73

82 FR 55954, 11/27/17: Regulatory Improvements for Power Reactors Transitioning to Decommissioning

10 CFR 140

82 FR 55954, 11/27/17: Regulatory Improvements for Power Reactors Transitioning to Decommissioning

10 CFR 430

82 FR 56181, 11/28/17: Energy Conservation Program: Energy Conservation Standards Program Design

16 CFR 1101

82 FR 56752, 11/30/17: Clothing Storage Unit Tip Overs; Request for Comments and Information

16 CFR 1102

82 FR 56752, 11/30/17: Clothing Storage Unit Tip Overs; Request for Comments and Information

More...

Federal Workplace Safety Updates

Enforcement Guidance for General Industry Rope Descent System (RDS) Anchorage Requirements (29 CFR 1910.27(b)(1)) (11/20/17)

Commercial Fishing: Shipboard Pedestal Crane Safety (11/17)

Roof Tarping (Blue Roof) Safety (11/17)

Military Documents

6055.16: Explosives Safety Management Program (Revised) (11/14/17)

States—Environment

Arkansas

State Register Summaries

ARR\rg9 - Arkansas Register 10/02/2017 - Permit Fees

ARR\rgRC - Arkansas Register 10/02/2017 - Control of Sources of Ionizing Radiation

California

State Register Summaries

CAR\ti3\di6\ch3 - California Regulatory Notice Register 11/24/2017 - Pesticides/Worker Medical Supervision

CAR\ti13\di3\ch15 - California Regulatory Notice Register 11/24/2017 - Evaporative Emission Requirements for Off-Road Equipment

CAR\ti17\di3\ch1\sh1 - California Regulatory Notice Register 11/24/2017 - Air Resources Board/Quorum

CAR\ ti27\di4\ch1 - California Regulatory Notice Register 11/24/2017 - Safe Drinking Water and Toxic Enforcement Act/N,N-Dimethylformamide, MBT, TBBPA

CAR\ti27\di4\ch1 - California Regulatory Notice Register 11/24/2017 - Safe Drinking Water and Toxic Enforcement Act/PFOA, PFOS

Florida

State Register Summaries

FLR\ch40C-2 - Florida Administrative Weekly 11/14/2017 - St. Johns River WMD/Consumptive Use Permits

Illinois

State Register Summaries

ILR\ti35\pt681 - Illinois Register 11/27/2017 - Water Supply Operator Certification

Indiana

State Register Summaries

INR\ti326\at26, INR\ti326\at24 - Indiana Register 11/22/2017 - Nitrogen Oxides and Sulfur Dioxide Trading Programs/Regional Haze

New Mexico

State Register Summaries

NMR\ti20\ch11\pt41 - New Mexico Register 11/28/2017 - Construction Permits

Oregon

State Register Summaries

ORR\ch340\di040 - Oregon Bulletin 11/28/2017 - Groundwater Quality Protection

ORR\ch340\di040 - Oregon Bulletin 11/28/2017 - Groundwater Quality Protection/Permitted Operations

ORR\ch340\di040 - Oregon Bulletin 11/28/2017 - Groundwater Quality Protection/Numerical Reference and Guidance Levels

South Dakota

State Register Summaries

SDR\at74:37 - South Dakota Register 11/20/2017 - Title V Air Quality Permitting Program/Air Emission Fees

SDR\at74:52, SDR\at74:57 - South Dakota Register 11/27/2017 - Surface Water Discharge, Concentrated Animal Feeding Operation Permits

Wyoming

State Register Summaries

WYR\dpWDC\diGR\ch1, WYR\dpWDC\diGR\ch7, WYR\dpWDC\diGR\ch3, WYR\dpWDC\diGR\ch2, WYR\dpWDC\diGR\ch4, WYR\dpWDC\diGR\ch5, WYR\dpWDC\diGR\ch6 - Wyoming Regulations 11/28/2017 - Water Development Commission

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Environment & Safety Resource Center Update

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Claudia Hosky
Sent: Wed 11/29/2017 6:46:53 PM
Subject: Webinar on EPA Strategic IT Vision, Tomorrow, 1 CPE

COMPLIMENTARY WEBINAR, THURS 11/30, CPE CREDIT

Hi Ryan,

The White House vision for Federal IT modernization calls for secure use of the best commercial technology available. The plan is also charged with enabling more rapid delivery of new methods and technology to the public to improve cybersecurity of networks and systems, and spur agencies to operate IT more cost effectively.

This webinar features Tim Thorpe, Director, Enterprise Hosting Division, Environmental Protection Agency and will address how government is achieving IT innovation through policy, technology, and workforce change.

REGISTRATION AND INFO:
https://goto.webcasts.com/starthere.jsp?ei=1170443&tp_key=7885daeeae&sti=JangoB
ALTERNATE LINK: www.fedinsider.com or call 202-237-0300

WEBINAR TOPIC
Vision for Federal IT Modernization

DATE: THURS, 11/30
TIME: 2:00 PM ET / 11:00 AM PT
DURATION: 1 hour
CREDIT: 1 CPE from the George Washington University Center for Excellence in Public Leadership
COST: Complimentary

DISTINGUISHED SPEAKERS
- **TIM THORPE**, Director, Enterprise Hosting Division, Environmental Protection Agency
- **DOUG NASH**, Chief Information Officer, Agriculture Marketing Service, US Department of Agriculture
- **FRANK KONIECZNY**, Chief Technology Officer, US Air Force
- **MIKE WILKERSON**,Senior Director, End User Computing, Federal, VMware
- **JASON MILLER** (Moderator), Executive Editor, Federal News Radio 1500 AM and FederalNewsRadio .com

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Looking forward to seeing you online!

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Wed 12/6/2017 2:05:25 AM
Subject: BREAKING NEWS: Trump to recognize Jerusalem as Israel's capital

President Donald Trump will announce Wednesday that the United States recognizes Jerusalem as the capital of Israel and will eventually relocate its embassy there - a declaration that could spur violent protests in the Middle East and undermine the White House's effort to strike a peace deal between Israel and the Palestinians.

Trump is making the announcement despite criticism from numerous U.S. allies, including France, Jordan and Saudi Arabia, which have urged him to avoid the extremely sensitive topic.

The president is still open to the possibility of a two-state solution, and he understands that the final borders of Israel and a future Palestinian state remain subject to negotiations, senior administration officials told reporters Tuesday.

Trump will also not declare that Jerusalem must be the "undivided" capital of Israel, an official told POLITICO.

Such caveats appear to leave room for Palestinians to at least claim East Jerusalem as their territory in a future state. Regardless, the administration officials insisted, Trump is not concerned that recognizing Jerusalem as Israel's capital will derail the peace process, because he sees it as an affirmation of reality.

"While President Trump recognizes that the status of Jerusalem is a highly sensitive issue, he does not think it will be resolved by ignoring the simple truth that Jerusalem is home to Israel's legislature, its supreme court and the prime minister, and as such is the capital of Israel," one of the officials said, adding: "Delaying the recognition of Jerusalem as the capital of Israel has done nothing to achieve peace for more than two decades."

Trump will direct the State Department to devise plans to move the U.S. Embassy from Israel to Jerusalem, but that process, the officials said, could take several years. Although in theory the president could simply switch the sign at the existing U.S. consulate in Jerusalem to say "embassy," the administration says it wants to wait until an appropriate site is selected, proper security is in place and a host of other personnel issues are addressed.

Trump will continue to sign a national security waiver that allows the U.S. to keep its embassy in Tel Aviv for now - a process that comes up every six months under a 1995 law passed by Congress that requires moving the embassy to Jerusalem. Trump needs to sign the waiver so that State Department funding cuts aren't triggered by the law, the senior officials said.

U.S. and foreign officials predicted that Trump's decision would spark a possibly violent backlash in the Muslim world and badly damage America's ability to be seen as an honest broker in a peace process - an initiative being led by Trump's son-in-law Jared Kushner.

Already, the State Department has urged embassies worldwide to upgrade security and has

restricted U.S. diplomats' movements in Israel and the Palestinian territories, where demonstrations are expected starting Wednesday.

"U.S. citizens should avoid crowds and areas with increased police and/or military presence," the department's consular bureau said in a travel notice.

Both Israelis and Palestinians claim Jerusalem as their capital. But the U.S. and most of the rest of the world have long declined to take a position on the fate of the holy city, saying it's a topic to resolve during negotiations.

Peace negotiators have long envisioned that Jerusalem would be divided between the two sides. And U.S. presidents, despite their campaign rhetoric, have for years been signing waivers delaying the move of the embassy.

The senior administration officials stressed that Trump remains committed to the Middle East peace process. Kushner, who also serves as a top White House adviser, has been working on a peace plan for several months.

The process has been largely shrouded in secret, involving only a handful of Trump aides. But a Trump recognition of Jerusalem as the Israeli capital could throw a wrench into the plan, U.S. officials and analysts say, by making the Palestinians unwilling to trust the Americans.

Trump has spoken this week to several foreign leaders, including Palestinian President Mahmoud Abbas, Israeli Prime Minister Benjamin Netanyahu and Jordanian King Abdullah II, in order to outline his intentions.

Abbas warned Trump of the "grave consequences" of moving the embassy, stating that such a decision would result in "detrimental consequences on the peace process and the prospects for the internationally endorsed two-state solution."

In light of Trump's planned announcement, the Palestinian delegation in Washington announced that it was canceling a Christmas celebration planned for Wednesday.

"Out of care for our leaders and children, it might be unsuitable for them to speak and sing shortly after the possibility of an announcement that runs counter to the message of peace," the delegation said in a statement.

The Jordanian monarch warned Trump that "the decision will have serious implications that will undermine efforts to resume the peace process and will provoke Muslims and Christians alike," according to a statement from the Jordanian government.

Saudi Arabia's Ministry of Foreign Affairs also expressed "deep concerns" about the possible move in a statement. European allies, including France, have also weighed in, urging Trump to avoid taking a position on Jerusalem.

The president relishes being unpredictable, and he is known to often change his mind at the last

minute. But for days now, White House aides have been indicating that Trump is determined to break with tradition, noting that he promised during the 2016 presidential campaign that he would move the embassy.

Trump has already proven hard to persuade on a number of issues that have broad international support. He has said the U.S. is pulling out of the Paris climate agreement, for one, and has also abandoned the Trans-Pacific Partnership trade deal. More recently, he decided to pull the U.S. out of an international effort to come up with a new framework for dealing with refugees.

What to do about Jerusalem is an issue that has sparked fierce internal debate, with Trump's advisers warning that the move could threaten prospects for a peace deal. But the senior administration officials briefing reporters on Tuesday said the ultimate decision was borne of a collaborative effort.

They added that various U.S. agencies were prepared for potential unrest as a result of the president's decision.

Nolan McCaskill and Louis Nelson contributed to this report.

Read more: https://www.politico.com/story/2017/12/05/trump-israel-jerusalem-embassy-281812

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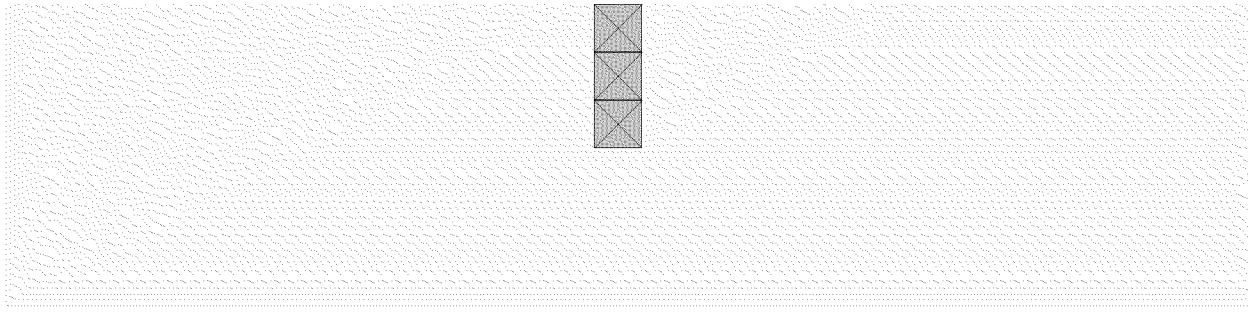
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Subject: TX Officer Slain, Fentanyl Dog Training, Jesuit Massacre, Help Marshals Catch Killer, TX Would-Be Jihadist





To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA.com
Sent: Mon 12/4/2017 2:00:09 PM
Subject: The Morning Headlines from InsideEPA.com -- December 4, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

December 4, 2017

Latest News

EPA Allies Warn Of Toxics, Enforcement Cuts To Fight FY18 Spending Plan

Environmentalists and other EPA allies are trying to fight major proposed fiscal year 2018 funding cuts for the agency by warning of the adverse health and environmental impacts that the cuts would have in scrapping a key toxic risk assessment program and significantly cutting enforcement, among other scaled-back programs.

House Critics Build Case For Overhauling NEPA To Speed EIS Reviews

House opponents of the National Environmental Policy Act (NEPA) are building a case for legislation to overhaul the foundational environmental law to speed project reviews, holding a recent hearing where they outlined a number of examples for how the law's review process is delaying projects and driving up their costs.

Citizens Urge High Court To Reject Air Law 'Contingency' Measures Case

Arizona citizens are urging the Supreme Court to reject the state's request for the court to hear its appeal of a ruling that said it cannot count existing air pollution controls as new "contingency measures" required to cut emissions under the Clean Air Act, saying there is no appellate split on the issue that would justify high court review.

EPA Renews Pledge To Issue Perchlorate Rule After Official Raised Doubts

A lead member of EPA's water office staff reassured members of the agency's children's health advisory panel that officials will continue on their path toward regulating the rocket fuel ingredient perchlorate in drinking water, despite a suggestion from a top agency office last month that raised questions in some stakeholders' minds.

Industry, Environmentalists Spar Over Perchlorate Peer Review Documents

Environmentalists and industry stakeholders are sparring over documents that EPA prepared for a second round of peer review of the model intended to assist the agency in setting a drinking water goal for the rocket fuel perchlorate -- even as the

agency has failed to meet its first court ordered deadline for doing so.

Daily Feed

Environmentalists defend suit over 'vague' CRA terms

Environmentalists are urging the court to preserve their suit that challenges the Congressional Review Act's limits on agencies replacing rules that Congress scraps under the law.

NOAA pick agrees humans are 'main' cause of climate change

The administration's pick to lead NOAA goes much further in acknowledging human contributions to climate change than most Trump administration officials, including EPA Administrator Scott Pruitt.

Ewire: House panel poised to codify Trump's deregulatory orders

A House committee is voting Nov. 30 on legislation to codify President Donald Trump's deregulatory orders.

D.C. Circuit urged to 'clarify' AFO reporting mandate

Environmentalists are insisting that EPA's exemption of animal feeding operations from some emissions reporting requirements is unlawful “final agency action.”

Read all the latest EPA news, analysis and documents →

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Wed 12/6/2017 9:16:42 PM
Subject: Latest News: Amid GHG Endangerment Fight, Some Conservatives Push Sector Strategy

December 6, 2017

Latest News

Amid GHG Endangerment Fight, Some Conservatives Push Sector Strategy

As the future of EPA's greenhouse gas endangerment finding divides conservatives, some legal observers are suggesting an alternative approach that they say would leave the finding -- the driver for nearly all of EPA's GHG rules -- in place but still largely allow the agency to avoid regulations that opponents are seeking to eliminate.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Tue 12/5/2017 12:40:45 PM
Subject: The Morning Headlines from InsideEPA/climate -- December 5, 2017

December 5, 2017

Trucking Sector Blasts Legal, Policy Rationale For Glider GHG Rule Repeal

Numerous representatives of the trucking sector -- including for manufacturers, large fleets and advanced technology firms -- are pushing back hard against EPA's proposal to scrap greenhouse gas restrictions on "glider" trucks that combine used engines with a new chassis, arguing EPA's legal justification could open up a massive Clean Air Act loophole and disadvantage numerous businesses that have invested in cleaner technology.

House Critics Build Case For Overhauling NEPA To Speed EIS Reviews

House opponents of the National Environmental Policy Act (NEPA) are building a case for legislation to overhaul the foundational environmental law to speed project reviews, holding a recent hearing where they outlined a number of examples for how the law's review process is delaying projects and driving up their costs.

EPA Staff Defend Modeling For Vehicle GHG Rules Amid Industry Attack

EPA career staffers are defending their technical modeling used to analyze the agency's greenhouse gas standards for model year 2022-2025 light-duty vehicles against an auto industry attack that the modeling is "biased" in favor of finding greater fuel efficiency gains from advanced vehicle technology.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Mon 12/4/2017 1:56:15 PM
Subject: Dec. 04 -- EHS State Regulatory Alert

EHS State Regulatory Alert

December 04, 2017 - Number 231

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Florida

WATER
St. Johns River WMD/Water Shortage Plan
Florida WATER

Notice of the St. Johns River Water Management District announces workshops on Nov. 15, 2017, proposed amendments to regulations under FAC 40C-21 to revise the district's water shortage plan. The amendments may address noticing of declaration of a water shortage and associated water use restrictions, hydrologic indicators used to declare a water shortage or to change phases of a declared water shortage, and water use restrictions implemented during phases of a water shortage. The workshops are scheduled for Jan. 17 and 18, 2018, in Palatka and Maitland, respectively. Contact: Kraig McLane; SJRWMD; 386-329-4374; kmclane@sjrwmd.com

—State Publication Date: 11/30/2017. Citations: FAC 40C-21.001, .051, .221, .231, .251, .271, .291, .331, .371, .391, .401, .421, .511, .531, .551, .571, .601, .621, .631, .641, .651

Regulatory Update

Mississippi

HAZARDOUS WASTE MANAGEMENT
Hazardous Waste Management
Mississippi HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Quality amends regulations under Title 11, Part 3, Chapter 1, regarding hazardous waste management. The rule makes technical and administrative corrections and adds references relating to implementation of the EPA e-manifest system. The rule is effective Dec. 30, 2017. Contact: Ted Lampton; DEQ; 601-961-5573; tlampton@mdeq.ms.gov

—State Publication Date: 11/30/2017. Citations: 11 Miss. Admin. Code Part 3, Chapter 1 (amended)

Regulatory Update

Oregon

AIR
Cleaner Air Oregon
Oregon AIR

Proposed rule of the Department of Environmental Quality would amend regulations under OAR 340-012 through -246 and the state implementation plan to add public health-based protection from emissions of air toxics to the existing air permitting regulatory framework. The rule would require commercial and industrial facilities to report emissions from 601 chemicals. The rule also would require facilities to calculate and report the risk posed by their emissions where people would be exposed and prohibit operation of facilities whose risks are above the risk action levels and exceeding a proposed upper risk limit. In addition, the rule would revise standards for art glass manufacturers to align with program standards. Comments are due Dec. 22, 2017. Contact: Joe Westersund; DEQ; 503-229-6403; westersund.joe@deq.state.or.us

—State Publication Date: 11/01/2017. Citations: OAR 340-012-0030 (amended); OAR 340-012-0053 (amended); OAR 340-012-0054 (amended); OAR 340-012-0135 (amended); OAR 340-012-0140 (amended); OAR 340-200-0020 (amended); OAR 340-200-0035 (amended); OAR 340-200-0040 (amended); OAR 340-209-0020 (amended); OAR 340-209-0040 (amended); OAR 340-209-0050 (amended); OAR 340-210-0010 (amended); OAR 340-216-0020 (amended); OAR 340-216-0030 (amended); OAR 340-216-0040 (amended); OAR 340-216-0069 (new); OAR 340-216-0090 (amended); OAR 340-216-8010 (amended); OAR 340-216-8020 (amended); OAR 340-216-8030 (amended); OAR 340-218-0010 (amended); OAR 340-218-0020 (amended); OAR 340-218-0030 (amended); OAR 340-218-0110 (amended); OAR 340-218-0190 (amended); OAR 340-218-0200 (amended); OAR 340-220-0010 (amended); OAR 340-220-0020 (amended); OAR 340-220-0050 (amended); OAR 340-244-8990 (new); OAR 340-244-9000 (amended); OAR 340-245-0005 (new); OAR 340-245-0010 (new); OAR 340-245-0020 (new); OAR 340-245-0022 (new); OAR 340-245-0030 (new); OAR 340-245-0040 (new); OAR 340-245-0050 (new); OAR 340-245-0060 (new); OAR 340-245-0070 (new); OAR 340-245-0080 (new); OAR 340-245-0090 (new); OAR 340-245-0100 (new); OAR 340-245-0200 (new); OAR 340-245-0210 (new); OAR 340-245-0220 (new); OAR 340-245-0230 (new); OAR 340-245-0240 (new); OAR 340-245-0250 (new); OAR 340-245-0300 (new); OAR 340-245-0310 (new); OAR 340-245-0320 (new); OAR 340-245-0330 (new); OAR 340-245-0340 (new); OAR 340-245-0400 (new); OAR 340-245-0410 (new); OAR 340-245-0420 (new); OAR 340-245-0500 (new); OAR 340-245-8010 (new); OAR 340-245-8020 (new); OAR 340-245-8030 (new); OAR 340-245-8040 (new); OAR 340-245-8050 (new); OAR 340-245-8060 (new); OAR 340-245-9000 (new); OAR 340-245-9010 (new); OAR 340-245-9015 (new); OAR 340-245-9020 (new); OAR 340-245-9030 (new); OAR 340-245-9050 (new); OAR 340-245-9060 (new); OAR 340-245-9070 (new); OAR 340-245-9080 (new); OAR 340-246-0010 (amended); OAR 340-246-0090 (amended); OAR 340-246-0190 (amended)

Regulatory Update

AIR
Open Burning/Clackamas County
Oregon AIR

Final rule of the Department of Environmental Quality amends regulations under OAR 340-264 to correct an obsolete reference in open burning provisions for Clackamas County. The rule is effective Oct. 30, 2017. Contact: Meyer Goldstein; DEQ; 503-229-6478; goldstein.meyer@deq.state.or.us

—State Publication Date: 11/01/2017. Citations: OAR 340-264-0120 (amended)

Regulatory Update

COMMUNITY RIGHT-TO-KNOW
Oil and Hazardous Materials Emergency Response/Recovered Spill Materials
Oregon COMMUNITY RIGHT-TO-KNOW

Final rule of the Department of Environmental Quality amends regulations under OAR 340-142 to correct a reference in provisions concerning the disposal of recovered spill materials. The rule is effective Oct. 30, 2017. Contact: Meyer Goldstein; DEQ; 503-229-6478; goldstein.meyer@deq.state.or.us

—State Publication Date: 11/01/2017. Citations: OAR 340-142-0080 (amended)

Regulatory Update

SOLID WASTE
Recycling and Waste Reduction
Oregon SOLID WASTE

Final rule of the Department of Environmental Quality amends regulations under OAR 340-090 to make technical corrections to general requirements for recycling and waste reduction. The rule is effective Oct. 27, 2017. Contact: Meyer Goldstein; DEQ; 503-229-6478; goldstein.meyer@deq.state.or.us

—State Publication Date: 11/01/2017. Citations: OAR 340-090-0030 (amended)

Regulatory Update

WATER
Onsite Wastewater Treatment Systems
Oregon WATER

Final rule of the Department of Environmental Quality amends regulations under OAR 340-041 to delete duplicate language related to tables for onsite wastewater treatment systems. The rule is effective Nov. 1, 2017. Contact: Meyer Goldstein; DEQ; 503-229-6478; goldstein.meyer@deq.state.or.us

—State Publication Date: 11/01/2017. Citations: OAR 340-071-0800 (amended)

Regulatory Update

WATER

Onsite Wastewater Treatment Systems
Oregon WATER

Notice of the Department of Environmental Quality announces a correction to a Nov. 1, 2017, final rule that amended regulations under OAR 340-071 to delete duplicate language related to tables for onsite wastewater treatment systems. The notice corrects a rule reference in the tables. Contact: Meyer Goldstein; DEQ; 503-229-6478; goldstein.meyer@deq.state.or.us

—State Publication Date: 11/29/2017. Citations: OAR 340-071-0800 (amended)

Regulatory Update

WATER
Water Quality Standards/Ammonia Criteria
Oregon WATER

Final rule of the Department of Environmental Quality amends regulations under OAR 340-041 to correct an obsolete reference in Table 30 relating to the saltwater ammonia criteria calculator. The rule is effective Oct. 30, 2017. Contact: Meyer Goldstein; DEQ; 503-229-6478; goldstein.meyer@deq.state.or.us

—State Publication Date: 11/01/2017. Citations: OAR 340-041-8033 (amended)

Regulatory Update

WATER
Water Quality Standards/Umqua Basin
Oregon WATER

Final rule of the Department of Environmental Quality amends regulations under OAR 340-041 to correct a note referring to tables related to beneficial uses to be protected in the Umpqua Basin. The rule is effective Nov. 30, 2017. Contact: Meyer Goldstein; DEQ; 503-229-6478; goldstein.meyer@deq.state.or.us

—State Publication Date: 11/30/2017. Citations: OAR 340-041-0320 (amended)

Regulatory Update

WATER
Water Quality/Issuance and Appeal of Certification Decisions
Oregon WATER

Final rule of the Department of Environmental Quality amends regulations under OAR 340-048 to correct a reference related to issuance and appeal of certification decisions for water quality requirements and standards. The rule is effective Oct. 27, 2017. Contact: Meyer Goldstein; DEQ; 503-229-6478; goldstein.meyer@deq.state.or.us

—State Publication Date: 11/01/2017. Citations: OAR 340-048-0045 (amended)

Regulatory Update

Texas

AIR
Alternative Fueling Facilities Program
Texas AIR

Proposed rule of the Texas Commission on Environmental Quality would repeal regulations under 30 TAC 114 to remove obsolete provisions regarding the Alternative Fueling Facilities Program. A hearing is scheduled for Dec. 11, 2017, in Austin. Comments are due Dec. 22, 2017. Contact: Steve Dayton; TCEQ, Implementation Grants Section; 512-239-6824

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.114.K.114.660 - .662 (repealed)

Regulatory Update

AIR
Clean Fleet Program
Texas AIR

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 114 regarding the Clean Fleet Program. The rule would reduce the number of vehicles a grant under the program covers for an eligible entity from 20 to 10 and require a qualifying vehicle to be certified to the appropriate current federal emissions standards as determined by the commission. The rule also would clarify that the executive director may, rather than shall, waive specified eligibility requirements on a finding of good cause. If finalized, the rule will be submitted to the EPA as a revision to the state implementation plan. A hearing is scheduled for Dec. 11, 2017, in Austin. Comments are due Dec. 22, 2017. Contact: Steve Dayton; TCEQ, Implementation Grants Section; 512-239-6824

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.114.K.114.650 - .653 (amended)

Regulatory Update

AIR
Clean Fleet Program
Texas AIR

Proposed rule of the Texas Commission on Environmental Quality would repeal regulations under 30 TAC 114 to remove the expiration date for the Clean Fleet Program. A hearing is scheduled for Dec. 11, 2017, in Austin. Comments are due Dec. 22, 2017. Contact: Steve Dayton; TCEQ, Implementation Grants Section; 512-239-6824

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.114.K.114.658 (repealed)

Regulatory Update

AIR
Clean School Bus Program

Texas AIR

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 114 regarding the Clean School Bus Program. The rule would add the replacement of a pre-2007 model year school bus to the list of eligible projects and clarify that the requirement for a school bus proposed for retrofit be used on a regular, daily route to and from a school only applies during the school year. The rule also would remove provisions addressing projects to replace equipment or repower, add requirements for a school bus that has been proposed for replacement, and require a school bus proposed for purchase to replace a pre-2007 model year school bus to be of the current model year or the year before the current model year. In addition, the rule would clarify that the replacement school bus must be purchased and the grant recipient must agree to own and operate the school bus on a regular, daily route to and from a school during the school year for at least five years after a start date established by the commission. Finally, the rule would require a school bus replaced under the program to be rendered permanently inoperable or be permanently removed from the state to outside the U.S., Canada, or Mexico. If finalized, the rule will be submitted to the EPA as a revision to the state implementation plan. A hearing is scheduled for Dec. 11, 2017, in Austin. Comments are due Dec. 22, 2017. Contact: Steve Dayton; TCEQ, Implementation Grants Section; 512-239-6824

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.114.K.114.644 (amended)

Regulatory Update

AIR
Clean School Bus Program
Texas AIR

Proposed rule of the Texas Commission on Environmental Quality would repeal regulations under 30 TAC 114 that set the expiration date for the Clean School Bus Program at Aug. 31, 2019, unless extended or reauthorized by the Legislature. A hearing is scheduled for Dec. 11, 2017, in Austin. Comments are due Dec. 22, 2017. Contact: Steve Dayton; TCEQ, Implementation Grants Section; 512-239-6824

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.114.K.114.648 (repealed)

Regulatory Update

AIR
Diesel Emissions Reduction Incentive Program
Texas AIR

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 114 regarding the Diesel Emissions Reduction Incentive Program. The rule would revise the definition of "small business" to apply to a business owned by a person who owns and operates no more than five vehicles and who has owned the vehicles for more than two years. The rule also would remove the engine model-year requirements for at least one of the on-road or nonroad diesels owned and operated by the small business and clarify that the executive director may, rather than shall, waive specified eligibility requirements on a finding of good cause. In addition, the rule would clarify that the small business incentives may be implemented either through a separate small business grant program or through special consideration to small businesses when implementing another specified program. If finalized, the rule will be submitted to the EPA as a revision to the state implementation plan. A hearing is scheduled for Dec. 11,

2017, in Austin. Comments are due Dec. 22, 2017. Contact: Steve Dayton; TCEQ, Implementation Grants Section; 512-239-6824

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.114.K.114.620, .622, .623 (amended)

Regulatory Update

AIR
Light-Duty Motor Vehicle Purchase or Lease Incentive Program
Texas AIR

Proposed rule of the Texas Commission on Environmental Quality would adopt regulations under 30 TAC 114 regarding the Light-Duty Motor Vehicle Purchase or Lease Incentive Program. The rule would establish eligibility requirements and other requirements for applying for and receiving an incentive for the lease or purchase of a new light-duty motor vehicle powered by compressed natural gas, liquefied petroleum gas, or hydrogen fuel cell, or other electric drive. The rule also would provide a $5,000 incentive for the purchase or lease of an eligible new light-duty motor vehicle powered by compressed natural gas or liquefied petroleum gas and a $2,500 incentive for eligible new light-duty motor vehicles powered by a hydrogen fuel cell or other electric drive. In addition, the rule would establish requirements and procedures for manufacturers to submit a report on eligible vehicles and compressed natural gas and liquefied petroleum gas systems that the manufacturer intends to sell in the state. A concurrent proposed rule would repeal existing provisions under 30 TAC 114 related to the program. A hearing is scheduled for Dec. 11, 2017, in Austin. Comments are due Dec. 22, 2017. Contact: Steve Dayton; TCEQ, Implementation Grants Section; 512-239-6824

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.114.K.114.610-.613 (new)

Regulatory Update

AIR
Light-Duty Motor Vehicle Purchase or Lease Incentive Program
Texas AIR

Proposed rule of the Texas Commission on Environmental Quality would repeal regulations under 30 TAC 114 regarding the Light-Duty Motor Vehicle Purchase or Lease Incentive Program. A concurrent proposed rule would establish new requirements and incentive amounts for the lease or purchase of a new light-duty motor vehicle powered by compressed natural gas, liquefied petroleum gas, or hydrogen fuel cell, or other electric drive. A hearing is scheduled for Dec. 11, 2017, in Austin. Comments are due Dec. 22, 2017. Contact: Steve Dayton; TCEQ, Implementation Grants Section; 512-239-6824

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.114.K.114.610 - .612, .616 (repealed)

Regulatory Update

AIR
Natural Gas Vehicle Grant Program
Texas AIR

Proposed rule of the Texas Commission on Environmental Quality would repeal regulations

under 30 TAC 114 to remove obsolete provisions addressing the Natural Gas Vehicle Grant Program. A hearing is scheduled for Dec. 11, 2017, in Austin. Comments are due Dec. 22, 2017. Contact: Steve Dayton; TCEQ, Implementation Grants Section; 512-239-6824

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.114.K.114.670 - .672 (repealed)

Regulatory Update

AIR
New Source Review Permits/Consolidated Notices
Texas AIR

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 39 regarding new source review case-by-case air quality permit applications that are subject to public participation requirements. The rule would establish content requirements for consolidated notices for permit and permit amendment applications that the executive director has declared administratively and technically complete and for which a draft permit was prepared within 15 days of receipt of the application. A concurrent proposed rule would consolidate notice of receipt of application and intent to obtain permit and notice of application and preliminary decision requirements to allow for one 30-day notice period during which comments and requests for a public meeting or contested case hearing may be submitted. If finalized, the rule will be submitted to the EPA as a revision to the state implementation plan. A hearing is scheduled for Jan. 3, 2018, in Austin. Comments are due Jan. 3, 2018. Contact: Janis Hudson; TCEQ, Environmental Law Division; 512-239-0466

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.39.H.39.411 (amended)

Regulatory Update

AIR
New Source Review Permits/Consolidated Notices
Texas AIR

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 39 regarding new source review case-by-case air quality permit applications that are subject to public participation requirements. The rule would require owners and operators that submit applications declared by the executive director to be administratively and technically complete and for which a draft permit is prepared by the executive director within 15 days of receipt of the application to publish a consolidated notice of receipt of application and intent to obtain permit and notice of application and preliminary decision. The rule would provide one consolidated 30-day notice period during which comments and requests for a public meeting or contested case hearing may be submitted. A concurrent proposed rule would establish content requirements for consolidated notices. If finalized, the rule will be submitted to the EPA as a revision to the state implementation plan. A hearing is scheduled for Jan. 3, 2018, in Austin. Comments are due Jan. 3, 2018. Contact: Janis Hudson; TCEQ, Environmental Law Division; 512-239-0466

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.39.K.39.603 (amended)

Regulatory Update

AIR

New Source Review Permits/Consolidated Notices

Texas AIR

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 55 regarding new source review case-by-case air quality permit applications that are subject to public participation requirements. The rule would provide that the close of the public comment period for a consolidated notice of receipt of application and intent to obtain permit (NORI) and notice of application and preliminary decision (NAPD) is 30 days after the last publication of the consolidated notice. A concurrent proposed rule would consolidate NORI and NAPD requirements to allow for one notice period during which comments and requests for a public meeting or contested case hearing may be submitted. If finalized, the rule will be submitted to the EPA as a revision to the state implementation plan. A hearing is scheduled for Jan. 3, 2018, in Austin. Comments are due Jan. 3, 2018. Contact: Janis Hudson; TCEQ, Environmental Law Division; 512-239-0466

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.55.E.55.152 (amended)

Regulatory Update

AIR

Seaport and Rail Yard Areas Emissions Reduction Program

Texas AIR

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 114 regarding the Drayage Trunk Incentive Program. The rule would rename the program as the Seaport and Rail Yard Areas Emissions Reduction Program. The rule also would require drayage trucks and cargo handling equipment to be powered by an electric motor or contain an engine certified to the current federal emissions standards applicable to that type of engine and to emit nitrogen oxides at a rate that is at least 25 percent less than the emissions rate of the engine on the truck or equipment being replaced in order to be eligible for purchase under the program. In addition, the rule would apply the same standards to engines and motors for repowering a drayage truck or cargo handling equipment and clarify that the nitrogen oxides emissions rate of the engines replaced or purchased must be based on the emissions standard or family emissions limit of the engine or a baseline emissions rate established by the commission for uncontrolled engines. If finalized, the rule will be submitted to the EPA as a revision to the state implementation plan. A hearing is scheduled for Dec. 11, 2017, in Austin. Comments are due Dec. 22, 2017. Contact: Steve Dayton; TCEQ, Implementation Grants Section; 512-239-6824

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.114.K.114.680 - .682 (amended)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Aboveground Storage Tanks

Texas HAZARDOUS MATERIALS TRANSPORTATION

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 334 regarding aboveground storage tanks. The rule would incorporate Oct. 13, 2015, amendments to EPA standards for underground storage tanks (USTs) and state program approval under 40 CFR 280 and 281. The rule also would revise the time frame for an inspection

from once a month to 30 days, replace "the effective date of this subchapter" with "June 25, 1990," for general prohibitions and requirements, and remove the March 1, 1990, effective date in registration provisions. A hearing is scheduled for Jan. 9, 2018, in Austin. Comments are due Jan. 8, 2018. Contact: Cynthia Gandee; TCEQ, Program Support Section; 512-239-7025

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.334.F.334.123 - .125, .127 (amended)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground and Aboveground Storage Tanks/Exclusions, Registration, Recordkeeping, Fees
Texas HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 334 regarding underground and aboveground storage tanks. The rule would incorporate Oct. 13, 2015, amendments to EPA standards for underground storage tanks (USTs) and state program approval under 40 CFR 280 and 281. The rule also would exclude certain listed USTs from certain operator training, on-site supervisor licensing, and contractor registration requirements. In addition, the rule would clarify the applicability of requirements for agency approval regarding certain regulated construction activities occurring over the Edwards Aquifer, classify a switch to a regulated substance containing greater than 10 percent ethanol or 20 percent biodiesel as a major construction activity, and establish a new exemption relating to reporting initiation or rescheduling of switching to biofuel. Finally, the rule would require operation and maintenance records to include reports from periodic testing and walkthrough inspection, clarify maximum fee amounts and the fee calculation methodology, and revise and add definitions. A hearing is scheduled for Jan. 9, 2018, in Austin. Comments are due Jan. 8, 2018. Contact: Cynthia Gandee; TCEQ, Program Support Section; 512-239-7025

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.334.A.334.2, .4, .6, .7, .10, .19 (amended)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground and Aboveground Storage Tanks/Model Institutional Controls
Texas HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 334 regarding model institutional controls. The rule would incorporate Oct. 13, 2015, amendments to EPA standards for underground storage tanks (USTs) and state program approval under 40 CFR 280 and 281. The rule also would remove a redundant reference. A hearing is scheduled for Jan. 9, 2018, in Austin. Comments are due Jan. 8, 2018. Contact: Cynthia Gandee; TCEQ, Program Support Section; 512-239-7025

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.334.G.334.208

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground and Aboveground Storage Tanks/On-Site Supervisors, Contractors
Texas HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 334 regarding on-site supervisors and contractors for underground storage tanks. The rule would incorporate Oct. 13, 2015, amendments to EPA standards for underground storage tanks (USTs) and state program approval under 40 CFR 280 and 281. The rule also would replace references to the Texas Natural Resource Conservation Commission with the TCEQ and to the Department of Health with the Department of State Health Services. A hearing is scheduled for Jan. 9, 2018, in Austin. Comments are due Jan. 8, 2018. Contact: Cynthia Gandee; TCEQ, Program Support Section; 512-239-7025

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.334.I.334.407, .424 (amended)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground and Aboveground Storage Tanks/Operators
Texas HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 334 regarding underground storage tank facility operators to incorporate Oct. 13, 2015, revisions to the U.S. EPA's requirements for storage tanks and state program approval under 40 CFR 280 and 281. The rule would specify that notwithstanding the three-year retraining requirement, Class A and B operators must be retrained by April 1, 2019, with a course submitted to and approved by the agency after April 1, 2018. A hearing is scheduled for Jan. 9, 2018, in Austin. Comments are due Jan. 8, 2018. Contact: Cynthia Gandee; TCEQ, Program Support Section; 512-239-7025

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.334.N.334.602, .603, .605 (amended)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground and Aboveground Storage Tanks/Petroleum-Substance Contaminated Soil
Texas HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 334 regarding the storage, treatment, and reuse procedures for petroleum-substance contaminated soil. The rule would incorporate Oct. 13, 2015, amendments to EPA standards for underground storage tanks (USTs) and state program approval under 40 CFR 280 and 281. The rule would clarify that written notice will be provided with any offer to perform any services of storage, treatment, or reuse of petroleum-substance contaminated soil proposed after Dec. 27, 1996, instead of after the effective date of the rules. The rule also would replace references to the Texas Natural Resource Conservation Commission with the TCEQ. A hearing is scheduled for Jan. 9, 2018, in Austin. Comments are due Jan. 8, 2018. Contact: Cynthia Gandee; TCEQ, Program Support Section; 512-239-7025

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.334.K.334.491, .496, .499 (amended)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT

Underground and Aboveground Storage Tanks/Release Reporting and Investigation
Texas HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 334 regarding underground and aboveground storage tanks. The rule would incorporate Oct. 13, 2015, amendments to EPA standards for storage tanks and state program approval under 40 CFR 280 and 281. The rule would add liquid in the interstitial space that is not used for interstitial monitoring as an "unusual operating condition." The rule also would reduce reporting requirements as long as owners and operators take prompt action to investigate and respond to suspected releases. In addition, the rule would add "including investigation of an alarm" to the conditions that require a suspected release investigation, clarify the monitoring period for inventory control, and describe instances when leaks found contained in secondary containment do and do not require agency notification. Finally, the rule would establish requirements for system tests following a suspected release and require repair, or replacement, or closure of systems when tests confirm a leak into the interstice or a release. A hearing is scheduled for Jan. 9, 2018, in Austin. Comments are due Jan. 8, 2018. Contact: Cynthia Gandee; TCEQ, Program Support Section; 512-239-7025

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.334.D.334.72, .74 (amended)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground and Aboveground Storage Tanks/Technical Standards
Texas HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Texas Commission on Environmental Quality would amend regulations under 30 TAC 334 regarding technical standards for underground and aboveground storage tanks. The rule would incorporate Oct. 13, 2015, amendments to EPA requirements for storage tanks and state program approval under 40 CFR 280 and 281. The rule also would require UST systems to be maintained to prevent releases, specify options owners and operators may use to demonstrate agency compliance, and require the removal of liquid and debris found in sumps and spill prevention equipment within 96 hours only. In addition, the rule would clarify the applicability of the requirement to use double-wall tank and piping systems for any UST system situated on the regulated zones of the Edwards Aquifer, require certain equipment testing, and address release detection methods. Finally, the rule would address temporary and permanent removals from service. A hearing is scheduled for Jan. 9, 2018, in Austin. Comments are due Jan. 8, 2018. Contact: Cynthia Gandee; TCEQ, Program Support Section; 512-239-7025

—State Publication Date: 12/01/2017. Citations: 30 TAC 1.334.C.334.42, .45 - .48, .50 - .52, .54, .55 (amended)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Stratton Edwards
Sent: Wed 12/6/2017 8:59:30 PM
Subject: Re: San Jacinto

Thanks for the info and quick response.

On Dec 6, 2017, at 2:50 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

No, he might be asked about it.

From: Stratton Edwards [mailto:sedwards@capitolhillcg.com]
Sent: Wednesday, December 6, 2017 2:24 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: San Jacinto

Ryan,

Do you know if the Administrator is expecting to talk about the San Jacinto Waste Pits when he is before E&C tomorrow?

Stratton

Stratton Edwards

Legislative Counsel

<image001.jpg>

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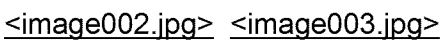
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Web: capitolhillcg.com









To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Wed 12/6/2017 12:40:03 AM
Subject: Senate tax writers teeing up tax extenders bill

By Aaron Lorenzo and Bernie Becker

12/05/2017 07:23 PM EDT

Leading GOP senators expect legislation to extend expired tax provisions to come together in the next couple of weeks.

Energy and agriculture provisions are driving the plan.

"We always wind up doing it, so yeah, I suspect that's something we'll have to do," said Senate Finance Chairman Orrin Hatch (R-Utah). "There hasn't been much talk about it right now, but there's always loose ends that you just have to tie up."

The items, which would revive short-term tax benefits to promote renewable energy sources like biodiesel and solar power, as well as rail lines crucial to farming communities, weren't included in the major tax legislation already advancing in Congress, H.R. 1 (115). Nor were they part of the massive package of tax extenders Congress passed in 2015.

Instead, these extra extensions of longstanding policies are moving separately.

They could ride with an end-of-year government funding agreement, according to multiple sources on Capitol Hill, as well as lobbyists.

"I wanted it in the bigger tax bill but there are so many extenders that they just made it too complicated," said Sen. Mike Crapo (R-Idaho). "So the decision was made — not by me — to pull the extenders back for a different bill."

Crapo is pushing to continue a tax credit to maintain short-line railroads, which connect farm goods from hard-to-reach locations around the country to main rail arteries that can carry the food anywhere.

Sens. Johnny Isakson (R-Ga.) and Tim Scott (R-S.C.) are advocating to extend a 2020 deadline on tax credits for new nuclear energy projects. Sen. Chuck Grassley (R-Iowa) has worked on biodiesel.

In the House, a separate effort has been afoot to further delay start dates on several health care-related taxes, like the medical device excise tax and health insurance tax, connected to the Affordable Care Act.

WHAT'S NEXT: Government funding runs out Dec. 8, and talks on longer-term spending plans are ongoing.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/12/senate-tax-writers-teeing-up-tax-extenders-bill-202445

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Yes, very	Somewhat	Neutral	Not really	Not at all

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This email was sent to jackson.ryan@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg Environment
Sent: Tue 12/5/2017 12:11:51 PM
Subject: First Move: 'Devastating' Tax Provision • Arctic Refuge's Oil Potential • Speeding Up Gas Exports

What you need to know to start your day.

'Devastating' Tax Provision • Arctic Refuge's Oil Potential • Speeding Up Gas Exports

By Chuck McCutcheon

Now that the Senate has passed its tax overhaul, the renewable energy industry is beseeching tax writers—who are negotiating with the House—to fix a provision it warns could cripple that sector.

The Senate-approved proposal preserved some of the tax credits that have led to great growth in the wind and solar industries. But the bill threatens a key source of wind and solar financing from big companies, including JPMorgan Chase & Co. and Bank of America Corp.

In tax-equity deals, renewable-energy developers sell portions of their projects' tax credits to corporations—often banks and some insurance companies—that can apply the credits to their own tax bills. The Senate version includes a provision that imposes a minimum tax on these companies' foreign transactions. If they have to pay a minimum tax, they may no longer have any need for the credits acquired through tax-equity deals.

"The impacts are potentially devastating," American Council on Renewable Energy President Gregory Wetstone told Bloomberg News.

Meanwhile, industries such as coal and nuclear that didn't get provisions into the tax overhaul may get a second chance before the end of the year. Tens of billions of dollars in expiring tax incentives could be attached to must-pass government funding legislation.

The Senate's tax overhaul also includes language to open Alaska's Arctic National Wildlife Refuge to oil leasing. That swath of land is thought to hold greater potential for new oil discoveries than any other U.S. onshore area, Alan Kovski explains in a story being published this week.

The U.S. Geological Survey doesn't expect super-giant oil fields like Prudhoe Bay will be found in ANWR, but there is thought to be a good chance of finding large

fields—holding hundreds of millions of barrels each—that are on a scale similar to discoveries announced in recent years on the North Slope in state onshore and offshore areas and in the National Petroleum Reserve-Alaska.

The Senate Energy and Natural Resources Committee's panel on energy is talking about seven bills at a hearing today, including a measure addressing one of the Trump administration's energy goals: speeding up exports of liquefied natural gas to other countries.

The bill by Republican Sens. Bill Cassidy of Louisiana and Marco Rubio of Florida aims to codify into law an Energy Department proposed rule that is intended to expedite the approval of small-scale LNG exports to the Caribbean, Central America, and South America. The bill would cover exports equal to or less than 51.1 billion cubic feet per year.

The Energy Department's rulemaking is in response to a Trump administration executive order requiring federal agencies to find ways to lift restrictions to "unleash" more domestic energy resources.

Rebecca Kern will cover the hearing.

Other Stories We're Covering

- The independent, quasi-judicial U.S. International Trade Commission will vote today on whether to pave the way for anti-subsidy duties on biodiesel from Argentina and Indonesia. A decision in favor of duties would be a victory for the National Biodiesel Board Fair Trade Coalition, which argues the fuel is unfairly subsidized and being dumped in the U.S. at prices below production costs.
- Trump's decision to shrink two Utah national monuments will be followed by decisions on other national monuments. A report on the decisions—originating with recommendations from Interior Secretary Ryan Zinke—will be released this week, the White House said.
- The Senate energy committee considers nominations of Timothy Petty to run Interior's U.S. Geological Survey and Bureau of Reclamation and Linda Capuano to be the head of the Energy Department's research arm. Rebecca Kern is covering.
- The German Marshall Fund is hosting a forum on U.S. climate action, including looking at cities' and regions' roles in implementing international climate policy. Dean Scott is monitoring.

A tugboat on London's Thames River in heavy smog in 1952.
Photo by Fox Photos/Hulton Archive/Getty Images

Around the Web

- Sixty-five years ago this week, London's Great Smog was the worst air-pollution crisis in European history, killing as many as 12,000 people. It led to restrictions on coal burning in urban areas.
- An English grocery chain says it's selling products up to a month past their "best by" dates to try to reduce food waste.
- Researchers are starting to understand why some glaciers swing between extremes of stagnation and crushing ice flow.

Quote of the Day

"How would we all feel if 5 percent of trucks didn't have to stop for a school bus or abide by the speed limit?"
—Robert Nuss of Nuss Truck & Equipment, criticizing an EPA proposal to exempt glider kits from Obama-era greenhouse gas standards for heavy-duty trucks. Glider kits are new truck chassis and cab assemblies built for the installation of a used engine and transmission. They make up about 5 percent of the heavy-duty fleet.

Today's Events

- • **All Day** • **Clean Water Act** • The American Law Institute-Continuing Legal Education and the Environmental Law Institute are co-sponsoring a webcasted Clean Water Act seminar at the Hunton & Williams LLP offices in Washington.
- • **All Day** • **Electricity** • gridCONNEXT conference brings together business, utility, and policymakers to explore topics affecting the electricity grid at the national, regional, state, and local levels.

For all of today's Bloomberg Environment headlines, visit Environment & Energy Report

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Mon 12/4/2017 1:55:41 PM
Subject: Dec. 04 -- EHS Federal Regulatory Alert

EHS Federal Regulatory Alert

December 04, 2017 - Number 231

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Summaries

AIR
California SIP/Bay Area AQMD Emission Reduction Credit Banking
AIR

Final rule of the EPA conditionally approves a revision to the Bay Area Air Quality Management District portion of the California SIP. The revision updates provisions for the issuance and banking of emission reduction credits for use in the review and permitting of major sources and major modifications. The EPA determined that the rule is deficient in three respects but that conditional approval of the revision will not interfere with continued attainment of the NAAQS in the area. The approval is conditioned on the district submitting the required measures by Nov. 1, 2018. The rule is effective Jan. 3, 2018. Contact: Laura Yannayon; EPA Region 9; 415-972-3534; yannayon.laura@epa.gov. Citations: 40 CFR 52.220, 52.232

82 FR 57133 (12/04/2017)

Regulatory Update

AIR
California SIP/Sacramento Metropolitan AQMD Operating Permits
AIR

Final rule of the EPA approves a revision to the Sacramento Metropolitan Air Quality Management District portion of the California SIP regarding emissions of volatile organic compounds (VOC). The revisions concern portions of two district operating permits that limit VOC emissions from landfill gas flaring at the Kiefer Landfill in Sacramento. The rule is effective Jan. 3, 2018. Contact: Stanley Tong; EPA Region 9; 415-947-4122; tong.stanley@epa.gov. Citations: 40 CFR 52.220

82 FR 57130 (12/04/2017)

Regulatory Update

AIR

California SIP/Sacramento Metropolitan AQMD Organic Chemical Manufacturing

AIR

Final rule of the EPA approves revisions to the Sacramento Metropolitan Air Quality Management District portion of the California SIP regarding emissions of volatile organic compounds (VOCs) from organic chemical manufacturing operations. The revisions address VOC emissions requirements for pharmaceutical manufacturing. This rule, along with a concurrent final rule regarding municipal waste landfill permits, address deficiencies in the state's demonstration of reasonably available control technology requirements for the 1997 eight-hour ozone NAAQS as specified in an Aug. 12, 2016, final rule (81 FR 53280). The rule is effective Jan. 3, 2018. Contact: Arnold Lazarus; EPA Region 9; 415-972-3024; lazarus.arnold@epa.gov. Citations: 40 CFR 52.220

82 FR 57123 (12/04/2017)

Regulatory Update

AIR

Energy Conservation Standards/Certification and Compliance Requirements

AIR

Notice of the Energy Department, Office of Energy Efficiency and Renewable Energy, announces the submission of a revised information collection request to the OMB regarding certification and compliance requirements for consumer products and commercial/industrial equipment subject to federal energy or water conservation standards. The collection addresses the gathering of data and submission of certification and compliance reports for basic models distributed in commerce in the U.S., including supplemental testing instructions for certain commercial equipment, recordkeeping, applications for test procedure waivers, applications for extension of the date by which representations must be made in compliance with a new or amended test procedure, and labeling. The revisions modify the online Compliance and Certification Management System (CCMS) to allow the California Energy Commission to accept a CCMS report in satisfaction of the state reporting requirement. Comments are due Jan. 3, 2018. Contact: Ashley Armstrong; DOE, Office of Energy Efficiency and Renewable Energy; 202-586-6590; ApplianceStandardsQuestions@ee.doe.gov. Citations: 10 CFR 429, 430, 431

82 FR 57240 (12/04/2017)

Regulatory Update

AIR

Idaho SIP/PM-2.5 NAAQS Infrastructure Requirements

AIR

Final rule of the EPA approves revisions to the Idaho SIP regarding the infrastructure requirements for the 2012 annual fine particulate matter (PM-2.5) NAAQS. The rule does not approve or disapprove state provisions regarding excess emissions during startup, shutdown, or malfunction of operations at a facility or any provisions involving state director discretion or variance. The rule is effective Jan. 3, 2018. Contact: Matthew Jentgen; EPA Region 10, Air Planning Unit; 206-553-0340; jentgen.matthew@epa.gov. Citations: 40 CFR 52.670

82 FR 57132 (12/04/2017)

Regulatory Update

AIR
Michigan, Minnesota SIP and FIP/Regional Haze, Taconite Plants
AIR

Notice of the EPA announces final action denying petitions for reconsideration of a Feb. 6, 2013, final rule (78 FR 49490); a Sept. 30, 2013, final rule (78 FR 59825); and an April 12, 2016, final rule (81 FR 21672) that disapproved in part Michigan and Minnesota regional haze SIPs and established and revised a federal implementation plan (FIP) addressing requirements for best available retrofit technology for taconite ore processing facilities. The petitions were filed by the U.S. Steel Corp., of Pittsburgh. The denials are effective Dec. 4, 2017. Petitions for judicial review are due Feb. 2, 2018. Contact: Steven Rosenthal; EPA, Region 5, Air Planning and Maintenance Section; 312-886-6052; rosenthal.steven@epa.gov. Citations: 40 CFR 52.1183, 52.1235, 52.1236

82 FR 57125 (12/04/2017)

Regulatory Update

AIR
New York SIP/Danskammer Generating Station
AIR

Final rule of the EPA approves a source-specific revision to the New York SIP. The revision consists of a best available retrofit technology (BART) determination and emission limits for sulfur dioxide, nitrogen oxides, and particulate matter for Unit 4 at the Danskammer Generating Station in Newburgh. The revision also restricts Unit 4 to combusting only natural gas. In addition, the rule withdraws identical emission limits in the Aug. 28, 2012, federal implementation plan (77 FR 51915) that addressed BART for Danskammer Unit 4. The rule is effective Jan. 3, 2018. Contact: Edward Linky; EPA Region 2, Air Programs Branch; 212-637-3764; Linky.Edward@epa.gov. Citations: 40 CFR 52.1670

82 FR 57126 (12/04/2017)

Regulatory Update

AIR
Utah SIP/Logan PM-2.5 Nonattainment Area
AIR

Proposed rule of the EPA would approve portions of revisions to the Utah SIP regarding the attainment plan for the Logan, Utah-Idaho, 2006 24-hour fine particulate matter (PM-2.5) NAAQS nonattainment area. The revisions include determinations for major stationary source reasonably available control technology, on-road mobile sources reasonably available control measures (RACM), Cache County inspection and maintenance program as additional reasonable measures, and off-road mobile sources RACM. The revisions also include the emissions inventory, modeled attainment demonstration, and 2015 motor vehicle emission budgets. Comments are due Jan. 3, 2018. Contact: Crystal Ostigaard; EPA Region 8; 303-312-6602; ostigaard.crystal@epa.gov. Citations: 40 CFR 52

82 FR 57183 (12/04/2017)

Regulatory Update

ENDANGERED SPECIES
Mexican Wolf Draft Recovery Plan
ENDANGERED SPECIES

Notice of the U.S. Fish and Wildlife Service announces a final recovery plan, first revision, for the endangered Mexican wolf, found in Arizona, New Mexico, and Chihuahua, Mexico. The plan includes specific recovery criteria necessary to remove the species from the lists of endangered and threatened wildlife and plants. Contact: Sherry Barrett; USFWS, New Mexico Ecological Services Field Office, 505-761-4748

82 FR 57288 (12/04/2017)

Regulatory Update

FOOD SAFETY
Listing of Manufacturers/Processors for Food Exports to China
FOOD SAFETY

Notice of the FDA announces the submission of a continuing information collection request to the OMB regarding lists maintained by the agency identifying U.S. manufacturers/processors interested in exporting milk and milk products, seafood, infant formula, formula for young children, or other products regulated by the Center for Food Safety and Applied Nutrition (CFSAN) to China. The collection addresses requirements in FDA guidance for manufacturers/processors to provide evidence of third-party certification of compliance with applicable Chinese standards to be placed on the lists and to update information biennially to remain on the lists. Comments are due Jan. 3, 2018. Contact: Domini Bean; FDA, Office of Operations; 301-796-5733; PRAStaff@fda.hhs.gov

82 FR 57282 (12/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Affirmative Procurement of Biobased Products
GENERAL ENVIRONMENT AND SAFETY

Notice of the Defense Department, General Services Administration, and National Aeronautics and Space Administration announces the submission of a continuing information collection request to the OMB regarding affirmative procurement of biobased products under services and construction contracts. The collection addresses requirements for prime contractors to report annually product types and dollar values of Agriculture Department-designated biobased products purchased to the System for Award Management website. The collection allows federal agencies to report annually to the Office of Federal Procurement Policy on actions taken to implement and measure progress in carrying out the preference for biobased products. Comments are due Jan. 3, 2018. Contact: Charles Gray; GSA, Office of Governmentwide Acquisition Policy; 703-795-6328; charles.gray@gsa.gov. Citations: 48 CFR 52.223-2

82 FR 57268 (12/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Biologics Patent Infringement Complaint/Humira
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces that an applicant for a proposed biosimilar product has notified the agency that a patent infringement action has been filed in connection with the applicant's biologics license application. The complaint, AbbVie Inc. v. Boehringer Ingelheim Intl., 17-cv-01065 (D. Del, Aug. 2, 2017), involves the product Humira. Contact: Daniel Orr; FDA, Center for Drug Evaluation and Research; 240-402-0979; daniel.orr@fda.hhs.gov

82 FR 57279 (12/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
California/Otay Mesa USDA Plant Inspection Station
GENERAL ENVIRONMENT AND SAFETY

Notice of the General Services Administration announces the availability of a draft environmental assessment for the proposed Otay Mesa USDA Plant Inspection Station project at the Otay Mesa Land Port of Entry in San Diego. The project includes construction of a new facility for Animal and Plant Health Inspection Service inspection of imported plants, other regulated plant material, and live organisms to determine admissibility into the country. A meeting is scheduled for Dec. 5, 2017, in San Diego. Comments are due Dec. 29, 2017. Contact: Osmahn Kadri; GSA, Pacific Rim Region; 415-522-3617; osmahn.kadri@gsa.gov

82 FR 57269 (12/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
California/San Francisco Bay to Stockton Navigation Study
GENERAL ENVIRONMENT AND SAFETY

Notice of the U.S. Army Corps of Engineers supplements a March 4, 2016, notice of intent (81 FR 11529) to prepare a joint environmental impact statement/environmental impact report regarding the San Francisco Bay to Stockton Navigation Improvement Study. The original study would have evaluated the efficiency of the movement of goods along the existing deep-draft navigation route extending from the West Richmond Channel to the Stockton Deep Water Ship Channel. The agency now proposes a reduced scope and project footprint that includes a study area extending from Central San Francisco Bay to Avon only. The agency also proposes to evaluate incremental deepening only to a maximum depth of 38 feet mean lower low water. The draft EIS/EIR is expected to be issued in summer 2018. Comments are due Jan. 3, 2018. Contact: Stacie Auvenshine; USACE; 904-314-6714; Stacie.j.auvenshine@usace.army.mil

82 FR 57237 (12/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Connecticut/Upper Collinsville Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a hydroelectric application by the town of Canton, Conn., to reinstate, amend, and transfer the license for the Upper Collinsville Project on the Farmington River near Collinsville, Conn. The project was previously licensed to Summit Hydropower and was terminated by the commission in 2007 for failure to start authorized construction. The applicant proposes to rehabilitate the project; provide upstream and downstream fish and eel passage; and provide additional environmental quality measures, including water quality monitoring, mussel relocation, and recreation. The permit, if issued by the commission, would last for a new term of 40-50 years. Comments, protests, and motions to intervene are due Jan. 29, 2018. Contact: Diana Shannon; FERC; 202-502-6136; diana.shannon@ferc.gov

82 FR 57250 (12/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
FDA Office of Pharmaceutical Quality Site Visit Program
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA, Center for Drug Evaluation and Research (CDER), announces the 2018 CDER Office of Pharmaceutical Quality (OPQ) Staff Experiential Learning Site Visit Program. The program involves pharmaceutical company site visits by OPQ staff to improve agency understanding of the industry and the challenges that impact a drug's development program and commercial life cycle. The site visits include observation of operations of commercial manufacturing, pilot plants, testing, and related presentations over a one- or two-day period. A list of areas of particular interest to the OPQ is provided. Industry participation proposals are due Feb. 2, 2018. Contact: Janet Wilson; FDA, Center for Drug Evaluation and Research; 240-402-3969; CDEROPQSiteVisits@fda.hhs.gov

82 FR 57280 (12/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Illinois, Missouri/Spire STL Pipeline Project
GENERAL ENVIRONMENT AND SAFETY

Supplemental notice of FERC announces the availability of the environmental assessment and reopening of the comment period for the Spire STL Pipeline Project in Greene, Jersey, and Scott counties in Illinois and St. Charles and St. Louis counties in Missouri. The project, proposed by Spire STL Pipeline Co., of St. Louis, involves the construction of approximately 65 miles of pipeline, three meter stations, and piping and pigging facilities. The project would provide for transport of about 400,000 dekatherms per day of natural gas service to the greater St. Louis region. The comment period is being reopened due to a delay in receipt of the EA by some stakeholders. Comments now are due Dec. 22, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOnlineSupport@ferc.gov

82 FR 57249 (12/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Massachusetts/Atlantic Link Project Presidential Permit
GENERAL ENVIRONMENT AND SAFETY

Notice of the Energy Department announces the receipt of an application from Clean Power Northeast Development Inc., of Boston, for a presidential permit for the Atlantic Link Project. The project involves the construction, operation, maintenance, and connection of a subsea, 1,000-megawatt, high-voltage direct current transmission cable system to deliver electricity from Coleson Cove, New Brunswick, to Plymouth, Mass. The proposal includes two current route alternatives with a total length of approximately 375 miles and the majority of the total transmission cable system route would be located in U.S. federal waters. Comments and motions to intervene are due Jan. 3, 2018. Contact: Christopher Lawrence; DOE, Office of Electricity Delivery and Energy Reliability; 202-586-5260; Christopher.Lawrence@hq.doe.gov

82 FR 57240 (12/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Modifications to List of Recognized Standards for Medical Devices
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the availability of a publication containing modifications and new entries to the list of standards (Recognition List No. 048) the agency recognizes for use in device premarket reviews. The publication is intended to assist manufacturers that elect to declare conformity with consensus standards to meet certain requirements for medical devices. The modifications are effective Dec. 4, 2017. Comments may be submitted at any time. Contact: Scott Colburn; FDA, Center for Devices and Radiological Health; 301-796-6287; CDRHStandardsStaff@fda.hhs.gov

82 FR 57281 (12/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Nevada/Paiute Pipeline 2018 Expansion Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the availability of an environmental assessment for the 2018 Expansion Project, proposed by Paiute Pipeline Co., of Las Vegas. The project involves the installation of 4.61 miles of pipeline and the replacement of 3.85 miles of pipeline in Douglas and Lyon counties and Carson City, Nev. The project would provide incremental firm transportation services of 5,635 dekatherms per day on Paiute's system. The EA concludes that approval of the project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment. Comments are due Dec. 27, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOnlineSupport@ferc.gov

82 FR 57251 (12/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
New Hampshire/Lower Village Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a hydroelectric application by Sugar River Power LLC for the Lower Village Project on the Sugar River in Sullivan County, N.H. The applicant requests an extension of its license for the project from Aug. 31, 2026, to Aug. 31, 2031, to align with the nearby Sweetwater Project in order to facilitate a basinwide relicensing approach with the project. Comments, protests, and motions to intervene are due Dec. 28, 2017. Contact: Ashish Desai; FERC; 202-502-8370; Ashish.Desai@ferc.gov

82 FR 57246 (12/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
New Jersey/Meadow Heater Facility
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of an application by Transcontinental Gas Pipe Line Co., of Houston, requesting authorization to construct and operate three new heaters and related appurtenant facilities at the existing Meadow Heater facility in Ridgefield, N.J. The project is intended to add heater capacity to ensure efficient and reliable delivery of natural gas to Con Edison at the Central Manhattan and Manhattan delivery points in New York. FERC will complete an environmental assessment or issue a notice of schedule of environmental review by Feb. 26, 2018. Comments are requested, but a due date is not specified. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOnlineSupport@ferc.gov

82 FR 57248 (12/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oklahoma/Midcontinent Supply Header Interstate Pipeline Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the availability of the environmental review schedule for the Midcontinent Supply Header Interstate Pipeline Project in Bryan, Canadian, Carter, Garvin, Grady, Johnson, Kingfisher, and Stephens counties in Oklahoma. The project, proposed by Midship Pipeline Co., of Houston, includes construction and operation of a new 199.4-mile natural gas pipeline system, three mainline compressor stations, a 20.3 mile lateral pipeline and a 13.6 mile lateral pipeline, one lateral booster station, metering and regulating stations, and appurtenant facilities with a total system capacity of 1,440 million cubic feet/day. The system would provide firm transportation capacity from the South Central Oklahoma Oil Province and the Sooner Trend Anadarko Basin Canadian and Kingfisher plays to existing pipelines near Bennington, Okla. The issuance of the environmental assessment is scheduled for June 21, 2018, and the 90-day federal authorization decision is due Sept. 19, 2018. Contact: FERC; 866-208-3676;

FERCOnlineSupport@ferc.gov

82 FR 57248 (12/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Single-Use and Multiple-Use Female Condoms Reclassification
GENERAL ENVIRONMENT AND SAFETY

Proposed rule of the FDA would codify an order to reclassify the single-use female condom from a class III device into class II (special controls) and rename the device to "single-use internal condom." The rule also would revise the existing device identification for "female condom" to rename the device "multiple-use female condom." If finalized, these devices would no longer be required to submit a premarket approval application. Comments are due Feb. 2, 2018. Contact: Monica Garcia; FDA, Center for Devices and Radiological Health; 240-402-2791; monica.garcia@fda.hhs.gov. Citations: 21 CFR 884.5330, 884.5340

82 FR 57174 (12/04/2017)

Regulatory Update

OIL AND GAS INDUSTRY
Unitization of Oil and Gas Operations
OIL AND GAS INDUSTRY

Notice of the Bureau of Safety and Environmental Enforcement announces the submission of a revised information request to the OMB concerning unitization for federal Outer Continental Shelf oil, gas, and sulfur lessees or operators and holders of pipeline rights-of-way. The collection addresses paperwork requirements under which the bureau approves lessee's proposals to enter agreements to unitize operations under two or more leases and for modifications when warranted. The collection also provides for the prevention of waste, conservation of natural resources, and protection of correlative rights for operations under the proposed unit agreements. Comments are due Jan. 3, 2018. Contact: Nicole Mason; BSEE; 703-787-1607; kye.mason@bsee.gov. Citations: 30 CFR 250, Subpart M

82 FR 57289 (12/04/2017)

Regulatory Update

PESTICIDES
Extension of Pesticide Tolerances for Emergency Exemptions/Clothianidin, Sulfoxaflor
PESTICIDES

Final rule of the EPA extends the time-limited tolerance for residues of the insecticide clothianidin and its metabolites in or on citrus fruit, group 10-10, at 0.07 parts per million (ppm) for an additional three-year period for use in the control of the Asian citrus psyllid in Florida and Texas. The rule also extends time-limited tolerances for residues of the insecticide sulfoxaflor and its metabolites in or on sorghum forage at 0.4 ppm, sorghum grain at 0.3 ppm, and sorghum stover at 0.9 ppm for an additional three-year period for control of the sugarcane aphid in several states. The rule is effective Dec. 4, 2017. Objections and hearing requests are due Feb. 2, 2018.

Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDFRNotices@epa.gov. Citations: 40 CFR 180.586, 180.668

82 FR 57149 (12/04/2017)

Regulatory Update

PESTICIDES
Pesticide Tolerance Exemption/α-Methyl Mannoside
PESTICIDES

Notice of the EPA announces the receipt of an initial filing of a petition to establish an exemption from the requirement of a tolerance for residues of the plant regulator α-methyl mannoside in or on all raw agricultural commodities. The petition was filed by Brandt iHammer, of Powell, Ohio. Comments are due Jan. 3, 2018. Contact: Robert McNally; EPA, Office of Pesticide Programs; 703-305-7090; BPPDFRNotices@epa.gov. Citations: 40 CFR 180

82 FR 57193 (12/04/2017)

Regulatory Update

PESTICIDES
Pesticide Tolerance Exemption/HPPD-4
PESTICIDES

Final rule of the EPA establishes an exemption from the requirement of a tolerance for residues of the HPPD-4 protein derived from the 4-hydroxyphenylpyruvate dioxygenase enzyme of Pseudomonas fluorescens in or on all food commodities, when used as a plant-incorporated protectant inert ingredient. The rule is issued in response to a petition filed on behalf of Bayer CropScience LP, of Research Triangle Park, N.C. The rule is effective Dec. 4, 2017. Objections and hearing requests are due Feb. 2, 2018. Contact: Robert McNally; EPA, Office of Pesticide Programs; 703-305-7090; BPPDFRNotices@epa.gov. Citations: 40 CFR 174.537

82 FR 57137 (12/04/2017)

Regulatory Update

PESTICIDES
Pesticide Tolerance/Bacillus thuringiensis
PESTICIDES

Final rule of the EPA increases the tolerance for residues of the Bacillus thuringiensis Cry14Ab-1 protein in or on soybeans, when used as a plant-incorporated protectant in soybean plants, in accordance with the terms of experimental use permit (No. 264-EUP-151). The rule is issued in response to a petition filed by BASF Corp., of Research Triangle Park, N.C. The current action differs from the request in that Cry14Ab-1 is qualified not as a plant-pesticide, but as a plant-incorporated protectant. The rule is effective Dec. 4, 2017. Objections and hearing requests are due Feb. 2, 2018. Contact: Robert McNally; EPA, Office of Pesticide Programs; 703-305-7090; BPPDFRNotices@epa.gov. Citations: 40 CFR 174.538

82 FR 57135 (12/04/2017)

Regulatory Update

PESTICIDES
Pesticide Tolerances/Ethofumesate
PESTICIDES

Final rule of the EPA establishes and eliminates tolerances for residues of the herbicide ethofumesate in or on sugar beet molasses and roots. The rule is issued in response to a petition filed by Interregional Research Project Number 4, of Princeton, N.J. The current action establishes tolerances that differ from what the petitioner requested due to the agency's determination that an increased tolerance is not needed because the commodity is no longer a significant livestock feed item or a recognized human food. The rule is effective Dec. 4, 2017. Objections and hearing requests are due Feb. 2, 2018. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDFRNotices@epa.gov. Citations: 40 CFR 180.345

82 FR 57151 (12/04/2017)

Regulatory Update

PESTICIDES
Pesticide Tolerances/Prometryn
PESTICIDES

Final rule of the EPA establishes tolerances for residues of the herbicide prometryn in or on multiple commodities. The rule is issued in response to a petition filed by Interregional Research Project Number 4, of Princeton, N.J. The rule also modifies tolerance levels to reflect the correct number of significant figures and removes the tolerance for residues of prometryn in/on sesame oil at 0.12 parts per million because the tolerance is not necessary. In addition, the rule revises the description of "florence fennel" to "fennel, florence, fresh leaves and stalk." The rule is effective Dec. 4, 2017. Objections and hearing requests are due Feb. 2, 2018. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDFRNotices@epa.gov. Citations: 40 CFR 180.222

82 FR 57140 (12/04/2017)

Regulatory Update

PESTICIDES
Pesticide Tolerances/Quinclorac
PESTICIDES

Final rule of the EPA establishes tolerances for residues of the herbicide quinclorac and its methyl ester metabolite in or on the bushberry subgroup 13-07B, the caneberry subgroup 13-07A, and asparagus at 0.08 parts per million. The rule is issued in response to a petition filed by Interregional Research Project Number 4, of Princeton, N.J. The current action increases the levels of tolerances that were requested by the petitioner because the residue values from the submitted field trial data did not include the residue values of methyl ester metabolite. The rule also revises the definition of "bushberry subgroup 13-07B, except lowbush blueberry" to "bushberry subgroup 13-07B" because the lowbush blueberry tolerance is covered under another subgroup. The rule is effective Dec. 4, 2017. Objections and hearing requests are due Feb. 2,

2018. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDFRNotices@epa.gov. Citations: 40 CFR 180.463

82 FR 57144 (12/04/2017)

Regulatory Update

TOXIC SUBSTANCES
TSCA Premanufacture and Notice of Commencement
TOXIC SUBSTANCES

Notice of the EPA announces the availability of receipt and status information regarding 107 premanufacture notices and 20 notices of commencement to manufacture new chemicals received by the agency from Sept. 1-29, 2017. Comments are due Jan. 3, 2018. Contact: Jim Rahai; EPA, Office of Pollution Prevention and Toxics; 202-564-8593; rahai.jim@epa.gov

82 FR 57253 (12/04/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Stephanie Tomasso
Sent: Tue 12/5/2017 11:23:00 PM
Subject: RE: SVP of Advocacy and Communications search for APPA - thoughts?

Thanks, Ryan, much apprecaited!

From: Jackson, Ryan [mailto:jackson.ryan@epa.gov]
Sent: Tuesday, December 05, 2017 3:36 PM
To: Stephanie Tomasso <Stephanie.Tomasso@russellreynolds.com>
Subject: RE: SVP of Advocacy and Communications search for APPA - thoughts?

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

Thanks for asking,

Ryan.

From: Stephanie Tomasso [mailto:Stephanie.Tomasso@russellreynolds.com]
Sent: Tuesday, December 5, 2017 2:15 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: SVP of Advocacy and Communications search for APPA - thoughts?

Dear Ryan,

I hope this note finds you well. I can't believe it is December – the year is flying by!

I wanted to pick your brain for a search I am just kicking off for the **Senior Vice President of Advocacy and Communications** for the **American Public Power Association** (APPA). The SVP oversees APPA's integrated external affairs function, including the 25-person government affairs, regulatory advocacy and communications teams. S/he will lead the development and implementation of a coordinated advocacy strategy and the seamless execution of a multi-faceted external communications plan with the ultimate goal of raising the visibility of the critical role public power utilities play in communities across the country. The ideal candidate would be an accomplished manager of people and teams with demonstrated expertise in the external affairs arena within the utility sector.

I have attached a copy of the position specification and would welcome any thoughts you might have of potentially strong candidates. I'm happy to hop on a quick call to talk through in more detail if that would be helpful.

Thanks in advance for your assistance!

Best,

Stephanie

Stephanie J. Tomasso

Russell Reynolds Associates

1700 New York Avenue | 4th Floor | Washington, DC 20006

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA.com
Sent: Tue 12/5/2017 11:50:26 AM
Subject: The Morning Headlines from InsideEPA.com -- December 5, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

December 5, 2017

Latest News

EPA Staff Defend Modeling For Vehicle GHG Rules Amid Industry Attack

EPA career staffers are defending their technical modeling used to analyze the agency's greenhouse gas standards for model year 2022-2025 light-duty vehicles against an auto industry attack that the modeling is "biased" in favor of finding greater fuel efficiency gains from advanced vehicle technology.

Court Slated To Hear Arguments Over States' CWA Powers To Block Pipelines

The U.S. Court of Appeals for the 2nd Circuit is poised to hear arguments in a dispute between federal energy regulators and New York over the state's effort to block a natural gas pipeline by withholding its approval under the Clean Water Act (CWA), a case that could set a precedent for North Carolina's efforts to block a different pipeline.

Trucking Sector Blasts Legal, Policy Rationale For Glider GHG Rule Repeal

Numerous representatives of the trucking sector -- including for manufacturers, large fleets and advanced technology firms -- are pushing back hard against EPA's proposal to scrap greenhouse gas restrictions on "glider" trucks that combine used engines with a new chassis, arguing EPA's legal justification could open up a massive Clean Air Act loophole and disadvantage numerous businesses that have invested in cleaner technology.

States Warn Of Economic Impacts If EPA Strategic Plan Drops SMM Effort

State waste managers are raising concerns that EPA's omission of sustainable materials management (SMM) from the agency's draft multi-year strategic plan will cause economic harm, making the United States less competitive with other countries that are pursuing a circular economy.

6th Circuit Poised To Hear Novel Challenge To EPA CWA Permit Objection

The U.S. Court of Appeals for the 6th Circuit is poised to hear oral argument Dec. 6 in a novel case that tests whether EPA can face legal challenges for objecting to Army

Corps of Engineers-issued Clean Water Act (CWA) permits even when the agency does not formally deny a permit application.

EPA Scraps Plan For Mining Finance Rule, Raising Doubts About Other Sectors

Despite staff expectations, the Trump administration is dropping an Obama-era proposal to issue the first-ever financial responsibility requirements under section 108 of the Superfund law for the mining sector, saying it would create an undue burden on the sector and creating doubts over whether the agency will pursue similar rules for other industries.

Daily Feed

EPA launches new PFAS initiative

EPA is launching a new, cross-agency workgroup to help a growing number of states, localities and tribes that are struggling to deal with the chemicals in their jurisdictions.

Texas seeks RFS waiver ahead of Cruz, Trump meeting

Texas is asking EPA for a renewable fuel standard (RFS) waiver based on severe economic harm, ahead of a meeting between President Donald Trump and GOP Senate critics of the RFS.

District court judge weighs EPA capacity for air toxics reviews

A federal judge is considering which deadlines to impose on EPA to complete air toxics reviews, while an advisory committee is critiquing the agency's review methods.

Ewire: NAM launches coalition to fight plaintiffs' environmental tort suits

“The manufacturers' pushback is in the beginning stages, but it is expected to become as prominent as the trade group's nationwide campaign against the Obama administration's strict ozone standards.”

Sen. Barrasso urges EPA to issue RFS environment studies

Senate environment panel Chairman John Barrasso (R-WY) is pressing EPA to release overdue environmental reports on the renewable fuel standard.

Read all the latest EPA news, analysis and documents →

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Telephone: 703-416-8500 or 1-800-424-9068

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To: Myron Ebell[Myron.Ebell@cei.org]
From: Myron Ebell
Sent: Mon 12/4/2017 1:51:24 PM
Subject: Reminder: Cooler Heads Coalition meeting today, Monday, 12 noon at CEI

Reminder: the Cooler Heads Coalition will meet beginning at 12 noon today at CEI, 1310 L Street, N. W., Seventh Floor.

For those who were not able to make one of our events last week, we still have some copies of Rupert Darwall's new book, Green Tyranny, to hand out at today's meeting.

John Christy and Richard McNider published a new paper last week, which you can read about at https://wattsupwiththat.com/2017/11/29/study-no-acceleration-in-global-warming-climate-sensitivity-to-co2-too-high/

Myron Ebell

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Stop continental drift!

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Tue 12/5/2017 11:40:40 AM
Subject: POLITICO Playbook, presented by PhRMA: BIG MCKAY COPPINS story on PENCE -- WORLD TO U.S.: Don't name Jerusalem the capital of Israel -- NYT: CONYERS retiring -- SCOOP: Joint House-Senate GOP retreat will be at the GREENBRIER at the end of Jan.

View online version | Add politicoplaybook@politico.com to your address book.

Today's POLITICO Playbook presented by PhRMA

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

Listen to today's Audio Briefing | Subscribe on Apple Podcasts | Visit the online home of Playbook

Driving the Day

BIG NEWS FOR DEMS -- NYT'S YAMICHE ALCINDOR -- "Conyers Won't Seek Re-election in Wake of Harassment Claims, Relative Says": "Mr. Conyers, the longest-serving member of the House of Representatives, will make the announcement by calling into a local radio show on Tuesday morning, Ian Conyers, a Michigan state senator, said in a phone interview early Tuesday. Ian Conyers, 29, the grandson of Mr. Conyers's brother, said he now planned to run for the seat held by his 88-year-old great-uncle, a Democrat who represents the Detroit area. 'He is not resigning. He is going to retire,' the younger Mr. Conyers said. 'His doctor advised him that the rigor of another campaign would be too much for him just in terms of his health.'" http://nyti.ms/2kmc8iN

-- THE DECISION could ratchet down pressure in the Democratic Caucus. But remember: many Democrats have said Conyers should resign immediately.

Good Tuesday morning. **NEWS --** The joint House-Senate Republican legislative retreat will be held at the Greenbrier Resort in West Virginia in January. The retreat -- organized by the Congressional Institute -- will be Jan. 31 through Feb. 2. President Donald Trump is expected to attend. The Greenbrier is more than four hours from Washington in the West Virginia mountains. House Republican Conference Chairman Cathy McMorris Rodgers of Washington State is expected to make this announcement today in a closed party meeting.

PAGING TRUMP AND JARED: THE WORLD COMES OUT AGAINST THE U.S. NAMING JERUSALEM ISRAEL'S CAPITAL -- AP at 4:23 a.m.: "ANKARA, Turkey (AP) - Turkey warns US that recognizing Jerusalem as Israel's capital is 'red line' for Muslims."

... **BARAK RAVID,** of Israel's Channel 10: If the U.S. declares Jerusalem the capital, it

"might lead to cutting of diplomatic relations between Turkey & Israel" ... "German FM Gabriel: U.S. recognition of Jerusalem as the capital of Israel will be counterproductive & will only worsen the crisis. A solution to the issue of Jerusalem should be achieved through negotiations".

... **JOE DYKE,** AFP's Jerusalem bureau chief **(@joedyke):** "Breaking: US Jerusalem recognition would end Trump peace push, senior official Nabil Shaath announces. @AFP".

... **SAUDI ARABIAN FOREIGN MINISTRY:** "The Kingdom of Saudi Arabia views this step, if taken, to be in contradiction of the principle of not affecting final status negotiations, and contradicts international resolutions that emphasize the historical and firm rights of the Palestinian People regarding Jerusalem, which cannot be changed, nor can an attempt to impose a new reality upon it be made. This step, if taken, will constitute a fundamental change, and an unwarranted shift in the United States' impartial position, at a time when the world looks to the United States of America to work on achieving the desired progress in the peace process."

NYT's MARK LANDLER: French President Emmanuel "Macron, ... reaffirmed that the status of Jerusalem must be resolved through peace negotiations between Israelis and Palestinians, and particularly those relating to the establishment of two states, Israel and Palestine, living side by side in peace and security with Jerusalem as their capital.'" http://nyti.ms/2jQgZol

-- "State Department warns of violence ahead of Trump Jerusalem decision," by Nahal Toosi: "The State Department has warned American embassies worldwide to heighten security ahead of a possible announcement Wednesday by President Donald Trump that the U.S. recognizes Jerusalem as the capital of Israel. The warning -- delivered in the past week via two classified cables described by State Department officials -- reflects concern that such an announcement could provoke fury in the Arab world even as Trump's son-in-law Jared Kushner works to advance long-stalled peace talks between Israelis and Palestinians.

"Some Arab leaders have implored Trump not to change longstanding American policy on Jerusalem, saying it could make any peace agreement impossible and that it would spark mass protests and even terrorism. The militant group Hamas has already called for a new Palestinian 'intifada,' or uprising, if Trump declares Jerusalem the capital of the Jewish-majority state. 'The impending Jerusalem announcement has me very worried about the possibility of violent responses that could affect embassies,' one State Department official told POLITICO. 'I hope I'm wrong.'" http://politi.co/2jNWPvi

REUTERS' DAN WILLIAMS (@danwilliams): "Hearing that @netanyahu, asked during a closed-door meeting with Israeli parliamentarians yesterday what @realDonaldTrump would announce tomorrow regarding US policy on Jerusalem and the mooted embassy move, answered: 'I don't know.' No confirmation on that from @IsraeliPM aides."

TWEET OF THE MORNING -- AP'S JOSH LEDERMAN (@joshledermanAP): "'The State Department is not missing a beat,' Secretary Tillerson says at US Embassy in Brussels, where there's no US ambassador to EU or Belgium".

JUST POSTED - MCKAY COPPINS in The Atlantic's Jan./Feb. issue, **"God's Plan for Mike Pence:** Will the vice president-and the religious right-be rewarded for their embrace of Donald Trump?": "On Friday, October 7, 2016, The Washington Post published the Access Hollywood tape ... It's been reported that Pence sent Trump a letter saying he needed time to decide whether he could stay with the campaign. But in fact, according to several Republicans familiar with the situation, he wasn't just thinking about dropping out-he was contemplating a coup. Within hours of *The Post* 's bombshell, Pence made it clear to the [RNC] that he was ready to take Trump's place as the party's nominee. Such a move just four weeks before Election Day would have been unprecedented-but the situation seemed dire enough to call for radical action. ...

"Meanwhile, a small group of billionaires was trying to put together money for a 'buyout'-even going so far as to ask a Trump associate how much money the candidate would require to walk away from the race. According to someone with knowledge of the talks, they were given an answer of $800 million. (It's unclear whether Trump was aware of this discussion or whether the offer was actually made.) Republican donors and party leaders began buzzing about making Pence the nominee and drafting Condoleezza Rice as his running mate.

"Amid the chaos, Trump convened a meeting of his top advisers in his Manhattan penthouse. He went around the room and asked each person for his damage assessment. Priebus bluntly told Trump he could either drop out immediately or lose in a historic landslide. According to someone who was present, Priebus added that Pence and Rice were 'ready to step in.' ... The furtive plotting, several sources told me, was not just an act of political opportunism for Pence. He was genuinely shocked by the *Access Hollywood* tape. ... The couple was appalled by the video, however. Karen in particular was 'disgusted,' says a former campaign aide. 'She finds him reprehensible-just totally vile.'" http://theatln.tc/2nvmwWw

STICKING UP FOR THE FBI -- "Director Defends F.B.I. After Trump Says Bureau Is in 'Tatters,'" by NYT's Adam Goldman and Charlie Savage: "In a message to the F.B.I.'s 35,000 agents and support staff that was provided to The New York Times, [Christopher] Wray said that he was 'inspired by example after example of professionalism and dedication to justice demonstrated around the bureau. It is truly an honor to represent you.' He did not mention Mr. Trump by name. ... Mr. Wray, who has run the F.B.I. for about four months, told his employees to ignore any criticism and to continue to uphold the Constitution. 'We find ourselves under the microscope each and every day - and rightfully so. We do hard work for a living,' he said, adding that the F.B.I. should 'continue to keep focused on our critical mission.' The email concluded with one of his favorite maxims: 'Keep calm and tackle hard.'" http://nyti.ms/2kn0HYb

NEBRASKA AVE READ -- AP/SAN DIEGO -- "Border arrests plunge, deportation

arrests soar," by Elliot Spagat: "The federal government, in the most complete statistical snapshot of immigration enforcement under President Donald Trump, says Border Patrol arrests plunged to a 45-year low while arrests by deportation officers soared.

"The Border Patrol made 310,531 arrests during the fiscal year that ended Sept. 30, a decline of 25 percent from 415,816 a year earlier and the lowest level since 1971. Despite the significant decline, arrests increased every month since May - largely families and unaccompanied children.

"Immigration and Customs Enforcement, whose officers pick up people for deportation away from the border, made 143,470 arrests, an increase of 25 percent from 114,434 a year earlier. After Trump took office, ICE arrests surged 40 percent from the same period a year earlier." http://bit.ly/2inpze9

DRAMA -- "House conservatives almost topple tax vote," by Bernie Becker, Sarah Ferris, and Colin Wilhelm: "House conservatives threatened to derail a key tax vote on Monday in an attempt to win more influence over the GOP's spending strategy, just four days before the deadline to fund the government. In a dramatic political stunt, more than a dozen members of the House Freedom Caucus withheld their support for a crucial procedural vote on the GOP's tax bill, threatening an embarrassing blow to GOP leadership.

"The conservatives eventually relented, approving what had been thought to be a formality - a motion to appoint negotiators to hammer out a final tax bill with the Senate. But the frenzy on the House floor underscored the divisions within the GOP over a spending strategy this month, and that the Republicans' march toward overhauling the tax code - which has proceeded with relatively little drama so far - could get caught up in the process.

"Rep. Mark Meadows (R-N.C.), the Freedom Caucus chairman, said after Monday's vote that he 'felt very good' about his conversation on the floor with Speaker Paul Ryan, who personally involved himself in the arm-twisting of conservatives. Meadows had earlier stepped outside the House chamber to take a phone call from President Donald Trump, but declined to give any details on the president's message." http://politi.co/2iQOQ4a

-- IF YOU'RE A BETTING MAN OR WOMAN, this isn't over. The Freedom Caucus wants to change the date of the government funding expiration. Right now, funding is set to expire Dec. 22, at which time Congress will punt the deadline again into 2018 to cobble together a large, yearlong spending bill. Meadows and the Freedom Caucus want a Dec. 30 or Dec. 31 expiration, because they think it gives them leverage. This does not seem likely to happen.

-- THIS IS A GOOD REMINDER: The Freedom Caucus, when it's unified, can control the outcome on the House floor.

TO REVIEW -- The government shuts down on Friday. Meadows -- the leader of a bloc of more than 30 conservatives -- says he does not like the GOP leadership plan. Democrats have no intent to help Republican leaders pass a stop gap measure. And the first serious talks between principals -- Democratic and Republican leaders and President Donald Trump -- is Thursday, the day before the funding deadline.

****** **A message from PhRMA** : A medicine's path from the biopharmaceutical company to the patient involves many entities across the supply chain. A new report examines how money flows through this system - which includes wholesalers, pharmacy benefit managers, pharmacies and insurers - and how that impacts what patients pay at the pharmacy. Read more. http://onphr.ma/2kgd6Nu ******

ON TAXES -- "Republicans Sought to Undercut an Unfavorable Analysis of the Tax Plan," by NYT's Jim Tankersley: "A Republican requirement that Congress consider the full cost of major legislation threatened to derail the party's $1.5 trillion tax rewrite last week. So lawmakers went on the offensive to discredit the agency performing the analysis. In 2015, Republicans changed the budget rules in Congress so that official scorekeepers would be required to analyze the potential economic impact of major legislation when determining how it would affect federal revenues.

"But on Thursday, hours before they were set to vote on the largest tax cut Congress has considered in years, Senate Republicans opened an assault on that scorekeeper, the Joint Committee on Taxation, and its analysis, which showed the Senate plan would not, as lawmakers contended, pay for itself but would add $1 trillion to the federal budget deficit. Public statements and messaging documents obtained by The New York Times show a concerted push by Republican lawmakers to discredit a nonpartisan agency they had long praised. ...

"The attack on the joint committee and its analysis is a change from the praise Republicans have long heaped on the body, which is staffed with economists and other career bureaucrats who analyze legislation in depth. 'The people who prepare our cost estimates are the best in the business, and they've been working on this issue for years,' Republicans on the House Budget Committee said on a page that was restored to the committee's website on Monday afternoon, after what staff members said was an accidental deletion during a site redesign this year." http://nyti.ms/2zPH6mn

-- "Companies Push to Repeal AMT After Senate's Last-Minute Move to Keep It Alive," by WSJ's Theo Francis and Rich Rubin: "Technology, banking and other industries mounted a new round of lobbying Monday to save a wide range of tax breaks following the last-minute switch in the federal tax overhaul by the U.S. Senate. The Senate on Saturday decided to keep a corporate alternative minimum tax, or AMT, a move that gave the senators $40 billion over a decade to use on other priorities, according to the official estimate. The move blindsided CEOs and business groups, who acted quickly on Monday to try to persuade legislators to kill or modify the provision, arguing that keeping it would undercut several goals of the legislation, including

fostering investment in the U.S." http://on.wsj.com/2BzJ1fe

BIG WIN FOR TRUMP -- "Supreme Court allows full enforcement of Trump travel ban while legal challenges continue," by WaPo's Robert Barnes: "The Supreme Court on Monday granted President Trump's request to fully enforce his revised order banning travel to the United States by residents of six mostly Muslim countries while legal challenges to it proceed in lower courts. It was a victory for the White House, which has seen the courts trim back various iterations of the travel ban, and it bodes well for the administration if the Supreme Court is called upon to finally decide the merits of the president's actions." http://wapo.st/2BAFZHl

-- "Justices take up dispute over wedding cake for gay couple," by AP's Mark Sherman: "The Supreme Court is taking up the highly anticipated case of the Colorado baker who refused to make a wedding cake for a same-sex couple. Tuesday's clash at the high court pits baker Jack Phillips' First Amendment claims of artistic freedom against the anti-discrimination arguments of the Colorado Civil Rights Commission, and two men Phillips turned away in 2012. The commission ruled that Phillips violated the state's anti-discrimination law when he refused to make a wedding cake for Charlie Craig and David Mullins." http://bit.ly/2BLJcFh

IMPORTANT READ -- "A congressman's accuser: Blackballed and babysitting for cash," by Rachael Bade: "North Carolina native Lauren Greene aspired to a career in politics when she arrived on Capitol Hill as an intern in 2009. She spent the next five years climbing the Capitol Hill ladder, ultimately becoming a communications director for a congressman in 2014. But Greene's budding career imploded, she said, the minute she accused Rep. Blake Farenthold (R-Texas) of sexually harassing her.

"Since the summer of 2014, when she says Farenthold fired her for raising concerns about a hostile work environment, Greene has been unable to land a full-time job. She's making $15 an hour working temporary gigs for a homebuilder. She babysits on the side to earn extra cash. Her family has had to support her financially. And Greene, now 30, has left D.C., with no illusions that she will ever work in politics again.

"'It's definitely turned my life upside down,' Greene said in her first interview since she made the accusations against Farenthold. 'It's been a tough road. Emotionally, it was tough. Professionally, it's been hard to figure out next steps. And it's definitely had an impact on my career.' She later added: 'I was told right away that I would be, quote-unquote, 'blackballed' if I came forward. ... That's exactly what happened.'" http://politi.co/2jfRNby

-- "Woman says Rep. Conyers groped her while they were in church," by AP's Corey Williams in Detroit: "A woman who says she worked for U.S. Rep. John Conyers for more than a decade says he slid his hand up her skirt and rubbed her thighs while she was sitting next to him in the front row of a church. Elisa Grubbs made the allegation in an affidavit released late Monday by her attorney, Lisa Bloom.

"Grubbs is the cousin of another accuser, Marion Brown, who reached a confidential settlement with Conyers over sexual harassment allegations but broke a confidentiality agreement to speak publicly last week**.** Bloom posted Grubbs' affidavit on Twitter and confirmed to The Associated Press that it was genuine." http://bit.ly/2AtSoQp

-- "Woman shares new evidence of relationship with Roy Moore when she was 17," by WaPo's Stephanie McCrummen in Delray Beach, Florida: "Debbie Wesson Gibson was in her attic hauling out boxes of Christmas decorations last week when she noticed a storage bin she said she had forgotten about. Inside was a scrapbook from her senior year of high school, and taped to a page titled 'Those Who Inspire' was a graduation card. 'Happy graduation Debbie,' it read in slanted cursive handwriting. 'I wanted to give you this card myself. I know that you'll be a success in anything you do. Roy.' ... Gibson, who said that she publicly dated Moore when she was 17 and he was 34, a relationship she said she 'wore like a badge of honor' until she began reevaluating it in light of the accounts of other women, and now, Moore's own denials." http://wapo.st/2koiJJj

--"RNC to support Roy Moore in Senate race in Alabama, weeks after cutting ties with his campaign," by WaPo's Sean Sullivan, Michael Scherer and David Weigel: "President Trump led an aggressive charge Monday on behalf of embattled Senate nominee Roy Moore, with the [RNC] rejoining Moore's side in Alabama weeks after cutting ties with him following allegations of sexual misconduct. ... By day's end, the RNC was back in his corner and America First Action, a pro-Trump group, said it would spend $1.1 million to try to push Moore across the finish line. Senate Republican leaders, however, remained critical of Moore, warning that the former judge is likely to face an immediate ethics probe if he is elected next week." http://wapo.st/2ilHzoU

THE RUSSIA REPORT -- "McFarland Contradicted Herself on Russia Contacts, Congressional Testimony Shows," by NYT's Mike Schmidt and Sharon LaFraniere: "An email sent during the transition by President Trump's former deputy national security adviser, K.T. McFarland, appears to contradict the testimony she gave to Congress over the summer about contacts between the Russian ambassador and Mr. Trump's former national security adviser, Michael T. Flynn. Ms. McFarland had told lawmakers that she did not discuss or know anything about interactions between Sergey I. Kislyak, who had been Moscow's ambassador to the United States, and Mr. Flynn, according to Senate documents.

"But emails obtained by The New York Times appear to undermine those statements. In a Dec. 29 message about newly imposed Obama administration sanctions against Russia for its election interference, Ms. McFarland, then serving on Mr. Trump's transition team, told another transition official that Mr. Flynn would be talking to the Russian ambassador that evening." http://nyti.ms/2Ayud11

--"Prosecutors: Manafort tried to write op-ed with Russian operative while under house arrest," by Darren Samuelsohn: "Paul Manafort and a long-time Russia-based

colleague with ties to Russian intelligence were caught last week ghost-writing an op-ed about his work in Ukraine, federal prosecutors working for special Russia counsel Robert Mueller said in a Monday court filing. Mueller's office argued that by working on the article, which was never published, Manafort violated a gag order imposed on his case. ... Prosecutors said the unauthorized move was a breach of trust that leads them to oppose an $11 million bail agreement that it had previously reached with Manafort." http://politi.co/2koY8ox

BLOOMBERG -- "Mueller Subpoenas Trump Deutsche Bank Records," by Steven Arons: "Special prosecutor Robert Mueller zeroed in on President Donald Trump's business dealings with Deutsche Bank AG as his investigation into alleged Russian meddling in U.S. elections widens.

"Mueller issued a subpoena to Germany's largest lender several weeks ago, forcing the bank to submit documents on its relationship with Trump and his family, according to a person briefed on the matter, who asked not to be identified because the action has not been announced." https://bloom.bg/2AU4vqB

GOVERNMENT TAKING GUNS -- "Feds issue 4,000 orders to seize guns from people who failed background checks," by USA Today's Kevin Johnson: "Federal authorities sought to take back guns from thousands of people the background check system should have blocked from buying weapons because they had criminal records, mental health issues or other problems that would disqualify them. ... It's the largest number of such retrieval requests in 10 years, according to FBI records- an especially striking statistic after revelations that a breakdown in the background check system allowed a troubled Air Force veteran to buy a rifle later used to kill 26 worshipers at a Texas church last month." https://usat.ly/2BAwzvw

TRUMP'S TUESDAY -- President Trump is having lunch with Republican senators. This afternoon he will talk with American business owners and their families. Tonight he and First Lady Melania Trump will host the Congressional Ball.

THE JUICE ...

-- FIRST IN PLAYBOOK: BEN HOWARD, part of the White House leg affairs team, is coming back to the Capitol to work as House Majority Whip Steve Scalise's (R-La.) floor director. Howard was previously House Majority Leader Kevin McCarthy's (R-Calif.) floor director. He starts in January. "Ben Howard has years of experience working in the House, Members trust him, and I am honored to welcome him to the Whip Team," Scalise said in a statement. "We have a lot of important work to do next year as we continue delivering on President Trump's agenda to create jobs and get our economy back on track, and Ben's unique experience in working both in the House and the administration will make him a strong asset to our team as we work to achieve significant legislative victories for the American people."

-- NYT'S JEREMY PETERS has sold a Trump-related book to Penguin Random

House's Crown imprint for a "high six-figure sum following an auction among rival publishers," per Vanity Fair's Joe Pompeo. The book is titled "Insurgency: The Inside Story of the Battle for the Soul of the Republican Party," and is set for publication in 2019. http://bit.ly/2iQdbXO

WATCH LIVE at 8 A.M. - WOMEN RULE: 5TH ANNUAL SUMMIT - POLITICO hosts a full day of live conversations with female leaders as we ask: who are the new women shaping our future-and what are their agendas? Where can women find common ground at a time of division? How are women taking their place at the table in the public and private sectors-and what difference can they make there? Featured speakers include: actress Kate Bosworth, 'Me Too' movement founder Tarana Burke, Transportation Sec. Elaine Chao, Kellyanne Conway, Sen. Kirsten Gillibrand (D-N.Y.) and more. ***Learn more*** http://politi.co/2Bzkreu ... ***Livestream*** http://politi.co/2jfMvMW

-- SPOTTED at the Women Rule VIP Happy Hour last night at the Four Seasons: Tarana Burke, Dr. Susan Blumenthal, Mistique Cano, Niki Christoff, Ambassador Vlora Citaku, Tasha Cole, Rebecca Cooper, Laurie Fabiano, Nancy Cook, Virginia Conye, Stephanie Cutter, Wade Davis, Carolyn DeWitt, Gloria Dittus, Heather Podesta, Amy Brandwein, Kristen Gentile, Julie Drews, Beth Helle, Jason Gold, Lucy Gettman, Maureen Griffin, Meredith Kelly, Jean Medina, Erin Loos Cutraro, Ambassador Sylvie Lucas, Trish Peva, Becky Tallent, Stephanie Schriock, Susannah Wellford and Scarlette Whyte.

YOU'RE INVITED -- Our first live podcast taping is this Thursday night at 7 p.m. at Sixth and I. Our inaugural guests: **MICHAEL BARBARO**, host of the New York Times' hit podcast "The Daily," **DCCC EXECUTIVE DIRECTOR DAN SENA and NRCC EXECUTIVE DIRECTOR JOHN ROGERS**. And a panel of **POLITICO** stars: **RACHAEL BADE, SEUNG MIN KIM a**nd **ANNIE KARNI**. Get your tickets now! http://bit.ly/2hWK7tF

Playbook Reads

PHOTO DU JOUR: President Donald Trump pushes a shopping cart as he tours the Church of Jesus Christ of Latter-Day Saints' food distribution center at LDS Welfare Square in Salt Lake City on Dec 4. | Saul Loeb/AFP/Getty Images

ALI WATKINS -- "Elite terrorist interrogation team withers under Trump": http://politi.co/2iQksqF

ON THE KOREAN PENINSULA -- "Microwave weapon could fry North Korean missile controls, say experts," by NBC News' Cynthia McFadden, William Arkin, Kevin Monahan and Kenzi Abou-Sabe: "The U.S. has microwave weapons that

proponents believe could stop North Korea from launching missiles by frying their electronics. The weapons were discussed at an August White House meeting related to North Korea, according to two U.S. officials with direct knowledge. The microwave weapons, known as CHAMPs, are fitted into an air-launched cruise missile and delivered from B-52 bombers. With a range of 700 miles, they can fly into enemy airspace at low altitude and emit sharp pulses of microwave energy to disable electronic systems." http://nbcnews.to/2AP4DaP

ISAAC DOVERE talks with **DAVID BOSSIE** and **COREY LEWANDOWSKI** in the latest "Off Message podcast: **"Trump's Threat to Take Down the GOP Still Stands":** "His threat to take down the GOP if it resists, Bossie and Lewandowski told me in an interview for POLITICO's Off Message podcast, still stands. They wouldn't answer if they think the president will stay a member of the Republican Party, let alone committed to Senate Majority Leader Mitch McConnell and House Speaker Paul Ryan.

"The furthest Lewandowski would go: 'I think the president very much respects the Republican Party. He is very engaged with the Republican National Committee and helps them raise a lot of money and understands that having Republicans controlling Congress is a fundamentally different thing than having Democrats.' 'When you are fighting the establishment -- not just the Democrats, but there are some within the party and the deep state,' Bossie said, 'you're going to fight all of that and you're going to get some people, even in your own party, who don't like what you're doing.'" http://politi.co/2AtGfKW

TOP OP-ED: "Bill Clinton: Americans Must Decide Who We Really Are": http://nyti.ms/2A50sYJ

-- "Democrats question GOP commitment to Senate's Russia inquiry," by Elana Schor: "Democrats on the Senate Judiciary Committee are raising fresh concerns about the GOP-led panel's appetite for digging into the Russian ties forged by multiple advisers to President Donald Trump. Friction on the committee last spiked in October, when the chairman, Sen. Chuck Grassley (R-Iowa), sent a slew of letters to key figures in the Russia investigation without the signature of Sen. Dianne Feinstein of California, the panel's top Democrat.

"Feinstein has followed by sending four rounds of letters without Grassley's signature that seek material from other players in the Trump campaign's communications with Russian officials - the most recent series of letters coming on Monday. 'Asked about Grassley's decision to not sign on, Feinstein told reporters late Monday that 'I think there's an effort, subtle, not to go deeply.' 'And I hadn't realized it before, but I realize it now," she continued. "And we're going to have to find a way to deal with it." http://politi.co/2AyyyBl

****** **A message from PhRMA**: A medicine's path from the biopharmaceutical company to the patient involves many entities across the supply chain. A new report examines how money flows through this system - which includes wholesalers,

pharmacy benefit managers, pharmacies and insurers - and how that impacts what patients pay at the pharmacy. Read more. http://onphr.ma/2kgd6Nu ******

HAPPENING TODAY -- "Cordray chooses hometown diner to announce run for governor," by Columbus Dispatch's Marty Schladen: "Life is coming full-circle for Richard Cordray, as the Grove City native returns to a diner in the heart of his home town Tuesday to launch his campaign for the top job in Ohio. Cordray will make his gubernatorial candidacy announcement at Lilly's Kitchen Table in Grove City, marking the start of a 'kitchen table' tour of the state." http://bit.ly/2ASSDFc

BUSINESS BURST -- "How Dollar General Became Rural America's Store of Choice," by WSJ's Sarah Nassauer: "While many large retailers are closing locations, Dollar General executives said they planned to build thousands more stores, mostly in small communities that have otherwise shown few signs of the U.S. economic recovery. The more the rural U.S. struggles, company officials said, the more places Dollar General has found to prosper. 'The economy is continuing to create more of our core customer,' Chief Executive Todd Vasos said in an interview ... 'We are putting stores today [in areas] that perhaps five years ago were just on the cusp of probably not being our demographic,' he said, 'and it has now turned to being our demographic.'" http://on.wsj.com/2il1Wmk

MEDIAWATCH -- "Bill O'Reilly Is Sued by Woman Who Settled Over Harassment Accusations," by NYT's Emily Steel: "A woman who reached a settlement with Bill O'Reilly over harassment allegations sued Mr. O'Reilly and Fox News on Monday for defamation and breach of contract, saying that public statements he and the network made violated the settlement and portrayed her as a liar and politically motivated extortionist. The woman, Rachel Witlieb Bernstein, is one of six known to have reached settlements after making accusations against Mr. O'Reilly. (Her allegations did not include sexual harassment.) ...

"Mr. O'Reilly has repeatedly said that the harassment allegations that led to his ouster from Fox News in April have no merit, that he never mistreated anyone and that he resolved the matters privately to protect his children. 'In fact, Mr. O'Reilly is the liar,' states the lawsuit, which was filed in the United States District Court for the Southern District of New York. 'He mistreated Ms. Bernstein. She was forced out of her job at Fox News and paid a settlement because of his mistreatment.'" http://nyti.ms/2ArOdnV

--WHITE HOUSE GAGGLE KERFUFFLE -- per Brian Stelter's Reliable Sources newsletter: "President Trump flew to Utah on Monday, so there was no W.H. press briefing. Reporters thought there would be a 'gaggle' aboard Air Force One, but White House Deputy Press Secretary Hogan Gidley told the press pool that he would not answer any Q's on the record, which obviously defeats the purpose of a Q&A. Gidley made statements on several topics, including Jerusalem and Moore, but then told the press pool he would not answer any questions on the record.

"An excerpt from the haggling that ensued: Q: 'We have to ask the questions--' A: 'I

understand that, you have a job to do and so do I.' Q: 'You're not doing your job. Your job is literally to take questions from us. That's the whole point of this.' If you don't want to do that, 'you can release paper statements if you want.' A: 'Please tell me more about my job if I get to tell you more about yours...' Once it was clear that Gidley wouldn't field ANY Q's on the record, the press pool scrapped it."

--"ABC News president excoriates staff over Brian Ross' Michael Flynn error," by CNN's Oliver Darcy and Brian Stelter: "ABC News president James Goldston ... [also] announced that Ross, the network's chief investigative reporter, will no longer cover stories related to President Trump. ... 'I don't think ever in my career have I felt more rage and disappointment and frustration that I felt through this weekend and through the last half of Friday,' Goldston said [in ABC News' morning editorial call]. 'I don't even know how many times we've talked about this, how many times we have talked about the need to get it right,' he added. 'That how we have to be right and not first. About how in this particular moment, with the stakes as high as these stakes are right now, we cannot afford to get it wrong.'" http://cnnmon.ie/2AP4Xq3

--"PBS names CNN's Christiane Amanpour as Charlie Rose's interim replacement," by Brent D. Griffiths: "CNN International will continue to air Amanpour's shows on weekdays at 2 p.m. and 5 p.m. EST. 'Amanpour on PBS' [began] airing on New York's PBS station on Monday and will roll out to other stations beginning Dec. 11." http://politi.co/2AqjCr3

ABOUT LAST NIGHT -- Oliver Darcy in CNN's Reliable Sources newsletter: "Corey Lewandowski and David Bossie's book is out on Tuesday... So the pair threw a book party Monday night at Del Frisco's in Midtown Manhattan. ... When Steve Bannon strolled in, he shouted 'fake news,' gave me a hug, and joked I probably found out about the event via a Breitbart Slack leak which he vowed to close. Bannon also said Matt Drudge 'is my homie,' calling the conservative news heavyweight 'the king,' despite the barbs Drudge has thrown his direction."

Playbookers

SPOTTED: Senate Majority Leader Mitch McConnell last night at Kinship

OUT AND ABOUT IN NYC - Pool report: "Last night, Mike Bloomberg hosted a gala dinner at Manhattan's Gotham Hall to fete the inaugural 'Bloomberg 50,' a new, annual list published by Bloomberg Businessweek that honors 50 icons and innovators who have changed the global business landscape in measurable ways. The event was emceed by Emmy and Peabody award-winner Keegan-Michael Key (who attended with his fiancé Elisa Pugliese), featured a special performance by recording artist, Broadway veteran and 'Hamilton' star Mandy Gonzalez." ***Pic*** http://bit.ly/2zOPzpM ... ***The list*** https://bloom.bg/2AsjJCj

SOME OF WHAT BLOOMBERG SAID: "Now, I know what you're all thinking: Why isn't Mike Bloomberg on the list?! Good question. I was wondering that myself. But I was told it would be seen as self-promotion -- and as we all know, the American people will not stand for a business executive who promotes himself at every turn. I'm glad to say that the Bloomberg 50 is already being copied by other media outlets. Time Magazine just announced that the Time 100 will be split in half -- with two separate issues. The Koch brothers couldn't agree on a list."

SPOTTED: Adam Silver, Jeffrey Bewkes, Agnes Gund, Georgette Mosbacher, Eric Schmidt, Jon Batiste, Mark Morris, Hilary Rosen, Tammy Haddad, Jordan Klepper, Ken Burns, Martha Stewart, Jane Seymour, Hannah Bronfman, John Overdeck and David Siegel, Coco Rocha, Paulina Porizkova, Tamron Hall, and Ty Hunter, Megan Murphy, John Micklethwait, Marty Schenker, Justin Smith, and Jason Schechter.

SPOTTED at Heritage Foundation's media Christmas party last night at the Metropolitan Club: Ed Feulner, Mike Needham, Craig Gordon, Alyssa Farah, Brad Rateike, Paul Teller, Kelly Sadler, Russ Vought, Jess Bravin, Francesca Chambers, Chris Stirewalt, David Smith, Robert Schlesinger, Alex Pfeiffer.

BIRTHWEEK (was yesterday): Sarah Paulos of Flanagan Fulkerson & Company (hat tip: Heather Purcell)

BIRTHDAY OF THE DAY: Treasury chief of staff **Eli Miller** is 35. **A fun fact about Eli:** "I have constructed an impressive collection of USSS challenge coins over years of traveling. I have close to 100! My favorite is the USSS Special Agent Rescue Swimmer Coin. It's very rare and a difficult trade." **Read his Playbook Plus Q&A:** http://politi.co/2AWJBY1

BIRTHDAYS: NYT media correspondent Mike Grynbaum (h/t Rachel Adler) ... Jamie Rhoades (hubby tip: Matt) ... photographer Paul Morse ... University of Tennessee-Knoxville's Stuart N. Brotman (h/t son Gabe) ... Evan Burfield, co-founder of startup incubator 1776 and CEO of UNION, is 41 (h/t Peter Cherukuri) ... Andrew Williams, VP of media relations at Goldman Sachs ... WaPo's Rachel van Dongen ... Roy Schwartz, co-founder and president of Axios, is 42 ... Moira Mack Muntz ... Politico Europe's Stephen Brown ... Jamie Estrada ... Politico's Khorri Atkinson ... Rep. French Hill (R-Ark.) is 61 ... NewsHour's Jeffrey Brown is 61 ... WRC NBC4 anchor Chris Lawrence ... Alex Simon ... Adam Casella, senior associate at Owl Rock Capital ... Katie Krieg ... Gray Johnson of the Atlantic Council ... Yana Mayayeva ... Jeremy Thompson ... Brai Odion-Esene ... Zoey Davidson ...

... Lisa Spies ... DJ Eckert ... Ashley Selden (h/ts Blake Waggoner) ... Ruiyong Chen, a principal on the paid media team at Precision Strategies (h/t Tom Zigo) ... Simon Jerome of the International Republican Institute ... Adam Rosenberg ... former Rep. Rodney Alexander (R-LA) is 71 ... Mike Platt, assistant Commerce secretary ... Chad Krilow ... Bush DHS alum Caroline Dierker Poe ... Anne Trenolone ... Porter McNeil ... Zach Drennen, communications manager for Climate Advisers ... Susan Scott Neal ...

Alex Traub ... Nicole Drummond, deputy digital director at Strategic Partners & Media ... Angelo Turner ... Mike O'Toole ... Anthony Bedell, deputy assistant secretary at DOT, is 5-0 ... Arthur Colby, MBA candidate at UChicago ... Calvin Trillin is 82 ... Kim Perkins ... Chuck Chvala (h/ts Teresa Vilmain)

****** **A message from PhRMA**: In the competitive marketplace for medicines, negotiations between pharmacy benefit managers (PBMs) and biopharmaceutical companies result in substantial rebates and fees. According to a new report, in many cases, this system often creates incentives for PBMs to prefer medicines with higher list prices and higher rebates. Read more about how money flows through the supply chain here: http://onphr.ma/2kgd6Nu ******

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What you need to know to start your day.

Trump's Monumental Changes • Rare Earth Minerals Research • Pruitt Heads to Hill

By Chuck McCutcheon

President Trump is expected to head to Utah this week to announce changes to national monuments that will include significant downsizing of that state's Bears Ears and Grand Staircase-Escalante monuments.

Sandstone formations are shown in the Grand Staircase-Escalante National Monument outside Boulder, Utah.
Photographer: George Frey/Getty Images

Backers of the monument changes, including the Utah congressional delegation and state government, argue that vastly more acreage has been designated than needed. But environmental advocacy groups and a coalition of five Native American groups are vowing to file quick lawsuits in response to Trump's move.

The president also could shrink the Cascade-Siskiyou National Monument, in southern Oregon and a small patch of northern California, and restore commercial fishing rights to some Atlantic and Pacific offshore national monuments. Alan Kovski is covering.

The coal industry has a new best friend: minerals known as rare earth elements, which are used to make everything from mobile phones to wind turbines and have been found in small amounts in the nation's coal deposits.

Rare earth minerals—which Energy Secretary Rick Perry has talked up as a means of reviving the coal industry—have been found not only in Appalachia but also in Illinois and Wyoming. No commercial means of pulling them out of coal has been developed, but West Virginia Democratic Sen. Joe Manchin has a bill that would fund research into those technologies to the tune of $20 million annually.

A Senate energy committee panel will start moving that bill forward at a Tuesday hearing. It also will discuss other energy bills, including three aimed at developing energy storage pilot projects and grants and another aimed at lowering the cost of battery technologies. Stephen Lee and Rebecca Kern are tracking.

One year to the day after he was selected to serve as EPA administrator, Scott Pruitt will go to Capitol Hill on Thursday to discuss his agency's mission with a House Energy and Commerce panel.

"We're looking forward to receiving a much-needed update from Mr. Pruitt on his priorities for the agency, including his stated policy of getting EPA 'back to the basics' and its impact on the agency's activity going forward," said Republicans Greg Walden of Oregon, the Energy and Commerce chairman, and John Shimkus of Illinois, who chairs Energy and Commerce's environment subcommittee. Abby Smith is covering.

Other Stories We're Covering

- Registering pesticides for marijuana cultivation will be among the contentious topics surrounding pesticide use that state regulators will discuss in Arlington, Va., on Monday and Tuesday with EPA officials. Yvette Hopkins, federal-state liaison for the EPA's Office of Pesticide Programs, will speak at the event. Tiffany Stecker is covering.
- The National Brownfields Training Conference will take place Tuesday through Thursday in Pittsburgh, focusing on innovation, liability, and other topics related to cleaning up and reusing formerly utilized commercial and industrial properties. Sylvia Carignan will attend.
- California Attorney General Xavier Becerra, a leader among Democratic state law enforcement officials in challenging Trump administration environmental actions in court, will speak at a National Press Club news conference on Wednesday. Jennifer Lu is covering.
- The third U.N. Environment Assembly will take place Monday through Wednesday in Nairobi with the theme, "Towards a Pollution-Free Planet." Wachira Kigotho will track.

Quote of the Day

"Mining batteries is much more profitable than mining the ground."
—Larry Reaugh, president of American Manganese, which is patenting a method to draw out all of the metals in rechargeable batteries.

This Week's Events

On the Hill:

- **Tuesday, 9:30 a.m. • Flooding** • Sustainable Water Partnership hosts The Challenge of Too Much Water, featuring officials sharing experiences managing floods and mitigating their impacts.
- **Tuesday, 10:00 a.m. • Nominations** • Senate Energy and Natural Resources Committee considers nominations of Timothy Petty to be assistant Interior secretary for water and science and Linda Capuano to be Energy Information

Administration Administrator.
- **Wednesday, 2:30 p.m. • Superfund** • Senate environment committee's Superfund panel holds hearing on challenges facing Superfund and waste cleanup efforts after natural disasters.
- **Thursday, 10:00 a.m. • Interior** • House Natural Resources' oversight panel holds hearing on the Interior Department's transformation.

Elsewhere:

- **Monday-Tuesday, All Day • Clean Water Act** • The American Law Institute-Continuing Legal Education and the Environmental Law Institute are co-sponsoring a webcasted Clean Water Act seminar at the Hunton & Williams LLP offices in Washington.
- **Tuesday-Wednesday, All Day • Electricity** • gridCONNEXT conference brings together business, utility, and policymakers to explore topics affecting the electricity grid at the national, regional, state, and local levels. Scheduled speakers include Alaska Sen. Lisa Murkowski, chairman of the Senate's energy committee, and Bruce Walker, assistant secretary for the Energy Department's Office of Electricity Delivery and Energy Reliability.
- **Wednesday, 12:30 p.m. • Agriculture/Environment** • American Enterprise Institute sponsors talk with agricultural economists on conservation programs, Renewable Fuel Standard, and Clean Water Rule.
- **Friday, 6 p.m. • Climate** • Institute of Current World Affairs dinner features KC Golden, board chairman of environmental group 350.org and senior policy adviser at Climate Solutions, describing efforts to build a global grass-roots movement to tackle climate change.

Around the Web

- New York Democratic Gov. Andrew Cuomo has signed into law a bill making New York the fourth state to adopt an energy storage target, following Massachusetts, California, and Oregon.
- Trump's regulatory agenda puts at risk an estimated $2 trillion in consumer savings relating to energy and fuel efficiency standards, the Consumer Federation of America says in a report.
- Tennessee's environment department boasts the state has its cleanest air since the Industrial Revolution.

For all of today's Bloomberg Environment headlines, visit Environment & Energy Report

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 12/6/2017 8:30:25 PM
Subject: EPA to hold more hearings on Clean Power Plan withdrawal

By Emily Holden

12/06/2017 03:28 PM EDT

EPA will hold three additional public hearings on a proposal to withdraw the Clean Power Plan, in San Francisco; Gillette, Wyo.; and Kansas City, Mo., the agency announced today.

EPA Administrator Scott Pruitt in a press release said the change was "due to the overwhelming response" to two days of hearings in West Virginia last week. Many environmental advocates criticized EPA for initially scheduling hearings only in coal country.

The agency will announce the dates and locations of the meetings in the coming weeks, and speakers must register.

The Obama administration, by comparison, held public hearings on the proposed climate standards in 2015 in Pittsburgh, Denver, Atlanta and Washington, D.C.

WHAT'S NEXT: Comments on the draft withdrawal are due Jan. 16.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/12/epa-to-hold-more-hearings-on-clean-power-plan-withdrawal-208709

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Subject: Morning Media: Rebuilding public trust — Brian Ross fallout continues — Amanpour is interim Charlie Rose replacement — Behind political Twitter 2017 — Jeremy Peters lands GOP book deal

By Michael Calderone and Jason Schwartz | 12/05/2017 06:00 AM EDT

"WE CANNOT AFFORD TO GET ANYTHING WRONG," New York Times White House reporter Peter Baker said Monday, given that any inaccuracy can be "weaponized" against journalists. "One small thing will be used as a club to beat you upside the head, 'See, fake news, you can't trust anything they do.'" The question of how the press can gain public trust in a hyper-politicized, polarized, and, at times, seemingly post-truth climate was hashed out among a few dozen political reporters, editors, and academics Monday at the Poynter Journalism Ethics Summit.

- Journalists suggested increasing transparency into the reporting process, supporting media literacy initiatives, and reframing threats to the First Amendment to emphasize how all Americans, and not just journalists, lose out when freedoms are curbed. During a morning panel, Baker said the Times recently hired a fact-checker in the paper's Washington bureau to scrutinize the work of reporters, like himself, prior to publication. Baker also said editors have scaled back the use of blind quotes in news stories given reader skepticism over anonymity.

- There is "no silver bullet," Poynter ethicist Kelly McBride said after a series of panels in which attendees offered various approaches to tackling the trust issue. Many agreed on the urgency of the matter, with moderator Dana Bash saying some of the findings in a new Poynter survey had crushed her soul. Forty-four percent of Americans said they believe the news media "fabricates stories about President Trump more than once in awhile," which isn't true, and high-information Republicans were found to be the most distrustful of the media. Nearly a third of Americans surveyed agreed with Trump's despot-like characterization of the news media as "the enemy of the people" and a quarter of respondents support abandoning the Constitution by allowing the U.S. government to "block news stories it sees as biased or inaccurate."

- The ethics summit played out Monday amid a major journalism scandal, with ABC News correspondent Brian Ross suspended for four weeks over a Friday Trump-Russia bombshell that wasn't. "There is such a desire among large swaths of the public to use any screw-up to dismiss everything," National Review's Jonah Goldberg said during an afternoon panel. "The damage that Brian Ross did by getting that story wrong is significant." Goldberg said hardcore Trump supporters, especially, "are looking for a reason to ignore you permanently."

- Indira Lakshmanan , the Newmark chair of journalism ethics at Poynter, and the lead organizer of Monday's conference, urged journalists to help educate those outside the media bubble about what goes on inside it. "We sort of think that we know what journalism is and everybody should know what journalism is," she said. "But when I talk to very smart people who aren't journalists, it constantly amazes me how they don't get what we do, they don't get why we do it, they don't get how we do it. And I just think the more we build that into our stories and show what we're doing, the more opportunities we have for building that kind of a trust with the

audience and across partisan barriers."

- Journalists can surely do more to open themselves up to the public, and yet there are limits to how successful such efforts can be when a significant segment of Americans reflexively dismisses fact-based journalism that doesn't validate their views. Weekly Standard editor Stephen Hayes praised the Post's transparency through a disclosure in its initial story on the four women accusers of Alabama Senate candidate Roy Moore, telling attendees that "there's no way you cannot believe what these women are saying when you know how the story was reported." And yet 71 percent of Alabama Republicans don't believe Moore's accusers, according to a new CBS poll. Among those who don't believe, 88 percent say the media is behind the women's claims.

Good morning and welcome to Morning Media. Please send tips to mcalderone@politico.com and @mlcalderone. Daniel Lippman (@dlippman) and Cristiano Lima (@viaCristiano) contributed to the newsletter. Archives. Subscribe.

ABC NEWS PRESIDENT SOUNDS OFF: "I don't think ever in my career have I felt more rage and disappointment and frustration," ABC News president James Goldston said during a more editorial call in reference to correspondent Brian Ross's erroneous reporting on former national security adviser Michael Flynn, according to audio obtained by CNN. Goldston scorched ABC News employees for the mistake and told them that Ross would no longer cover any stories related to the president. Goldston also said on the call that ABC News would undertake a full review of how the incorrect report made it to air.

- BuzzFeed's Steven Perlberg and Henry Gomez report that Ross's mistake has been "turned into a messaging weapon for Trump allies." One former White House official told BuzzFeed it "was an affirmation of what [conservative voters] already believe to an extent about the 'fake news' media. That's why it is so powerful."

- "All journalists make mistakes, but Ross's blunders have often been spectacular - and unusually plentiful for someone of his prominent status in broadcasting," The Washington Post's Paul Farhi writes in a look at Ross's high-profile errors over the years.

CHRISTIANE AMANPOUR IS IN FOR CHARLIE ROSE -- at least for now. PBS announced yesterday that "Amanpour," her CNN International interview show, will replace Rose's program "on an interim basis." CNN International will continue airing the show, which will now also reach a nationwide US audience. "Amanpour on PBS" will roll out in New York on Monday, and then to additional stations beginning Dec. 11. "'Amanpour on PBS' adds to the long tradition of public-affairs programming that has been a hallmark of public media for decades," PBS President and CEO Paula Kerger said in a statement.

O'REILLY SUED: Last fall, Bill O'Reilly told -- of all people -- Matt Lauer that his ouster from Fox News was "a political hit job." He also said to the New York Times that the harassment allegations against him were "politically and financially motivated," a fact he could prove with "shocking information." That no holds barred response looks like it has now led to a fresh lawsuit : Rachel Witlieb Bernstein, a former Fox News producer who was one of six women

reported to have reached a settlement with O'Reilly, filed a defamation and breach of contract suit against both him and Fox News on Monday. She alleged that public statements made by both parties violated her settlement and, according to the New York Times, "portrayed her as a liar and politically motivated extortionist."

- Bernstein reached her settlement with O'Reilly in 2002 after making repeated complaints to Fox News executives and HR officials, according to the suit. She alleges that O'Reilly, through his public statements, breached the agreement's confidentiality and non-disparagement clauses. Bernstein also targeted Fox News, saying that the network's claim that no employee had ever used a hotline to complain about O'Reilly was misleading. During her tenure at Fox News, she said, there was no reporting hotline.

- O'Reilly's lawyer issued a statement saying the suit had "no merit" and vowing to "respond aggressively in court." Fox News did not reply to a request for comment from POLITICO.

NEW YORK TIMES REPORTER JEREMY PETERS is writing a book for Penguin Random House's Crown imprint titled, "Insurgency: The Inside Story of the Battle for the Soul of the Republican Party," according to Vanity Fair's Joe Pompeo. The book, set for publication in 2019, reportedly sold in the high six figures.

WHITE HOUSE SPOKESMAN WOULDN'T SPEAK ON THE RECORD: The Los Angeles Times reports: "On Monday, the White House broke another precedent in limiting the press' ability to ask questions about the president's decisions. On a day filled with news, White House spokesman Hogan Gidley told reporters traveling with the president aboard Air Force One that he would not take any questions on the record."

TRUMP IS THE MOST TWEETED ABOUT WORLD LEADER, according to new data released this morning from Twitter. But none of Trump's tweets cracked the top 10 most retweeted posts this past year, with former president Barack Obama grabbing three spots. (First place went to the guy who wanted free Wendy's nuggets.) Obama also had the first and third most-liked tweets of 2017, with Ariana Grande in between. More data from Twitter below:

- Top tweeted U.S. elected officials: 1) @RealDonaldTrump 2) @VP 3) @SpeakerRyan 4) @BarackObama 5) @TedLieu 6) @SenJohnMcCain 7) @SenWarren 8) @SenateMajLdr 9) @SenSanders 10) @SenSchumer 11) @NancyPelosi 12) @RepAdamSchiff 13) @MarcoRubio 14) @MaxineWaters 15) @TedCruz

- Top followed new U.S. political accounts: 1) @PreetBharara 2) @SallyQYates 3) @brhodes 4) @PeteSouza 5) @SHSanders45 6) @AmbassadorRice 7) @SamanthaJPower 8) @SecretaryCarson 9) @BetsyDeVosED 10) @SecretaryZinke

-- Top tweeted news outlets and the top tweeted journalist/commentator at each: 1) @FoxNews - @SeanHannity 2) @CNN - @JakeTapper 3) @NYTimes - @MaggieNYT 4) @MSNBC - @JoyAnnReid 5) @WashingtonPost - @Fahrenthold 6) @TheHill - @JoeConchaTV 7) @NBCNews - @BraddJaffy 8) @ABC - @GStephanopoulos 9) @POLITICO - @ddiamond 10) @AP - @ZekeJMiller

- Most tweeted activism hashtags in the U.S.: 1) #Resist 2) #MAGA 3) #ImpeachTrump 4) #TrumpTrain 5) #WomensMarch 6) #NotMyPresident 7) #BlackLivesMatter 8) #NoDAPL 9) #TakeAKnee 10) #BoycottNFL

TODAY: The Fair Media Council will be holding "The News Conference: Real & Powerful" at the Garden City Hotel in Long Island. The event will feature more than 65 speakers, including WNET President and CEO Neal Shapiro, New York Daily News columnist Harry Siegel, The Daily Beast media reporter Lloyd Grove, Newsweek senior political reporter Celeste Katz, former Bloomberg News global legal counsel Charles Glasser. Topics include "Trump Effect on the News" and "Fake News vs. Wrong News."

WATCH: Megyn Kelly is slated to interview former Trump campaign hands and "Let Trump Be Trump" co-authors Corey Lewandowski and David Bossie on "Megyn Kelly Today" at 9 pm. It will be Kelly's first interview with Lewandowski since Fox News accused Lewandowski, then Trump's campaign manager, of threatening Kelly before a GOP presidential debate.

JOIN POLITICO PLAYBOOK - LIVE: Join Playbook co-authors Anna Palmer and Jake Sherman for a live taping of POLITICO Playbook. Featured guests include: Michael Barbaro, host of the *New York Times'* "The Daily" Podcast, DCCC Executive Director Dan Sena and NRCC Executive Director John Rogers, and Rachael Bade, Seung Min Kim, and Annie Karni. *Sixth and I - Dec 7 - Doors open 6:00 p.m. Get tickets: here.*

THAT TIME OF THE YEAR: Time magazine named its 10 finalists for "Person of the Year" yesterday: Jeff Bezos, the Dreamers, Patty Jenkins, Kim Jong Un, Colin Kaepernick, the #MeToo movement, Robert Mueller, Crown Prince Mohammed bin Salman, Trump, and Xi Jinping.

- Trump has professed a lack of interest in the award, but Twitter observers couldn't help but imagine the president's reaction if one of his favorite Twitter targets won. And not that Morning Media endorses this sort of thing, but for those interested, as of this writing, the British betting house Ladbrokes has #MeToo as the favorite at 2:1, with Trump at 8:1, followed by his Twitter bete noirs, Kaepernick (10:1), Mueller (12:1), Bezos (16:1), and Kim (16:1).

SOUNDBITES

"On Sunday we said MSNBC did not cover the Steinle verdict on Friday or Saturday at all. We were wrong. In that 48-hour span, they covered it a total of 2 minutes and 15 seconds." [Fox & Friends]

"Less talk about career rehab for Billy Bush. More talk about career rehab for all the countless women who've been pushed out, ignored and marginalized in this sexist system." [Kathleen McLaughlin]

"Welcome @jeffglor to the evenings. Congratulations and good luck as you start your new chapter at @CBSEveningNews" [Lester Holt]

MARK ZUCKERBERG ON INSTA WITH RUPERT MURDOCH? Fox News President for News Jay Wallace posted an Instagram shot of an internal Fox event on Friday, with what looked an awful lot like Mark Zuckerberg sitting next to Rupert Murdoch in the front row. Facebook confirmed on Monday that Zuckerberg, accompanied by other Facebook execs, did in fact pay a visit to Fox News last week. It was part of a meeting between the News Corp and Facebook leadership teams, according to a Facebook spokesperson, who said "it's something Facebook does regularly with other companies." The spokesperson declined to elaborate on what was discussed in the meeting. Fox News did not respond to request for comment.

NO MATTER WHERE NEWS BREAKS, you can now win a Pulitzer for it. The Pulitzer Prize Board announced a change in criteria to its "breaking news" award yesterday: previously, the category was restricted to local reporting by news outlets based near the story's location. Now any outlet is eligible to win for any breaking news stories. The award was often seen as a chance for local publications--like the East Bay Times last year and even The Tuscaloosa News in 2012--to nab a Pulitzer, and some worried that larger publications will now big-foot the competition.

- "Going to be a lot harder for the little guys to win this category," said Wall Street Journal reporter Ben Mullin. And Gizmodo Media CEO Raju Narisetti chimed in: "Was the one category where a "local" newsroom had a greater chance of winning a @PulitzerPrize, even with disproportionate resources vs national/intl media. This evens those odds, even as it is the right frame from an audience perspective."

ARMSTRONG WILLIAMS, the media mogul and Ben Carson confidante, told the Washington Post he's interested in buying Washington City Paper because "I just like to surround myself with the best." Williams also said he would commission more soft features on Trump staffers and allies.

TRUMP HAS OFTEN SUGGESTED that members of the media be sued for their work - now, if anyone ever follows through against Fox News Radio White House correspondent Jon Decker, he'll at least be able to save some money on representation. Decker was sworn in Monday to the D.C. bar, making him, so far as Morning Media knows, the only lawyer in the White House press corps.

CORRECTION: Yesterday, Morning Media misidentified the editor of the Opelika-Auburn News: It's Troy Turner. Apologies for the error.

REVOLVING DOOR

Gillian Turner has been named a full-time news correspondent for Fox News, based in D.C. The former National Security Council staffer had been a contributor at the network.

MSNBC has reportedly cut ties with **Sam Seder** over a 2009 tweet.

EXTRAS

- Steve Bannon, Sean Hannity, Ann Coulter, James O'Keefe, and Eric Trump were among the attendees at a book party for Corey Lewandowski and David Bossie, reports CNN's Oliver Darcy.

- Hello to the Indicator, Planet Money's faster, shorter, more frequent spinoff.

- Tucker Carlson explained to Business Insider why he hasn't covered Fox News' sexual harassment issues.

- Discovery Communications bought majority control of Oprah's network, OWN. You get a network! And you get a network! And you get a network!

- Netflix says it will resume production on "House of Cards" in early 2018, sans Kevin Spacey.

- NYC's City Council booted reporters from City Hall.

KICKER

"We're not supposed to be part of the resistance, that's not why we're here. But if journalism is attacked, we should resist" -- *CNN's Jim Acosta at Poynter's Journalism Ethics Summit yesterday.*

To view online:

http://www.politico.com/media/newsletters/morning-media/2017/12/05/rebuilding-public-trust-brian-ross-fallout-continues-amanpour-is-interim-charlie-rose-replacement-behind-political-twitter-2017-jeremy-peters-lands-gop-book-deal-001394

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By SARA SMITH (ssmith@politico.com)

Welcome to the December edition of the CEO Report, POLITICO Pro's high-level outlook on the policy issues driving the month ... and beyond.

TAX

Racing to reconcile two tax overhaul bills by Christmas: December is the make-or-break month for Republican plans to rewrite the tax code, at least if they want to meet their self-imposed deadline of getting a package to President Donald Trump by year's end, report Pro Tax's Brian Faler and Toby Eckert. The Senate and House have passed separate plans, and there are some big differences to work out, notably:

— The House version would cut the rate on pass-through businesses to 25 percent, while the Senate would give them a 23 percent tax deduction for certain income and continue to tax them overall at individual rates.

— The Senate wants to eliminate Obamacare's mandate that individuals have health insurance or pay a fine. The House bill would keep the mandate.

— The estate tax and alternative minimum tax — both long targeted by Republicans for elimination — are also treated differently. The House would boost the amount of money exempted from the estate tax and eventually eliminate it. The Senate would boost the exemption but keep the tax. The House would also abolish the AMT, which was created to ensure that wealthy people don't escape taxes entirely but has begun reaching into the middle class. The Senate decided to keep it.

— The House would cut the maximum mortgage interest deduction in half — limiting it to the interest on $500,000 in mortgage debt, down from $1 million now — and eliminate it entirely on mortgages for second homes. The Senate targeted only the interest write-off on home equity loans, which it would end.

The bills also differ on how they treat education-related tax breaks, corporate interest expenses and taxing multinational corporations, among others.

None of these, however, are considered deal-breakers.

House Speaker Paul Ryan today plans to appoint members to a conference committee to work out the differences, and Senate Majority Leader Mitch McConnell is expected to do the same this week.

** **A message from National Geographic:** National Geographic has given more than 13,000 grants to scientists and conservationists who explore our changing planet and help protect the things that make it amazing. We've helped protect 5.2 million square kilometers of ocean, prevented 2,600 big cat deaths, and much more. Make an impact with us at NatGeo.org. **

DATAPOINT

Pass-through deduction changes win support: The Senate's tax reform legislation includes last-minute changes to allow pass-through businesses to deduct a slightly higher percentage of business income. The move secured the support of Sen. Steve Daines, who had been concerned about the treatment of pass-throughs relative to C corporations. Sen. Ron Johnson has raised similar concerns, and he supported the bill as well. — *Taylor Thomas*

View the full graphic online and find out more about DataPoint here.

BUDGET & APPROPRIATIONS

Stopgap rollercoaster ride: Prepare for one shutdown scare after another this month as Republican leaders attempt a string of short-term funding extensions. The spending bill Congress cleared in September only keeps the government running through Friday. And since lawmakers have yet to settle on updated levels for the whole fiscal year, stopgap spending is back on the table — times two.

GOP leaders plan to subject themselves to multiple nail-biter funding votes over the next few weeks, with one wedged up against Christmas Eve. The idea is to extend funding until Dec. 22 and then pass another stop-gap that would fund the government until sometime in January, with the hope of clearing a full-year package not too long after the start of the new year.

The two-part plan is meant to appease defense hawks who refuse to close out December without at least a promise of elevated funding for the military. Leaders aim to

settle on overall caps for defense and non-defense money by that Dec. 22 deadline. But neither December vote is a sure bet for passage. Congress' fiscal conservatives say a pre-Christmas vote is never advantageous to their cause since it cedes leverage to the minority party. And in the Senate, leaders need the votes of at least eight Democrats, who may be willing to play hardball in an attempt to get concessions such as protections for young undocumented immigrants.

Always ripe for additions, any year-end spending bill is also at risk of getting tied up by other urgent efforts. This time, that could mean extending funding for the Children's Health Insurance Program, reauthorizing the National Flood Insurance Program, raising the debt ceiling or clearing another disaster aid package.

Speaker Ryan has said, however, that disaster relief funding is unlikely to hitch a ride on the spending bill Congress will try to pass this week. And the Congressional Budget Office has just provided a more optimistic assessment on the debt ceiling, predicting the nation won't risk defaulting on its loans until the end of March or early April — further down the road than the Treasury Department's previous estimate. — *Jennifer Scholtes*

CYBERSECURITY

The midnight hour is nigh: The day of judgment is finally arriving for a set of online surveillance tools that expire at year's end. Congress has just a few legislative days left to find a way to renew the powerful snooping effort authorized under Section 702 of the Foreign Intelligence Surveillance Act. And as the clock winds down, lawmakers have yet to coalesce around one approach to renewing — and possibly revising — the 702 statute.

After the House Judiciary Committee spent weeks pushing a renewal measure that contained significant alterations — including some fiercely debated warrant requirements for FBI officials seeking to view Americans' digital communications in certain situations — the Intelligence panels in the House and Senate decided to plow forward with their own renewal measures that contain fewer revisions and no warrant requirements. And the leaders of both Intelligence panels have indicated they may have to attach their 702 measures to a must-pass bill, such as legislation to avert a government shutdown.

The move has enraged privacy and civil liberties-minded lawmakers on both the right and left, who insist that a strict warrant requirement is necessary to protect the constitutional rights of Americans whose online chatter is incidentally sucked into the NSA's foreign surveillance database. But Trump administration officials have warned that such a provision would hamper criminal and terrorism investigations.

Protecting future elections: In the coming weeks, House Democrats will roll out a bill they believe will help harden the digital defenses of the country's election system. It will

be the latest in a slew of legislative offerings — many of them bipartisan — Capitol Hill has received this year to inoculate future U.S. elections from foreign meddling. But there's been few signals that Congress will take swift action. And for some critical targets, it might already be too late . By this point during the 2016 election cycle, Russian hackers had already been in the Democratic National Committee's networks for at least three months.

Tell her about it: Expect lawmakers to keep Uber in the spotlight after the ride-hailing giant recently revealed it had covered up a 2016 data breach by paying off the digital thieves to keep quiet. The incident — which has spawned multiple government investigations and lawsuits — has once again spotlighted the lack of a nationwide standard for when companies must notify victims and regulators following cyber intrusions. The issue was already front and center after the mammoth Equifax data breach, which exposed over 145 million Americans' private data, with several lawmakers introducing proposals for such a law. But none of the offerings have moved, and with a packed congressional calendar, lawmakers don't seem poised to act soon.

Kaspersky be gone: Federal agencies have until mid-December to start removing Russia-based Kaspersky Lab software from their computer systems. The Department of Homeland Security in September barred the government from using the antivirus giant's tools, citing concerns that the software could give the Kremlin a foothold in the U.S. government. For years, Kaspersky has fended off allegations that it assists the Kremlin with its digital espionage efforts. Those fears came to a head in October when several news outlets reported that Moscow had obtained secret National Security Agency cyber weapons through Kaspersky's software, which had apparently picked them up from an NSA employee's personal computer. Kaspersky has vehemently denied it handed the NSA tools over to the Kremlin, suggesting that Russia-linked malware on the staffer's computer nabbed the classified files. — *Cory Bennett*

TECHNOLOGY

Net neutrality vote : After months of buildup, the Republican-led FCC is poised to fully dismantle the agency's net neutrality rules this month. GOP commissioners are expected to approve the repeal at the FCC's Dec. 14 meeting over the objections of the minority Democrats. That will open the door, at least in theory, for internet service providers to block or throttle websites, or charge businesses for internet "fast lanes" to consumers. While the FCC says the Federal Trade Commission will be able to curtail companies that engage in anti-competitive behavior, digital activists fear the internet will slowly turn into something akin to cable service, with different tiers. They also warn it will create an uneven playing field for businesses, with startups and small firms unable to pay for the same access to consumers. The repeal is widely expected to end up in court, with some combination of public interest groups filing a lawsuit to challenge the decision. So in the end, judges, not regulators, may have the final say.

AT&T-Time Warner lawsuit : Another big telecom lawsuit is already playing out in court, as the Justice Department battles AT&T and Time Warner over the government's decision to block their $85 billion merger. It's shaping up to be a groundbreaking case, with the DOJ arguing the combined company would have too much power and the firms contending the government broke with years of precedent in rejecting their "vertical" deal, which doesn't eliminate a direct competitor. Hovering over the proceedings are the words of Trump, who has said he doesn't like the merger and makes a habit of attacking Time Warner's CNN over its coverage of his administration. While AT&T and Time Warner, in their initial legal response to the government's lawsuit, didn't make an issue of the president, many expect the companies will seek to explore potential White House meddling with the antitrust decision. When the negotiations began to break down in early November, sources close to the deal told POLITICO that it was clear the Justice Department wanted AT&T and Time Warner to get rid of CNN, something DOJ officials denied. — *Angela Greiling Keane*

ENERGY

Arctic oil drilling: Republicans are on the cusp of getting a policy change they've sought for more than two decades: opening the Arctic National Wildlife Refuge in Alaska to oil and gas drilling. The language, authored by Senate Energy Chairwoman Lisa Murkowski and attached to the GOP tax plan, directs Interior to hold two lease sales over the next decade, which the Congressional Budget Office has said would raise $1 billion. Previous attempts to open ANWR during the Bill Clinton and George W. Bush presidencies failed, and it faces staunch opposition from environmental groups and Democrats. But with the current legislation moving under the budget reconciliation process, it would avoid a Democratic filibuster.

Electric grid resiliency: The electricity market regulators at FERC have promised to take action by Dec. 11 on a proposal pushed by Energy Secretary Rick Perry to help keep coal and nuclear power power plants afloat in the name of bolstering grid resiliency. It's anyone's guess what the FERC action might look like, but Perry's push has drawn opposition from interests as varied as the renewable energy industry, many power generators and the oil and natural gas sector. The chief FERC proponent, Neil Chatterjee, has called for establishing an interim measure to protect coal and nuclear power plants, but he's likely to face opposition from his colleagues. — *Anthony Adragna*

FINANCIAL SERVICES

Interest rate watch: Federal Reserve policymakers will meet Dec. 12-13 to decide whether to raise interest rates. Though they are expected to hike rates for the third time this year, it's not a slam dunk. While outgoing Fed Chair Janet Yellen told lawmakers on Nov. 29 that she expects the economy to continue to expand and the job market to

strengthen, she has expressed puzzlement that inflation is so tame. Other Fed officials have underscored that concern, although they still seem to be leaning toward a December move. Gov. Jerome Powell, Trump's pick to replace Yellen as Fed chief, told senators last week that a case for raising rates "is coming together."

Less stress for lenders: On the bank regulation front, the Fed is also likely to propose making more information available about its annual stress tests for lenders. The idea is to help banks better gauge whether their estimated losses under extreme market conditions are in line with the Fed's models. Banks have complained the criteria for passing the tests has been vague — a perhaps intentional move by Fed officials to keep the examinations from becoming too predictable.

A bank bill with legs: The Senate Banking Committee on Tuesday is expected to approve a landmark bill that would ease regulations for a number of small and regional banks. The legislation — which has rare bipartisan support — is the most significant attempt by the Senate to rewrite financial rules since the 2010 Dodd-Frank law. Analysts say the bill probably has enough backing to clear the full Senate, though that might not happen until next year.

The committee also set its confirmation vote for Powell for that same day.

Blowing through flood insurance deadline: Congress appears unlikely to pass a long-term reauthorization and overhaul of the National Flood Insurance Program before the Dec. 8 expiration date. A short-term extension will likely be needed to keep the program fully functional. That could push the issue into 2018 — an election year — when lawmakers may be even more reluctant to debate a high-stakes program that millions of coastal Americans rely on.

Fannie-Freddie buffer: Officials at Treasury and the Federal Housing Finance Agency are working on a plan to let Fannie Mae and Freddie Mac maintain a capital buffer, and could make an announcement this month. The clock is ticking: Come January, both mortgage giants will have exhausted their financial assets as part of a bailout deal struck after the housing collapse. — *Mark McQuillan*

TRADE

WTO reproach? Front and center on the trade calendar is the Dec. 10-13 World Trade Organization ministerial conference in Buenos Aires, where U.S. Trade Representative Robert Lighthizer could offer a further rebuke of the failings he sees in a rules-based system. Lighthizer and other Trump administration officials have criticized the WTO and other global agencies for what they see as overreach and hindering economic growth.

Meanwhile, trade ministers from 11 countries working to salvage the Trans-Pacific Partnership could meet on the sidelines to advance the pact abandoned by the U.S.

earlier this year.

NAFTA slog: NAFTA talks will continue with chief negotiators meeting the week of Dec. 11 in Washington, D.C. The meeting will lay the groundwork for the formal sixth round of talks, in Montreal in late January. Mexican Economy Secretary Ildefonso Guajardo recently said he was optimistic negotiators could close chapters on food safety and inspection, regulatory practices, telecommunications and energy at the D.C. meeting.

Trade bill watch: On Capitol Hill, two bills could also find their way into stopgap spending discussions. Congress will have to act to prevent the Generalized System of Preferences, a program designed to boost developing countries' economies, from expiring by the end of the year and pass a new Miscellaneous Tariff Bill, which reduces or suspends import tariffs on certain products.

Big decisions: Meanwhile, the U.S. International Trade Commission will make its final injury determination on imports of Canadian softwood lumber on Thursday. Canada has already announced it will dispute U.S. anti-dumping and countervailing duties through a NAFTA panel and at the WTO. On Tuesday, the panel will also make a final determination on whether imports of biodiesel from Argentina and Indonesia are hurting U.S. producers. — *Adam Behsudi*

DEFENSE

Increasing defense spending : To boost spending to the level proposed by the defense policy bill, congressional leaders will have to cut a bipartisan deal to increase caps on defense and domestic spending. So far, Republicans and Democrats haven't agreed on spending levels, but congressional leaders had considered a two-year deal that would boost defense by $54 billion a year above the caps, putting the defense budget even with the president's $603 billion budget request. Without a deal, however, lawmakers will be forced to pass another continuing spending resolution by Friday to keep the government open through late December.

Defense policy bill finally on Trump's desk: The National Defense Authorization Act has been sent to the White House, where Trump is expected to sign it. The measure, which calls for nearly $700 billion in defense spending for the current 2018 fiscal year, easily cleared the House and the Senate last month.

Key Pentagon nuclear report in the offing: A major study of the nation's nuclear forces is wrapping up. The Nuclear Posture Review, expected to be finished early in the new year, will lay out the administration's roadmap for modernizing and structuring the U.S. nuclear arsenal — an endeavor that could cost $1.2 trillion. — *Connor O'Brien*

EMPLOYMENT & IMMIGRATION

Democrats threaten shutdown over DACA: The fate of nearly 800,000 undocumented immigrants approved for the Deferred Action for Childhood Arrivals program hangs in the balance as Congress races to reach a spending agreement by Friday. Congressional Democrats have said they are prepared to shut down the government if a year-end spending bill doesn't codify DACA, which otherwise will start to wind down in March. The program shields from deportation so-called DREAMers, undocumented immigrants brought to the U.S. as children.

McConnell has said he's open to a legislative solution, but that any such bill would also have to tighten legal immigration, a move most Democrats oppose. Attaching DACA to the spending bill, McConnell said Sunday, would be "ridiculous" because that's "a non-emergency that we can address anytime between now and March." (Trump opposes putting DACA into the spending bill, too.)

Immigration crackdown lags promises: U.S. Immigration and Customs Enforcement acting Director Thomas Homan has promised to ring in the new year by stepping up enforcement actions against businesses that employ undocumented workers.

The president made cracking down on illegal immigration a central focus of his first year in office, and in October, Homan said he wanted to increase worksite investigations "four to five times." Such investigations have never been popular with the pro-business Republican base. Even so, Homan said he was serious. "Not only are we going to prosecute the employers that have knowingly hired illegal aliens," he said. "We're going to detain and remove the illegal alien workers."

Should that occur, it would be a reversal of the trend under Trump thus far, which has been fewer rather than more worksite enforcement actions. Under Barack Obama, ICE conducted an average of 2,014 audits of I-9 worker authorization forms that businesses are required to complete each year. Under Trump, ICE conducted only 420 audits. Criminal arrests tied to workplace investigations are down, too. Under Obama, ICE averaged 416 such arrests per year; under Trump, that dropped to 97 arrests. — *Ted Hesson*

EDUCATION

Higher Education Act reauthorization heats up: The House and Senate education committees have started on the first reauthorization of the sweeping higher education law in nearly a decade. The House plan, which would make major changes to the law, including some likely to please for-profit colleges, has already drawn Democratic criticism. The Senate, meanwhile, has struck a more bipartisan tone, kicking off its reauthorization process with a friendly hearing on simplifying the application for federal student aid — something nearly everyone agrees should happen.

Confirmation hearings continue: Two more Education Department nominees will face the Senate HELP Committee this month. Kenneth Marcus, Trump's pick to lead the department's Office for Civil Rights, and Johnny Collett, the nominee to be assistant secretary for Special Education and Rehabilitative Services, will face questions from the committee on Tuesday. Both are likely to draw scrutiny from Democrats, who have been critical of the Trump administration's approach to civil rights and special education issues.

'Gainful employment' negotiations get underway: The Trump administration will kick off its efforts to rewrite the Obama-era "gainful employment" rule, which cuts off federal funding to career college programs that produce graduates with large student loan debt relative to their earnings. The first round of negotiations begins today at the Education Department.

More ESSA approvals on the horizon: States that submitted their Every Student Succeeds Act plans to the Education Department this fall should see federal feedback this month. The Trump administration's reviews of the state K-12 education plans have drawn criticism from Democrats, including Sen. Patty Murray (D-Wash.), the ranking member of the HELP Committee. She accused Education Secretary Betsy DeVos of violating ESSA and called for her to testify before the committee. — *Benjamin Wermund*

TRANSPORTATION

Dead calm on infrastructure, FAA plan: The two marquee legislative issues that have been pending for some time — Trump's promise of a $1 trillion infrastructure plan, and a House FAA bill that would separate air traffic control operations from the FAA — are both still pending, and likely will be through December. Pennsylvania Republican Bill Shuster, the architect of the House's FAA bill, hasn't given up hope yet — but each day that passes without the bill being brought to the floor makes it more likely the effort is kaput, at least for now. And Trump's long-promised infrastructure plan appears to be suffering the same fate — although a White House adviser promised recently that a 70-page draft of principles for Congress to follow in drafting a bill will be coming soon, possibly in January.

Driverless cars gain traction: There is one closely-watched piece of legislation that is moving — a package of policies intended to help grease the skids for developing and deploying driverless cars. The House has already passed its bill, and the Senate could follow suit soon. — *Kathryn Wolfe*

AGRICULTURE

Top lawyer in limbo? Agriculture leaders will be watching closely to see if the Department of Agriculture can finally get its top lawyer confirmed this month. General counsel nominee Stephen Vaden — who has functioned as deputy general counsel since March — had his hearing before the Senate Agriculture Committee in early November, but there's still no word on when the committee might approve him or when the full Senate might take up his nomination. That delay has sparked buzz about why he hasn't advanced. Vaden has come under fire from Democrats for past work on state voter ID laws, which some argue were designed to restrict the voting access of blacks and other minorities. And during his time at USDA, he's run afoul of the union that represents the department's lawyers.

Delays in USDA staffing: Bill Northey, the pick to head Agriculture Secretary Sonny Perdue's newly created farm services and conservation mission area, was expected to sail through the Senate after the Ag committee greenlighted his nomination in October. But he's been held up by Ted Cruz and eight other senators in a battle with the Trump administration over its plans for the Renewable Fuel Standard — which was released late last week without any input from Cruz and company, who had made a meeting to discuss the RFS a condition of the hold. The day after the RFS rule was released, it was reported Trump had agreed to a meeting, which is planned for Thursday.

Missing pieces: No one has been named for four undersecretary posts — natural resources and the environment; food, nutrition and consumer services; food safety; and, after Sam Clovis withdrew from consideration last month, undersecretary for research, education and economics. The result: USDA is heading into 2018 — a farm bill renewal year — with a skeleton leadership team.

PAYGO watch: Senate passage of the tax bill has raised questions about whether lawmakers will be able to waive the pay-as-you-go rule — a scenario that would force steep cuts to pay for the $1.5 trillion tax cut, and would target farm safety net programs, though the Supplemental Nutrition Assistance Program would be exempted. Republican leaders have pledged to waive the rule to avoid triggering such cuts — but in this Congress, anything can happen. — *Helena Bottemiller Evich*

HEALTH CARE

Trump's first Obamacare enrollment wrapping up: The first-ever Obamacare sign-up season of the Trump era comes to a close Dec. 15, with the law's supporters hoping for a major enrollment surge with less than two weeks to go. Roughly 2.8 million people signed up through HealthCare.gov as of late November, according to the most recent HHS figures, putting enrollment on pace to fall well short of last year's numbers. (Those numbers don't include enrollment in nearly a dozen state-run insurance marketplaces.) The pace tends to pick up near the end of the sign-up season, but there are a number of Trump-induced factors that could depress enrollment in the final weeks: The administration cut this enrollment period in half to six weeks, slashed advertising by 90

percent and is backing a provision in the tax bill to eliminate the requirement to have health insurance. — *Jason Millman*

EHEALTH

Advancing telemedicine? The health IT world is on the lookout for telemedicine nuggets in end-of-the-year spending legislation. Either of the expected continuing resolutions could include the Ways and Means "extenders" deal that would make it easier for private Medicare Advantage health care plans to offer and get reimbursement for telemedicine.

Data sharing : The Office of the National Coordinator for Health IT says it expects to release a draft of the trusted exchange framework, a set of principles to encourage increased health data sharing among providers, electronic health record vendors, and health information exchanges. The ONC's creation of the trusted exchange framework is a requirement of last year's 21st Century Cures Act. — *Arthur Allen*

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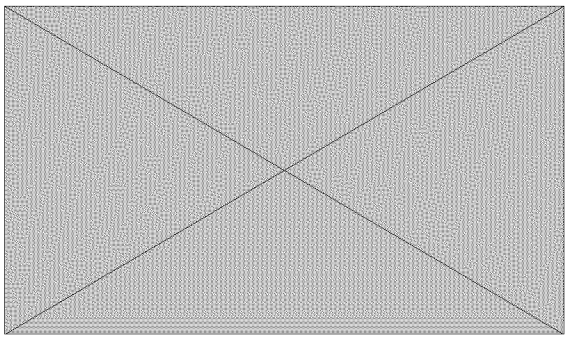
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Sent: Tue 12/5/2017 11:02:20 AM
Subject: AEI Today: America needs to step up the military to keep China at bay

China's grand strategy requires much of its military and security forces. It is no surprise that China has engaged in a vast, ambitious military modernization program

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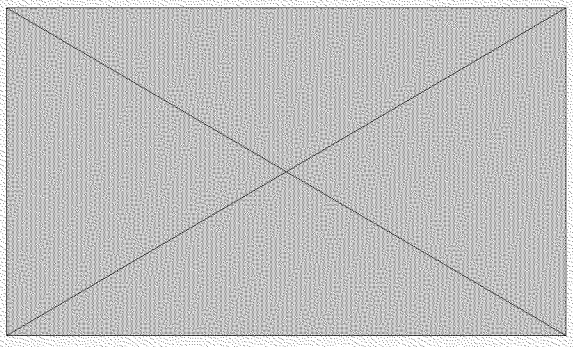
Reuters

America needs to step up the military to keep China at bay

Dan Blumenthal | The Hill

China's grand strategy requires much of its military and security forces. It is no surprise that China has engaged in a vast, ambitious military modernization program, even as almost all other countries have significantly slowed their defense spending, including the United States. History will likely not look kindly on the US military drawdown during the

same years Washington became more concerned with China.

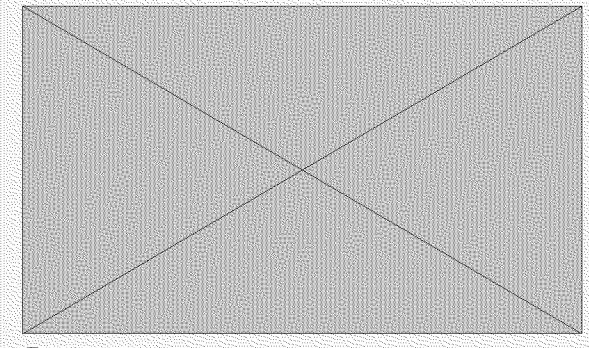


Reuters

Tax reform might tell us whether the individual mandate really works

Benedic N. Ippolito | AEIdeas

Few elements of the Affordable Care Act inspire as much controversy as the individual mandate — the requirement that all individuals buy health insurance or face a government-imposed penalty. Despite all the focus on the mandate, we don't really know whether it did much to expand insurance coverage. We may soon have the answer.

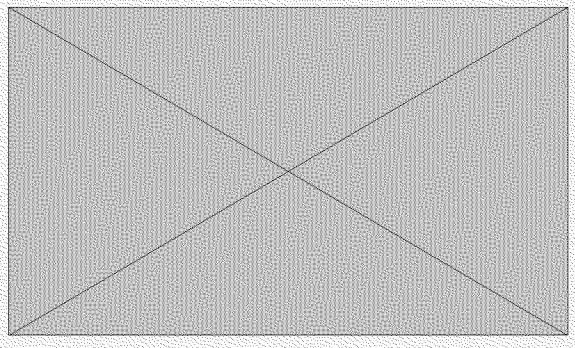


Reuters

Don’t be fooled by ‘secular stagnation’

Phil Gramm and Mike Solon | The Wall Street Journal

"Secular stagnation," a belief that America has fallen into a persistent state of low growth and investment, calls into question whether the American economy can grow by more than 2 percent over the next decade. Secular stagnation is a political excuse for bad policies that we don’t have to accept. We need better policies.



AEI video

Watch: Islamist militancy in Africa

Emily Estelle | AEI video

There's been a rise of Islamist militancy across Africa in recent years, creating a growing threat to the US and Europe. There’s a dangerous misconception that African militant groups are too locally focused to pose a threat. The US should understand that addressing the challenge now is far cheaper than fighting another war later.

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Vincent H. Smith | AEI event Wednesday, December 6, 12:30 PM ET

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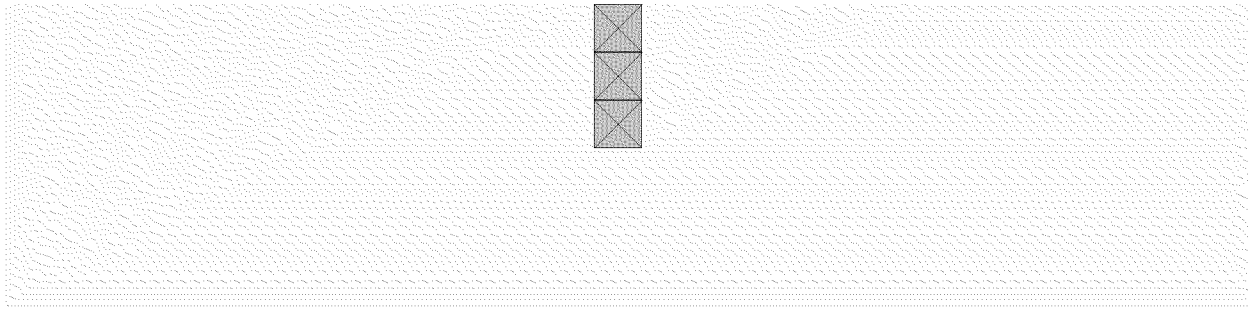


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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Fri 12/1/2017 9:53:07 PM
Subject: Today on Climate Beat

December 1, 2017

Today on Climate Beat . . .

. . . we went to Congress, where Sen. John Barrasso (R-WY), chairman of the Senate Environment & Public Works Committee, is urging EPA to conduct overdue studies of the environmental impacts of the renewable fuel standard (RFS), a day after EPA released biofuel volumes under the program for 2018 that disappointed both oil-sector opponents and environmentalist detractors of the RFS.

Over in the House, the oversight committee approved a bill to codify President Donald Trump's executive orders aimed at promoting agencies' deregulatory efforts, sending the legislation to the House floor.

We also highlighted some top stories from the past week, including news on EPA's CPP repeal hearing, its projections of major air pollution from "glider" trucks, as well as carbon tax and RFS updates.

And our daily news roundup looked at how climate policy could shift rightward due to reported White House plans to replace Secretary of State Rex Tillerson with CIA Director Mike Pompeo.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 12/5/2017 10:07:58 PM
Subject: Democratic AGs sue EPA over missed ozone deadline

By Alex Guillén

12/05/2017 05:06 PM EDT

Fifteen Democratic attorneys general today sued EPA for missing a key deadline to implement the 2015 ozone standard.

EPA Administrator Scott Pruitt faced an Oct. 1 deadline to declare which parts of the country failed to meet the 2015 standard. Pruitt has issued designations for 85 percent of the nation's counties that either meet the standard or lack the data to make a decision. But he has not said which areas are in nonattainment, a designation that would require those states to write and implement a plan to clean up the air.

A number of the states involved face ozone pollution problems, including car-heavy California and New York as well as states in New England, which are often referred to as the "nation's tailpipe" since pollution from other states blows in their direction.

The AGs who joined the lawsuit include those from California, Connecticut, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Washington and the District of Columbia.

WHAT'S NEXT: The AGs' lawsuit comes one day after environmental and public health groups sued over the same issue. Both are in the U.S. District Court for Northern California.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/12/democratic-ags-sue-epa-over-missed-ozone-deadline-201911

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Sent: Mon 12/4/2017 11:17:21 AM
Subject: POLITICO Playbook, presented by PhRMA: The POLITICO PLAYBOOK POWER LIST: 18 to watch in 18 -- BIG WEEK: Gov't funding runs out Friday, House-Senate tax negotiations to begin -- BILLY BUSH on Trump -- ANNIE KARNI on Jared -- TRUMP works to block ROMNEY

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Today's POLITICO Playbook presented by PhRMA

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

Good Monday morning. JUST POSTED -- THE POLITICO PLAYBOOK POWER LIST: 18 TO WATCH IN 18. Next year -- 2018 -- is shaping up to be a momentous one in politics. Midterm elections are less than a year away, with the backdrop of an unfolding federal investigation into a foreign power's influence into our political system. The collective Playbook team -- reporters in six states and Washington -- selected 18 political figures worth keeping an eye on over the next 12 months. ***The list*** http://politi.co/2jKHziP

REMINDER -- BIG WEEK -- Congress must pass a government-funding bill by Friday, or else the federal government will shut down. The House is expected to try to pass a two-week funding bill early this week. Democrats are, for the moment, on the sideline, and don't seem to be in a cooperative mood. ***John Bresnahan:*** **"Congress faces frantic week with possible shutdown, taxes, Russia"** http://politi.co/2jMvNV7

-- THE HOUSE is expected to vote to go to conference this evening for the tax bill. ... **WSJ**: **"Key Issues to Resolve in Congress's Tax Bill"** http://on.wsj.com/2ihwMfL

CONGRESSIONAL INSIDERS involved in the tax debate say the conference could be wrapped up in roughly one week.

CAROL LEONNIG, JOHN WAGNER and **ELLEN NAKASHIMA: "Trump lawyer says president knew Flynn had given FBI the same account he gave to vice president":** "President Trump's personal lawyer said on Sunday that the president knew in late January that then-national security adviser Michael Flynn had probably given FBI agents the same inaccurate account he provided to Vice President Pence about a call with the Russian ambassador.

"Trump lawyer John Dowd said the information was passed to Trump by White House counsel Donald McGahn, who had been warned about Flynn's statement to the vice president by a senior Justice Department official. The vice president said publicly at the time that Flynn had told him he had not discussed sanctions with the Russian diplomat - a statement disproved by a U.S. intelligence intercept of a phone call between Flynn and then-Russian ambassador Sergey Kislyak.

"Trump was aware of the issue a couple of weeks before a conversation with then-FBI Director James B. Comey in which Comey said the president asked him if he could be lenient while investigating Flynn, whom Trump had just fired for misleading Pence about the nature of his conversations with the Russian." http://wapo.st/2jf2Odg

TALKER -- FIRST PERSON - BILLY BUSH in the NYT, "Yes, Donald Trump, You Said That": "He said it. 'Grab 'em by the pussy.' Of course he said it. And we laughed along, without a single doubt that this was hypothetical hot air from America's highest-rated bloviator. Along with Donald Trump and me, there were seven other guys present on the bus at the time, and every single one of us assumed we were listening to a crass standup act. He was performing. Surely, we thought, none of this was real. We now know better. Recently I sat down and read an article dating from October of 2016; it was published days after my departure from NBC, a time when I wasn't processing anything productively. In it, the author reviewed the various firsthand accounts about Mr. Trump that, at that point, had come from 20 women.

"Some of what Natasha Stoynoff, Rachel Crooks, Jessica Leeds and Jill Harth alleged involved forceful kissing. Ms. Harth said he pushed her up against a wall, with his hands all over her, trying to kiss her. 'He was relentless,' she said. 'I didn't know how to handle it.' Her story makes the whole 'better use some Tic Tacs' and 'just start kissing them' routine real. I believe her. Kristin Anderson said that Mr. Trump reached under her skirt and 'touched her vagina through her underwear' while they were at a New York nightclub in the 1990s. That makes the 'grab 'em by the pussy' routine real. I believe her." http://nyti.ms/2A0uYDc

WHAT THE PENTAGON IS READING -- "Trump's military buildup still a mirage," by Connor O'Brien and Bryan Bender in Simi Valley, Calif.: "President Donald Trump came into office pledging the largest defense spending spree since the administration of Ronald Reagan - assuring the troops that they would see 'beautiful new planes and beautiful new equipment.' But that vision remains little more than a mirage, top Pentagon officials, lawmakers and defense industry executives lamented during a gathering this weekend at Reagan's presidential library - undermined by congressional gridlock on spending priorities and a tax overhaul expected to add more than a trillion dollars to the national debt.

"'Nobody wants to pay more taxes, everyone wants to have the programs they like protected and everybody wants defense ... and they want the deficit to go away,' Gen. Robert Neller, the commandant of the Marine Corps, said in an interview, echoing the

sentiments of several leading advocates for a more robustly funded military. 'The math just isn't there.' ... lawmakers and the administration have taken few concrete steps to lock in any sustained increase in defense spending close to the 3 percent to 5 percent a year that Defense Secretary James Mattis says is needed to make the vision a reality." http://politi.co/2iMqfO0

THE LATEST ON TAX REFORM -- "Passage of Senate Tax Bill Puts R&D Tax Credit in Doubt," by WSJ's Rich Rubin: "Senate Republicans, in their push to pass a sweeping tax bill, undermined a research-and-development tax credit many companies use to encourage innovation, and business interests are in revolt. Late Friday, just hours before the Senate voted for the bill, Republicans decided to preserve the corporate alternative minimum tax instead of repealing it as planned. The change gave them money for lawmakers' other priorities, but it could force many companies to lose tax breaks the bill's authors intended to protect.

"Addressing this problem is one of many challenges congressional Republicans face as they shepherd a final tax bill with implications for middle-class households, American businesses and the health-care system. The House and Senate passed competing bills that will now be merged into one. Among other thorny issues, Republicans will wrangle over international tax rules, a new system for taxing pass-through businesses such as partnerships and the fate of the estate tax.

"Also surprisingly up for grabs: the corporate tax rate. President Donald Trump, after insisting on a 20% rate and getting it, this weekend said maybe it would land at 22%." http://on.wsj.com/2ieFsDv

THE WHITE HOUSE POLITICAL SHOP -- "Trump moves to block Romney from the Senate: The president is working hard to persuade 83-year-old Sen. Orrin Hatch to run for reelection, and Mitt isn't happy about it, people close to him say," by Alex Isenstadt: "Donald Trump is going all out to persuade seven-term Utah Sen. Orrin Hatch to seek reelection -- a push aimed in no small part at keeping the president's longtime nemesis, Mitt Romney, out of the Senate. Romney has been preparing to run for Hatch's seat on the long-held assumption that the 83-year-old would retire.

"Yet Hatch, the longest-serving Republican senator in history, is now refusing to rule out another campaign -- a circumstance Romney's infuriated inner circle blames squarely on the president. Their suspicions are warranted: Trump has sounded off to friends about how he doesn't like the idea of a Senator Romney. The president's mostly behind-the-scenes campaign to sway Hatch will burst into public view on Monday, when he arrives in Salt Lake City to hold a well-choreographed event designed to showcase his affection for the powerful Senate Finance Committee chairman." http://politi.co/2Bwmxvp

DARREN SAMUELSOHN -- "White House paranoid: 'Everyone thinks they're being recorded'": "Paranoia is enveloping the White House and President Donald Trump's network of former aides and associates as Robert Mueller's Russia probe heats up.

Former national security adviser Michael Flynn agreed to cooperate with investigators as part of the plea deal he reached last week, adding to the worry already inside Trump's circle surrounding the secret deal struck earlier this summer by former campaign aide George Papadopoulos, whose cooperation was kept quiet for months before being unsealed in late October.

"Both cases raise the possibility that other current or former colleagues have also flipped sides - and they're prompting anxiety that those people could be wearing wires to secretly tape record conversations. 'Everyone is paranoid,' said a person close to Trump's White House. 'Everyone thinks they're being recorded.' Mueller is doing little to abate those suspicions. Tucked inside last week's 10-page plea deal Flynn struck with government prosecutors is an agreement that the former White House national security adviser could avoid a potential lengthy jail term in part by 'participating in covert law enforcement activities.'" http://politi.co/2jO6amC

****** **A message from PhRMA**: A medicine's path from the biopharmaceutical company to the patient involves many entities across the supply chain. A new report examines how money flows through this system - which includes wholesalers, pharmacy benefit managers, pharmacies and insurers - and how that impacts what patients pay at the pharmacy. Read more: http://politi.co/2ngVlPj ******

BEHIND THE SCENES -- "George Papadopoulos' late night with the FBI," by Josh Gerstein: "When former Trump campaign foreign policy adviser George Papadopoulos stepped off a flight from Germany at Dulles Airport outside Washington last July, he had no inkling of the unwelcome surprise in store for him: FBI agents waiting to place him under arrest. For the 29-year-old Chicago native, it was going to be a long night.

"Jail records obtained by POLITICO show Papadopoulos was booked in at the Alexandria (Va.) city detention center at 1:45 a.m. the following morning. Despite the late arrival at the jail and the fact that Papadopoulos later agreed to cooperate with prosecutors, his Chicago-based defense lawyers Thomas Breen and Rob Stanley said in an interview that the FBI did not attempt to interrogate him right away." ***With his mugshot*** http://politi.co/2iMc7Eb

TWITTER EFFECT -- "Trump's uncontrollable tweeting triggers deeper anxiety among advisers," by Andrew Restuccia: "It took nearly 24 hours for President Donald Trump to tweet about the news that his former national security adviser Michael Flynn pleaded guilty to lying to FBI agents - a delay that Trump's advisers said was not uncommon for the president, who often tweets after catching up on cable news. Many Republicans at first saw the radio silence as a welcome sign of restraint.

"But by Sunday, the notoriously hot-headed president had already claimed Flynn was fired earlier this year in part for lying to the FBI and had moved on to accusing the nation's top law-enforcement agency of being 'in tatters.' 'Worst in History! But fear not, we will bring it back to greatness,' he tweeted. The tweets all combined to reignite fears among people close to Trump that the president is not taking the special counsel's

investigation seriously enough and is getting bad advice from his legal team." http://politi.co/2BFCmkw

JARED WATCH -- "Kushner upbeat, undeterred in first public remarks on Middle East peace process," by Annie Karni: "Shorter Jared Kushner: I'm still here. On Sunday, the president's son-in-law used his first-ever public remarks on the Middle East peace process to make a case for his own continued relevance in the Trump White House -- even as the Russia probe and the more stringent reign of chief of staff John Kelly have seemingly pushed him to the margins.

"'We do think it's achievable,' Kushner said of an Israeli-Palestinian peace deal. His comments came during a 30-minute question-and-answer session with Haim Saban, one of the Democratic Party's biggest pro-Israel donors, at the annual Saban Forum, held at the Willard InterContinental Washington Hotel. ...

"But his relaxed appearance -- a blue blazer over a black sweater, with no tie -- sent a clear message that Kushner is soldiering on, undeterred. His criminal attorney, Abbe Lowell, who is representing him in special counsel Robert Mueller's investigation of potential Russian interference in the 2016 election, was in the audience for Kushner's talk on Sunday. But other attendees said it was simply in Lowell's off-the-clock capacity as a longtime figure in Washington's power Jewish community, not as a legal representative." http://politi.co/2AL6ME4

-- INTERESTING BITE: HAIM SABAN: "To achieve [Middle East peace], the team has in it an entrepreneur -- you -- a real estate lawyer, a bankruptcy lawyer. I don't know how you've lasted eight months in this lineup. But that's for another day. And it's impressive that it's still going. There's not a Middle East macher in this group. How do you operate with people who basically...with all due respect, a bunch of orthodox Jews who have no idea about anything? What are you guys doing? Seriously I don't understand this." **KUSHNER:** "I'll definitely say it's not a conventional team." ***The clip*** http://bit.ly/2AsG0hg

PEACE PROCESS UPDATE -- "Talk of a Peace Plan That Snubs Palestinians Roils Middle East," by NYT's Anne Barnard in Beirut, David Halbfinger in Jerusalem and Peter Baker in D.C., with Maria Abi-Habib and Hwaida Saad in Beirut, Rami Nazzal in Ramallah, West Bank, Alissa J. Rubin in Paris and Nour Youssef in Cairo: "In a mysterious trip last month, Mahmoud Abbas, the Palestinian president, traveled to Saudi Arabia's capital for consultations with the hard-charging crown prince about President Trump's plans for Middle East peace. What was said when the doors were closed, however, has since roiled the region.

"According to Palestinian, Arab and European officials who have heard Mr. Abbas's version of the conversation, Crown Prince Mohammed bin Salman presented a plan that would be more tilted toward the Israelis than any ever embraced by the American government, one that presumably no Palestinian leader could ever accept.

"The Palestinians would get a state of their own but only noncontiguous parts of the West Bank and only limited sovereignty over their own territory. The vast majority of Israeli settlements in the West Bank, which most of the world considers illegal, would remain. The Palestinians would not be given East Jerusalem as their capital and there would be no right of return for Palestinian refugees and their descendants. ...

"The White House on Sunday denied that was its plan , saying it was still months away from finalizing a blueprint for peace, and the Saudi government denied that it supports those positions. ... Even if the account proves incomplete, it has gained currency with enough players in the Middle East to deeply alarm Palestinians and raise suspicions about Mr. Trump's efforts. ... One Lebanese government official who received a call was most surprised by what he said was a Saudi suggestion that the Palestinians could have Abu Dis, a suburb of East Jerusalem, as their capital." http://nyti.ms/2np5ZmS

SUSAN GLASSER talks with **ISRAELI AMBASSADOR RON DERMER** in the latest "Global POLITICO" podcast: **"Is Trump About to Blow Up Jared Kushner's Mideast Peacemaking?":** "President Trump has talked of 'the ultimate deal' he's going to strike, to finally make peace once and for all between Israel and the Palestinians. His son-in-law Jared Kushner has spent the last few months shuttling to and from the region, and speculation has been running high that the U.S. might soon unveil its own proposal for peace, or at least the basic outlines.

"Still, Israel's ambassador to the United States, a close ally of the Trump team who has been working closely with them on the plan, says in a new interview for The Global Politico that while he's an 'optimist,' chances are only 'moderate to high' of even restarting the dormant peace process over the next year. As for an actual deal, he wouldn't even speculate.

"And the ambassador, Ron Dermer, one of Israeli Prime Minister Benjamin Netanyahu's closest confidants, confirmed in a rare on-the-record conversation that Trump this week is likely to take a controversial step by recognizing Jerusalem as Israel's capital-a move that Palestinians have threatened will blow up any talks even before they start." http://politi.co/2ASIFVY ... ***The full transcript*** http://politi.co/2igOKyM

-- "Trump approves National Security Strategy," by Axios' Jonathan Swan: "The draft is almost completed, and all the principals - James Mattis, Rex Tillerson, Steven Mnuchin, etc. - have agreed on its core components. The document will be rolled out soon. ... The NSS ... will explain how Trump's 'America First' mantra applies to the vast range of threats America faces, including Chinese economic competition, Russian influence operations, and the weaponization of space. It's designed to guide the Trump administration's foreign policy and national security decisions, according to three sources familiar with it. ...

"Nadia Schadlow, a well-respected member of the National Security Council and trusted confidant of H.R. McMaster, spent months drafting the document, working with

Deputy National Security Adviser Dina Powell and McMaster. Schadlow and Powell met with dozens of members of Congress, cybersecurity and foreign policy experts, military strategists and CEOs." http://bit.ly/2nr2gp2

TRUMP'S MONDAY -- He is flying to Salt Lake City and will meet with leaders from and tour the Church of Jesus Christ of Latter-Day Saints. Trump will give a speech at the state capitol and then will return to D.C.

-- TRUMP'S WEEK: Tuesday: The president and first lady host the Congressional ball at 6:30 p.m. **Wednesday:** Trump has a cabinet meeting at 11:30, and lunch with VP Mike Pence at 12:30 p.m. **Thursday:** The president and first lady host a Hanukkah reception at 7:30 p.m. **Friday:** The president meets with Defense Secretary Jim Mattis at 1:30 p.m.

THE JUICE ...

-- FWD.US is launching a six-figure digital ad buy featuring the personal stories of DACA recipients. The ads will run in Washington, Ohio and Texas and and other target states and districts. ***Example of Texas ad*** http://bit.ly/2AshGMv

YOU'RE INVITED -- Our first live podcast taping is this Thursday night at 7 p.m. at Sixth and I. Our inaugural guests: **MICHAEL BARBARO**, host of the New York Times' hit podcast "The Daily," **DCCC EXECUTIVE DIRECTOR DAN SENA and NRCC EXECUTIVE DIRECTOR JOHN ROGERS**. And a panel of **POLITICO** stars: **RACHAEL BADE, SEUNG MIN KIM** and **ANNIE KARNI**. Get your tickets now!
http://bit.ly/2hWK7tF

Playbook Reads

PHOTO DU JOUR: Jared Kushner speaks about Middle East peace with Haim Saban at the Saban Forum 2017 in Washington, D.C. on Dec. 3. | Jose Luis Magana/AP Photo

FOR YOUR RADAR -- "Stealth jets, other aircraft fly in U.S., South Korean drills," by AP's Youkyung Lee in Seoul: "Hundreds of aircraft including two dozen stealth jets began training Monday as the United States and South Korea launched a massive combined air force exercise. The war games come a week after North Korea test-fired its most powerful missile ever, an ICBM that may be able to target the eastern seaboard of the United States. The five-day drill, which is called Vigilant Ace, is meant to improve the allies' wartime capabilities and preparedness, South Korea's defense ministry said." http://bit.ly/2AsZfHF

FIRST IN PLAYBOOK -- Attorney General Jeff Sessions is traveling to Cartagena, Colombia on Wednesday, to participate in the Trilateral Summit Against Transnational

Organized Crime. The summit brings together attorneys general from the U.S., Colombia, and Mexico to coordinate efforts against organized crime. Sessions was invited by Colombian Attorney General Nestor Humberto Martinez.

****** **A message from PhRMA**: A medicine's path from the biopharmaceutical company to the patient involves many entities across the supply chain. A new report examines how money flows through this system - which includes wholesalers, pharmacy benefit managers, pharmacies and insurers - and how that impacts what patients pay at the pharmacy. Read more: http://politi.co/2ngVlPj ******

ON THE AIR -- "Giffords buys ads against 8 Republicans on concealed carry," by Isaac Dovere: "Gabby Giffords is going up on the air Monday with a six-figure ad buy against Reps. Rodney Frelinghuysen (R-N.J.) and Jason Lewis (R-Minn.) from her gun safety group. The ads come ahead of this week's expected House vote on Concealed Carry Reciprocity, which, if enacted, would be a massive opening of gun laws across the country, forcing all states to accept gun licenses issued in any state.

"The result could lead to gun carrying laws effectively being set everywhere at the lowest level any state would allow. ... Digital ads will also go out against Reps. Steve Knight (R-Calif.), Ed Royce (R-Calif.), Mimi Walters (R-Calif.), Mike Coffman (R-Colo.), Lee Zeldin (R-N.Y.) and Barbara Comstock (R-Va.). All of these are at the top of Democrats' 2018 pick-up hopes. There will be a radio ad focused on the three Southern California members." http://politi.co/2AmWZUm

BUSINESS BURST -- "CVS to Buy Aetna for $69 Billion, Combining Major Health-Care Players," by WSJ's Sharon Terlep, Anna Wilde Mathews and Dana Cimilluca: "CVS Health Corp. agreed to buy Aetna Inc. for about $69 billion in cash and stock in a move to transform the pharmacy company and capture more of what consumers spend on health care. ... The proposed deal is the latest and most dramatic sign of how the lines between traditional segments in health care are blurring as companies, saddled with mature businesses and in many cases restricted from buying rivals, enter new areas in search of growth." http://on.wsj.com/2iM7XMO

Playbookers

SPOTTED: Sen. Ed. Markey (D-Mass.) chatting with Chris Matthews at a Starbucks in Washington on Sunday -- ***pic*** http://bit.ly/2AtJrnQ ... Omarosa last night at the Ivy City Smokehouse. She was there for a party in a private area ... Sen. John McCain (R-Ariz.) at Jose Andres' barmini on Saturday night.

SPOTTED at the Kennedy Center honors last night: British Ambassador Kim Darroch, Ambassador Stuart Bernstein, Commerce Secretary Wilbur Ross and Hilary Ross, Treasury Secretary Steven Mnuchin and Louise Linton, Labor Secretary Elaine Chao, VA Secretary David Shulkin, John and Anne Dickerson, Patrick Steel and Lee

Satterfield, Meryl Streep, Quincy Jones, Mary Street and Clyde Tuggle, Alan Fleishman, Lara Bergthold, Maria Pica Karp and Rick Karp, Howard Fineman, Dan and Rhoda Glickman, Rob Reiner, Queen Latifah, Capricia Marshall, Stevie Wonder, Steve Ricchetti, Joe Naylor ...

... Phil Musser, Matt and Abby Echols, Tim Keating, Sen. Ed Markey (D-Mass.), Sen. Rand Paul (R-Ky.) and Kelly Paul, Sen. Jeff Flake (R-Ariz.), Sen. Bob Menendez (D-N.J.), Rep. Darrell Issa (R-Calif.), Rep. Debbie Dingell (D-Mich), Rep. Steny Hoyer (D-Md.), Rep. Fred Upton (R-Mich.), Rep. Don Beyer (D-Va.) and Megan Beyer, Glenn and Suzanne Youngkin, Valerie Jarrett and Laura Jarrett, JJ Abrams, Amb. Caroline Kennedy, Les Moonves, David Rhodes, Jackie Alemany, Nick Ayers, Adrienne Arsht, Tammy Haddad, Christine Lagarde, David Gergen, Questlove.

ENGAGED -- OBAMA ALUMNI: Eric Fanning, former Secretary of the Army and incoming President and CEO of the Aerospace Industries Association, and **Ben Masri-Cohen** of The National Gallery of Art. "They announced to friends Saturday night at a surprise engagement party that had been disguised as a holiday party." They first met ten years ago and have been together two years. They got engaged in Greece. ***Pic*** http://bit.ly/2zLe9rH

TRANSITIONS -- Molly Drenkard is the new manager of corporate communications at Anheuser-Busch. She was previously the national press secretary for the House Republican Conference. **Olivia Hnat** will join the House Republican Conference as Chairman Cathy McMorris Rodgers' (R-Wash.) national press secretary. She most recently was with Rep. Pat Tiberi (R-Ohio) and is an alumna of Speaker John Boehner's team.

BIRTHWEEK (was yesterday): Andy Surabian, who celebrated with "brunch at Cuba Libre with Steve Cheung, Cliff Sims and Kaelan Dorr from the White House. And then forcing his girlfriend to watch football with him for the rest of the day".

BIRTHDAY OF THE DAY: Jackie Kucinich, Washington bureau chief of The Daily Beast and a CNN political analyst. **How she got her start in journalism:** "My start in journalism was an exercise in good timing. I sent my resume into The Hill for an internship my senior year of college. When I didn't hear back, I called and got then-managing editor Andy Glass on the phone. I asked him for the position and he asked me when I could start. Timing is everything!" **Read her Playbook Plus Q&A:** http://politi.co/2jLh3FX

BIRTHDAYS: Griffin Harris ... Al Hunt is 75 ... Bill Muratt, COS for Sen. Tammy Baldwin (hat tip: Hilary Rosen) ... Claire Lucas ... Kevin O'Neill, co-chair of Arnold & Porter's legislative team ... PBS NewsHour's deputy senior producer Anne Davenport ... Nick Gass, communications specialist at Koch Industries ... Rep. Francis Rooney (R-Fla.) is 64 ... Edelman alum Craig Brownstein ... Peter Freeman ... CNN's Suzanne Malveaux ... Ashley (Nerz) Levey, comms at LinkedIn (h/t Chip Cutter) ... Ben Keller ... Rep. Grace Napolitano (D-Calif.) is 81 ... Tyquana Henderson-Parsons ... Whitney Ksiazek, a field

producer for Fox News ... Cesi Covey ... Dani Kurtzleben, political reporter at NPR ... Colin Rogero ... Sarah Schanz, Duke Law student (h/t fiancé Jeremy Iloulian) ... Marina McCarthy ... Campbell Marshall ...

... Rick Hohlt ... Jennie Westbrook Courts, a principal on the communications team at Precision Strategies (h/t Tom Zigo) ... Andrew Shult, digital director for Rep. Steve Scalise (R-La.), is 3-0 (h/t Allison Schneider) ... John Neata (h/t Jon Haber) ... Yesenia Chavez, VP of the LGBT Congressional Staff Association and LA for Rep. Raul Grijalva (h/t Mitchell Rivard) ... Hilary Matfess, author of the new book "Women and the War on Boko Haram: Wives, Weapons, Witnesses" (h/t Ben Chang) ... Jon Fleischman ... Matthew Bevens, MBA student at INSEAD in Singapore ... DLCC's Shelbi Warner ... Washington Institute's Louisa Keeler ... ACLU's Sarah Baron ... Joe Britton ... Leigh Strope of Burson-Marsteller ... Patrick Collins ... WaPo's Jennifer Hurley ... Facebook's Francesca de Quesada Covey ... Nancy Rose Senich ... Steve Fowler ... Leslie Rhode ... Laura Derby ... Emily Hines ... Doug Nation ... Brian Svoboda, partner at Perkins Coie ... Steen Hambric ... Doug Tiet ... Yesenia Chavez ... Meg Badame ... Lis Buck ... Sean Gagen ... Nate Beecher ... Mike Stratton (h/ts Teresa Vilmain)

****** **A message from PhRMA** : In the competitive marketplace for medicines, negotiations between pharmacy benefit managers (PBMs) and biopharmaceutical companies result in substantial rebates and fees. According to a new report, in many cases, this system often creates incentives for PBMs to prefer medicines with higher list prices and higher rebates. Read more about how money flows through the supply chain here: http://politi.co/2ngVlPj ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Wed 12/6/2017 8:11:07 PM
Subject: EPA Announces Additional Public Listening Sessions on Proposed Repeal of Clean Power Plan

EPA Announces Additional Public Listening Sessions on Proposed Repeal of Clean Power Plan

WASHINGTON (December 6, 2017) — The U.S. Environmental Protection Agency (EPA) will hold three additional public listening sessions on the proposed repeal of the Clean Power Plan in San Francisco, Calif., Gillette, Wyo. and Kansas City, Mo.

"Due to the overwhelming response to our West Virginia hearing, we are announcing additional opportunities for the public to voice their views to the Agency," **said EPA Administrator Scott Pruitt**.

Public listening sessions will be on EPA's proposed repeal of the Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (commonly known as the Clean Power Plan). Dates and specific locations will be released in coming weeks; please see the website for details. All persons wanting to speak are encouraged to register in advance.

"The Trump administration is listening to the people of Wyoming," **said U.S. Senator John Barrasso (R-WY), chairman of the Senate Committee on Environment and Public Works (EPW)**. "Today's announcement that the EPA will hold a listening session in Gillette, on the impacts of the so-called 'Clean Power Plan,' demonstrates the administration's commitment to hear directly from the people who would have been hurt most by this punishing regulation. The Clean Power Plan would have meant lost jobs for energy workers in Gillette and across Wyoming. I am thankful to EPA Administrator Scott Pruitt for his leadership on this important issue."

Registration information will be posted at: https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan

Oral comments and supporting information presented at each session will be included in the docket for this proceeding.

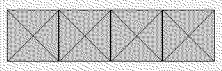
Written comments about EPA's proposal must be received by the last day of the comment period, January 16, 2018. Comments should be identified by Docket ID No. EPA-HQ-OAR-2017-0355 and may be submitted by one of the methods listed on the Clean Power Plan Proposed Repeal: How to Comment web page.

Background:
Soon after the previous Administration issued the Clean Power Plan in 2015, 150 entities including 27 states, 24 trade associations, 37 rural electric co-ops, and three labor unions challenged the CPP, highlighting a range of legal and technical concerns. A few months later, the United States Supreme Court stayed the CPP, immediately halting implementation—the first time the Supreme Court had ever issued a stay to block the enforcement of a regulation.

On March 28, 2017, Administrator Pruitt signed a notice indicating the EPA's intent to review the

Clean Power Plan, in accord with the President's Energy Independence Executive Order. On October 16, the EPA proposed to repeal the Clean Power Plan, proposing that it is not consistent with the Clean Air Act. EPA is now taking comment on that proposal and has extended the public comment period to January 16, 2018.

Visit The EPA's Newsroom



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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg Environment
Sent: Fri 12/1/2017 9:51:24 PM
Subject: Environment & Energy Report Highlights

Environment & Energy
Friday, December 01, 2017

Highlights

Leading the News

Fracking Ban in Delaware Basin Falls Short, Environmentalists Say

By *Leslie A. Pappas*

Oil and gas companies could still use water from the Delaware River Basin to hydraulically fracture wells elsewhere and ship contaminated water back, despite a fracking ban proposed for parts of four states, environmental groups said.

Site of Retired Coal-Fired Plant to Be Wind Industry Hub

By *Adrianne Appel*

The shuttered site of what was the largest coal-fired plant in New England is poised to become a hub for the offshore wind industry.

Microgrids, Storage Could Make Puerto Rico Grid More Resilient

By *Rebecca Kern*

Energy Department lab tools and technologies have potential to transform Puerto Rico's electric grid in the future.

Today's News

SolarCity Corp. Dispute With Ariz. Utility Gets SCOTUS Review

By *Eleanor Tyler*

The U.S. Supreme Court agreed Dec. 1 to hear a dispute over electricity rates between Tesla Inc. subsidiary SolarCity Corp. and Arizona's largest utility that's divided appeals courts on the rights of state entities sued for their official actions.

U.S. Vastly Overstates Oil Output Forecasts, MIT Study Suggests

By Jim Polson and Tim Loh

Turns out, America's decade-long shale boom might just end up being a little too good to be true.

Fracking Helps New Mexico Leapfrog California as Oil Producer

By *Robert Tuttle*

New Mexico became the third-biggest U.S. oil-producing state in September, passing more traditional powerhouses California and Oklahoma, thanks to a fracking boom in the western section of the Permian Basin.

Boom in Arctic Tourism Raises Sustainability Concerns

By *Adam Allington*

Establishing a sea route over the top of the world has been a centuries-old navigation dream, with explorations in search of the famed Northwest Passage often ending with stranded sailors being forced to eat their boots—and in some cases, each other.

Cape Wind Developer Terminates Project Opposed by Kennedys, Koch

By *Brian Eckhouse*

Cape Wind **is officially dead.**

Too Few Highway Chargers Are Last 'Hurdle' for

Electric Cars

By *Elisabeth Behrmann*

Rolling out super chargers along highways in Europe and North America is key to unlocking sales of electric cars, according to the head of the biggest network provider.

Ruling Slaps Down Suit Over Calif. Hazmat Enforcement

By *Steven M. Sellers*

A California county has a First Amendment right to pursue a criminal prosecution, rather than an administrative proceeding, against a wastewater firm on a disputed agency finding that the firm stored a hazardous chemical, a California court of appeals ruled Nov. 30.

The Cobalt Crunch for Electric Cars Could Be Solved in Suburbia

By *Anna Hirtenstein*

Almost 9,000 miles from the dusty Congo savanna, miners have hit on an entirely new source of cobalt—the rare mineral at the heart of the electric-car boom. And not only can they take coffee breaks, when they take a break, they can grab a donut at Tim Hortons.

Jordan Counting on Cheaper Storage to Unlock Wind and Solar Boom

By *Brian Parkin*

Jordan is counting on a rapid drop in the price of power storage to unleash a boom in wind and solar electricity, according to a top official.

What It's Like to Be a Sustainable Investor Under Trump

By *Laura Colby*

Bloomberg asked investors who focus on environmental, social, and governance matters about their insights into how the U.S. administration is affecting their strategies.

Thursday Night Wrapup

Fracking Ban Proposed in Four Delaware River Basin States

By *Leslie A. Pappas*

Fracking would be banned in portions of four states overseen by the Delaware River Basin Commission as part of draft regulations unveiled Nov. 30.

DDT Cleanup Coverage Will Get Calif. Top Court Look

By *Steven M. Sellers*

The California Supreme Court agreed Nov. 29 to review long-running litigation

over insurance coverage for a Superfund cleanup where DDT was once produced.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg Environment
Sent: Tue 12/5/2017 9:53:39 PM
Subject: Environment & Energy Report Highlights

Environment & Energy
Tuesday, December 05, 2017

Highlights

Leading the News

Dicamba Woes Drain State Agencies, Vex Companies
By *Tiffany Stecker*
Cash-strapped state agriculture agencies are buckling under an increased workload due to the hundreds of herbicide damage complaints filed in 2017 and scuttling other priorities to fully investigate claims of crop injury.

Energy Research Arm Nominee Avoids Stance on Climate Change
By *Rebecca Kern*
Linda Capuano, the nominee to be administrator of the Energy Information Administration, told lawmakers Dec. 5 she is not taking a position on climate change: "For me to take a position would introduce a bias."

Interior Won't Say What It's Doing With Coal Health Study
By *Stephen Lee*
The Trump administration isn't sharing any details about its review of a coal mining study it halted three months ago.

GOP Bills Would Protect Bears Ears, Create New

National Park

By *Alan Kovski*

New mining claims and oil and natural gas leasing would be barred from the area of the Bears Ears National Monument in Utah under a bill unveiled by congressional Republicans Dec. 5.

Today's News

Trump Sued Over `Unlawful' Shrinking of Utah National Monuments

By Peter Blumberg

Environmental groups hit President Donald Trump with a lawsuit just hours after he announced he'll shrink two national monuments in Utah that contain stunning red-sandstone vistas, historic relics and energy resources.

Cities Vow to Fill U.S. Void on Climate Change

By *Stephen Joyce*

Dozens of cities will begin tracking and reporting their greenhouse gas emissions in an effort to meet the terms of an international deal the U.S. spurned.

Husqvarna Fined $2.8 Million for Air Pollution Violations

By *Jennifer Lu*

Husqvarna will pay more than $2.8 million in penalties to the EPA for air pollution testing violations from its leaf-blowers, trimmers, and chainsaws.

Maine Commission Votes to Delay Rollback of Solar Credit

By *Adrianne Appel*

The Maine Public Utilities Commission voted today to wait another four months before implementing rules widely viewed by renewable energy advocates as "anti-solar energy."

Latest Bull Case for Electric Cars: the Cheapest Batteries Ever

By Mark Chediak

The kind of battery that powers electric vehicles is now the cheapest it's ever been thanks to a global ramp-up in production.

Oil Firms Pledge to Plug Methane Leaks in Bid to Burnish Image

By *Jennifer A. Dlouhy*

As the Trump administration rolls back Obama-era curbs on greenhouse gas emissions, more than two dozen oil companies are uniting in a voluntary effort to pare methane leaks and better position natural gas for a clean-energy future.

For Nebraska Landowners, Keystone XL Fight Isn't Cheap

By Jillian Goodman

November is the end of harvesting season in northeast Nebraska, so on the morning of Nov. 6, 2015, Art Tanderup was out combining. Early that day, President Barack Obama rejected TransCanada Corp.'s application to build the Keystone XL pipeline, an extension of the existing Keystone system that carries heavy crude from the Alberta tar sands to refineries on the Gulf Coast. Tanderup is one of about 90 landowners in Nebraska who've refused to sign easements allowing the pipeline to be built on their property.

Tax Bill May Chill Clean Energy Investments by Large Banks

By Joe Ryan, Brian Eckhouse and Christopher Martin

Clean-energy developers are learning the hard way that every line of the U.S. tax code is connected. While the bill passed by Senate Republicans over the weekend would preserve crucial credits for wind and solar farms, it also imposes a minimum tax on foreign transactions for JPMorgan Chase & Co., Bank of America Corp. and other large investors that threatens to erode the value of those credits.

How Trump Did the Impossible: Got Solar, Oil Lobbyists to Unite

By Ari Natter and Jennifer A. Dlouhy

In his 20 years of promoting renewable energy in Washington, Gregory Wetstone has made common cause with a range of special interest groups: environmentalists, power utilities, even a handful of natural gas producers. But President Donald Trump's efforts to bail out the coal industry led Wetstone, the head of the American Council on Renewable Energy, to find a surprising new

partner: Big Oil.

Vatican Sees Way Around Trump on Climate Change, Official Says

By Chiara Albanese and Flavia Rotondi

The Pope's leading adviser on climate issues has called for the European Union or China to fill the void left by the U.S. after Donald Trump's decision to pull the country out of the Paris Climate Agreement.

China Assumes Green Power Mantle, Leaving Germany, U.S. Behind

By *Brian Parkin*

Chinese exports of environmental goods and services surged ahead of Germany

and the U.S., according to a report that shows how the climate change fight is shifting international trade.

Europe's Biggest Utility Bets on Italy Green Power Revival

By *Chiara Albanese* and *Giovanni Salzano*

Europe's biggest utility is betting on an Italian green power renaissance to lift business.

Statoil Greenlights Key $6 Billion Norway Arctic Oil Project

By Mikael Holter

Statoil ASA gave the final go-ahead to a flagship Arctic oil project after slashing costs by half.

Monday Night Wrapup

Coal Export Terminal Appeals Permit Denial in Washington State

By *Paul Shukovsky*

Backers of what would be the only U.S. terminal for exporting Powder River Basin coal to Asia appealed Dec. 4 the denial of a shoreline permit to construct terminal infrastructure on the Columbia River port of Longview, Wash.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Tue 12/5/2017 10:42:34 AM
Subject: Morning Energy: Trying to turn GOP climate talk into action — First lawsuits filed over Trump monument decision — Greens seek new reviews in Keystone XL saga

By Anthony Adragna | 12/05/2017 05:40 AM EDT

With help from Alex Guillén and Tanya Snyder

UPPING THE ANTE ON ANWR: Environmental advocates and Democrats are upping the pressure on the House GOP's self-styled climate hawks to withhold their vote on the final tax package H.R. 1 (115) if it contains a Senate provision allowing oil and gas drilling in the Alaska National Wildlife Refuge. But those efforts don't appear to have borne any fruit yet, Pro's Ben Lefebvre and your ME host report. The rider — a key priority for Senate Energy Chairman Lisa Murkowski — is just one of many dicey items Senate and House negotiators must work through as they go to conference to iron out differences in their bills, even as drilling opponents push Republican members of the Climate Solutions Caucus to back up their words with action.

Six of the 12 House GOPers who signed a letter last week opposing ANWR drilling backed the initial tax bill, and activists staged protests at the offices of Reps. Pat Meehan and Carlos Curbelo on Monday. Three of those six tax bill supporters who oppose ANWR — Reps. Dave Reichert, Ryan Costello and Curbelo — suggested the fate of the ANWR rider wouldn't determine their final vote. "It would be very disappointing, but I doubt that I would deny all of my constituents the opportunity to experience tax relief because of any one provision," Curbelo told ME at Monday votes.

Earthjustice, the Center for Biological Diversity and other groups sent a letter to Climate Solutions Caucus Republicans asking them, among other things, to work against opening ANWR. And Democrats say the final tax bill vote offered a concrete opportunity for members of the group to demonstrate their pro-climate stance. "It would certainly be nice if the symbolic power of them acknowledging climate change through this caucus translated into action at some point," Rep. Jared Huffman told ME. "This would be a good point."

Two interesting polls suggest there's no widespread public support for opening ANWR despite the vocal backing of Alaska's delegation. One, from the Harvard T.H. Chan School of Public Health and POLITICO, found 67 percent of respondents said opening ANWR "should not be a priority" for the federal government. The other poll, conducted for the Yale Program on Climate Change Communication, found that 70 percent of Americans oppose drilling in ANWR.

Late Monday, Speaker Paul Ryan named four lawmakers of particular note to ME fans to the House's conference committee: Natural Resources Chairman Rob Bishop, Energy and Commerce Chairman Greg Walden, John Shimkus and Don Young. Also joining the Republican conference party: Ways and Means Chairman Kevin Brady, Devin Nunes, Peter Roskam, Diane Black and Kristi Noem.

WELCOME TO TUESDAY! I'm your host Anthony Adragna, and Squire Patton Boggs' Lem

O. Smith was first to identify Sen. Lamar Alexander as the one-time Trent Lott roommate. For today: Who was the original House sponsor of the Energy Policy Act of 2005? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

FIRST MONUMENT LAWSUITS FILED: A coalition of environmental groups filed the first lawsuit challenging President Donald Trump's long-expected move to shrink the Grand Staircase-Escalante National Monument just hours after he announced his decision to significantly pare two national monuments in Utah. The groups argue in their complaint filed in Washington federal court that the Antiquities Act "does not authorize Presidents to abolish [national monuments] either in whole or in part, as President Trump's action attempts to do." And the Native American Rights Fund, representing the Hopi Tribe, Navajo Nation, Pueblo of Zuni and Ute Mountain Ute Tribe, filed its own challenge the Bears Ears proclamation late Monday evening.

Report's coming today: While on hand for Trump's announcement in Utah, Interior Secretary Ryan Zinke told the press pool to expect the release of the results today of his review of several dozen national monument designations. And Natural Resources Chairman Rob Bishop, as well as Utah Reps. Chris Stewart and John Curtis, host a pen and pad briefing this morning at 11 a.m. where they'll discuss Trump's visit and the introduction of related legislation on Utah monuments.

Pro's DataPoint has whipped up a nifty graphic showing Trump's drastic reductions to the Bears Ears and Grand Staircase-Escalante national monuments in Utah. Check that out here.

The quote everyone's talking about: "Does he know the interior. He's knows it, he loves it. He loves seeing it and riding on it," Trump on Zinke.

NEW REQUESTS FOR KEYSTONE XL PROJECT: Environmental groups are asking the Trump administration to conduct a new supplemental environmental impact statement and Endangered Species Act consultation after the Nebraska Public Service Commission approved a modified path for the Keystone XL pipeline last month. "Now the administration has no choice but to update its assessment to reflect the pipeline's current proposed route," Doug Hayes, a senior attorney with the Sierra Club, said in a statement. That comes as the Nebraska regulators scheduled a Dec. 12 hearing for TransCanada and environmental groups to argue it should reconsider its decision on the controversial pipeline, Pro's Ben Lefebvre reports.

Meanwhile, the Pipeline and Hazardous Materials Safety Administration said a weight put in place to keep the Keystone pipeline from moving may have played a role in the 210,000 gallon oil spill in South Dakota last month, Reuters reports. It's a finding that could trigger costly inspections of tens of thousands of miles of underground pipelines.

KEEPING THE LIGHTS ON: House Republican leaders think they'll have enough votes from their caucus alone to pass a two-week, stopgap spending package to keep the lights on this week, Pro Budget & Appropriations Brief reports. But a warning signal went up Friday as the Florida and Texas delegations (that's 63 people for those counting at home) threatened to withhold

support unless they get a more generous disaster aid package. That threat didn't appear to refer directly to the two-week bill currently under consideration, but shows how much power the two delegations could exert on the spending debates going forward.

Even amid the now-routine House hiccups over the short-term package, Senate Majority Leader Mitch McConnell coolly predicted his chamber "will pass it before the end of this week."

Green groups launch new push: Ahead of the funding deadline, a collection of environmental and public health groups are unveiling a new website today highlighting local stories of the importance of environmental protections and what budget cuts could mean for health and safety. That comes as Mike Mikulka, president of the largest union for EPA Region 5 employees, warned a government shutdown would "create an unprecedented emergency for human health and our environment."

And a dozen environmental and union groups are sending a letter to congressional leaders calling for a disaster supplemental package that is "robust, funds recovery and rebuilding efforts in a way that results in stronger and more resilient communities." Link here.

Oh and ICYMI: House Republicans, including Ryan, weighed stripping House Appropriations Chairman Rodney Frelinghuysen of his gavel after the long-time New Jersey Republican voted against their tax bill, POLITICO's Rachael Bade and John Bresnahan report.

AMERICA FIRST FOR SOLAR PLAN: The Solar Energy Industries Association this morning rolls out its plan for Trump that it argues would keep America First and, at its core, reiterates the group's push against any tariffs or quotas on imported solar equipment. SEIA argues imposing tariffs represents a "bailout" for two foreign-owned companies that are exploiting U.S. trade law and would be a "bad deal for America." One idea floated in the plan is an import license fee that the group says would "get hundreds of millions of dollars in direct investment help to U.S. companies and our economy." They'll roll the whole thing out at 9:15 a.m. at the National Press Club.

DOT PUTS THE BRAKES ON ECP MANDATE: DOT Monday rescinded the mandate for trains carrying crude oil and ethanol to be equipped with electronically controlled pneumatic brakes, with the understanding that such brakes would reduce the risk of derailment in cases of emergency. The 2014 FAST Act ordered a scientific evaluation of ECP brake performance in emergencies, with a requirement for a final decision on the rule's fate by Monday — the two-year anniversary of the law's passage. The scientific study was inconclusive, and a GAO study found that DOT didn't have enough data to make a call. But a DOT analysis in October found that the costs outweighed the benefits of an ECP mandate by a factor of three. Commerce Committee Chairman John Thune praised the repeal decision. "Repealing this rule puts sound science and careful study ... over flawed guesswork," he said in a statement.

MOVING MORE NOMINATIONS: The Senate Energy and Natural Resources Commitee takes up the nominations of Timothy R. Petty to be Interior assistant secretary for water and science and Linda Capuano to run the Energy Information Administration today at 10 a.m. Watch here.

LAWSUIT ROUNDUP! SUIT FILED OVER MISSED SMOG DEADLINES: Ten environmental and public health groups filed a lawsuit Monday over a missed Oct. 1 statutory deadline for EPA to say which parts of the U.S. were meeting the 2015 ozone standard, Pro's Alex Guillén reports. A coalition of Democratic attorneys general is also expected to sue EPA soon.

Interior appeals loss in methane rule stay suit: The Interior Department said Monday evening it will appeal a federal judge's October ruling that said its delay of the Obama administration's methane waste rule was illegal. The judge said the Bureau of Land Management should have gone through notice-and-comment rulemaking to delay the rule since it had already taken effect. Interior proposed an 18-month delay and took public comments into November. It is unclear when that delay will be finalized. Interior's appeal will go to the 9th Circuit.

Are you new here? A lawsuit challenging EPA's delay of a regulation limiting power plants' toxic wastewater discharge was transferred from an Obama appointee to newly confirmed Judge Dabney L. Friedrich on Monday, Pro's Alex Guillén reports. Environmental advocates originally filed the case in May, and in September EPA finalized the delay of certain implementation deadlines.

ANOTHER HIRE AT EPA: Clint Woods, the head of an association that represents conservative state air agencies, will become the deputy assistant administrator of EPA's air office, Pro's Emily Holden reports. Woods is executive director of the Association of Air Pollution Control Agencies. He previously worked for the energy and environment subpanel of the House Science Committee and for the American Legislative Exchange Council. He'll begin his new job at EPA in mid-December.

NEW EPA PUSH ON PFAS: EPA announced Monday it was launching a cross-agency effort to address PFAS contamination around the country that will include identifying a set of near-term actions it can take to help local communities. No details were given though. You'll remember that concerns over PFAS contamination in North Carolina waterways were one of the major concerns for that state's senators in deciding they couldn't support Michael Dourson's nomination to run the agency's chemical office.

MUSICAL CHAIRS AT E&C: Mississippi Rep. Gregg Harper takes over as chairman of the Energy and Commerce Oversight and Investigations Subcommittee, Chairman Greg Walden announced Monday. Also of interest to ME readers: South Carolina Rep. Jeff Duncan joins both the Energy and Environment subcommittees.

PERRY'S IN UAE! Energy Secretary Rick Perry's swing through the Middle East next takes him to Abu Dhabi in the United Arab Emirates, where he'll co-chair the Carbon Sequestration Leadership Forum along with UAE Minister of Energy Suhail Mohamed Al Mazroui. Agenda here . The visit comes after he inked a memorandum of understanding with Saudi Arabia during his trip there to increase research and collaboration on carbon capture technologies. "This MOU outlines a future alliance not only in supercritical carbon dioxide, but also in a range of clean fossil fuels and carbon management opportunities," Perry said in a statement.

Also, guys, he's having the best time! Check out these pictures of Perry with his feet in the sand, shopping and doing other fun looking things here.

TAKE A GLANCE! The American Council for Capital Formation is out with a report today blaming the struggles of the California Public Employees' Retirement System, the nation's largest public pension fund, in part on investments in "certain political causes and issues at the expense of doing what's necessary to improve fund performance." It argues prioritizing environmental, social and governance investments frequently comes "at the expense of other investments more likely to optimize returns."

FOR YOUR VIEWING PLEASURE: Vice President Al Gore is hosting The Climate Reality Project's seventh-annual 24 Hours of Reality through 6:30 p.m. today with people like California Gov. Jerry Brown, San Juan Mayor Carmen Yulín Cruz, Mariah Carey, Sheryl Crow, Ellie Goulding and others talking up the importance of climate action and activism. Watch online here and a schedule of speakers is here.

STREAMLINING UTILITY SUSTAINABILITY REPORTING: The Edison Electric Institute announced Monday a pilot template that it said would help utilities more consistently provide investors with sustainability and other similar information. Utilities participating in the pilot project will begin using the template as they report 2016 information in the coming weeks.

LIGHTER CLICK! Pruitt tweeted out scenes from what seemed like a lovely holiday party in his office. Check them out here.

QUICK HITS

— Trump Disbands Group Meant to Prepare Cities for Climate Shocks. Bloomberg.

— Trump's Attack Dog on the Environment. Outside.

— OPEC oil output falls in November to lowest since May. Reuters.

— Secrecy surrounds pro-coal group eyeing Ohio wind cases. Midwest Energy News.

— Governor's staff struck climate change language from Act 250 report. Burlington Free Press.

HAPPENING TODAY

9:15 a.m. — Solar Industry Representatives Chart Course for an "America First" Solar Energy Plan, National Press Club, Edward R. Murrow Room, 529 14th Street NW

9:30 a.m. — U.S. International Trade Commission holds meeting and vote on "Biodiesel from Argentina and Indonesia," 500 E Street SW

10:00 a.m. — Senate Energy and Natural Resources Committee holds a hearing on nominations,

Dirksen 366

11:00 a.m. — Bishop, Stewart, Curtis hold press availability to discuss President Trump's Utah visit, introduction of legislation on Utah monuments, RSVP: katie.schoettler@mail.house.gov

11:00 a.m. — API launches new initiative to advance methane and environmental performance, RSVP: porterr@api.org

2:30 p.m. — Senate Energy and Natural Resources Energy Subcommittee holds a hearing on a series of bills, Dirksen 366

5:30 p.m. — "Subnational Climate Diplomacy: New Roles Post-Paris," German Marshall Fund, 1744 R Street NW

THAT'S ALL FOR ME!

To view online:
https://www.politicopro.com/newsletters/morning-energy/2017/12/trying-to-turn-gop-climate-talk-into-action-040348

Stories from POLITICO Pro

Climate-minded Republicans face heat in Arctic drilling debate Back

By Ben Lefebvre and Anthony Adragna | 12/04/2017 07:15 PM EDT

Pressure is mounting on House Republicans to oppose new Arctic drilling in the tax bill.

Protesters staged sit-ins Monday in two GOP lawmakers' offices, and environmental groups are working to grow the number who have expressed reservations about opening the Arctic National Wildlife Refuge to oil rigs. The fate of the ANWR rider — a top priority for Senate Energy and Natural Resources Chairwoman Lisa Murkowski (R-Alaska) — is one of several tricky issues Republican leaders will have to work out as they try to reconcile the differences between the House and Senate tax bills with the goal of getting their $1.5 trillion overhaul of the tax code to President Donald Trump's desk by the end of this year.

Despite its strong backing from Alaska's congressional delegation, the prospect of drilling in ANWR draws little support among the public at large, according to a new poll conducted by the Harvard T.H. Chan School of Public Health and POLITICO. It found 67 percent of those surveyed believe opening ANWR "should not be a priority" for the federal government, compared with 19 percent who said it was a "very" or "extremely important" priority. Among Republicans, 43 percent said ANWR should not be a priority, more than the 35 percent who said it was at least very important, according to the POLITICO-Harvard poll.

Another poll, conducted for the Yale Program on Climate Change Communication, found that 70 percent of Americans oppose drilling in ANWR.

A dozen House Republicans, six of whom supported the House tax bill, voiced their objections to the ANWR language in a letter to GOP leaders last week, although none has threatened to vote against the underlying bill if the provision remains. Environmentalists who are dead set against the Senate version's ANWR language have promised to make the issue a test for the 31 Republicans in the Climate Solutions Caucus.

"As Congress enters conference, we have two primary goals: Encourage the 12 House Republicans who signed the letter supporting the Arctic Refuge to stand strong and oppose the bill, and push other members to join them," said League of Conservation Voters spokeswoman Alyssa Roberts. "That includes members of the Climate Solutions Caucus. Any member who supports drilling in a pristine wildlife refuge that is feeling the impacts of climate change firsthand is doing the exact opposite of supporting 'climate solutions.'"

Protests started early Monday as advocacy group Sunrise Movement sent protesters to stage sit-ins Monday at the offices of caucus member Rep. Pat Meehan (R-Penn.) and co-chair Carlos Curbelo (R-Fla.).

Curbelo said he was sympathetic to the opposition to opening ANWR, but that it wouldn't swing his vote against the tax bill, H.R. 1.

"It would be very disappointing, but I doubt that I would deny all of my constituents the opportunity to experience tax relief because of any one provision," he said.

Murkowski wouldn't directly answer whether she's concerned about ANWR's prospects during the conference. "I am going to be obviously very engaged in trying to move ANWR throughout the whole process," she told POLITICO on Monday evening. "And, as I've been doing, I just said everything is one step at a time."

Sen. Maria Cantwell (D-Wash.), the top Democrat on the Energy and Natural Resources Committee, said she "certainly appreciate[s]" the 12 House Republicans opposing ANWR drilling and said the final vote would be an "awesome" opportunity for the Climate Solutions Caucus to show its power.

"We know there are more members of Congress that are concerned about the inclusion of that rider than the ones who signed that letter," said Lydia Weiss, the Wilderness Society's government relations director for lands. "This is one more headache for [House Speaker] Paul Ryan."

The House and Senate hope to start conferencing on the bill this week. But the versions of the bill the two chambers passed differ on key provisions in the package, including language Murkowski added to the Senate bill to open the ANWR for drilling.

ClearView Partners, a research firm, gave the bill an 80 percent chance of success in a note to clients Monday. "That said, we caution that the other 20 percent reflects the complexity of the conference process ahead," the analysts wrote.

Earthjustice, the Center for Biological Diversity and other groups also sent a letter to the caucus Republicans asking them, among other things, to work against opening ANWR. The letter was "an accountability mechanism," said Bill Snape, senior counsel for the Center for Biological Diversity, one of the groups that signed the letter.

A spokeswoman for Rep. Ryan Costello (R-Pa.), who backed the House plan on the floor but signed the GOP letter opposing ANWR, said he'd like the drilling provision taken out of the bill, though that was not a precondition for his support.

A spokeswoman for Curbelo would only say "the congressman does not believe the tax bill is the appropriate venue for addressing ANWR," but did not say whether the congressman would vote against the bill.

Rep. Dave Reichert (R-Wash.), a Ways and Means member who also opposes ANWR drilling, stopped short of threatening to oppose the final bill if the drilling provision stays. "It is my hope that there will be a robust conference discussion and in working through the differences between the two plans, improvements will be made," he said in a statement. "This includes protecting the Arctic."

To view online click here.

Back

Trump strips monument protections from 2 million acres in Utah Back

By Ben Lefebvre | 12/04/2017 03:10 PM EDT

President Donald Trump announced Monday that he is removing more than 2 million acres of protected territory from two national monuments in Utah, handing a political win to the state's lawmakers but setting off more protests from environmentalists and outdoor sports groups.

"You know how best to conserve this land for many, many years to come," Trump told a phalanx of the state's Republican lawmakers in Salt Lake City, as he took yet another swipe at the conservation legacies of former Presidents Barack Obama and Bill Clinton — and at regulators in Washington. "They don't know your land and truly they don't care for your land like you do. From now on that won't matter."

Trump's efforts to change the monuments' status started in April, when he signed an executive order directing Interior Secretary Ryan Zinke to review more than a hundred national monuments. Zinke said Monday that the finished report will be released Tuesday.

The long-expected announcement was a victory for Sen. Orrin Hatch, Rep. Rob Bishop and other Utah Republicans who had pressed the administration to shrink the territories of the Bears Ears and Grand Staircase-Escalante monuments from their combined 3.2 million acres. But Trump's

action enraged environmentalists and some Utah residents, who see the move as a first step toward allowing fossil fuel extraction near the monuments.

The planned cuts — essentially a rollback of the borders Obama and Clinton had set — was leaked to POLITICO and other news outlets last week. Obama set aside a total of more than 5.7 million acres of federal land into national monument parks, the most of any president under the Antiquities Act of 1906.

The new borders would shrink the 1.353-million-acre Bears Ears down to about 201,400 acres and break it into two new monuments called Indian Creek and Shash Jaa. That would free up oil, natural gas and uranium deposits for possible extraction.

Trump would also cleave the nearly 1.9 million-acre Grand Staircase-Escalante monument into three parts, totaling 997,490 acres: Grand Staircase, Kaiparowits and Escalante Canyons. The move would free up protections over areas high in mineral resources.

In the proclamations that reduced the monuments, Trump argued that many of the objects and physical features named in Clinton's and Obama's original designations "are not unique to the monument, and some of the particular examples of those objects within the monument are not of significant historic or scientific interest."

Environmental groups and Native American tribes have vowed to tie up Trump's move in courts. Southern Utah Wilderness Alliance plans to file a suit "within days, if not hours," legal director Steve Bloch said.

"The general gist of the argument regarding both national monuments is that the Antiquities Act is a limited grant of authority from Congress to the president to establish national monuments," Bloch said. "Nowhere in the act does Congress give the president the power to revoke or diminish national monuments, and by doing so the president is acting beyond his authority and unlawfully."

The Navajo Nation also promised to fight Trump's decision. The Navajos, who consider the Bears Ears monument of "critical importance" to the culture of many tribes in the region, said the White House ignored their requests to meet and discuss the issue.

"The decision to reduce the size of the Monument is being made with no tribal consultation," Navajo President Russell Begaye said in a press release. "The reduction in the size of the monument leaves us no choice but to litigate this decision."

A spokesman for the tribe did not immediately respond to questions.

Trump is also in danger of inflaming public opinion even while he appeases the Utah congressional delegation. Besides environmentalists, hunting and fishing groups have come out against the move, including some groups that had expressed early optimism about Trump and Zinke.

"Staircase Escalante in particular is troubling with a carve-out for the coal industry," said Land Tawney, president of Backcountry Hunters and Anglers. "That carve-out is smack dab in the middle of some of the most important habitat for desert bighorn sheep and will impact that species immensely, all for some coal that will most likely be sent to China."

Tawney had said a year ago that he hoped Trump and Zinke would oppose GOP efforts to "liquidate" federal lands. But more recently, as Zinke has carried out Trump's review of past presidents' monument designations, Tawney's organization has run ads out West asking, "What Happened to Ryan Zinke?"

Oil and gas companies, which have supported Trump and his push for American "energy dominance," welcomed the shearing back of the monuments' borders.

To view online click here.

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By Ben Lefebvre | 12/04/2017 03:10 PM EDT

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To view online click here.

Back

Nebraska regulators set hearings to review Keystone XL decision Back

By Ben Lefebvre | 12/04/2017 03:40 PM EDT

Nebraska Public Service Commission will hold a hearing on Dec. 12 for TransCanada and environmental groups to argue it should reconsider its decision on the Keystone XL pipeline.

The PSC last month approved a route for the controversial Keystone XL that did not follow the path the Calgary-based company originally proposed. That could force TransCanada to apply for additional permits.

The company, which asked for the additional hearing in late November, has said it is still reviewing the PSC's decision.

Besides TransCanada, the Sierra Club and Nebraska landowners also requested to approach the board during the hearing, the notice said. Each party will have 20 minutes to discuss the commission's decision. The commission will not make a decision based on the hearings until a later date, the PSC said.

WHAT'S NEXT: The parties will meet for the hearing in Lincoln, Neb., on Dec. 12.

To view online click here.

Back

Trump, Democrats restart talks to avert shutdown Back

By Sarah Ferris, Jennifer Scholtes and Seung Min Kim | 12/04/2017 01:27 PM EDT

Senate Minority Leader Chuck Schumer and House Minority Leader Nancy Pelosi said Monday they will meet with President Donald Trump to resume high-stakes negotiations to avoid a government shutdown at week's end.

The Thursday sit-down at the White House with Trump and GOP leaders would amount to a do-

over of the meeting Democrats ditched last week over a fiery Trump tweet that slammed the Democrats and cast doubt on the prospect of reaching a deal. The boycott caused a political spectacle and temporarily halted talks on a broader spending deal congressional leaders have been negotiating behind the scenes.

"We hope the President will go into this meeting with an open mind, rather than deciding that an agreement can't be reached beforehand," the Democratic leaders wrote in a joint statement.

Government funding runs out Friday at midnight, though Republican leaders believe they have the votes to push back that deadline until just before Christmas. Both parties hope to have reached a bipartisan, two-year agreement on overall spending levels for defense and nondefense programs by the time funding runs out again on Dec. 22.

That year-end deal is also likely to include other long-stalled legislative priorities, including addressing funding lapses for the Children's Health Insurance Program and the National Flood Insurance Program.

South Dakota Sen. John Thune, the third-ranking Senate Republican, said "probably not all [GOP senators] but most of them" will support the brief, two-week funding fix when it hits the Senate floor later this week.

"It's a matter of just making the government function," Thune said.

Democratic leaders reiterated on Monday that they are seeking a compromise to extend protections for the hundreds of thousands of undocumented immigrants who came to the country as children and are protected by an Obama-era program that Trump is ending in March.

Though top congressional Republicans would prefer to defer the immigration battle to early next year, several key GOP lawmakers are getting impatient and trying to work up their own legislative fix for Dreamers in order to pressure leadership.

Sen. Jeff Flake (R-Ariz.) quietly began working with Sen. Michael Bennet (D-Colo.) several weeks ago in a new "gang" to craft Dreamer legislation that could pick up 60 votes, according to a Flake spokesman. Flake and Bennet worked together nearly five years ago to write the Gang of Eight comprehensive immigration reform measure. Aides declined to name all the senators who are involved, although Democratic officials said Sen. Dick Durbin of Illinois is also engaged in the talks.

"To have those kids go through another end of the year without knowing what their status is, is not good," Flake said Monday evening. "There are a couple of issues we still need consensus on, but we're getting close on a number of them."

House GOP leaders plan to pass a two-week stopgap on Wednesday to buy more time for striking a broader spending deal. House Majority Leader Kevin McCarthy promised on Saturday at the Reagan National Defense Forum that "we'll get out of this mess."

But the major question remains the Senate, where Republicans will need Democrats to pass any stopgap legislation and the Democratic leadership has declined to say whether it will offer votes to avert a government shutdown, even if some of its members say they'll vote for a stopgap bill.

"It doesn't make a difference whether we do [vote for the continuing resolution] or not," said Vermont Sen. Patrick Leahy, the top Democrat on the Appropriations Committee. "The Republicans are in charge."

Sen. Dianne Feinstein (D-Calif.) said she expects enough Democrats to support the bill: "The last thing we need is for the government to shut down."

Enacting the temporary patch would likely allow GOP leaders to postpone Democratic demands on prickly political issues like the deal for young immigrants and funding for the children's health care program.

The two-week stopgap does include language, however, that would make more funding available until month's end to states that are running out of money for administering the children's health program.

House GOP leaders believe they can secure enough votes from Republicans alone to clear this week's stopgap bill without making concessions to Democrats. But some conservatives have scoffed at the idea of punting until Dec. 22, which they fear will lead to a rash of spending before Christmas.

House Freedom Caucus members have asked Ryan for a stopgap through Dec.30 instead

"It's still up in the air," one House GOP staffer said about whether Republicans will back the two-week continuing resolution. "It's like a Kabuki dance in slow motion."

Defense hawks have also balked at the idea of a stopgap bill through the end of January, warning of budgetary uncertainty for the Pentagon.

With that in mind, some House Republicans are pushing a strategy that would include a full year's worth of funding for the Defense Department on one of the stopgap bills this month.

Rep. Mike Gallagher (R-Wis.) said that strategy would allow the House GOP to take a "bigger stand."

"I don't think there's an appetite among ... defense hawks in Congress for a long-term CR going into the next year," Gallagher, a member of the House Armed Services Committee, said at the Reagan National Defense Forum on Saturday.

Senate Majority Leader Mitch McConnell on Monday was confident Congress could pass a short-term funding bill. "We'll pass it before the end of the week," he said on the floor of the two-week measure.

And Republican leaders, despite some agitation from their rank and file, see no justification for Democratic demands for tying a so-called Dreamers deal to legislation intended to prevent a government shutdown.

"You hear our Democratic colleagues say, well, they're going to shut down the government unless we capitulate on the DACA fix, which is not going to happen," Senate Majority Whip John Cornyn of Texas said on Monday.

White House Budget Director Mick Mulvaney noted over the weekend that Democrats who are hell-bent on getting a Dreamers deal aren't the only ones threatening to withhold votes on government funding. Some House "right-wingers" have threatened opposition, he noted, as well as lawmakers from hurricane-hit states who want more disaster aid.

"This just sheds light on the fact that the spending system is broken when any little group can sort of hold the government hostage," Mulvaney said on CBS' "Face the Nation" on Sunday. "We need to get beyond that. I think that we will. I don't think you'll see a government shutdown."

John Bresnahan, Rachael Bade and Connor O'Brien contributed to this report.

To view online click here.

Back

Ryan weighed stripping Frelinghuysen of chairmanship Back

By Rachael Bade and John Bresnahan | 12/04/2017 03:13 PM EDT

Speaker Paul Ryan and his leadership team recently discussed replacing House Appropriations Chairman Rodney Frelinghuysen after he bucked the party and voted against the GOP tax bill, multiple sources told POLITICO.

Ryan, House Majority Leader Kevin McCarthy (R-Calif.) and Majority Whip Steve Scalise (R-La.) over the Thanksgiving recess considered calling up the GOP steering committee charged with selecting chairmen to force a roll call on whether Frelinghuysen should maintain his position. Scalise, three sources said, pushed hard for the move and was furious that the New Jersey Republican opposed the legislation that leaders believe is vital to maintaining their majority.

"Committee chairmen are expected to support the team," said one senior GOP leadership aide said. "How does he expect to win support for his own bills when he's unwilling to support the President and Speaker's number one priority?"

Spokespeople for Ryan's office and the Appropriations Committee declined to comment.

News about the talks comes after Ryan last week pulled out of a fundraiser for Rep. Lee Zeldin of New York, another centrist Republican who voted against the tax bill. Both Zeldin and Frelinghuysen share concerns about what repealing the state and local tax deduction would mean for their high-tax districts, where constituents use that benefit to lower their federal tax bill.

But Republican lawmakers are even more angry about Frelinghuysen, who's one of the most powerful chairmen in the conference. Chairmen are expected to support GOP leaders on tough votes or major pieces of legislation. And Frelinghuysen, who hails from a more moderate-minded swing district, was not given a green light to vote against the tax bill.

The chairman's "no" vote is particularly sensitive because Ryan, McCarthy and Scalise often have to strong-arm other Republicans to vote for government funding bills that come out of Frelinghuysen's committee. There's a fear that if the chairman is not punished, other lawmakers will balk when GOP leaders need them most on spending bills.

"If there's no perceived blowback against Frelinghuysen, Ryan's hand is weakened," said a second House Republican source familiar with the back-and-forth. "It's almost a political necessity. There has to be real or perceived blowback."

At the same time, many conservative Republicans grew angry when former Speaker John Boehner removed lawmakers from prized committees for voting against leadership on critical bills. Boehner punished former Rep. Tim Huelskamp by kicking him off the Agriculture Committee — which helped lead to his primary defeat just over a year later.

"I disagree with the chairman's vote, but he, like all of us, should vote according to the principles on which he was elected—as long as within bounds of the Constitution," said Rep. Justin Amash (R-Mich.) on Twitter. "Leaders would be wise to surround themselves with more people, not fewer, who hold alternative viewpoints."

It's not the first time Frelinghuysen has gone against leadership. Ryan and his top lieutenants had to work hard to flip him from "no" to "yes" on the Obamacare repeal bill earlier this year. The New Jersey Republican did not want to vote for the health bill and worried it would undercut his re-election effort, multiple sources told POLITICO at the time.

Frelinghuysen was also one of only two Republicans to vote in early October against a GOP bill to restrict abortions after 20 weeks except in instances of rape or where the mother's life is in danger.

Beyond floor votes, Frelinghuysen clashed with Ryan over a new, controversial Authorization for the Use of Military Force. Frelinghuysen, eager to embrace "regular order," allowed his panel in June to adopt a bipartisan amendment to a spending bill that would phase out the post-9/11 authority for military action overseas and call for new war guidelines.

Ryan called it a "mistake" at the time — and instructed the House Rules Committee to strip the language from the bill before it even hit the floor.

Then, again to the chagrin of GOP leaders, Frelinghuysen took the unusual step in July of allowing controversial immigration language to be adopted by voice vote during a committee markup. Using the same tactic as with the AUMF provision, GOP leaders again overrode the chairman's call by plucking the immigration language before it reached the floor.

The discussion about Frelinghuysen's fate comes as Congress barrels toward a potential shutdown at week's end. House Republicans are expected to pass a two-week spending stopgap without Democratic support on Wednesday, a painful vote for conservatives and appropriators who see "continuing resolutions" as bad policy.

Even if a shutdown is averted, conservatives are likely to be forced in the coming weeks to accept an increase in non-defense spending in order to win a Pentagon budget boost — then back a massive omnibus in January that could include additional spending for other programs that is not offset with cuts elsewhere.

Jennifer Scholtes contributed to this report.

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National Academies study on rail ECP brake efficacy inconclusive Back

By Lauren Gardner | 10/05/2017 11:00 AM EDT

A National Academies committee tasked with reviewing DOT-conducted train brake testing could not conclude whether an advanced system that regulators have required for unit trains carrying hazardous materials like oil performs better in emergencies compared to others, according to a report released today.

That finding, based on results produced by DOT, may pave the way for the department to roll back a 2015 mandate for certain trains to install electronically controlled pneumatic brakes. Congress required studies of the requirement in the FAST Act and directed DOT to use the results to either justify its costs or repeal it by the end of 2017.

The latest report builds off an initial study released in February that determined DOT didn't adequately support why it planned to use certain parameters and factors to analyze ECP brakes and their performance relative to other systems. The panel made recommendations on that issue in advance of physical tests in the field and in a lab, which the members witnessed in the spring.

"DOT's efforts to validate its modeling and simulation approach in response to the committee's request do not instill sufficient confidence in DOT's comparison of the estimated emergency performance of ECP braking systems with that of" others, the report said.

A 2016 Government Accountability Office report on competing ECP braking studies from DOT

and the railroad industry concluded that both sides' studies suffered from a lack of data to support their claims, in part because at that time the railroad industry had shared limited data.

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GAO: Data lacking in DOT and freights' arguments on ECP brakes Back

By Jennifer Scholtes | 10/12/2016 04:39 PM EDT

Special brakes for trains hauling flammable liquids might not be as beneficial as the DOT claimed in its rule last year strengthening protections for crude-by-rail, the Government Accountability Office reported this afternoon.

DOT has argued that electronically controlled pneumatic brakes not only allow trains to stop faster but also save money by reducing fuel consumption, operational inefficiency and wear. But GAO says those conclusions were based on limited data — at least in part because the information railroads have shared on their use is itself limited.

"Industry stakeholders claim that DOT overestimated benefits," GAO stated in its report. "DOT's use of limited data adds uncertainty to the estimates that DOT did not always acknowledge in the rule and its supporting analysis."

The railroad industry has deployed its own studies finding essentially the opposite.

It may not be possible to determine which side's studies are most accurate, considering GAO found DOT's modeling "lacked transparency as the information published may not be sufficient to enable an independent third party to replicate it." GAO also dinged industry studies that suffered from the same lack of data: "only two out of five railroads provided GAO extensive quantifiable data to support these claims."

DOT contends GAO's argument is lacking and has disagreed with its recommendations that DOT "acknowledge uncertainty" in revising its economic analysis on ECP brakes, collect data from railroads on their use of the technology and publish more information on brake modeling.

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Revised ECP brake rule analysis shows costs greater than benefits Back

By Lauren Gardner | 10/13/2017 02:43 PM EDT

DOT's updated regulatory impact analysis of a 2015 braking mandate for certain unit trains found that its costs exceed its estimated benefits, putting the rule one step closer to repeal later this year.

While costs and benefits associated with the electronically controlled pneumatic braking requirement both decreased, the estimated benefits plummeted even more compared to the original analysis. DOT attributed the change to the decline of tank cars transporting flammable energy goods since 2015 and to railroads failing to order ECP brakes on new trainsets, meaning required installations would have to be done via costlier retrofits.

The FAST Act directed DOT to update its analysis to take into account studies by GAO and the National Academies on ECP brakes, though the department indicated it will review the National Academies report during the comment period. Freight railroads and some lawmakers had protested the ECP requirement, arguing that not enough data exists to justify the cost of retrofitting them onto locomotives.

DOT has until early December to justify the ECP requirements or repeal them.

The Association of American Railroads applauded the updated report and said it shows the rule should be thrown out. But the group took issue with DOT's citations of testing FRA conducted within the analysis, pointing to the National Academies study that couldn't conclude whether those brakes were more effective than others.

"Nothing could be further from the truth," the group said, regarding the study's validity.

Comments on the updated analysis are due Nov. 1.

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Greens sue EPA over missed ozone designation deadline Back

By Alex Guillén | 12/04/2017 03:04 PM EDT

Ten environmental and public health groups today sued EPA for missing a key deadline to implement the 2015 ozone standard.

EPA faced a statutory deadline on Oct. 1 to say which parts of the U.S. were meeting the new ozone standard. Administrator Scott Pruitt said over the summer that he would delay that decision by one year, although he reversed course after several lawsuits were filed. EPA last month issued designations for 85 percent of all U.S. counties which it said met the standard or did not have enough information to decide.

But the agency has remained silent on the remaining 15 percent of the nation, which includes

many of the urban and downwind regions that face the worst smog pollution. Any area deemed in "nonattainment" will have to write a plan to reduce ozone-related pollution, and EPA's delay also puts off any requirement for those areas to act.

A coalition of Democratic attorneys general is also expected to sue EPA soon.

EPA has faced similar lawsuits after delaying designations under previous standards — such as the 2010 sulfur dioxide rule, for which environmental groups negotiated a consent decree with the Obama administration that set a series of designation deadlines lasting through 2020.

It's unclear whether a similar deal can be reached here. Pruitt recently issued a directive barring EPA from agreeing to such consent decrees. If EPA resists negotiations, the court may set its own timeline for the agency to act.

WHAT'S NEXT: The environmentalists' suit was filed in the U.S. District Court for Northern California. EPA has not indicated when it may act on the remaining designations.

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Judge says Interior delay of methane waste rule was illegal Back

By Alex Guillén | 10/04/2017 07:32 PM EDT

A federal judge ruled today that the Bureau of Land Management's June postponement of key compliance dates for the methane waste rule was unlawful.

BLM relied on Section 705 of the Administrative Procedure Act to justify the delay. But Magistrate Judge Elizabeth Laporte of the U.S. District Court for Northern California said it was too late because the rule's effective date had already passed. That means BLM should have gone through a round of notice-and-comment rulemaking before suspending any part of the rule, she said.

Coincidentally, the ruling came on the same day that Interior proposed an 18-month delay of the methane waste rule as it works to rewrite it.

Laporte's ruling acknowledges the pending rulemaking but said it could be months before it is finalized and takes effect, and may not survive its own legal challenge, giving her no reason to pause now.

She vacated the delay and ordered the requirements reinstated. She rejected BLM's arguments that the delay should be kept in place, saying that doing so would create "a free pass for agencies to exceed their statutory authority and ignore their legal obligations under the APA, making a mockery of the statute." And Laporte said any company that misses upcoming January deadlines

because of Interior's delay is in "a problem to some extent of their own making."

Laporte previously used similar legal reasoning to strike down Interior's delay of a resource valuation rule.

WHAT'S NEXT: BLM will take public comment for 30 days on its new proposal to delay the methane waste rule.

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BLM proposes 18-month delay to methane rule Back

By Ben Lefebvre | 10/04/2017 09:59 AM EDT

The Interior Department proposed to suspend enforcement of an Obama-era rule on methane emissions for 18 months as it plans to rewrite it, according to a document to be filed tomorrow in the Federal Register.

"The BLM is currently reviewing the 2016 final rule and wants to avoid imposing temporary or permanent compliance costs on operators for requirements that may be rescinded or significantly revised in the near future," the agency said in the document.

The agency said it is concerned that the final rule analysis "may have underestimated costs and overestimated benefits, and [BLM] is therefore presently reviewing that analysis for potential inaccuracies."

The 2016 rule was intended to require oil and gas developers on federal lands to capture more of the methane that leaked during their operations. The rule went into effect in January 2017 and survived an effort by Congressional Republicans to repeal it.

WHAT'S NEXT: BLM will accept public comments on the proposal for 30 days.

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Trump judge assigned challenge to EPA water rule delay Back

By Alex Guillén | 12/04/2017 04:01 PM EDT

Environmentalists' lawsuit seeking to end EPA's delay of a regulation limiting power plants' toxic wastewater discharge has been assigned to a judge newly placed on the bench by President

Donald Trump.

The suit was reassigned today from Judge Ketanji Brown Jackson, an Obama appointee, to Judge Dabney L. Friedrich, who was confirmed by the Senate last week by a vote of 97-3.

Green groups filed the lawsuit in May after EPA stayed certain requirements under the rule, known as the steam electric effluent limitations guidelines. But in September, EPA finalized a delay of certain implementation deadlines as it works to reconsider those parts of the rule, and the agency argues that means this lawsuit should be dismissed as moot since the stay was ended.

EPA and environmentalists have been trading briefs on the matter in the months since.

Friedrich was a former White House attorney under George W. Bush and was formerly an aide to Sen. Orrin Hatch. From 2006 to 2016, she served on the U.S. Sentencing Commission, which creates sentencing guidelines for federal courts.

WHAT'S NEXT: Friedrich will have to determine whether to dismiss the suit, but will likely need time to get up to speed on the case.

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EPA delays parts of power plant toxic discharge rule Back

By Alex Guillén | 09/13/2017 03:35 PM EDT

EPA has finalized a rule delaying by two years the key compliance dates for a 2015 regulation limiting toxic discharges in power plants' wastewater streams while it reconsiders those standards.

The delay provides "relief from the existing regulatory deadlines while the agency revisits some of the rule's requirements," EPA Administrator Scott Pruitt said in a statement.

Following industry requests, EPA specifically is delaying deadlines related to limits on discharges of flue gas desulfurization wastewater and bottom ash transport water, two waste streams associated with burning coal for electricity. EPA estimates the two-year delay of those requirements will provide annualized utility cost savings between $27.5 million and $36.8 million.

The agency said it will not revisit new standards for other types of waste streams — including fly ash transport water, flue gas mercury control wastewater and gasification wastewater — and will leave deadlines associated with those streams in place.

The delay will take effect two weeks after it is published in the Federal Register, and is open to

court challenges.

The Obama administration said the overall rule, known as effluent limitations guidelines or ELGs, ultimately would curb 1.4 billion pounds of aluminum, lead, mercury, arsenic and other toxic metals from entering waterways via discharge streams each year.

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Head of conservative states' air group to take top EPA post Back

By Emily Holden | 12/04/2017 05:07 PM EDT

EPA is hiring Clint Woods, the head of an association that represents conservative state air agencies that have challenged federal pollution and climate regulations, to become deputy assistant administrator of the agency's air office.

Woods is executive director of the Association of Air Pollution Control Agencies. He previously worked for the energy and environment subpanel of the House Science Committee and for the American Legislative Exchange Council, an organization of conservative state legislators and businesses. Before that, he was government affairs manager for the Recreation Vehicle Industry Association.

Woods will work under the agency's air chief, Bill Wehrum, a former Hunton & Williams lawyer who has represented fossil fuel and chemical companies and was acting head of the air office under the Bush administration. Woods says he will also work with Principal Deputy Assistant Administrator Mandy Gunasekara, who took up the role last month, and David Harlow, an EPA air adviser from the same law firm as Wehrum.

Woods did not say what his specific duties would be but noted that his time with state and local agencies through AAPCA will "draw a lot of parallels" with EPA's work in implementing the Clean Air Act through cooperative federalism.

He is currently based in Lexington, Ky., and will assume his new position in mid-December.

AAPCA President Stuart Spencer, the associate director of the Arkansas Department of Environmental Quality, said Woods helped grow membership, increased engagement with EPA and produced reports on the state role in environmental protection.

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Dourson at risk of rejection as more Republicans lean no Back

By Nick Juliano and Anthony Adragna | 11/16/2017 05:55 PM EDT

President Donald Trump's nominee to a key chemical safety job at the EPA is at risk of rejection after Republican senators balked amid accusations that he is too eager to cover for companies peddling dangerous products.

North Carolina's two GOP senators have said they will vote against confirming Michael Dourson as an EPA assistant administrator, citing a record that included work on a chemical linked to cancer deaths near a Marine Corps base in their home state. And Maine Republican Susan Collins said Thursday that she is leaning no as well — a vote that would be enough to sink his nomination.

Democrats are optimistic about turning four additional Republicans who they believe should be in play based on contamination issues back home.

Republican leaders have not decided what to do about Dourson's nomination, Senate Majority Whip John Cornyn (R-Texas) said Thursday.

"We'll have to see whether it's a viable nomination, and with two against him obviously that doesn't leave us a lot of room," Cornyn told POLITICO. "We haven't made a decisions on that yet, but we'll be revisiting it."

Critics say Dourson, a former industry-funded toxicologist, regularly downplayed the risks of chemicals such as PFOA and trichloroethylene that are contaminating soil and water in communities across the country. Dourson has already begun working at EPA as a senior adviser to Administrator Scott Pruitt, an arrangement Democrats have condemned as improper.

"There are all these local contamination issues across the country that have been bubbling up recently or have been out there for years, and because Dourson is this hired gun ... he's almost by nature of his job been working on these really controversial chemicals," said Jack Pratt, chemicals campaign director for the Environmental Defense Fund, which opposes Dourson's nomination.

Republican North Carolina Sens. Thom Tillis and Richard Burr said Wednesday that they could not support Dourson because of his past work as a toxicologist who was frequently hired by industry to rebut public health concerns about chemicals. Collins said Thursday that she is "leaning against" confirming him.

A legislative aide said Democrats are eyeing Republican Sens. Jeff Flake of Arizona, Lisa Murkowski of Alaska, Bob Corker of Tennessee and Pat Toomey of Pennsylvania, although Flake, Toomey and Corker told POLITICO they're still undecided.

"Sen. Toomey remains concerned about the PFOA issue in Bucks County and Montgomery County and remains dedicated to addressing it," a spokesman for the Pennsylvania Republican

said, naming two Philadelphia-area counties where toxic firefighting chemicals leached into the ground from two closed naval bases. Toomey is reviewing the nomination "with these concerns in mind," but the spokesman did not say how he plans to vote.

However, even if the nomination is pulled or rejected, Dourson will still be able to influence EPA's implementation of a major chemical safety law because he has already started working at the agency. Democrats have criticized that arrangement, though EPA says previous administrations allowed people to begin working there before being confirmed.

EPA's chemical safety office, which Dourson has been nominated to lead, has a heavy workload after Congress in 2016 passed a bipartisan law updating the Toxic Substances Control Act for the first time in nearly 40 years. The office has been charged with evaluating the safety of chemicals already in use and determining how to test new chemicals before they are allowed into the marketplace.

The near-universal support TSCA reform won in Congress last year may help explain the wariness among lawmakers about giving chemical industry allies too much of a foothold in EPA.

"They wanted to give the public some assurance that the products on their shelf are safe, and when you put the chemical industry in charge that's not going to happen," said Madeleine Foote, a legislative representative with the League of Conservation Voters.

Tillis and Burr stopped short of calling for Dourson to step down from his existing position at the agency. "I'll leave that up to the EPA to decide," Tillis told POLITICO.

Sen. Joe Manchin (D-W.Va.), who has supported several Trump nominees, said he would vote against Dourson but not object to him continuing to work at EPA.

Before joining EPA last month, Dourson was a professor at the University of Cincinnati College of Medicine's Risk Science Center, and he founded the nonprofit Toxicology Excellence for Risk Assessment, which was often conducted industry-funded research. He also previously worked at EPA from 1980 to 1995. Past clients of Dourson and his research group have included Dow Chemical, Koch Industries and Chevron, according to the Associated Press.

Critics say Dourson's research routinely concluded that chemicals were safer in far higher concentrations than those recommended by agencies like EPA, putting communities at greater risk of finding toxic substances like perchlorate, TCE or PFOA in their air or drinking water.

Pratt said Dourson's work followed a pattern.

"Over and over again these chemical companies would hire him, he'd look at the research, and say the standard that EPA or whatever regulatory body has is too strict — it should be looser," Pratt said.

EPA defended the nominee.

"Dr. Michael Dourson is a highly qualified scientist to lead EPA's Office of Chemical Safety and Pollution," EPA spokesman Jahan Wilcox said in a statement. "He worked at EPA for 15 years, founded a program that characterized the health hazards of chemicals, performed pro-bono work that saved a family near Cincinnati and his expertise on TCE contamination resulted in settlements that helped 130 families outside of San Francisco."

Dourson told the Environment and Public Works Committee at his confirmation hearing last month that he did not have a thumb on the scale.

"I can give you as many or more examples of situations where the science that we brought forward as a team actually lowered the safe dose or risk position for various sponsors," Dourson told Sen. Tom Carper (D-Del.) at the hearing. "If confirmed, I will rely on the guidance of EPA ethics officials."

Tillis and Burr said they could not support Dourson based on his record and North Carolina's history of chemical pollution problems, such drinking water at Camp Lejeune that was contaminated for decades by chemicals including trichloroethylene. TCE is one of the first 10 chemicals EPA must evaluate under the new safety law, but Dourson has previously endorsed health standards that are 1.5 to 15 times less protective than those backed by other researchers, according to EDF.

Retired Marine Corps Master Sgt. Jerry Ensminger, whose daughter died of leukemia linked to the contaminated water at Camp Lejeune, met with Tills and aides to Burr to urge their opposition, according to the Wilmington Star News.

Among his other industry-funded work, Dourson appeared before an EPA scientific advisory panel session concerning the pesticide chlorpyrifos on behalf of CropLife America. He led a 2008 paper on acrylamide, which can form during high-temperature cooking of some starchy foods, that received funding from major food companies like Burger King, Frito-Lay and McDonald's. And he studied 1-bromopropane, a solvent linked to some neurological and reproductive disorders, in 2004 with funding from Albemarle Corp. and Ameribrom Inc.

In all cases, he recommended standards many factors less protective than public health and EPA research suggested.

He also has done work for industry-friendly state governments. In the early 2000s, Dourson helped West Virginia set drinking water guidance limits for PFOA, also known as perfluorooctanoic acid or C8, at 150 parts per billion. That was 150 times less protective than manufacturer DuPont's own internal standard of 1 part per billion and more than 2,000 times less protective than EPA's recommendation of 70 parts per trillion.

During his confirmation hearing, Dourson argued that the research had evolved significantly since his recommendation to West Virginia, saying that "the science has progressed, significantly advanced since the time of 2004 and the new science indicates a lower level." And he defended the integrity of his work overall.

"Throughout my career — with EPA, TERA and now with the University of Cincinnati — I have been objective in my work and applied sound science to come to my conclusions," Dourson said.

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From: EPA Press Office
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Subject: PHOTOS: EPA Administrator Pruitt Makes Stops in Iowa

PHOTOS: EPA Administrator Pruitt Makes Stops in Iowa

Nevada, Iowa (December 1, 2017) — Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt visited Iowa and met with the Iowa Association of Electric Cooperatives (IAEC), state officials, and farmers to discuss ongoing partnerships with the Agency.

"I was encouraged by the open dialogue with members of the electric cooperatives, Governor Reynolds, and Iowa farmers," **said EPA Administrator Scott Pruitt**. "We must continue to strengthen our partnerships with state and local leaders to further our goals of bringing regulatory certainty and clarity for Iowa and across the country."

Administrator Pruitt started the day at the IAEC annual meeting where he addressed more than 500 leaders from across the state about EPA's proposal to repeal the Clean Power Plan (CPP) and proposal to rescind the 2015 "Waters of the United States" (WOTUS) rule.

"We were honored to have Administrator Pruitt address our 500 attendees during our statewide annual meeting this morning," **remarked Chuck Soderberg, executive vice president of the Iowa Association of Electric Cooperatives**. "Iowa's not-for-profit electric cooperatives are committed to providing power that is safe, reliable, affordable and environmentally responsible. Hearing from Administrator Pruitt today made us feel confident the EPA is listening to our needs and concerns. We commend him for working to provide a common-sense regulatory framework that gives electric co-ops flexibility and certainty to meet the needs of our member-owners."

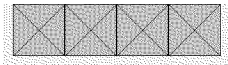
Following the electric cooperatives meeting, Administrator Pruitt met with over 150 Iowa farmers at a farm in Nevada. The dialogue was focused on the WOTUS rule, long-term plans for the Renewable Fuel Standards (RFS) program, and EPA's new standards for the use of the pesticide dicamba. Governor Kim Reynolds (R-IA) and other state officials joined Administrator Pruitt for the discussion.

EPA Administrator Scott Pruitt meets with members of the Iowa Association of Electric Cooperatives.

Chuck Soderberg, executive vice president of the Iowa Association of Electric Cooperatives, interviews EPA Administrator Scott Pruitt at the annual IAEC meeting.

EPA Administrator Scott Pruitt addresses local Future Farmers of America students in Nevada, Iowa.

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Subject: Supreme Court to settle judicial procedure dispute in solar pricing case

By Alex Guillén

12/01/2017 03:34 PM EDT

The Supreme Court has agreed to hear an appeal stemming from a lawsuit over solar power pricing, but the justices will only weigh in on a dispute over judicial procedure in the case, not the underlying pricing issue.

The case involves a lawsuit brought by SolarCity against the Salt River Project Agricultural Improvement and Power District, an Arizona governmental entity and power supplier. The solar installer alleges the district created a penalty for homeowners who obtain their own electricity that caused a 96 percent drop in applications for home solar arrays in that area.

During proceedings in a trial court, the district argued to have the case dismissed because it is authorized by the state to set prices and thus should be considered immune from federal antitrust challenges. The trial judge denied that request.

The district subsequently challenged that ruling in the 9th Circuit Court of Appeals through what is supposed to be a narrow exception to how judicial orders are appealed known as the "collateral-order doctrine." Neither the 9th Circuit nor the Supreme Court has ever weighed in on whether "state-action" antitrust immunity can be appealed that way.

The 9th Circuit concluded in June that it cannot because it is "a defense to liability and not an immunity from" lawsuits. That decision was consistent with similar rulings from the 4th and 6th Circuits — but at odds with rulings from the 5th and 11th Circuits. The Supreme Court is more inclined to hear cases in which lower courts disagree.

WHAT'S NEXT: Oral arguments likely will occur in late winter or early spring of next year. The case is *Salt River Project Agricultural Improvement and Power District v. SolarCity*, 17-368.

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https://www.politicopro.com/energy/whiteboard/2017/12/supreme-court-to-settle-judicial-procedure-dispute-in-solar-pricing-case-182800

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Subject: BREAKING NEWS: Conyers to decide within days on political future

Rep. John Conyers (D-Mich.) will decide in the next few days whether to resign in the face of sexual harassment allegations involving three women, his attorney said.

"We will discuss in the next day or so what Mr. Conyers plans to do," the attorney, Arnold Reed, said at a news conference in Detroit. "As you know his health is not the best, is not what it should be, he has undergone a second round of examinations. I will meet and confer with doctors and it will be Congressman John Conyers who will be the one to decide what it is he's going to do."

Read more: https://www.politico.com/story/2017/12/01/conyers-resigns-following-sexual-harassment-scandal-267879

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Today's Playbook Power Briefing presented by PhRMA

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman), DANIEL LIPPMAN (daniel@politico.com; @dlippman) and ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

BULLETIN -- AP at 12:01 p.m.: "WASHINGTON (AP) - Senate Republican leader Mitch McConnell on tax overhaul: 'We have the votes.'"

FLAKE, JOHNSON, DAINES ALL AT YES -- READ SEUNG MIN KIM, BRIAN FALER and **COLIN WILHELM** on taxes -- Story will be updated throughout the day. http://politi.co/2AkigOo

Good Friday afternoon. BOMBSHELL -- "Flynn has promised special counsel 'full cooperation' in Russia probe: Source," by ABC News' Brian Ross, Matthew Mosk, Josh Margolin, Adam Kelsey and Veronica Stracqualursi: "Retired Lt. Gen Michael Flynn has promised 'full cooperation' in the special counsel's Russia investigation and, according to a confidant, is prepared to testify that Donald Trump directed him to make contact with the Russians, initially as a way to work together to fight ISIS in Syria. ... A close confidant told ABC News that Flynn felt abandoned by Trump in recent weeks, and told friends about the decision to make the plea deal within the last 24 hours as he grew increasingly concerned about crippling legal costs he would face if he continued to contest the charges." http://abcn.ws/2kgesb2 ... ***The charge*** http://bit.ly/2j5VHDE

-- NYT'S EILEEN SULLIVAN, ADAM GOLDMAN and **MIKE SHEAR:** "President Trump's former national security adviser, Michael T. Flynn, pleaded guilty on Friday to lying to the F.B.I. about conversations with the Russian ambassador last December during the presidential transition, bringing the special counsel's investigation into the president's inner circle. ...

"The investigation has dogged Mr. Trump's first year in office. While Mr. Trump can point to the court documents and say they show no evidence of collusion with Russia, the special counsel's filings so far paint a damning portrait of Mr. Trump's associates. His former campaign chairman, two other campaign aides, and his former national security advisers have now all been charged with felonies.

"In one of the conversations described in court documents, the men discussed an

upcoming United Nations Security Council vote on whether to condemn Israel's building of settlements. At the time, the Obama administration was preparing to allow a Security Council vote on the matter.

"Mr. Mueller's investigators have learned through witnesses and documents that Prime Minister Benjamin Netanyahu of Israel asked the Trump transition team to lobby other countries to help Israel, according to two people briefed on the inquiry. Investigators have learned that Mr. Flynn and Mr. Trump's son-in-law and senior adviser, Jared Kushner, took the lead in those efforts. Mr. Mueller's team has emails that show Mr. Flynn saying he would work to kill the vote, the people briefed on the matter said.

"In the other discussion, according to court documents, Mr. Flynn asked Mr. Kislyak that Moscow refrain from escalating the situation in response to sanctions announced by the Obama administration that day against Russia over its interference in the presidential election. And Mr. Kislyak told Mr. Flynn that Russia 'had chosen to moderate its response,' the documents said. The following day, President Vladimir S. Putin of Russia said Moscow would not retaliate against the United States in response to the sanctions. Mr. Trump praised the Russian leader in a Twitter post. 'Great move on delay (by V. Putin) - I always knew he was very smart!' Mr. Trump wrote." http://nyti.ms/2ANYnjW

FLYNN'S STATEMENT: "After over 33 years of military service to our country, including nearly five years in combat away from my family, and then my decision to continue to serve the United States, it has been extraordinarily painful to endure these many months of false accusations of 'treason' and other outrageous acts.

"Such false accusations are contrary to everything I have ever done and stood for. But I recognize that the actions I acknowledged in court today were wrong, and, through my faith in God, I am working to set things right. My guilty plea and agreement to cooperate with the Special Counsel's Office reflect a decision I made in the best interests of my family and of our country. I accept full responsibility for my actions."

TY COBB'S STATEMENT: "Today, Michael Flynn, a former National Security Advisor at the White House for 25 days during the Trump Administration, and a former Obama administration official, entered a guilty plea to a single count of making a false statement to the FBI.

"The false statements involved mirror the false statements to White House officials which resulted in his resignation in February of this year. Nothing about the guilty plea or the charge implicates anyone other than Mr. Flynn. The conclusion of this phase of the Special Counsel's work demonstrates again that the Special Counsel is moving with all deliberate speed and clears the way for a prompt and reasonable conclusion."

-- Flynn was dismissed from the Obama administration. He was director of the Defense Intelligence Agency.

GET SMART FAST -- "The definitive Trump-Russia timeline of events," by Matt Nussbaum http://politi.co/2zINcEI

BY THE WAY... -- "Special counsel Robert Mueller's investigation tops $5 million," by ABC News' Pierre Thomas: "Those expenses include money for a staff of more than 16 attorneys, dozens of FBI agents, support staff, travel and office supplies. A more detailed breakdown of those expenditures is expected to be released in the coming days. Investigations of this nature can take years to resolve and run into the tens of millions of dollars." http://abcn.ws/2kcGunD

ONE WEEK UNTIL THE GOVERNMENT RUNS OUT OF MONEY -- HOUSE REPUBLICAN LEADERS faced backlash this morning when they pitched their idea to keep government open past Dec. 8. Here's what they want to do: they want to pass a stopgap funding bill next week, which would last until Dec. 22. Then they'd work to pass a tax bill, and set up a major spending-cap deal. Then at the end of December, they'd look to pass another funding bill that could potentially be loaded up with lots of elements, including renewing a children's health-care program and boosting spending caps. That would be a really, really tough vote.

-- CONSERVATIVES DON'T LIKE THIS. Rep. Jim Jordan (R-Ohio), a top conservative, told us that he wants a one-month government funding bill, with some additional money for the military.

WE SPOKE TO HOUSE MAJORITY LEADER KEVIN MCCARTHY (R-CALIF.) after the meeting. He laughed and said it went "wonderful."

-- MCCARTHY said, "Someone brought up a very good idea." He said someone floated the idea of setting the expiration of government funding to after Christmas. That would screw up everyone's last week of December. "I wouldn't be opposed to it."

-- NO DACA THIS YEAR, MCCARTHY SAID: "I don't think the solution for DACA -- I don't see it out there right now. So I don't see how you would get it done this month ... DACA's timeline is further out in March, you still have time to solve that problem."

-- THIS IS A MAJOR BLOW to operatives and moderate Republicans pushing a DACA fix before the end of the year. They were hoping that McCarthy would be the key advocate they needed in House Republican leadership to make their case.

TRUE FACT -- This is going to be a really, really long month.

****** **A message from PhRMA: How much are hospitals marking up medicine prices?** According to new Moran Company analysis, hospitals mark up medicine prices nearly 500 percent. The analysis of 20 medicines also found a hospital is paid 2.5 times what the biopharmaceutical company, who brought the medicine to market, receives. Read more: http://onphr.ma/2hSaqox ******

FARENTHOLD SETTLED SEXUAL HARASSMENT CLAIM -- RACHAEL BADE SCOOP: "Rep. Blake Farenthold used taxpayer money to settle a sexual harassment claim brought by his former spokesman -- the only known sitting member of Congress to have used a little-known congressional account to pay an accuser, sources told POLITICO. Lauren Greene, the Texas Republican's former communications director, sued her boss in December 2014 over allegations of gender discrimination, sexual harassment and creating a hostile work environment.

"Greene claimed in the lawsuit that another Farenthold aide told her the lawmaker had 'sexual fantasies' and 'wet dreams' about Greene. She also claimed that Farenthold 'regularly drank to excess' and told her in February 2014 that he was 'estranged from his wife and had not had sex with her in years.' When she complained about comments Farenthold and a male staffer made to her, Greene said the congressman improperly fired her. She filed a lawsuit in U.S. District Court in the District of Columbia, but the case was later dropped after both parties reached a private settlement." http://politi.co/2kewYRa

THE EMBASSY WILL REMAIN IN TEL AVIV -- "Trump to declare Jerusalem the capital of Israel on Wednesday," by Axios' Jonathan Swan: "President Trump is giving a speech Wednesday declaring Jerusalem the capital of Israel, according to two sources with direct knowledge. A White House spokesman refused to confirm the report: 'The President has always said it is a matter of when, not if. The President is still considering options and we have nothing to announce.'" http://bit.ly/2kePI8C

SPOTTED -- Former Pennsylvania Republican Rep. Tim Murphy wearing a members pin and digging into breakfast at the Longworth cafeteria this morning. Murphy resigned effective Oct. 21 after the anti-abortion lawmaker allegedly encouraged his lover to terminate a pregnancy. ***Pic*** http://bit.ly/2AjGBUL

REX TILLERSON on reports of his impending ouster: "It's laughable." ***Video from the State Department*** http://bit.ly/2zEJOuG

FALLOUT FROM THE PRESIDENT'S TWEETS -- "Donald Trump's 'working visit' to UK dropped as tensions with Theresa May grow over president's far-Right retweets," by The Telegraph's Ben Riley-Smith and Kate McCann: "U.S. diplomats have dropped plans for Donald Trump to conduct a visit to Britain in January amid a war of words between the two countries' leaders. Mr Trump, the US president, had been pencilled in for a 'working visit' in the first month of 2018 to formally open America's new London embassy.

"The trip, a scaled down version of a state visit with no meeting with the Queen, was intended to allow Mr Trump to come to the UK while avoiding the mass protests a full state visit would likely trigger. However, The Telegraph can reveal that the trip has been pushed into the long grass, with no new date in the diary picked." http://bit.ly/2zF0ja0

REMEMBER THE CFPB FIGHT? -- "U.S. consumer financial watchdog official defies Trump from within agency," by Reuters' Patrick Rucker and Pete Schroeder: "In an email to CFPB managers Thursday evening, [Leandra] English reminded them of the pending enforcement actions and said other routine reports on consumer protections are due in December. English wrote colleagues that she wants 'to be sure that these are still on track,' according to the email seen by Reuters. She signed the email, 'Leandra English, Acting Director.'" http://reut.rs/2kdbKmG

SUBTWEET -- "Former President Barack Obama: 'Think before you tweet'," by the AP's Nick Perry in New Delhi: "When former President Barack Obama spoke to a leadership forum in India's capital on Friday, he never once used the words 'Donald Trump' and was careful to avoid any direct reference to his successor in the White House. Yet Obama made plenty of veiled references, from climate change to the perils of using Twitter. The responses often drew laughter from the audience at the Hindustan Times Leadership Summit, which was part of a three-country tour Obama is undertaking in one of his first global outings as a private citizen after leaving office." http://bit.ly/2nlTKYk

ON THE WORLD'S STAGE -- NHK: "Japan to set April 30, 2019 for abdication": "Japan's Prime Minister says the Imperial House Council reached a consensus on the date for the upcoming abdication of Emperor Akihito. Shinzo Abe says council members prefer April 30, 2019 for the historic occasion... the first abdication in 2 centuries. The following day will be Crown Prince Naruhito's accession." http://bit.ly/2kfLXtZ

WATCH THIS CASE -- "Gold dealer implicates Turkey's president in corruption scheme," by WaPo's Devlin Barrett and Erin Cunningham: "A Turkish gold trader testified Thursday that he was told his scheme to move billions of dollars in Iranian oil profits in violation of U.S. sanctions was approved by Turkish president Recep Tayyip Erdogan. The testimony by Reza Zarrab in federal court in New York marks the first time the U.S. case has implicated Turkey's president, who had railed against the prosecution and lobbied senior U.S. officials to release Zarrab." http://wapo.st/2zEI98q

TOP-ED -- MARK WALLACE and FRAN TOWNSEND in the NYT, **"The Case for Removing Extremist Videos From the Internet":** "A major victory in the fight against extremism was secured last month when YouTube announced that it had taken down the lectures and sermons of Anwar al-Awlaki, an American who had turned into a firebrand preacher and notoriously effective recruiter for Al Qaeda in the Arabian Peninsula. ... [The Islamic State's] sophisticated exploitation of the internet to spread its message must be matched by a systematic and resource-intensive effort that includes website hosting companies such as WordPress, encrypted communications platforms such as Telegram and file-sharing platforms such as JustPaste.it, apart from video platforms such as YouTube." http://nyti.ms/2AvYMaf

TODAY'S BEYOND THE BELTWAY -- Cuomo and de Blasio ramp up feud -- Phil Murphy vows to fight GOP tax bill http://politi.co/2kfkqsA

TV TONIGHT -- Shawna Thomas of VICE News, **Erica Werner** of the Washington Post and **Jonathan Swan** of Axios join Bob Costa on PBS' "Washington Week" to talk about taxes, the budget and sexual misconduct on Capitol Hill.

AFTERNOON READ -- "The Unlikely Strategy Behind Buffett's Investments in Encyclopedias," by Bloomberg Businessweek's Noah Buhayar: "[H]ere we are more than three decades later, as World Book celebrates its 100th anniversary, underlining a quirk of the Berkshire method: One of the world's greatest investors has created a conglomerate that holds on to a bunch of companies that are well past their prime. ... Buffett contends that this loyalty helps him buy more companies. The conglomerate, he's said, has no 'exit strategy' for the businesses it buys -- it doesn't flip acquisitions for a quick profit. 'That's one reason why Berkshire is usually the first -- and sometimes the only -- choice for sellers and their managers,' he wrote to shareholders in 2003." https://bloom.bg/2zHhTuj

PLAYBOOK METRO SECTION -- "High confidence that major dose of wintry weather is coming to D.C. late next week," by WaPo Capital Weather Gang's Wes Junker and Jason Samenow: "Over the next week, the weather pattern will rearrange itself from mild and fall-like to unambiguously winterlike. Colder-than-normal temperatures are on the way and, yes, above-normal chances for snow." http://wapo.st/2zGT55o

COMING ATTRACTIONS -- The Saban Forum, hosted by Brookings, kicks off tonight. Sen. Tom Cotton (R-Ark.) and former Israeli Prime Minister Ehud Barak will participate in a conversation moderated by Jeffrey Goldberg tonight, and Jared Kushner and Haim Saban will have a conversation on Sunday. ***Livestream and full schedule*** http://brook.gs/2BDQPxd

SPOTTED: Fox News Chris Wallace on a Virgin America flight from Dulles to Los Angeles. Fox News Sunday broadcasts from the Reagan Library this weekend ... Phil Mudd, former deputy director of the CIA's Counterterrorism Center, exiting the Yellow line train at Pentagon City. "He's just like us: did the awkward left-right scan for the escalator," per our tipster.

****** **A message from PhRMA:** According to new analysis from the Moran Company, hospitals mark up medicine prices, on average, nearly 500 percent. The analysis of 20 medicines also found a hospital is paid 2.5 times what the biopharmaceutical company, who brought the medicine to market, receives. While hospital markups lead to higher costs for patients, employers and payers, these markups are often overlooked in conversations about medicine costs. As the provider market continues to become more concentrated and the number of medicines being administered in hospital-owned facilities is growing, the amount hospitals mark up medicine prices needs greater scrutiny. http://onphr.ma/2Ba0TOa ******

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From: InsideEPA/climate
Sent: Tue 12/5/2017 8:36:35 PM
Subject: Latest News: API Touts Voluntary Methane Reduction Effort But Hedges On EPA Rules

December 5, 2017

Latest News

API Touts Voluntary Methane Reduction Effort But Hedges On EPA Rules

The oil and gas sector's main trade association, the American Petroleum Institute (API), is touting its new voluntary program for members to reduce emissions of the potent greenhouse gas methane from onshore production facilities, though officials are hedging on the role of EPA rules on the issue, which the Trump administration is seeking to roll back.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Wed 12/6/2017 6:20:11 PM
Subject: BREAKING NEWS: Trump: 'Is time to officially recognize Jerusalem as the capital of Israel'

The U.S. will officially recognize Jerusalem as Israel's capital and begin the process of moving its embassy there from Tel Aviv, President Donald Trump announced Wednesday, making good on a campaign promise that critics fear could shut the door on Israeli-Palestinian peace talks and ignite fresh violence in the region.

"Today we finally acknowledge the obvious: That Jerusalem is Israel's capital," Trump said. "This is nothing more or less than a recognition of reality. It is also the right thing to do. It's something that has to be done."

He also said the U.S. still wanted to see a peace agreement and would not take a position on "the specific boundaries of the Israeli sovereignty in Jerusalem or the resolution of contested borders."

Read more here: http://politi.co/2itFVll

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Fri 12/1/2017 4:42:13 PM
Subject: BREAKING NEWS: Flynn says he's cooperating with Mueller

Ex-national security adviser Michael Flynn released a statement saying he's cooperating with special counsel Robert Mueller's office because it's in the "best interests of my family and of our country."

Flynn on Friday pleaded guilty to one count of lying to the FBI about conversations he had with former-Russian ambassador Sergey Kislyak during the presidential transition.

Read the full story here.

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From: POLITICO
Sent: Wed 12/6/2017 5:39:05 PM
Subject: BREAKING NEWS: Franken to make announcement Thursday amid calls for resignation

Sen. Al Franken (D-Minn.) will be making an announcement Thursday, his office announced amid growing calls among fellow Democratic senators for him to resign. Franken's office did not release details on the nature of his announcement. Seven women have accused Franken of sexual misconduct.

Read more: http://politi.co/2iYW2LJ

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From: POLITICO
Sent: Tue 12/5/2017 6:19:22 PM
Subject: BREAKING NEWS: Kennedy troubled by Colorado's treatment of baker who refused cake for gay wedding

Justice Anthony Kennedy, the Supreme Court's champion of gay rights, seemed troubled Tuesday by Colorado officials' treatment of Masterpiece Cakeshop owner Jack Phillips after he turned down a gay couple's request for a custom cake to celebrate their wedding in 2012.

"Tolerance is essential in a free society. Tolerance is most meaningful when it's mutual," Kennedy said during oral arguments. "It seems to me the state in its position has been neither tolerant nor respectful of Mr. Phillips' religious beliefs."

However, Kennedy also expressed concern for the plight of gay couples who might be refused services.

Read more here: http://politi.co/2Au1Kvh

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From: POLITICO
Sent: Wed 12/6/2017 5:18:12 PM
Subject: BREAKING NEWS: Trump warns government shutdown 'could happen'

President Donald Trump said a government shutdown "could happen" Saturday, and tried to place the blame on Democrats if it took place.

"It could happen. The Democrats are really looking at something that is very dangerous for our country. They are looking at shutting down," he told reporters in the White House.

Trump accused Democrats of holding up a spending bill over immigration negotiations.

Read more: http://politi.co/2krynDS

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From: The Washington Post
Sent: Wed 12/6/2017 5:13:28 PM
Subject: Checkpoint: I wrote about one family's history in World War II. Now I wonder more about my own roots.



I wrote about one family's history in World War II. Now I wonder more about my own roots.

The birth of the 'Letters From War' podcast began with an invitation to Arizona.
By Dan Lamothe • Read more »

The Air Force failed to alert the FBI about Devin Kelley. Other branches are much worse at reporting violent criminals.

The Navy and the Army failed to report violent offenders at rates higher than the Air Force and Marine Corps.
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Men stood by women in combat. Now we need

them to enlist in the #MeToo movement.
Men have been my champions and they are unequivocally responsible for many of those cracks in the glass ceiling.
By Marjorie K. Eastman • Read more »

Pentagon to send drones to Niger, boosting the number of U.S. troops there
The mission in Niger has been under scrutiny after four elite U.S. soldiers were killed there in October.
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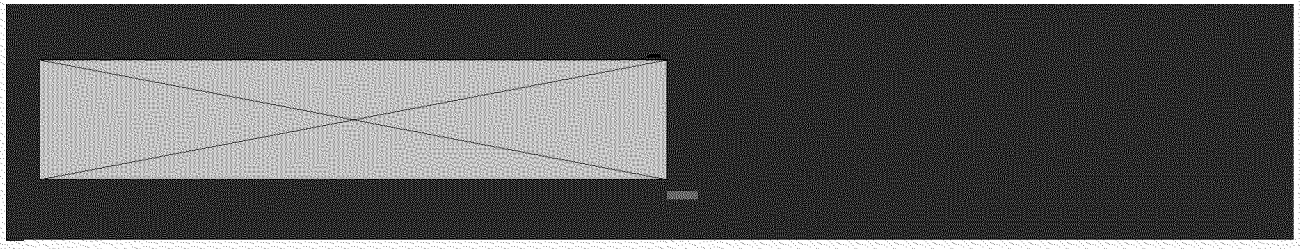
Senate panel advances $3.4 billion plan to dramatically expand benefits for veterans' caregivers
But there's concern a sweeping tax-cut proposal could put the program on hold again.
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: The Washington Post
Sent: Wed 12/6/2017 5:11:30 PM
Subject: Federal Insider: Despite Trump, federal employee morale improves under Trump



Despite Trump, federal employee morale improves under Trump

By Joe Davidson

A report says federal employee engagement has improved under President Trump. (Susan Walsh/AP)

If the top office on my job was unexpectedly filled with a racist, Islamophobe caught boasting about groping women, it would hurt my morale.

Not so, apparently, with many federal employees.

Although President Trump has repeatedly disgraced the nation, not to mention proposing cuts to federal employees' retirement and their workplaces, the morale of federal workers has gone up on his watch.

So say the data.

The Best Places to Work in the Federal Government rankings released Wednesday by the Partnership for Public Service and the Deloitte consulting firm, indicate, with notable exceptions, the federal government is a better place to work since Trump took office. Overall, there was a 2.1 point increase in 2017 employee engagement over 2016. The 61.5/100 score is the highest since 2011.

The rankings are based largely on the Federal Employee Viewpoint Survey that was conducted in May and June by the Office of Personnel Management (OPM). That survey, released in October, also indicated the highest level of employee engagement since 2011, predicting the Best Places findings. But the data's big picture conflict with the workplace image drawn by many federal employees who have expressed disgust and anxiety over the Trump administration. This year's increase is part of a three-year upward trend that began under former president Barack Obama. The scores are based on

Bill Valdez, president of the Senior Executives Association, explained it this way: "Those agencies that have not been dramatically impacted by changes in mission during the recent presidential transition — NASA, Transportation, HHS (Department of Health and Human Services) — have continued to build on the momentum begun in the Obama Administration to improve employee engagement, while those civil servants at agencies where their mission importance has increased in the new Administration — DHS (Department of Homeland Security), in particular — are seeing dramatically increased engagement scores. Those agencies with missions that are being reevaluated — State Department, Environmental Protection Agency — have decreased scores, which is a reflection of the uncertainty about how their missions are valued."

The largest federal union, the American Federation of Government Employees, had no comment.

Noting declines at important agencies, such as the Justice and State departments, Rep. Gerald E. Connolly (D-Va.), a Trump critic and federal employee advocate, said the overall score "masks some real exceptions." Improved rankings at some large agencies, especially the Defense Department, by far the government's biggest, somewhat skews the general report, he said, "because they are so big and have disproportionate impact."

Among the Best Places highlights:

- NASA, for the sixth year running, tops the large agency category.
- DHS was the most improved large agency. That's good news even as it remains last in its category.
- In the agency subcomponent group, Immigration and Customs Enforcement, better known as ICE, was the most improved, jumping by 11.5 points since last year. Note: The National ICE Council and National Border Patrol Council were the only federal unions to endorse Trump.

Among the agencies that fell are those that have struggled with threats of staffing cuts and mission change.

- State suffered its largest single-year drop, including a major fall of 9.2 points in staff views of senior leaders. For the first time since 2011, State was not among the top five large agencies.
- The Environmental Protection Agency (EPA) is one place facing employee complaints about distorted mission and diminished protection for the environment under Trump. Its score dropped for the first time since 2014, and EPA's Office of Air and Radiation experienced the largest decrease among small agencies and subcomponents.

Other results include:

- The best and worst score — The Tennessee Valley Authority Office of Inspector General reigns supreme at 92.1, while the Secret Service wallows with 33.0.
- OPM and the Office of Management and Budget (OMB) push policies affecting the workforce, but they are not model agencies. OMB joined the EPA office in the largest fall from grace in their category, tumbling 7.3 points. OPM's score dropped and the agency ranks 17 out of 25 in its category. OPM had no comment about their failings or the administration's larger achievements.

"While we are glad to see the improvement overall, we are certainly disappointed in our score and look to redouble our efforts to improve," said Coalter Baker, OMB's deputy press secretary. "We will strive to seek and balance a proper and appropriate work environment so that the dedicated public servants here at OMB can focus on making a positive difference in our country."

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Whistleblowers take note: OMB's score on a question about employees believing they "can disclose a suspected violation of any law, rule or regulation without fear of reprisal" dropped by 6 points, more than any other agency this year.

OPM initially withheld data on 186 agencies and subcomponents, for first time since the Best Places reports began in 2003. OPM relented Tuesday afternoon in the face of critical questions. Now the Partnership expects to revise the rankings early next year.

That's a headache, but Max Stier, the Partnership's president and chief executive, took the high road.

"OPM's decision to now provide more complete government-wide data will make it easier for agencies to compare themselves to their federal counterparts," Stier said, "and help Congress and the Trump administration engage in comprehensive oversight of federal workforce management."

Read more:

[Federal employees more positive about working for Uncle Sam]

[John Palguta, a force behind Best Places in Federal Government reports, retires]

[Feds' best places to work might not be so good for long]

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Q&A from Federal Insiders: Harassment in the workplace

Eighteen percent of women and six percent of men report experiencing at least one incident of sexual harassment in the previous two years.

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Mostly white male tech sector needs government help on diversity

Government watchdog report says agencies can do more to help change the face of the industry.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Wed 12/6/2017 4:33:32 PM
Subject: BREAKING NEWS: Gillibrand calls on Franken to resign

Sen. Kirsten Gillibrand (D-N.Y.) called for Sen. Al Franken (D-Minn.) to resign in the wake of multiple sexual misconduct allegations against him.

"While Senator Franken is entitled to have the Ethics Committee conclude its review, I believe it would be better for our country if he sent a clear message that any kind of mistreatment of women in our society isn't acceptable by stepping aside to let someone else serve," Gillibrand said in a Facebook post.

Gillibrand is the first of Franken's fellow Senate Democrats to take that step.

Read more: https://www.politico.com/story/2017/12/06/gillibrand-calls-on-franken-to-resign-282112

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 12/6/2017 4:17:03 PM
Subject: EPA watchdog to examine Pruitt's meeting with mining group

By Anthony Adragna

12/06/2017 11:15 AM EDT

The EPA's inspector general has agreed to establish a "factual record" about a meeting Administrator Scott Pruitt held with the National Mining Association that could be used to determine whether he violated anti-lobbying laws.

In its response released today, the inspector general cautioned that due to "numerous other pending projects" it is "not sure when we can begin this engagement." The letter said the inspector general's findings would be used by the Government Accountability Office in its own probe into Pruitt's actions.

House Energy and Commerce ranking member Frank Pallone made the request to EPA's inspector general in a late September letter. That came after POLITICO first reported NMA would support pulling out of the Paris climate agreement after meeting with Pruitt personally.

What's next: The inspector general's "factual record" will be used by the GAO in its own probe into Pruitt's actions, though it's unclear when the IG can begin its work.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/12/epa-watchdog-to-examine-pruitts-meeting-with-mining-group-205686

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Fri 12/1/2017 12:40:51 PM
Subject: The Morning Headlines from InsideEPA/climate -- December 1, 2017

December 1, 2017

Possible 'Interim' FERC Plan To Boost Coal, Nuclear Plants Draws Fire

A forthcoming proposal by the current Federal Energy Regulatory Commission (FERC) chairman for an "interim" plan to shore up coal and nuclear plants to value their reliability and resilience benefits is attracting opposition from major stakeholders such as the Mid-Atlantic regional grid operator and an official with a large power generating firm.

Sharply Criticizing Obama EPA, Pruitt Pledges 'Lots Of Rollback' Of Rules

EPA Administrator Scott Pruitt is underscoring what he sees as the failures of the agency under the Obama administration, sharply criticizing a host of regulations and signaling that his administration will continue its aggressive program to roll back a host of measures he believes create industry uncertainty.

Final EPA RFS Rule For 2018 Prompts Refiner, Biofuel Group Criticism

EPA has met its Nov. 30 deadline for issuing the final 2018 renewable fuel standard (RFS) blending targets for alternative and renewable fuels, prompting criticism from all sides as refiners argue that goals are too high and show why Congress should reform or repeal the RFS while biofuels groups say the targets are too low.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Wed 12/6/2017 3:03:39 PM
Subject: POLITICO's Morning Transportation: Chao: Infrastructure next year — PreCheck and Global Entry could merge — ELD rumblings grow

By Tanya Snyder | 12/06/2017 10:00 AM EDT

With help from Stephanie Beasley

2018 IS WHERE IT'S AT: The new ETA for the Trump administration's infrastructure package is early January, Transportation Secretary Elaine Chao said Tuesday. "You're going to see it, just not at the original timeframe," Chao said at a POLITICO event, noting that the administration can't control the legislative calendar. (A brief history lesson: President Donald Trump said during his campaign that he would release an infrastructure package in his first 100 days. Then it slipped to May, then to the fall, then after the tax bill and recently other priorities seem to be creeping up too, including a health care rematch and changes to the welfare system.)

#ChaoToo: Chao also said she's had her own #MeToo moment and that the perpetratoris "still here." She wouldn't say more and in fact advised survivors from against going public with such experiences: "It's not worth my while to go back and revisit those negative moments," she said. "It's too corrosive, it's too negative and it does you a double injury because it holds you back." Get the full story and check out all the highlights from POLITICO's Women Rule Summit here.

Reality check: Sen. John Barrasso (R-Wyo.), chairman of the Environment and Public Works Committee, said Chao's infrastructure timeline seems realistic to him and said he's working closely "with the administration as well as both sides of the aisle to move in that direction." He wouldn't give a specific timeline for the infrastructure bill that he's been crafting for months.

IT'S WEDNESDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ships. Tanya is in the MT cockpit. Send tips, feedback and song lyrics to tsnyder@politico.com or @TSnyderDC.

"And she'll have fun fun fun / 'Til her daddy takes the T-bird away."

LISTEN HERE: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) about lonely highways and south-bound trains?

NIELSEN TAKES OVER: The Senate confirmed Kirstjen Nielsen Tuesday to head the Homeland Security Department with a 62-37 vote Tuesday that mostly fell along party lines, though Democrats who voted yes included Bill Nelson (Fla.) and Joe Manchin (W. Va.).

YOUR DAILY SHUTDOWN BAROMETER: The House is planning a Thursday vote on a two-week appropriations patch to avoid a government shutdown before the Friday deadline. But Republicans are still fighting amongst themselves about whether it should last until Dec. 22 or Dec. 30, and GOP leaders are promising they won't cut deals with Democrats on immigration or anything else. Meanwhile, Trump's meeting with Senate Minority Leader Chuck Schumer (D-

N.Y.) and House Minority Leader Nancy Pelosi (D-Calif.) is still on for Thursday.

IN OTHER NEWS: The House voted Monday night to go to conference with the Senate over the tax bill, and McConnell pledged Tuesday that the Senate would take action later in the week.

IT'S COMPLICATED: Tax reform could cast a shadow on an otherwise rosy outlook for infrastructure in 2018, according to the latest outlook report from Fitch Ratings. While the GOP's proposed overhaul would "increase costs for capital improvements for U.S. transportation assets in the near term and may limit issuer options," said Cherian George, the group's managing director, "it would deepen the pool by opening up investments to a larger investor base."

TSA/CBP MULL 'TRUSTED TRAVELER' MERGER: With just over 100 days on the job, TSA chief David Pekoske signaled that he's already thinking big. Pekoske told an audience at an aviation security summit Tuesday that he and Customs and Border Protection Acting Administrator Kevin McAleenan have begun discussing a possible consolidation of TSA's PreCheck and CBP's Global Entry programs. "I don't know whether we're going to be able to do that or not," he told POLITICO. "It's something that we looked at and we said, 'hey, let's at least take a look at this to see if it is feasible.'" Pekoske said it would simplify the process for travelers if there was just one vetting program that they had to register for to gain expedited service at airport security checkpoints.

It may not be optional: Such a merger would be mandatory if a Senate Commerce Committee-approved TSA reauthorization (S. 1872 (115)) is enacted. Under the bill, TSA and CBP would be required to examine how to "streamline and integrate the requirements and operations of such programs to reduce administrative burdens" and allow the public to access both programs through one online portal.

COMING SOON: Pekoske also said TSA is on track to begin deploying the computed tomography scanners to airports in late 2018, Stephanie reports. But it could take several years to complete the process of replacing all of the 2D X-ray machines at U.S. airports with new CT scanners, he said. "That will be several years in the future," he said before adding that "not all airports can handle the CT technology from a space and weight perspective."

STICKY WICKER?: Eno Transportation Weekly broke the news Monday evening that Sen. Roger Wicker (R-Miss.) was responsible for a Republican hold on the autonomous car bill (S. 1885 (115)). However, he's still being coy about it. "I might want to make a statement about that at some point but not right now," he told reporters Tuesday. Scuttlebutt suggests it could have something to do with auto dealers, who could face major disruptions if driverless cars are rolled out in shared fleets, as expected, rather than for private ownership.

'Cautiously optimistic': Sen. Gary Peters (D-Mich.) said Tuesday that despite concerns raised by both Republicans and Democrats, "they're things that we think we can work through" and that he's still "cautiously optimistic" that the bill can pass before year's end.

RUMBLINGS GROW LOUDER AGAINST ELD IMPLEMENTATION: As the Dec. 18 deadline for trucks to install electronic logging devices gets closer, the opposition to the mandate

from small truck drivers is growing louder. Truck drivers held protests Monday in more than 40 locations across the country, and Tuesday, a bipartisan group of 20 senators wrote to Majority Leader Mitch McConnell and Minority Leader Chuck Schumer expressing support for a provision in the House-passed THUD appropriations bill delaying the deadline in order to give FMCSA time to adjust the rules for livestock haulers.

HOLIDAY TRAVEL CRYSTAL BALL: Airlines for America is projecting that 51 million passengers will fly globally on U.S. airlines over the winter holiday, a a 3.5 percent increase over last year's number.

YOUR FLIGHT IS DELAYED. BUT WHY? In the seventh installment of its Aviation Insights series, the Eno Center for Transportation asks the question, "What do we know about aircraft delays?" The answer: not much. Scheduling and reporting data lack transparency and granularity, they say. What we do know is that 81 percent of domestic flights are reported on-time -- the same as in 2003.

RAA ASKS FAA FOR NEW TRAINING PATHWAYS: The Regional Airline Association, which supports efforts to overhaul the 1,500 flight hour training rule for pilots, is urging the FAA to approve new "safety-enhancing structured training pathways" for airline first officers. In comments submitted as part of DOT's regulatory review, RAA asked DOT to approve more pathways as a way of addressing the pilot shortage, which, they say, has caused the regional airline industry to contract. RAA says FAA already has the existing authority to approve new flight training protocols but also supports GOP Commerce Committee legislation that would make that authority clear in statute.

FORGET I WAS EVER HERE: International consumer and privacy groups sent joint letters to automakers and car rental companies Tuesday, calling on them to ensure drivers and passengers that the data collected during their car rental is private. The groups want car rental and car-share companies to delete driver and passenger information when drivers return cars, explain to consumers how they can delete their own data, and only process personal data "with driver/passenger unambiguous consent, or if strictly necessary for the delivery of the service." The letters were based on a report one of the groups, Privacy International, recently released.

THE AUTOBAHN:

- "US issues travel warning for Jerusalem's Old City, West Bank amid embassy dispute." The Hill.

- "German pilots ground 222 flights after refusing to deport asylum seekers." The Independent.

- NGO details automakers' history of undercutting rules on safety and the environment. Union of Concerned Scientists.

- "New Jersey considers barring operating a drone while drunk." The Morning Call.

- "'All-you-can-fly' airline begins accepting Bitcoin and Ether." Coindesk.

- "How will autonomous vehicles change the way architects think about cities?" The Architect's Newspaper.

- "Fuel still a wild card for airline profitability." Gulf News.

- "Which sectors are benefiting from the autonomous vehicle industry?" TechWire Asia.

THE COUNTDOWN: DOT appropriations run out in 3 days. The FAA reauthorization expires in 116 days. Highway and transit policy is up for renewal in 1,030 days.

To view online:
https://www.politico.com/newsletters/morning-transportation/2017/12/06/chao-predicts-infrastructure-initiative-launch-in-january-041647

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Wed 12/6/2017 3:03:42 PM
Subject: POLITICO's Morning Score: Senators grumble over Trump backing Moore — Flake writes check for Jones — DNC hires email director

By Daniel Strauss | 12/06/2017 10:00 AM EDT

With Scott Bland, Zach Montellaro and Elena Schneider

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

ONE WEEK TO GO - "GOP senators grumble over Trump, RNC backing Moore," by POLITICO's Seung Min Kim and Kevin Robillard: "Senate Republicans are still trying to keep their distance from Alabama Republican Roy Moore, creating a fresh break with President Donald Trump and the Republican National Committee, which have re-embraced Moore less than a week before a key special Senate election despite accusations of child molestation against the GOP candidate. Both the National Republican Senatorial Committee and Senate Leadership Fund, a super PAC controlled by allies of Senate Majority Leader Mitch McConnell, said they planned on staying out of the contest. Several Republican senators protested the RNC's decision furiously on Tuesday." **Full story.**

- "Bannon welcomes Moore back to GOP fold at Alabama rally," by POLITICO's Kevin Robillard: "At a rally here Tuesday in a barn at Oak Hollow Farm, in an affluent suburb on the eastern shore of the Mobile Bay, Bannon, Moore and a host of other staunch backers of the president took turns taking shots at the media, the GOP establishment, and Moore's Democratic opponent, former U.S. Attorney Doug Jones. The rally here was a replay of a rally Bannon and a host of other conservative figures held for Moore on the eve of the September runoff. Both men delivered their standard pitches: Bannon's speech, heavy on talk about rolling back free trade and restricting immigration, told the crowd they were leading a revolution. Moore delivered a speech heavy on religious rhetoric and social conservatism." **Full story.**

- "In major speech, Doug Jones portrays election as referendum on decency," by AL.com's Howard Koplowitz: "'We need to look at this as parents, not voters. Will we tell our daughters that if you are abused and if you speak out, you will be believed, and Alabama will stand with you regardless of when you come forward?' Jones said in a speech live streamed on his Facebook page. "Or will we tell our young sons this behavior, this disturbing behavior is O.K.? If you're powerful enough or important enough, Alabama will simply look the other way. ... By any objective standard... It is crystal clear that these women are telling the truth and Roy Moore is not." **Full story.**

- "Republican Flake tweets check made out to Alabama Democrat's campaign," by POLITICO's Nolan D. McCaskill: "A Republican senator on Tuesday posted a picture of a check made out to the campaign of Democratic Alabama Senate candidate Doug Jones. Sen. Jeff

Flake tweeted an image of a completed check for $100 for Jones' Senate campaign. The check to Jones' campaign ... is for 'Country over Party,' Flake wrote on Twitter." **Full story**.

- "Pro-Jones super PAC hits Moore on charity spending," by Campaign Pro's Daniel Strauss: "The latest ad from a super PAC supporting Democrat Doug Jones in the Alabama Senate race frames Republican Roy Moore as a candidate that isn't actually 'for us.' The 30-second statewide TV ad comes a week before the special election between Jones and Moore. The ad will be aired by Highway 31, a recently formed super PAC backing Jones. 'Roy Moore says he's for us ... but what he does says otherwise,' the narrator in the ad says. 'Moore got paid $180,000 a year from his personal charity. A health care plan, a bodyguard and a private jet for part-time work.'" **Full story.**

MEANWHILE, A RESIGNATION - "Conyers vs. Conyers? Congressman backs son for seat," by The Detroit News' Jonathan Oosting, Michael Gerstein, and Melissa Nann Burke: "As the longest-serving member of Congress effectively resigned Tuesday amid sexual harassment allegations, U.S. Rep. John Conyers Jr. tried to keep his legacy alive by endorsing his oldest son, John Conyers III, to succeed him in Congress. It was an unexpected move by the Detroit Democrat in what promises to be a heavily contested primary in the heavily Democratic 13th District. State Sen. Ian Conyers of Detroit - the 88-year-old congressman's great-nephew who has been in the state Legislature for a little over a year - has already announced plans to run. ... Other names circulating Tuesday as potential candidates included state Sens. David Knezek of Dearborn Heights and Coleman Young II of Detroit, former state Rep. Rashida Tlaib of Detroit, Westland Mayor Bill Wild, Detroit City Council President Brenda Jones and Councilwoman Mary Sheffield." **Full story.**

NOT RESIGNING - "Nevada Democrat accused of sexual misconduct says he won't resign," by ABC's John Parkinson and Mary Bruce: "Amid allegations of sexual harassment, embattled freshman Democratic Rep. Ruben Kihuen vowed he will not resign from his post, despite calls from Democratic leaders that he step aside. Instead, Kihuen is digging in with a shocking allegation of his own, taking aim at the leaders of his own party, [saying they] knew last year about a former campaign staffer's allegations of misconduct but stood by his campaign nonetheless. Kihuen questioned why they are calling for his resignation now. ... 'I do find it interesting that the DCCC, Leader [Nancy] Pelosi and Chairman Ben Ray Lujan -- they knew about these allegations last year,' Kihuen said. 'They looked into them. They didn't find anything, and they continued investing millions of dollars in my campaign. They went out there and campaigned for me.' House Minority Leader Nancy Pelosi and Rep. Ben Ray Lujan, the chairman of the Democratic Congressional Campaign Committee, who are both demanding Kihuen's resignation, adamantly deny knowing about the allegations against Kihuen before BuzzFeed published a report last week." **Full story.**

Days until the 2018 election: 335

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You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

HE'S RUNNING - "Ex-Ohio AG, CFPB leader Richard Cordray announces run for Ohio governor," by the Cincinnati Enquirer's Jessie Balmert: "Touting support from former President Barack Obama and Sen. Elizabeth Warren, former Consumer Financial Protection Bureau leader Richard Cordray announced he would run for Ohio governor. 'I'm announcing today that I'm running to be the next governor for the state of Ohio,' Cordray said Tuesday at a packed Lilly's Kitchen Table, a diner in his hometown of Grove City." **Full story.**

BIG GET - "Lexington Mayor Jim Gray running for Congress," by The Lexington Herald-Leader: "After months of will-he, won't-he whispering among Kentucky Democrats, Lexington Mayor Jim Gray made it official early Tuesday: He's running for Congress. ... Gray enters the race as the presumed favorite in a Democratic field that includes former Marine Corps fighter pilot Amy McGrath, state Sen. Reggie Thomas and perennial candidate Geoff Young. ... Gray has the ability to self-finance a campaign, having spent $2.5 million of his own money over the course of his Senate campaign, but he's playing catch-up." **Full story.**

SEXUAL HARASSMENT IN 2018 CAMPAIGNS - "Wisconsin Republicans say Tony Evers 'bowed to union pressure' in Middleton teacher case," by the Madison Capital Times' Jessie Opoien: "The Republican Party of Wisconsin says state Superintendent Tony Evers 'bowed to union pressure' and did not do all he could to keep a teacher accused of harassing a colleague and watching pornography out of the classroom. But a Department of Public Instruction spokesman says the agency had no legal authority to do so at the time, and only in rare cases would the agency have the authority to revoke a license because of sexual harassment. Evers is seeking the Democratic nomination to challenge Republican Gov. Scott Walker in 2018. A spokesman for his campaign said Republicans are rehashing old news to avoid their own weaknesses on the issue of sexual misconduct. The Republican Party of Wisconsin has gone after Evers relentlessly for the 2009 case, in which DPI and Evers did not revoke the license of Middleton-Cross Plains middle school science teacher Andrew Harris after he viewed sexually explicit images on his school computer." **Full story**.

- Expect this to be a big part of the 2018 governor's race in Wisconsin, says one Republican with knowledge of party plans: "It's a fair bet that this attack will be a central component of Republicans' messaging strategy over the long haul. From the day-to-day knife fight to the long arc of paid advertising if it becomes necessary, Tony Evers will be facing this question as long as needed."

STAFFING UP - The Democratic National Committee has hired Robin Curran as its new email director. According to DNC spokeswoman Xochi Hinojosa, "The email director oversees our communications with grass-roots supporters, donors, and volunteers. As part of their role, they determine our overall strategy, testing, and optimization of the DNC email program." Curran comes from Revolution Messaging and previously served as the digital production director for Bernie Sanders' presidential campaign.

DEPT. OF BIO VIDEOS - Pat Ryan releases video on military career: Democrat Pat Ryan,

who's vying to challenge New York Rep. John Faso, is out with a biography video that describes his military career and criticizes Faso for his position on health care. "I remember the commander of this unit looking at me and saying, 'Pat, this is going to save lives,'" Ryan says, explaining a technology company he started. **Watch the video here.**

CODA - QUOTE OF THE DAY: "When it happens to one of us, we're guilty until proven innocent." - **Rep. Marcia Fudge** on the difference in how Congress handles sexual misconduct allegations against black lawmakers compared with white lawmakers.

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https://www.politico.com/newsletters/morning-score/2017/12/06/senators-grumble-over-trump-backing-moore-041967

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From: Morning Energy
Sent: Wed 12/6/2017 3:03:45 PM
Subject: POLITICO's Morning Energy: Senior Republicans feeling upbeat on ANWR's chances — Pruitt's unusual Thursday congressional appearance — Zinke recommends shrinking two more monuments

By Anthony Adragna | 12/06/2017 10:00 AM EDT

With help from Emily Holden, Catherine Boudreau and Eric Wolff

ODDS LOOKING GOOD FOR ANWR: Senior House Republicans said Tuesday they were optimistic a provision opening the Arctic National Wildlife Refuge to oil and gas drilling would make it into Congress' final tax package, even as a handful of their colleagues expressed unease. "I've been asking for ANWR for a long, long time," said Natural Resources Chairman Rob Bishop, who is on the conference committee sorting out the differences between the House and Senate bills. "And so have most rational people. I expect it to be part of the final product." Alaska Republican Rep. Don Young, also a conferee, said he was "feeling pretty good" about the provision's chances of making it through conference.

Alaska Sen. Dan Sullivan summed up the state of play over ANWR: "You don't want to jinx it and we're going to continue to work hard, but we're confident and we're going to have good representation on the conference." Senate Energy Chairman Lisa Murkowski is expected to join Young as a conferee once the Senate votes to go for conference. Sullivan added his vote on the package would be in jeopardy if the ANWR provision doesn't make it into the finished product.

Grassley ready to rumble: Senate Judiciary Chairman Chuck Grassley suggested he'd throw his weight around to alter provisions in the House-passed bill that would change qualification terms for some renewable energy projects and trim the renewable production tax credit. "I would think they'd be embarrassed of even putting it in," he told reporters. "What is there about wind that would cause them to do something that they haven't done for anything else?" Grassley also said changing the tax credits went against a promise he'd received from Treasury Secretary Steven Mnuchin back in January. A coalition of right-of-center clean energy groups sent a letter outlining their own concerns about the House and Senate bills on Tuesday.

Extenders package coming together: Legislation extending expired tax provisions, including short-term tax benefits to promote renewable energy sources like biodiesel and solar power, is expected to come together in the next couple of weeks, Pro Tax's Aaron Lorenzo and Bernie Becker report, citing senior GOP senators. Multiple sources say a package could hitch a ride with an end-of-year government funding agreement. Sens. Johnny Isakson and Tim Scott are advocating to extend a 2020 deadline on tax credits for new nuclear energy projects, while Grassley has pushed a biodiesel credit.

Meanwhile, senior congressional Republicans are drawing a line in the sand by promising they won't grant Democrats concessions in a second short-term spending bill later this month to keep the government open, Pro Budget & Appropriations Brief's Jennifer Scholtes and Sarah Ferris report. "If we pass a bill on or about the 22nd and go home, then the Senate will need to make up

its mind about what to do about that," Rep. Hal Rogers said. "The option is either: Pass or have a shutdown in place."

WELCOME TO WEDNESDAY! I'm your host Anthony Adragna, and the ClearPath Foundation's Spencer Nelson was first up to identify Joe Barton as the original sponsor of the Energy Policy Act of 2005. For today: What was the *smallest* national monument ever created in the U.S.? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

Legislative Compass - Preferred Pricing for 2017: Test out POLITICO Pro's powerful, easy-to-use tool that simplifies federal and state legislative tracking. **Get started.**

NEVER HEARD OF THIS BEFORE: EPA Administrator Scott Pruitt will only stay for an hour during a Thursday appearance at an Energy and Commerce subcommittee before returning later in the afternoon. "Congressional Republicans need to grow a backbone and stand up to President Trump and the members of his cabinet, like Administrator Pruitt, who have repeatedly ignored any Congressional oversight," ranking member Frank Pallone told ME in a statement. "It's clear that we're simply not going to get any real oversight of the Trump Administration from Congressional Republicans anytime soon." A committee spokesman confirmed the arrangement and said it was to accommodate a meeting at the White House. EPA didn't respond to request for comment.

Context here: ME's never heard of a Cabinet official taking a lengthy break in the middle of a congressional hearing, regardless of the reason. And, remember, this is slated to be Pruitt's first appearance before the Energy and Commerce Committee.

Ahead of the appearance, more than 1,000 scientists asked congressional leaders to question Pruitt about efforts to overhaul the agency's science advisory panels. "Without the best available scientific advice, the EPA will be ill-equipped to tackle emerging environmental and public health challenges, and the American people will suffer," they write.

GOOD DAY, SUNSHINE: TRADE REP TO HEAR SOLAR CASE: The U.S. Trade Representative will hear arguments today at 9:30 a.m. for what kind of tariffs or quotas - if any - the president should impose on imported solar panels. The hearing will likely be a rehash of arguments that were made to the U.S. International Trade Commission before that body proposed its own set of remedies for the damage done to U.S. trade manufacturers by low cost imports.

Trump gets to make the call: The president will ultimately have full latitude to impose penalties on imported solar cells and panels, and the Solar Energy Industries Association is hoping to influence his decision by recasting their arguments against a tariff in Trump's preferred terms. The group rolled out its America First Plan for Solar Energy, saying rejecting tariffs would promote "U.S. energy dominance," help national security and save jobs. Trump must make a decision by Jan. 26.

Republicans urge no tariffs: 35 House and six Senate Republicans sent letters ahead of the hearing urging the Trump administration not to slap tariffs on imported solar equipment.

ZINKE FLOATS SHRINKING MORE MONUMENTS: Interior Secretary Ryan Zinke urged Trump in his 20-page final recommendations to downsize Nevada's Gold Butte and Oregon's Cascade-Siskiyou national monuments, in addition to the drastic scalebacks of Bears Ears and Grand Staircase-Escalante national the president announced Monday. Management plans at half a dozen other monuments would be changed, though their boundaries would not be altered. And Zinke suggests creating three new national monuments: Camp Nelson in Kentucky; Medgar Evers's home in Mississippi; and the Badger II Medicine Area in Zinke's own homestate of Montana.

CITIES RALLY ON CLIMATE: Some 36 U.S. mayors signed an agreement Tuesday vowing to do their part to curb greenhouse gas emissions even as the Trump administration has signaled its intent to leave the Paris agreement. Former President Barack Obama later delivered brief remarks to the gathering in Chicago thanking cities for showing "the kind of leadership that is needed at the moment" and mayors for helping to keep "our word on the world stage." Obama said "cities and states and businesses and universities and nonprofits have emerged as the new face of American leadership on climate change."

MCINTYRE MIA? It's been 34 days since Jones Day attorney Kevin McIntyre was confirmed by the Senate to be a FERC commissioner, and two weeks since he got his signed commission. Commissioners basically get to decide for themselves when they want to get sworn in, so speculation has swirled about why the would-be chairman hasn't shown up for work. McIntyre still has a webpage at Jones Day, which usually is one of the first things to go when a big firm lawyer takes a government job. An out-of-office reply from his work email account said he he would be back on Dec. 14. The White House did not respond to a request for comment, and a FERC spokesman said, "We have nothing on that at this time."

AIN'T NO THING: Grassley is downplaying the significance of the meeting that Sen. Ted Cruz secured with Trump and several Cabinet members on Thursday to discuss biofuels and vehicle fuel-efficiency policy. "The president keeps doing what he told the voters of Iowa, as well as me and Senator [Joni] Ernst , which is supporting ethanol," Grassley told reporters Tuesday, adding that it's not unusual for the president to accept a meeting request from senators. The Iowa Republican also said he thinks Cruz's leverage has diminished since the EPA last week released the rule setting 2018 blending requirements for biofuels - which kept flat the levels for corn ethanol.

SWEET TREAT: Bishop gave Trump a special little treat during his Monday visit to Utah to unveil his monument recommendations: a box of chocolates from a store in his district. "It was cheesy but I thought why not?" he said. "He says he likes chocolates." No word on what Trump thought of the candy, which Bishop said was the store's popular nut roll.

And another gift: At a tax event at the White House on Tuesday, North Dakota state Sen. Jessica Unruh gave Trump a Make Coal Great Again hat as she praised the tax overhaul. "The production tax credit has destroyed the energy market, especially in the Midwest. We don't have a lot of electricity produced from natural gas in North Dakota. So wind production has really eroded our state tax base and replaced coal production when it comes to electricity production," she said. "We're also very thankful for all the regulatory reform we've seen come from your office."

NO NOMINATION VACATION: The Senate Environment and Public Works Committee takes up R.D. James' nomination to run the Army Corps of Engineers this morning at 10 a.m. in Dirksen 406. The nomination earlier this month cleared the Senate Armed Services Committee on a voice vote, though the crowded December to-do list suggests he may not get a floor vote until next year.

In the afternoon, an EPW subcommittee holds a hearing entitled "Challenges Facing Superfund and Waste Cleanup Efforts Following Natural Disasters." Witnesses are from Texas and California alone.

SEE YOU IN COURT (AGAIN): Joining environmental and public health groups, a coalition of 15 Democratic attorneys general sued EPA on Tuesday for missing a key deadline related to implementation of its 2015 ozone standard, Pro's Alex Guillén reports.

MAIL CALL! DON'T TURN THE CAR (STANDARDS) AROUND: At least 22 Democratic senators, led by Ed Markey, Sheldon Whitehouse and Kamala Harris , are sending Pruitt a letter this morning urging him not to weaken emissions standards for model years 2021 through 2025. "Regulated industries should not be able to undermine technically sound standards that have clear environmental and health benefits," they'll say in letter which ME has glimpsed. And their letter comes as the Union of Concerned Scientists releases a new report arguing automakers have for decades repeated a "familiar pattern" of attacking new policies as technologically infeasible.

TAKE A LOOK PLEASE! Seven Democratic senators asked GAO in a letter to examine how the Trump administration developed its lower social cost of carbon figure. In particular, they asked for an examination of how other states and countries created similar measures. Link here.

FIGHTING PARK SERVICE CUTS: The NRDC Action Fund is launching a five-figure, TV ad campaign in Montana today against the Trump administration's proposed cuts to the National Park Service and urging Sen. Jon Tester to continue fighting them. Watch it here.

FOR YOUR RADAR: The American Legislative Exchange Council is meeting today through Friday in Nashville and conservative legislators will weigh a model resolution calling on EPA to review the endangerment finding, which requires regulations to limit

greenhouse gas emissions. ALEC members will vote on the proposal Thursday. Exxon Mobil, a private sector member of ALEC, is opposing the push, particularly because of its language questioning climate science, The Hill reports.

STUDY BUDDIES: E2, former DOE head Ernest Moniz's Energy Futures Initiative and the National Association of State Energy Officials are teaming up on a detailed analysis of energy jobs for every state, including jobs in solar, wind, energy efficiency and clean transportation. The groups expect the report out by Spring 2018.

HOW TO DIGITIZE AN ELECTRIC GRID: The Bipartisan Policy Center released a series of recommendations Tuesday for how to digitize the electric grid. Among their suggestions: Having DOE convene a task force on the issue and including funding for modernizing grid investment as part an infrastructure package. Read the whole report here.

QUICK HITS

- A radical startup has invented the world's first zero-emissions fossil-fuel power plant. Quartz.

- EPA Reaches Settlement With Energy Plant Over Toxic Odors. AP.

- Trump science job nominees missing advanced science degrees. AP.

- The Environmental Case Against Bitcoin. New Republic.

- Lisa Murkowski warns Trump nominee to keep federal energy data free of politics. Washington Examiner.

- PPL expects sharp decline in coal fleet by 2050. Utility Dive.

THAT'S ALL FOR ME!

To view online:
https://www.politico.com/newsletters/morning-energy/2017/12/06/senior-republicans-feeling-upbeat-on-anwrs-chances-041784

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Tue 12/5/2017 4:02:00 PM
Subject: BREAKING NEWS: Mueller Russia probe cost $3.2 million in first months

Special counsel Robert Mueller's Russia probe cost $3.2 million in its first four-and-a-half months, the Justice Department said in a report released Tuesday.

The spending totals include $1.7 million for salaries and benefits, though $1.2 million of that total accounts for Justice employees who have been detailed to the Mueller probe, which is examining ties between Moscow and President Donald Trump's 2016 campaign.

New hires have cost $500,696 for the period between Mueller's appointment in mid-May and the end of September.

Mueller also spent $733,969 to acquire office equipment for the investigation, which the DOJ report explained will remain federal government property after the probe is finished.

The special counsel also spent $223,643 for travel, almost entirely for staffers who have made temporary relocations to the investigation's headquarters in Washington.

The Mueller probe has also spent $157,339 for a variety of contractual services, including $111,245 for information technology, $24,456 for transcription and $17,217 for building services.

Read more: https://www.politico.com/story/2017/12/05/mueller-russia-cost-280952

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Wed 12/6/2017 2:10:04 PM
Subject: BREAKING NEWS: Another woman says Franken tried to forcibly kiss her

A former Democratic congressional aide says Sen. Al Franken tried to forcibly kiss her after a taping of his radio show in 2006.

The woman ducked to avoid his lips, prompting Franken to tell her, "It's my right as an entertainer" as she quickly left the room, according to the former staffer. POLITICO is withholding the woman's name to protect her identity.

Franken (D-Minn.) denied the accusation. "This allegation is categorically not true and the idea that I would claim this as my right as an entertainer is preposterous. I look forward to fully cooperating with the ongoing ethics committee investigation," the senator said in a statement.

Read more: https://www.politico.com/story/2017/12/06/al-franken-accusation-sexual-harassment-2006-281049

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 12/5/2017 3:41:06 PM
Subject: New York Times suing EPA for Pruitt schedules

By Emily Holden

12/05/2017 10:39 AM EDT

The New York Times is suing EPA to try to force the agency to regularly release Administrator Scott Pruitt's full daily schedule and details on who he meets with.

In a lawsuit filed Monday in the U.S. District Court for D.C., the Times and Washington-based reporter Eric Lipton allege EPA is violating public records laws by failing to routinely release those records.

Since joining EPA, Pruitt has met with automobile, chemical, fossil fuel and steel executives, and with lobbyists who worked with him when he was Oklahoma Attorney General to challenge federal environmental rules, according to records released in response to an earlier Freedom of Information Act request from the nonprofit group American Oversight. The Times says FOIA requires EPA to release that level of information for other Pruitt meetings, and to regularly respond to requests for updated copies of Pruitt's schedule.

EPA chiefs under previous presidents have routinely released detailed calendars in response to regular records requests from reporters and public interest groups. Pruitt's EPA has been intermittently updating a vague list of appointments, which the lawsuit called insufficient.

"Agency heads' daily schedules have long provided a valuable way for the public to be knowledgeable about important agency decisions, including those that affect the health and safety of their families and themselves," the suit says. "When the public knows who has the ear of an agency head and for how long, and what interests they represent, the public is better equipped to ensure that agencies remain accountable and free from undue and undisclosed influence."

To view online:
https://www.politicopro.com/energy/whiteboard/2017/12/new-york-times-suing-epa-for-pruitt-schedules-196727

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Tue 12/5/2017 3:35:10 PM
Subject: BREAKING NEWS: Conyers announces he's leaving Congress, endorses son as successor

Rep. John Conyers (D-Mich.), facing several allegations of sexual harassment, announced he is leaving Congress and endorsed his son to replace him.

"I am retiring today," Conyers, 88, told a Detroit radio station. "And I want everyone to know how much I appreciate the support - the incredible, undiminished support I've received across the years from my supporters, not only in my district but across the country as well."

Read more: https://www.politico.com/story/2017/12/05/conyers-announces-hes-leaving-congress-endorses-son-as-successor-278870

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 12/6/2017 1:45:46 PM
Subject: Dec. 06 -- EHS Federal Regulatory Alert

EHS Federal Regulatory Alert

December 06, 2017 - Number 233

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Summaries

ENDANGERED SPECIES
Endangered/Threatened Status Petitions
ENDANGERED SPECIES

Notice of the U.S. Fish and Wildlife Service announces the availability of 12-month findings on petitions to list the blackfin sucker, the Mohave shoulderband snail, the white-tailed prairie dog, and the Woodville Karst cave crayfish as threatened or endangered. The agency has determined that listing any of the species is not warranted at this time. Comments on the petition findings may be submitted at any time. Contact: Lee Andrews; USFWS, Kentucky Ecological Services Field Office; 502-695-0468. Citations: 50 CFR 17

82 FR 57562 (12/06/2017)

Regulatory Update

ENDANGERED SPECIES
Northwest Atlantic DPS/Leatherback Turtle Status Review
ENDANGERED SPECIES

Notice of the National Marine Fisheries Service announces a 90-day finding and listing determination on a petition to identify the Northwest Atlantic subpopulation of the leatherback turtle as a distinct population segment (DPS) and list it as threatened. The agency has determined that the petition presents substantial information indicating that listing the DPS may be warranted and announces the initiation of a status review. Comments are due Feb. 5, 2018. Contact: Jennifer Schultz; NMFS, Office of Protected Resources; 301-427-8443; jennifer.schultz@noaa.gov. Citations: 50 CFR 223, 224

82 FR 57565 (12/06/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
California/Don Pedro Hydroelectric Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces that a new major license application for the Don Pedro Hydropower Project, on the Tuolumne River in Tuolumne County, Calif., is ready for environmental analysis. The application, filed by the Modesto and Turlock irrigation districts concerns the existing Don Pedro dam, reservoir, and spillway; outlet works; a power intake and tunnel; and a powerhouse with an average annual generation of about 550,000 megawatt-hours. The applicants propose to conduct coarse sediment augmentation, provide certain gravel mobilization flows, conduct experimental gravel cleaning, implement a boulder placement program, and contribute $50,000 to assist with the removal of water hyacinth and other non-native flora. The applicants also propose to conduct fall-run Chinook spawning improvement and restoration activities and implement a predator control and suppression program, flow-related measures, and various management plans. A draft environmental impact statement is expected to be issued in July 2018, and a final EIS is expected in February 2019. Comments and motions to intervene are due Jan. 29, 2018. Contact: Jim Hastreiter; FERC; 503-552-2760; james.hastreiter@ferc.gov

82 FR 57596 (12/06/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
California/La Grange Hydropower Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces that a new major license application for the La Grange Hydropower Project on the Tuolumne River in Stanislaus and Tuolumne counties, in California, is ready for environmental analysis. The application, filed by the Modesto and Turlock irrigation districts, concerns the existing La Grange dam, reservoir, and spillway and a powerhouse with an average annual generation of 19,638 megawatt-hours. The applicants propose to provide a specified minimum flow to the plunge pool downstream of the La Grange diversion dam, install a fish exclusion barrier, and conduct dissolved oxygen monitoring near the powerhouse. The applicants also propose to construct a recreational foot trail and develop an historic properties management plan. A draft environmental impact statement is expected to be issued in August 2018, and a final EIS is expected in March 2019. Comments and motions to intervene are due Jan. 29, 2018. Contact: Jim Hastreiter; FERC; 503-552-2760; james.hastreiter@ferc.gov

82 FR 57592 (12/06/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
FDA Centers and Offices/Regulatory Reform
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the extension of the comment period for seven requests for comments and information published on Sept. 8, 2017 (82 FR 42492, 82 FR 42494, 82 FR42497, 82 FR 42499, 82 FR 42501, 82 FR 42503, and 82 FR 42506) concerning regulations and related paperwork requirements of multiple FDA centers or offices that could be modified, repealed, or replaced. The comments are intended to help the agency implement Executive Order 13771 (82 FR 9339; 02/03/2017) and Executive Order 13777 (82 FR 12285; 03/01/2017), which provide

guidance and direction to federal agencies to evaluate existing regulations and make recommendations based on factors including impacts on job creation, necessity, effectiveness, cost-benefits, and consistency with other regulatory reform initiatives. Comments now are due Feb. 5, 2018. Contact: Megan Velez; FDA, Office of Policy; 301-796-4830; megan.velez@fda.hhs.gov. Citations: 21 CFR 1 through 1299

82 FR 57560 (12/06/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Louisiana, Texas/Louisiana Connector Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of an amendment to an application for a certificate of public convenience and necessity by Port Arthur Pipeline LLC, of Houston, regarding the Louisiana Connector Project in Jefferson and Orange counties in Texas and Allen, Beauregard, Calcasieu, Cameron, Evangeline, and St. Landry parishes in Louisiana. The project involves a 131-mile-long pipeline and appurtenant facilities that would provide about 2,000 million cubic feet per day of natural gas to supply a proposed natural gas liquefaction and export project in Jefferson County. The applicant proposes to revise the rate schedules and general terms and conditions to reflect the pro forma tariff for the project. The applicant also proposes to revise the allowance for funds used during construction, the rate for service under the proposed rate schedule enhanced hourly firm transportation, and the precedent agreement between Port Arthur Pipeline and Port Arthur LNG LLC, which was executed in association with the open seasons conducted in November 2016 and in August and September 2017. The agency plans to complete an environmental impact statement or issue a notice of schedule of environmental review by Feb. 18, 2018. Comments are due Dec. 21, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FercOnlineSupport@ferc.gov

82 FR 57593 (12/06/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
New Jersey/Gateway Expansion Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of an application requesting a certificate of public convenience and necessity authorizing the Gateway Expansion Project in Essex and Passaic counties in New Jersey. The project, proposed by Transcontinental Gas Pipe Line Co., of Houston, would expand existing interstate gas transmission and enable Transco to provide an additional 65,000 dekatherms per day of firm transportation service. The project would consist of installing 27,500 of additional horsepower at Transco's Station 303 and replacing a 12-inch diameter header, meter skid, and associated equipment with two six-inch diameter ultrasonic meter skids and associated equipment at the Paterson meter and regulator (M&R) facility. The project also would provide for the installation of a 36-inch-diameter mainline block valve at the Roseland M&R facility and an electric transformer at the Roseland electric substation. The agency will complete an environmental assessment or issue a notice of schedule of environmental review by March 6, 2018. Comments are due Dec. 21, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOnlineSupport@ferc.gov

82 FR 57594 (12/06/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oregon Air National Guard Military Airspace Expansion
GENERAL ENVIRONMENT AND SAFETY

Notice of the Federal Aviation Administration announces its record of decision for the proposed establishment and modification of the military operation areas, air traffic controlled assigned airspace, and warning areas for the Oregon Military Training Airspace. The FAA adopts the U.S. Air Force's final environmental impact statement for the modification to existing airspace and the establishment of new airspace in Nevada, Oregon, and Washington to support the Oregon Air National Guard's F-15 training operations and to implement practicable mitigation (82 FR 42803; 09/12/2017). The FAA conduced an independent review for the FEIS and has determined that it adequately assesses and discloses the environmental impacts of the FAA's proposed aeronautical action. Contact: Paula Miller; FAA, Office of Airspace Services; 202-267-7378

82 FR 57643 (12/06/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Use of Serological Tests/Trypanosoma Cruzi Infection
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the availability of a revised guidance for industry regarding use of serological tests to reduce the risk of transmission of Trypanosoma cruzi infection in whole blood and blood components. The amended guidance expands the scope of the existing guidance to include the collection of such components, other than source plasma, for use in manufacturing a product, including donations intended as a component of, or used to manufacture, a medical device. The amended guidance also removes the recommendation to ask donors about a history of Chagas disease. In addition, the amended guidance provides a recommendation for a reentry algorithm for donors deferred on the basis of screening test results for antibodies to T. cruzi or on the basis of a positive response to the Chagas screening question. The guidance supersedes a Dec. 6, 2010, guidance for industry (75 FR 75809) on the same topic. Comments may be submitted at any time. Contact: Tami Belouin; FDA, Center for Biologics Evaluation and Research; 240-402-7911

82 FR 57601 (12/06/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Assessment of Truck Parking Facilities
HAZARDOUS MATERIALS TRANSPORTATION

Notice announces the intention of the Federal Highway Administration to seek OMB approval for a new information collection request regarding an evaluation of the capability of states to provide adequate parking and rest facilities for commercial motor vehicles engaged in interstate transportation. The collection concerns a survey of state officials, private sector facility

operators, trucking companies, and truck drivers regarding the location, number of spaces, and availability and demand for truck parking in their state at rest facilities. The survey also will address truck parking information systems, truck parking plans, and any impediments to providing adequate truck parking capacity. Comments are due Feb. 5, 2018. Contact: Jeff Purdy; FHWA, Office of Operations; 202-366-6993

82 FR 57645 (12/06/2017)

Regulatory Update

RADIATION

Standard Review Plan for Nuclear Power Plant Safety Analysis Reports
RADIATION

Notice of the NRC announces the availability of a draft standard review plan for the review of safety analysis reports for nuclear power plants (NUREG-0800). The plan provides guidance to NRC staff for the review of combined construction and operating licenses and operating license applications and amendments for environmental qualification of mechanical and electrical equipment. Comments are due Feb. 5, 2018. Contact: Mark Notich; NRC, Office of New Reactors; 301-415-3053; Mark.Notich@nrc.gov. Citations: 10 CFR 52

82 FR 57625 (12/06/2017)

Regulatory Update

WATER

Guam, Navajo Nation/NPDES Permits
WATER

Notice of the EPA announces the availability of two proposed National Pollutant Discharge Elimination System general permits for discharges from facilities with discharges classified as low threat in the Navajo Nation (NNG990001) and for discharges from bulk fuel storage facilities in Guam (GUG000001). The new Navajo Nation permit would provide coverage to entities that discharge wastewater that is relatively pollutant free, below a specified volume, and/or for a limited time, within the territory. The new Guam permit would replace individual NPDES permits for five bulk fuel storage facilities and provide coverage for new eligible bulk fuel facilities. Comments are due Feb. 5, 2018. Contact: Gary Sheth; EPA Region 9, Water Division; 415-972-3516; sheth.gary@epa.gov

82 FR 57598 (12/06/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Thur 11/30/2017 10:28:34 PM
Subject: Today on Climate Beat

November 30, 2017

Today on Climate Beat . . .

. . . we went to court, where two states opposing the Bureau of Land Management's rule requiring oil and gas operations on federal lands to capture waste methane are now backing a renewed industry call for a federal district court to enjoin the rule's enforcement during the litigation, but environmentalists are opposing the injunction.

Speaking of litigation, the Center for Biological Diversity is suing EPA under the Freedom of Information Act to gather information on Administrator Scott Pruitt's recent directive that seeks to curb so-called "sue-and-settle" agreements the agency reaches, often with environmental groups, to set a deadline to take a mandatory action.

In Congress, the House oversight committee was poised to mark up legislation the would codify President Donald Trump's executive orders that require EPA and other agencies to roll back rules, including Executive Order 13771 that requires agencies to scrap two existing rules for every new measure adopted.

And our daily news roundup looked at recent testimony from the Trump administration's pick to lead NOAA agreeing that humans are the "main" cause of climate change, statements that go much further on the issue than most administration officials, including EPA Administrator Scott Pruitt.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg Environment
Sent: Thur 11/30/2017 9:56:36 PM
Subject: Environment & Energy Report Highlights

Environment & Energy
Thursday, November 30, 2017

Highlights

Leading the News

House Set to Renew Brownfields Program for First Time in 15 Years

By *Sylvia Carignan* and *Dean Scott*

The House is poised to put its stamp of approval on a brownfields program reauthorization bill that has won widespread support from environmental engineers, developers and municipalities.

$22.6M DuPont Cleanup Plan May Not Be Enough: Environmentalists

By *Alex Ebert*

Environmentalists say a $22.6 million plan to clean up arsenic, lead, zinc, and cadmium at an E. I. du Pont de Nemours and Co. site near Chicago may not be sufficient to keep the heavy metals from further spreading through groundwater and a local river.

EPA Eyes Imported Products' Release of Flame Retardant

By *Pat Rizzuto*

The EPA wants to figure out whether imported products release a flame retardant that is restricted or banned by some states, an agency attorney said Nov. 29.

Today's News

Don't Leave Your Kids a Toxic Inheritance

By *Peter Hayes*

The owner of a decades-old family business dies. His children inherit everything, including the site of the business.

House Panel OKs Bills That Benefit Peabody, Arch Coal

By *Stephen Lee*

House Republicans pushed forward two bills Nov. 30 that would benefit such coal companies as Peabody Energy, Cloud Peak Energy, and Arch Coal, by limiting new regulations and barring moratoriums on coal leasing on federal lands.

Pipeline Opponents Make Reviews Longer, Energy Regulator Says

By Rebecca Kern (Bloomberg Environment) and Christine Buurma (Bloomberg)

Increased litigation from pipeline opponents in federal courts is making federal review for natural gas pipelines take longer, Federal Energy Regulatory Commission Chairman Neil Chattejee said.

How Do You Advertise to a Machine? Big Oil Is Seeking the Answer

By Anna Hirtenstein and Rakteem Katakey

The anticipated proliferation of driverless cars will bring a brand new problem for the world's biggest oil companies— how to advertise to a machine.

Satellites Could Transform Ocean Monitoring, Protection

By *Adam Allington*

Environmental monitoring of oceans will dramatically improve over the next decade as large numbers of atmospheric satellites are launched and provide much higher-quality data.

Environmental Streamlining Dropped From Arctic Drilling Plan

By *Alan Kovski*

Proposals that would have streamlined environmental analyses for oil drilling in

the Arctic National Wildlife Refuge have been left out of a Senate budget and tax bill.

North Dakota Farmers to Face Restrictions on Monsanto's Dicamba

By *Christopher Brown*

North Dakota soybean farmers will face new restrictions in 2018 on the use of Monsanto's new formulation of the herbicide dicamba that the Farm Bureau and manufacturer says could be onerous and without scientific justification.

EU Is Heading for First Brexit Compromise in Carbon Market Plan

By *Ewa Krukowska*, *Mathew Carr* and *Ian Wishart*

The European Union and the U.K. will be able to boast of the first compromise on Brexit after voting Nov. 30 on a contingency plan for the world's biggest emissions market.

U.S. West Coast Follows Canada's Lead in Rejecting Oil Projects

By *Robert Tuttle*

Canadian oil producers can take heart that they aren't only ones facing barriers in getting crude to the Pacific Coast.

German Energy Company Faces Court Case Over Climate Change Role

By *Karin Matussek*

German electricity company RWE AG is facing an inquiry into its role in global warming after a German court ruled to allow a case by a Peruvian farmer to proceed.

VW's Flagship Brand Vows Faster Turnaround with Electric Cars

By *Christoph Rauwald*

Volkswagen AG's main car brand pledged to speed up turnaround efforts and accelerate a push into electric cars as cost cuts and an expanding lineup of sport-utility vehicles help boost profit.

Gas Producers Question Basis of Pennsylvania Fracking Permits

By *Leslie A. Pappas*

A Pennsylvania plan to to reduce methane leaks from hydraulic fracturing operations has generated concern among natural gas industry advocates who say it lacks a scientific basis.

French Utility Under Pressure: How to Help Nuclear Giant

By *Francois de Beaupuy*

Electricite de France SA is under pressure, and its biggest shareholder—the government—is the one turning the screws.

From Amazon to Etsy, Tech Giants Fight Trump's Plan to Save Coal

By Emma Ockerman

Selling custom nose rings, *crocheted bunnies* and hand-carved Santas is energy-intensive stuff.

California Is Plenty Green but Iowa Has the Cleanest Power

By *Joe Ryan* and *Christopher Martin*

California may be America's clean-energy capital, but let's give Iowa and North Dakota some credit too. Iowa has one of the nation's least ambitious clean-energy targets and gets as much as 40 percent of its power from wind and solar farms.

Brazil's Asbestos Ban Will Shutter One Mine, Tile Maker

By *Michael Kepp*

The owner of Brazil's only asbestos mine and that country's sole manufacturer of corrugated roofing tiles containing asbestos must shut down immediately after the country's Supreme Court banned use of the mineral, Federal Judge Guilherme Feliciano, president of the National Association of Labor Magistrates, told Bloomberg Environment.

Sherwin-Williams Seeks to Upend Lead Paint Nuisance Ruling

By *Peter Hayes*

Sherwin-Williams Co. asked a California appeals court to reconsider its decision to uphold but trim a lead paint public nuisance ruling.

Musk's Battery Boast Will Be Short-Lived as Rivals Go Bigger

By Perry Williams and Kanika Sood

Billionaire Elon Musk defied his doubters to beat the 100-day deadline Dec. 1 and

install the world's biggest battery in the Australian outback. He'll probably relinquish that crown by February.

Toyota Plans California Fuel Cell Plant to Make Power, Hydrogen

By John Lippert and Christopher Martin

Toyota Motor Corp. said it will build a renewable fuel-cell power-generation plant, plus a hydrogen fueling station, to support its operations at the Port of Long Beach.

Rep. Joe Barton Says He Won't Seek Re-Election

By Laura Curtis and Ari Natter

Former House Energy and Commerce Committee Chairman Joe Barton of Texas announced Nov. 30 that he won't seek re-election, a week after a nude photo of him and graphic text message surfaced on the Internet.

Wednesday Night Wrap Up

California Identifies Chlorpyrifos as Reproductive Toxicant

By *Carolyn Whetzel*

Scientific advisers for California's Office of Environmental Health Hazard Assessment identified the pesticide chlorpyrifos as a reproductive toxicant, triggering the need for warnings and other regulatory requirements.

EPA Is Said to Reward Iowa by Holding the Biofuel Mandate Steady

By *Jennifer A. Dlouhy* and *Mario Parker*

The Trump administration is set to keep biofuel quotas for motor vehicles largely unchanged, a move likely to draw tepid applause from Iowa corn growers and disappoint soy-based biodiesel producers.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Thur 11/30/2017 5:59:21 PM
Subject: BREAKING NEWS: Barton to retire after nude selfie fallout

Rep. Joe Barton (R-Texas) announced Thursday that he won't run for reelection in 2018, following a string of stories about him sending lewd texts and nude photos and videos to women.

Barton, the ninth most-senior member of the House, told the Dallas Morning news in an interview, "There are enough people who lost faith in me that it's time to step aside." Local GOP leaders had begun calling for Barton to step down in recent days.

Read more: https://www.politico.com/story/2017/11/30/joe-barton-to-retire-after-nude-selfie-fallout-271366

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From: InsideEPA/climate
Sent: Thur 11/30/2017 12:40:51 PM
Subject: The Morning Headlines from InsideEPA/climate -- November 30, 2017

November 30, 2017

EPA Says Methane ICR Withdrawal Shows Success On 'Deregulatory' Steps

A top EPA official on a deregulatory "task force" says the agency has met its 2017 goals for implementing President Donald Trump's executive orders (EOs) on reducing regulatory burdens, citing the withdrawal of an Obama-era information collection request on oil and gas methane emissions as a qualifying "deregulatory action."

Key Trump Picks At Odds Over EPA's Power To Weigh Costs In Air Standards

Key Trump administration environment nominees are at odds over whether EPA has sufficient legal authority to consider compliance costs when setting national ambient air quality standards (NAAQS), even though a unanimous Supreme Court opinion found that the agency lacks such power under the Clean Air Act (CAA).

Barrasso Backs Rule Fix To End Democrats' Holds On Trump's EPA Picks

Senate environment committee chairman John Barrasso (R-WY) is publicly supporting GOP efforts to limit debate on executive branch nominees in an effort to end continuing Democratic delays on a suite of Trump administration nominees for EPA and other top environmental policy slots.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Fri 12/1/2017 10:24:17 PM
Subject: Mueller probe: Trump White House caught off guard by Flynn plea

No one in the White House was prepared.

Friday began with the now-routine flurry of tweets from President Donald Trump - two about the acquittal of an undocumented immigrant accused of a 2015 killing in San Francisco, one about his tax legislation. White House staffers, fresh from their in-house holiday party Thursday, prepared to welcome the press to the annual media party later in the afternoon.

There were no leaks in advance that former national security adviser Michael Flynn planned to plead guilty to a single count of lying to FBI agents - lies he told in January, after Trump took office, about his contacts with Russia's then-ambassador to the U.S., Sergey Kislyak, during the presidential transition last December. Flynn has promised to cooperate fully with the Mueller investigation and, according to prosecutors, says his Russia outreach was ordered by two other top members of Trump's transition team, claims that bring the probe deeper than ever into the Trump White House.

Read the full story: http://politi.co/2AzNukZ

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Fri 9/29/2017 10:34:01 AM
Subject: POLITICO Playbook, presented by Morgan Stanley: FACT-CHECKING Mnuchin and Cohn on tax reform -- LOBBYISTS OUT IN FORCE to save their tax breaks -- MORE TOM PRICE flights -- ADAM JENTLESON on the 'myth' of McConnell -- SPOTTED at Katy Tur's book party

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Today's POLITICO Playbook presented by Morgan Stanley

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

Good Friday morning. HOUSE REPUBLICANS are feeling pretty good. Steve Scalise came back to the Capitol in a fairly dramatic and emotional fashion. The GOP tax plan was embraced by all of the party's key constituencies, from outside groups to the House Freedom Caucus. The budget is expected to hit the floor next week, which will be the first step in setting up tax reform. **OF COURSE,** there are plenty of obstacles ahead -- see the stories below for a peek at those. **FINGERS ARE CROSSED** across the Capitol that President Donald Trump doesn't turn against the tax framework, something that rank-and-file House Republicans are increasingly worried about after he left them high and dry on health care.

AROUND THE TAX REFORM HORN ...

-- MOST EXPERTS DISAGREE WITH THIS: TREASURY SECRETARY STEVEN MNUCHIN on tax reform: "Not only will this tax plan pay for itself, but it will pay down debt" http://on.wsj.com/2hAGFYC

-- THIS IS A PROBLEM: WSJ'S RICH RUBIN and **SIOBHAN HUGHES: "Republican Tax Plan Quickly Hits First Hurdle:** GOP lawmakers from high-tax states oppose repealing individual deduction for state and local taxes": "A day after announcing their ambitious tax plan, Republicans debated scaling back one of their largest and most controversial proposals to pay for lower tax rates: repeal of the individual deduction for state and local taxes.

"Faced with the potential for defections by House Republicans from high-tax states such as New York and New Jersey, Republicans are exploring ways to satisfy those lawmakers without backing off the lower tax rates they promised. 'The members with

concerns from high-tax states have to be accommodated. This has to be dealt with,' said Rep. Peter Roskam (R-Ill.), a senior member of the House Ways and Means Committee whose district outside Chicago ranks 37th out of 435 in use of the deduction. 'So, you can imagine a soft landing on this that creative people are putting much time and energy into.'

"The fight over the state and local deduction, with more than $1 trillion at stake over a decade, is an early signal of the bruising battle ahead for Republicans trying to pass a tax bill that hasn't garnered Democratic support and that faces narrow GOP margins in the House and Senate. It is the most obvious case of a bloc of pivotal lawmakers holding a specific concern, but it won't be the only one. 'The notion that you fix this and then it's smooth sailing?' Mr. Roskam said. 'How naive.'" http://on.wsj.com/2xKu2jx

-- MORE RICH RUBIN: "The Treasury Department has taken down a 2012 economic analysis that contradicts Secretary Steven Mnuchin's argument that workers would benefit the most from a corporate income tax cut. The 2012 paper from the Office of Tax Analysis found that workers pay 18% of the corporate tax while owners of capital pay 82%. That is a breakdown in line with many economists' views and close to estimates from the nonpartisan Joint Committee on Taxation and Congressional Budget Office. The JCT, which will evaluate tax bills in Congress, estimates that capital bears 75% of the long-run corporate-tax burden, with labor paying the rest. ...

"Asked about the paper's disappearance, a Treasury spokeswoman responded Thursday: 'The paper was a dated staff analysis from the previous administration. It does not represent our current thinking and analysis.'" http://on.wsj.com/2xKwiXL

-- FACT CHECK: "Gary Cohn says a typical American family earns $100,000 a year -- here's how much they really make," by CNBC's Esther Bloom: "In actuality, the average American family makes $74,000 a year before taxes, or about $26,000 less than that, according to the Bureau of Labor Statistics. The median American family income is roughly half of Cohn's estimate, or only about $55,000. And some critics are seizing on Cohn's assertion that, with $1,000, a family 'could renovate their kitchen, they could buy a new car.'" http://cnb.cx/2xQeEm7

THAT TOOK ABOUT TWO SECONDS -- "Lobbyists Rally to Save Tax Breaks Under Threat in Trump Plan," by NYT's Alan Rappeport and Thomas Kaplan: "Republicans' release of a sweeping plan to rewrite the tax code has set off a scramble among Washington lobbyists and trade groups to protect valuable tax breaks and other long-ingrained provisions. The plan's scant details make it hard to know what, exactly, is on the chopping block. But within hours of the plan's unveiling on Wednesday, flash points emerged over measures that supporters said could hurt the housing market, raise borrowing costs and increase the tax burden on families in high-tax states.

"The response put Trump administration officials on the defensive as they embark on a campaign to sell the plan. 'The lobbyists shouldn't have input, but the people in Congress should have input, and we'll be working with them closely as we turn this into

a bill and get it to the president to sign this year,' Steven Mnuchin, the Treasury secretary, said on Fox Business Network on Thursday." http://nyti.ms/2xLnKjD

-- BLOOMBERG'S SAHIL KAPUR: "Trump's Tax Cut Fate in the Hands of These Six Key GOP Senators": "Bob Corker ... John McCain ... Rand Paul ... Pat Toomey ... Orrin Hatch ... Susan Collins". https://bloom.bg/2hzes4z

VIDEO DU JOUR -- @SteveScalise: "The outpouring of love, warmth, and prayer means so much to me. I am so glad to be back." ***2-min. video*** http://bit.ly/2xPOvUk

ALL SPOTTED at Fiola Mare last night: Tom Price, Ivanka Trump and Mick Mulvaney

****** **A message from Morgan Stanley**: "Green Buildings" can power savings and returns. Read more about disruption in the development sector from Morgan Stanley. ******

ANOTHER RACHANA PRADHAN and **DAN DIAMOND SCOOP -- "Price took military jets to Europe, Asia for over $500K:** Accompanied by his wife, the HHS secretary journeyed to Geneva, Berlin, Beijing, Tokyo and other cities for events": "The White House approved the use of military aircraft for multi-national trips by Health and Human Services Secretary Tom Price to Africa and Europe this spring, and to Asia in the summer, at a cost of more than $500,000 to taxpayers.

"The overseas trips bring the total cost to taxpayers of Price's travels to more than $1 million since May, according to a POLITICO review. ... [O]ne of Price's recent predecessors, Kathleen Sebelius, who served for five years under President Barack Obama, said she never took a military plane on her many trips overseas; she always flew commercially. Sylvia Mathews Burwell, who served as HHS secretary for the final 2½ years of the Obama administration, used a military jet for travel to Havana, Cuba, according to former HHS aides.

"Price's overseas trips on government planes included stops in Berlin, Geneva, Beijing, Ho Chi Minh City and Tokyo, where he attended world health meetings and met with other high-level officials. In May, Price also visited Liberia, where he discussed the nation's response to the Ebola virus that ravaged the West African country three years ago." http://politi.co/2xJZoXh

-- "Price chalks up jet travel to Trump's 'very ambitious agenda,'" by Cristiano Lima: "Price, who came under investigation after POLITICO revealed that he had taken at least 26 charter flights on official business since May, at a cost of more than $400,000, said in an interview on Fox News that he regretted the impact his decisions had on taxpayers.

"But the secretary also continued to defend the trips for having been approved through the 'normal process' and thus having been 'deemed appropriate official travel.' Pressed on how he could square the costly travel with his fiscally conservative ideals,

Price said the flights were booked partially out of a desire to fulfill Trump's plans." http://politi.co/2xCxUE2

-- "Tom Price Wanted To Reopen His Department's Executive Dining Room, Sources Say," by BuzzFeed's Adrian Carrasquillo: "Price ... asked a White House official within the first two months of the administration to let President Trump know that he wanted to reopen his department's executive dining room ... A separate source confirmed Price's interest in 'reconstituting' the executive dining room more recently. The room had been closed as a dining room for top officials since the George W. Bush administration." http://bzfd.it/2hzXwLm

-- NYT's Katie Rogers, Glenn Thrush and Maggie Haberman: "Mr. Trump has grown incensed by Mr. Price's liberal renting of expensive planes, which he views as undercutting his drain-the-swamp campaign message, according to several administration officials with direct knowledge of the president's thinking. Through intermediaries and the media, Mr. Trump has let it be known that offering reimbursement as repentance was no guarantee that Mr. Price would keep his job." http://nyti.ms/2xKB1Zu

--@chrislhayes: "The punchline to this story is that a year from now Tom Price will be making seven figures as a health industry lobbyist."

-- "Interior Secretary Zinke traveled on charter, military planes," by Ben Lefebvre: "Interior Secretary Ryan Zinke and his aides have taken several flights on private or military aircraft, including a $12,000 charter plane to take him to events in his hometown in Montana and private flights between two Caribbean islands, according to documents and a department spokeswoman. Zinke is at least the fourth senior member of the Trump administration to have used non-commercial planes at taxpayer expense, along with EPA Administrator Scott Pruitt, Treasury Secretary Steven Mnuchin and HHS Secretary Tom Price. President Donald Trump has fumed at Price's pricey travel, and Democrats say the revelations demonstrate a cavalier attitude by Cabinet members toward excessive spending." http://politi.co/2xKJY5p

WAPO: The charter plane for the Montana flight was owned by the executives of an oil and gas company http://wapo.st/2fW95J5

BEHIND THE SCENES -- "Trump Goes Rogue on Iran: The disjointed effort by Team USA to rewrite the nuclear deal," by Bloomberg's Nick Wadhams: "The tension boiled over at the Sept. 20 diplomatic meeting at the UN to discuss the Iran accord. [Nikki] Haley wasn't originally invited, but at the last minute, she took a spot reserved for a senior adviser to Tillerson without asking the State Department. She then tried to sit at the main table in a space reserved for another U.S. official but was told to sit in the back, according to two people familiar with the situation. Haley's office called that version of events false and said she participated with encouragement from the White House." https://bloom.bg/2fvs5xg

-- JOSH ROGIN, "In private remarks, Trump opines on North Korea, Afghanistan and catapults": "Over lengthy remarks, the president recalled how he came to reverse course on deploying troops to Afghanistan, calling that country 'the Wharton school of finance for terrorists,' referring to his alma mater. Trump also praised his own handling of the North Korea nuclear crisis, touted his relationship with Chinese President Xi Jinping and explained how he came up with his latest nickname for Kim Jong Un. Although Trump called Kim 'Rocket Man' in his first address to the United Nations, he thought it was not an insult and could even be seen as a compliment, Trump said at the dinner, according to attendees. But after Kim issued a statement calling Trump a 'dotard,' Trump upped the ante. 'So I said, all right, so now I'll call him Little Rocket Man,' Trump said.'" http://wapo.st/2ycS5sN

-- "Trump to unleash more global arms sales," by Bryan Bender and Tara Palmeri: "President Donald Trump is preparing to ease some restrictions on U.S. weapons sales overseas, sparking concerns about further flooding the international market with high-tech weapons and inflaming feuds in hot spots like the Middle East. The changes, which could include enlisting the State Department and Pentagon to more actively advocate on behalf of American arms manufacturers, are set to be included in an executive order or presidential memorandum that Trump will issue this fall, according to three administration officials involved in the deliberations." http://politi.co/2hASDS8

TROUBLE IN PUERTO RICO -- "Puerto Ricans say U.S. relief efforts failing them," by AP's Danica Coto in San Juan and Laurie Kellman in D.C.: "The Trump administration declared Thursday that its relief efforts in Puerto Rico are succeeding, but people on the island said help was scarce and disorganized while food supplies dwindled in some remote towns eight days after Hurricane Maria devastated the U.S. territory of 3.4 million people. President Donald Trump cleared the way for more supplies to head to Puerto Rico by issuing a 10-day waiver of federal restrictions on foreign ships delivering cargo to the island. And House Speaker Paul Ryan said [FEMA's] disaster relief account would get a $6.7 billion boost by the end of the week." http://bit.ly/2fCHEaq

-- "'We don't even know when we're coming back': Puerto Ricans evacuate to Florida on a cruise ship," by L.A. Times' Molly Hennessy-Fiske in San Juan: http://lat.ms/2ywj7HC

THE LATEST ON HEALTH CARE -- WILL MCCONNELL AND RYAN BITE? -- "Alexander, Murray inching toward deal to stabilize Obamacare," by Jen Haberkorn and Burgess Everett: "A pair of deal-making senators is inching toward a bipartisan agreement to fund Obamacare's insurance subsidies and provide some certainty to health insurance markets just two days after the GOP's latest Obamacare repeal effort failed.

"Senate Health, Education, Labor, and Pensions Committee Chairman Lamar Alexander (R-Tenn.) and ranking member Patty Murray (D-Wash.) are moving toward a plan to stabilize Obamacare in the short term after meeting on Wednesday. Though

they have not yet clinched a deal, their progress could ignite a new battle over how or whether to improve the law. 'Maybe by the end of next week, we will go and hand a piece of legislation to Sen. [Mitch] [Mitch] McConnell and Sen. [Chuck] Schumer,' Alexander said on Thursday." http://politi.co/2hBYTc9

MORE EMAIL DRAMA -- "White House launches probe of private email accounts," by Josh Dawsey and Andrea Peterson: "The White House has launched an internal probe of private email use, pulling batches of emails on the White House server to and from private accounts of senior aides, according to four officials familiar with the matter. The effort began this week after POLITICO reported that Jared Kushner and a number of other senior White House officials used private email accounts throughout the year to conduct government business.

"Of particular interest is Kushner and Ivanka Trump's private email domain, because they still work in the White House, two officials said. Accounts of other White House officials also are being reviewed. The probe could take several weeks or even months to complete ... [O]fficials are searching for all emails sent or received about government business. The White House counsel's office is reviewing the accounts to determine whether the messages are germane to any investigations such as the ongoing Russia probes by Congress and special counsel Robert Mueller." http://politi.co/2fvNzdw

-- "Kushner didn't disclose personal email account to Senate intel committee," by CNN's Jake Tapper: "In his closed interview with the staff of the Senate intelligence committee, White House senior adviser and presidential son-in-law Jared Kushner did not share the existence of his personal email account, which he has used for official business, CNN has learned. CNN has also learned that the chair and vice chair of the committee were so unhappy that they learned about the existence of his personal email account via news reports that they wrote him a letter via his attorney Thursday instructing him to double-check that he has turned over every relevant document to the committee." http://cnn.it/2ybRMhM

THE BIG PICTURE -- "Beyond the daily drama and Twitter battles, Trump begins to alter American life," by Reuters' John Whitesides: "Even without delivering on his biggest campaign promises, President Donald Trump has begun to reshape American life in ways big and small. Over his first nine months, Trump has used an aggressive series of regulatory rollbacks, executive orders and changes in enforcement guidelines to rewrite the rules for industries from energy to airlines, and on issues from campus sexual assault to anti-discrimination protections for transgender students.

"While his administration has been chaotic, and his decision-making impulsive and sometimes whimsical, Trump has made changes that could have far-reaching and lingering consequences for society and the economy. Some have grabbed headlines but many, no less consequential, have gone largely unnoticed amid the daily controversies and Twitter insults that have marked Trump's early months in office.

"Under Trump, oil is flowing through the Dakota Access Pipeline. Arrests of

immigrants living illegally in the United States are up. More federal lands are open for coal mining. The administration has left its mark in smaller ways, as well. Trump has rolled back or delayed Obama-era rules and regulations that protected retirement savings from unscrupulous financial advisers, made it harder for companies that violated labor laws to land federal contracts and restricted what internet service providers could do with their customers' personal data.

"Those kinds of low-profile policy shifts are far from the dramatic change promised by the headline-loving Trump, who won the White House with a vow to fundamentally reshape Washington. But the effects can be just as real." http://reut.rs/2xFH7Jk

COMING ATTRACTIONS -- "Alabama Victory Provides Blueprint for New Bannon Alliance," by NYT's Ken Vogel and Jeremy W. Peters: "Stephen K. Bannon and two of his longtime benefactors are putting together a political coalition designed to ensure that the victory of a Republican insurgent in the Alabama Senate primary this week was just the beginning of the surprises that await the party establishment. ...

"[T]he Bannon-Mercer alliance is likely to be a potent factor in widening the divisions laid bare by the Alabama race and the intraparty battles that have crippled the Republican agenda in Congress. It could put Mr. Bannon and the Mercers on a collision course with not just the Republican establishment but with other donor-driven political organizations, including the one built by the billionaire brothers Charles G. and David H. Koch - and potentially with Mr. Trump." http://nyti.ms/2wnMGux

RUSSIA WATCH -- "Trump skips ceremony for FBI director amid Russia investigation," by Josh Meyer: "President Donald Trump was conspicuously absent from the installation ceremony of his handpicked new FBI director Thursday because the bureau is involved in the special counsel investigation into whether Trump associates colluded with Russia to influence the 2016 election, a White House official said. By avoiding the high-profile event for former Justice Department lawyer Christopher Wray -- who assumed the director's post upon being sworn in on Aug. 2 -- Trump broke an informal protocol, in which presidents have overseen the largely ceremonial occasion." http://politi.co/2x1w2Af

-- "Pence sent lawyer to meet with Mueller over the summer," by Matt Nussbaum: "Vice President Mike Pence's outside lawyer met privately with special counsel Robert Mueller at Pence's request last summer, according to a person familiar with the meeting. The meeting, which has not been previously reported, was held at Pence's request to express his willingness to cooperate with Mueller's investigation, the person said. Pence retained Richard Cullen, chairman of McGuireWoods and a former U.S. attorney, in June to represent him in the Russia probe. The meeting with Mueller took place soon after Cullen accepted the job." http://politi.co/2yLqNXy

TRUMP'S FRIDAY -- PRESIDENT TRUMP is speaking at the National Association of Manufacturers board meeting this morning. He will have lunch with VP Mike Pence and Florida Gov. Rick Scott. He will leave this afternoon for Bedminster, N.J.

-- YOM KIPPUR begins at 6:35 p.m. The fast ends tomorrow night at 7:32 p.m. To those observing, have an easy fast.

FOR YOUR RADAR -- NYT's SCOTT CACCIOLA: "Commissioner Still Expects N.B.A. Players to Stand for Anthem" http://nyti.ms/2wnmiRe

Playbook Reads

PHOTO DU JOUR: House Majority Whip Steve Scalise walks with his wife Jennifer, left, as he leaves the House chamber in the Capitol in Washington on Sept. 28. To hugs and a roaring bipartisan standing ovation, Scalise returned to the House, more than three months after a baseball practice shooting left him fighting for his life. | Jose Luis Magana/AP Photo

STUNNING READ -- WAPO'S GEOFF EDGERS -- "Losing the part: How Darrell Hammond, SNL's best impressionist ever, found life after Trump" http://wapo.st/2fwgJJn

THE OPPOSITION -- "Bernie backers give Dem incumbents a pass in 2018," by Gabe Debenedetti: "Democrats have long been terrified that the Sanders-Clinton slugfest of 2016 would set off a prolonged civil war in the party, forcing incumbents to fight off primary challengers from the left in Senate and gubernatorial races. It hasn't happened. In a surprising reversal of the post-2008 dynamic - when Republicans were shut out of power, then saw a raft of tea party primary challengers take on their incumbents - Democrats have largely been spared of that predicament.

"Instead, it's Republican incumbents yet again facing heat from the right, as arch-conservative Roy Moore's defeat of incumbent Sen. Luther Strange (R-Ala.) this week emphatically showed. 'What Democrats right now care about more than anything is winning,' veteran Democratic pollster Jefrey Pollock said of divisive Democratic primaries. 'I don't think the ultra-progressives have abandoned their principles - not at all - but I think they looked at the challenge and said, 'This is not the right place.'" http://politi.co/2xFD4MQ

ADAM JENTLESON in POLITICO Magazine, **"The Myth of Mitch McConnell, Political Super-Genius** : The Senate majority leader has been coasting on an inflated reputation for too long. This week exposed just how little he has achieved": "For the uninitiated, the Myth goes something like this: A calculating Kentuckian, he sees three steps ahead while playing eight-dimensional chess on his solved Rubik's cube with one hand, while using the other to hold an inside straight close to his vest, which is embroidered with Masonic secrets that only he can read and that unlock true mastery of the Senate, along with eternal enlightenment, for good measure.

"In the Myth of McConnell, grand achievements are conjured out of last-minute, crisis-driven exercises in can-kicking-like extending the U.S. borrowing authority and government funding-all things that used to happen routinely before McConnell became leader of the Republican Caucus and unleashed his unique brand of unprecedented obstructionism on the Senate, manufacturing the very crises that made the last-minute deals necessary. Meanwhile, humdrum political events, like winning reelection in a deep red state in a strong year for Republicans-as McConnell did in 2014-are recast as achievements of Machiavellian brilliance." http://politi.co/2fCKAU7

BEYOND THE BELTWAY - "Trump-Russia pundit may run for Illinois AG post," by Josh Gerstein: "A former federal prosecutor who's become a prominent media pundit about special counsel Robert Mueller's investigation into the Trump campaign and White House is considering a run for office. Renato Mariotti, who spent nearly 10 years in the U.S. Attorney's Office in Chicago, said Thursday he's mulling a bid for Illinois attorney general. ... The current attorney general, four-term Democrat Lisa Madigan, surprised the Illinois political establishment two weeks ago by announcing that she does not plan to run for re-election next year." http://politi.co/2fCtje4

****** **A message from Morgan Stanley**: The energy-efficiency movement has evolved into a tech-savvy, industrial-strength global business offering substantial savings-and investment opportunities. The building sector of today focuses on delivering state-of-the-art building materials, equipment and energy management, driven by rising global demand for "green buildings." Read more. ******

MEDIAWATCH -- "Eric Holder-Inspired U.S. Attorney General Drama Series With Jerry Bruckheimer Producing In Works At CBS," by Deadline's Nellie Andreeva: "The former U.S. Attorney General has teamed with top producer Jerry Bruckheimer for 'Main Justice,' a legal drama series project, which has been set up at CBS. Written by Sascha Penn (Survivor's Remorse) and executive produced by Holder and Bruckheimer, 'Main Justice' was inspired by Holder's life and work. Centered around the U.S. Attorney General, the show takes us into the tumultuous world of the 5th floor of the Department of Justice where he takes on the biggest legal and investigative cases in the country all while being the youngest person to ever hold such an esteemed position." http://bit.ly/2ybWXhN

--"The Wall Street Journal to Stop Publishing Europe, Asia Print Editions," by WSJ's Lukas I. Alpert: "The Wall Street Journal will cease publishing the European and Asian print editions of the newspaper over the next week, as the company shifts its focus to digital amid an increasingly challenged print advertising market. The final print edition in Europe will be this Friday, with Asia's print publication ceasing after next Friday, company officials confirmed. After that, the printed newspaper will no longer be sold in some markets and will be replaced by the U.S. edition in others-such as Tokyo-at a later date." http://on.wsj.com/2yxpL0b

-- "'Every Day Has Been Surreal: Gretchen Carlson on Bill O'Reilly, Donald Trump, and Life After Bringing Down Roger Ailes," by Vanity Fair's Gabe Sherman:

http://bit.ly/2k83UKw

Playbookers

SPOTTED: actor Harrison Ford eating lunch at Il Canale in Georgetown yesterday. It was the second time he has eaten there in a month. He was in town to receive an award at Smithsonian National Zoo gala, which is also giving an award to actress Betty White.

OUT AND ABOUT -- KATY TUR'S BOOK PARTY -- NBC News' Andrea Mitchell threw a party at the Jefferson Hotel last night to celebrate the release of Katy Tur's "Unbelievable." ***Photo gallery by Daniel Swartz*** http://smu.gs/2wokli6 **SPOTTED:** Tony Dokoupil, Holly Bailey, Leigh Ann Caldwell, Tony Capra, Abigail Crutchfield, Jeremy Diamond, Ken Dilanian, Hadas Gold, Noah Gray, Carl Hulse, Ben Jacobs, Sally Quinn, Ashley Killough, Bob Costa, Carol Lee, Mark Leibovich, Greg Martin, Mike Memoli, Zeke Miller, Alex Moe, Sara Murray and Garrett Haake, Hans Nicolas, Maureen Orth, Jeremy Peters, Michelle Perry, Shimon Prokupecz, John Reiss, Benjy Sarlin, Eli Stokols, Shawna Thomas, Frank Thorp, Hallie Jackson, Glenn Thrush, Ali Vitali, Cydney Weiner, Ryan Williams, Mark Murray, Kelly O'Donnell, Katie Hinman, Lauren French, Melissa Frankel, Anne Gearan, Monica Alba, Andrew Beatty, Jesse Rodriguez, Kristen Holmes, John Harwood, Rick Bosh, Kristen Welker, Peter Alexander, Susan Page, Haley Talbot, Sarah Convissor and Jen Jacobs.

-- TOM QUINN celebrated the first of five parties to mark his 80th birthday on Venable's rooftop last night. D.C. Councilman Jack Evans, Sens. Patrick Leahy (D-Vt.) and Sheldon Whitehouse (D-R.I.) were among those who gave remarks. ***Pic of Quinn, Lynly Boor and Franco Nuschese*** http://bit.ly/2fvHJsH

PLAYBOOK INBOX - Brian McCormack emails the Bush-Cheney alumni list: "After eight years of sending out these communications to fellow Bush-Cheney alumni ... I'm pleased to announce that Julie Cram and Kerrie Rushton, two former White House colleagues, have agreed to pick-up where I'm leaving off and continue to build on our shared history of serving together in the Bush-Cheney Administration."

SUNDAY SO FAR - "Fox News Sunday": OMB Director Mick Mulvaney. Panel: Josh Holmes, Donna Edwards, Mike Needham, Charles Lane

--ABC's "This Week": Treasury Secretary Steven Mnuchin ... Sen. Tim Scott (R-S.C.) ... Sen. Bernie Sanders (I-Vt.). Panel: Alex Castellanos, Stephanie Cutter, E.J. Dionne, Megan Murphy and Jason Riley

--NBC's "Meet the Press": Sen. Bob Corker (R-Tenn.) ... Ta-Nehisi Coates. Panel: David Brooks, Danielle Pletka, Joy Reid, and Charlie Sykes

--CBS' "Face the Nation": Speaker Paul Ryan ... Sen. Chuck Schumer (D-N.Y.) ... Bob

Schieffer on his new book "Overload: Finding the Truth in Today's Deluge of News". Political panel: Ben Domenech, Ed O'Keefe, Ezra Klein, and Amy Walter.

--CNN's "State of the Union": Mick Mulvaney ... Sen. Bernie Sanders (I-Vt.) ... Ohio Gov. John Kasich. Panel: Bakari Sellers, Amanda Carpenter, Michael Caputo, and Rep. Stephanie Murphy (D-Fla.)

--CNN's "Inside Politics," hosted by John King: Julie Pace, Perry Bacon, Jen Jacobs, Karoun Demirjian

--CNN's "Fareed Zakaria GPS": Satya Nadella

BIRTHDAY OF THE DAY: Doug Frantz, OECD deputy secretary-general and alum of State, WashPost and NYT. **How he's celebrating:** "My wife, Catherine Collins, is taking me to Copenhagen, where she has promised a birthday dinner at a new avant-garde restaurant. She won't tell me the name of the restaurant. It's a surprise. But two years of living in Paris has convinced me that Virginia Woolf was right when she said, 'One cannot think well, love well, sleep well, if one has not dined well.'" **Read his Playbook Plus Q&A:** http://politi.co/2hAxxTV

BIRTHDAYS: Sandra Sobieraj Westfall ... CNN alum Lucy Spiegel ... Sen. Bill Nelson (D-Fla.) is 75 ... Bryant Gumbel is 69 ... Anton Vuljaj is 3-0 (h/ts Bubba Atkinson, Charlie the Dog and Rob Saliterman) ... Kelly Ward (h/t Jesse Ferguson) ... Melissa DeRosa ... David Nather ... Politico's Ryan Hutchins ... Jessica Cochran ... Bobby Schmuck ... Mary Pharris ... Riley Swinehart, VP of government affairs at AdvaMed ... Lee Lilley, SVP in the federal public affairs group at McGuireWoods Consulting ... Michael Mauro ... Scott Widmeyer ... Salena Zito (h/t Alex Rosenwald) ... Kevin Kellems ... Slate's Will Saletan ... Bank of America's A-T Connell, who was in town for the Vietnam documentary screening at Washington Ideas but celebrating in Charlotte today (h/t Ben Chang) ... AIPAC's Brian Shankman is 45 (h/t Jewish Insider) ... Lisa Osborne Ross, managing director of APCO Worldwide's D.C. office (h/t Anthony DeAngelo) ...

... Shawn Pasternak, in-house resident research expert at S-3 Public Affairs (h/t Amos Snead) ... Matthew Cornelius of OMB's office of the federal CIO (h/t Becky Zusman) ... Laura Gaffey, deputy COO at Precision Strategies (h/t Tom Zigo) ... Mike McGuire, of Venables Bell & Partners in San Francisco, is 32. "He's capping off a big year, including his first Super Bowl ad - Audi's landmark spot calling for pay equality. Mike will be celebrating in the Bay Area with his friends Brit and Sam, and by playing a few games of his real passion: ping-pong" (h/t Danny Gaynor) ... Jessica Ross, who leads public affairs at Finn Partners in D.C. ... Douglas Baker ... Mike Ting ... Katie Wilmeth ... Elizabeth Tannen ... Chronicle of Higher Ed's Karin Fischer ... Brad Lightcap ... Alex Goldstick ... Joanna Acocella ... Keri Ann Meslar ... Trey Nix ... Leslie Phillips ... Barry Weprin is 65 ... Beatrice Motamedi ... Paul Bock, partner at Holland & Knight, Herb Kohl alum (h/t Jon Haber) ... AECOM's Josh Sawislak (h/t Lauren Dezenski) ... Katie Roberts Jackson, global external affairs leader at GE Power ... Scott Hoeflich ... former Rep. Max Sandlin (D-Texas) is 65 ... Deb Sutinen, pride of the Shorewood, Wisc. swimming

pool ... Mia Hanson ... Priscilla Burton ... Dave Hamrick ... Christopher Shannon ... Jack Corrigan (h/ts Teresa Vilmain)

****** **A message from Morgan Stanley** : Turn off the lights when you leave the room. Seal all windows for winter. Close the blinds to keep out summer heat. Sound familiar? These quaint refrains from the 1970s' energy-efficiency movement have given way to a high-tech, industrial-strength sector focused today on delivering state-of-the-art building materials, equipment and energy management. Much of its growth is fueled by rising global demand for "green buildings" that can yield significant savings at every scale of construction, operations and maintenance. But technological advances in material science, low-cost connected sensors and chips, and advanced software for managing "smart buildings" make up the other side of this story. With residential, commercial and public buildings accounting for an estimated 30% of the world's energy consumption, increased interest can not only help boost corporate bottom lines, but also lower public budgets, stimulate productivity and create jobs. Read more from Morgan Stanley. ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Media
Sent: Tue 10/3/2017 9:40:09 AM
Subject: Morning Media: Newsrooms tackle latest mass shooting -- Hoaxes spread on social media -- Las Vegas Review-Journal swarms -- Gawker archives may be deleted

By Michael Calderone | 10/03/2017 05:38 AM EDT

NEWSROOMS HAVE THE GRIM ROUTINE DOWN BY NOW. After initial reports of yet another mass shooting in America, journalists are scanning social media, getting details from authorities, wading through misinformation online, researching the suspect, and interviewing witnesses and family members. Reporters and anchors are dispatched across the country. Coverage dominates cable. There are news conferences. The president makes a statement. Gun stocks rise.

-- If the suspect is of Middle Eastern descent, attention inevitably turns to international terrorism. If the suspect is white -- as was the case in the shooting massacre in Las Vegas that left at least 59 dead and more than 500 injured -- other motives, such as politics and mental illness, are considered. There are immediate calls for gun control, countered by claims that it's too early to talk about gun control. Congress will probably do nothing.

-- Journalists are doing essential work on the ground and on the phone. They're telling harrowing stories of survivors, tragic stories of victims, and inspiring stories of first responders, trauma surgeons, and ordinary people who just thought they were going to a country music concert and ended up saving lives.

-- But The Onion's Monday headline -- "'No Way To Prevent This,' Says Only Nation Where This Regularly Happens" -- went viral given the all-too-familiar nature of these grave news events. The satirical site has run the same headline for several years, changing the accompanying photo and dateline from Isla Vista, California to Charleston, South Carolina to Roseburg, Oregon to San Bernardino, California. And that's only a handful of the mass shootings that have occurred in the United States, of which there have been 273 this year.

-- CNN's Jake Tapper recalled previous mass shootings in Newtown, Connecticut and Orlando, Florida at the start of Monday's show, suggesting that this latest massacre is unlikely to be the last. "I wish I could tell you this is the last time I'm ever going to report to you about the deadliest mass shooting in modern American history," he said. "But I cannot tell you that."

Good morning and welcome to Morning Media. You can reach me at mcalderone@politico.com and follow at @mlcalderone. Morning Media is edited by Alex Weprin (@alexweprin), with contributions from Jason Schwartz (@dlippman) Archives. Subscribe.

MUST-WATCH: Jimmy Kimmel's emotional monologue Monday night.

-- "I want this to be a comedy show. I hate talking about stuff like this. I just want to laugh about things every night," Kimmel said. "But it seems to becoming increasingly difficult lately.

It feels like someone has opened a window into hell. What I'm talking about tonight isn't about gun control. It's about common sense. Common sense says no good will ever come from allowing a person to have weapons that can take down 527 Americans at a concert."

HOAXES, MISINFORMATION SPREAD AFTER VEGAS SHOOTING: As Facebook and Twitter face continued scrutiny for allowing rampant misinformation to spread during the 2016 election, the social platforms, as well as Google, faced deserved criticism as bogus stories flowed in the immediate aftermath of the shooting.

-- "Google and Facebook Have Failed Us," writes The Atlantic's Alexis Madrigal: Hoaxers "used the infrastructure that Google and Facebook and YouTube have built to achieve wide distribution. These companies are the most powerful information gatekeepers that the world has ever known, and yet they refuse to take responsibility for their *active role* in damaging the quality of information reaching the public."

-- "The Big Tech Platforms Still Suck During Breaking News," writes BuzzFeed's Charlie Warzel. "This is just the latest example of platforms who've pledged to provide accurate information failing miserably to do so. Despite their endless assurances and apologies and promises to do better, misinformation continues to slip past. When it comes to breaking news, platforms like Facebook and Google tout themselves as willing, competent gatekeepers. But it's clear they're simply not up to the task."

-- Pro-Trump site Gateway Pundit, for one, misidentified the suspect in a now-deleted post that also framed the shooting as the work of a "left-wing loon."

DID SOME MEDIA PLAY INTO ISIS'S HANDS? POLITICO's Jason Schwartz surveys how different news outlets covered ISIS's claim of responsibility -- without evidence -- for the Las Vegas shooting and looks at whether outlets that reported the claims in headlines were helping fuel the terrorist group's desire for publicity.

AT THE SCENE: Photographer David Becker, who was supposed to be covering the music festival for Getty Images, recalled shifting to cover a tragedy. "It would stop and then more shots, then a lull and then more shots. I could hear people yelling at them to shut off the lights, to be quiet. People were cowering, they were very fearful for their lives. This was at a time before I had looked at any of the photographs and I still didn't know exactly what was happening." (*Warning: graphic images*).

REVIEW-JOURNAL SWARMS: The Las Vegas paper had about 50 of its 140 journalists covering the shooting on Sunday night and dozens more yesterday, editor-in-chief Keith Moyer told The Washington Post's Paul Farhi. "The Review-Journal treated the episode as a community emergency, directing readers to blood banks and centers where people could find information about lost relatives and victims," Farhi wrote.

SOUND BITE

-- "That Las Vegas authorities have ruled out terrorism at this early stage is another example of

how the idea has all but been racialized. Essentially, by the definition currently in common currency, a white person cannot be a terrorist." [Jamelle Bouie]

TRUMP'S "POLITICAL SKILLS" WERE A DOMINANT STORYLINE over first 100 days, per new Pew study: "Looking at the total coverage across all 24 outlets, five topics accounted for two-thirds of the coverage during this time period (Jan. 21-April 30): stories about the president's political skills (17%), immigration (14%), presidential appointments and nominations (13%), U.S.-Russia relations (13%), and healthcare (9%). None of the remaining 39 topics accounted for more than 4% of stories."

KELLY CAN'T SHUT OFF FOX: A "longtime Trump adviser" tells BuzzFeed news that chief of staff John Kelly has been increasingly vetting information coming into the Oval Office but hasn't taken away the president's remote: "He cannot stop the president's voracious consumption of television, and therefore Fox is still probably his greatest single influence as far as what he sees monitoring cable and political coverage."

EVERYTHING PUBLISHED ON GAWKER MAY BE DELETED. The site, shuttered last year after the company lost an invasion of privacy lawsuit brought by Hulk Hogan, is up for sale. And according to the Wall Street Journal, the buyer can do whatever he or she wants with the Gawker.com domain, its social media accounts, and nearly 200,000 published articles. If the would-be buyers preserve all the articles, they could be legally responsible for them, leading to fears that whoever acquires the site will delete some or all of the pieces.

-- Gawker veterans are understandably concerned. "I imagine most of the people who would be good stewards of the Gawker archives are too scared of being pursued legally to make that purchase," Intercept reporter **Sam Biddle** told The Journal. "The threat isn't just credible. It's come to pass." And **Hamilton Nolan**, now with Splinter News, warned in a tweet: "To be clear, it is LIKELY someone will delete the Gawker archives unless a righteous buyer steps up to save them."

CBS NEWS ERRONEOUSLY REPORTED TOM PETTY'S DEATH. CBS had attributed the information to the LAPD, which said it couldn't confirm it, leading the network to walk back the report. TMZ has reported that the legendary rocker suffered full cardiac arrest and is "clinging to life."

WHAT TO DO WHEN YOUR REPORTER IS ARRESTED: Media law professor and CJR press freedom correspondent Jonathan Peters surveyed 10 media lawyers and news executives over how to respond when a reporter is arrested: "Should the organization cover or otherwise amplify the arrest and underlying incident, as the Post-Dispatch did? What should the organization's editors do? Should the arrested reporter tweet about his or her experience?"

WASHINGTONIAN'S MOST POWERFUL WOMEN IN WASHINGTON: Several women in media made Washingtonian's list, including POLITICO editor **Carrie Budoff Brown**, New York Times Washington bureau chief **Elisabeth Bumiller**, BuzzFeed Washington bureau chief **Kate Nocera**, Associated Press Washington bureau chief **Julie Pace**, and Univision White House correspondent **Janet Rodriguez**. Full list **here**.

ANTHONY SCARAMUCCI LAUNCHED THE SCARAMUCCI POST last night, and according to The Hill, told attendees at his restaurant event that "we have no idea what the Scaramucci Post is and neither do you."

EXTRAS:

-- CBS fires legal executive for insensitive Facebook post after the Las Vegas shooting.

-- There was a big national media presence already in Las Vegas on Sunday night, prepared to cover O.J. Simpson being released from jail, reports Hadas Gold.

-- Google is doing away with "first click free" as it updates paywall policy for news sites.

-- Bloomberg's new European headquarters has been deemed the world's most sustainable building.

-- Congressman held fake "hearing" for Ukrainian TV.

-- The Times' John Koblin revisits S.I. Newhouse's purchase of The New Yorker, which was followed by outrage from some old timers. He's now seen as the savior of the magazine. (Flashback, Jan. 1987: "Staff Members Upset, Meet At New Yorker")

To view online:
http://www.politico.com/tipsheets/morning-media/2017/10/03/newsrooms-tackle-latest-mass-shooting-hoaxes-spread-on-social-media-las-vegas-review-journal-swarms-gawker-archives-may-be-deleted-222597

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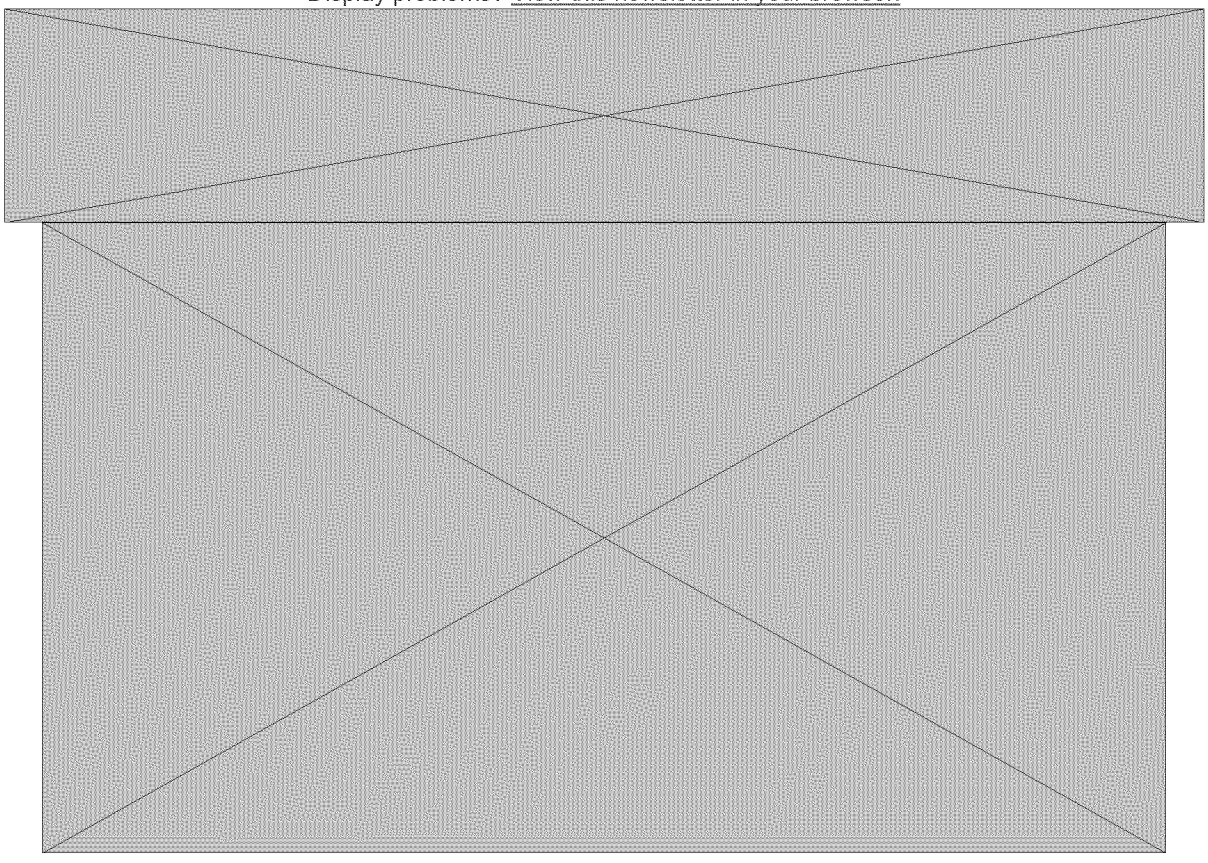
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Subject: Data Strategy Is Essential to Stop Insider Threats | Measuring Cyber Effectiveness | NICE Fix for Cyber Workforce

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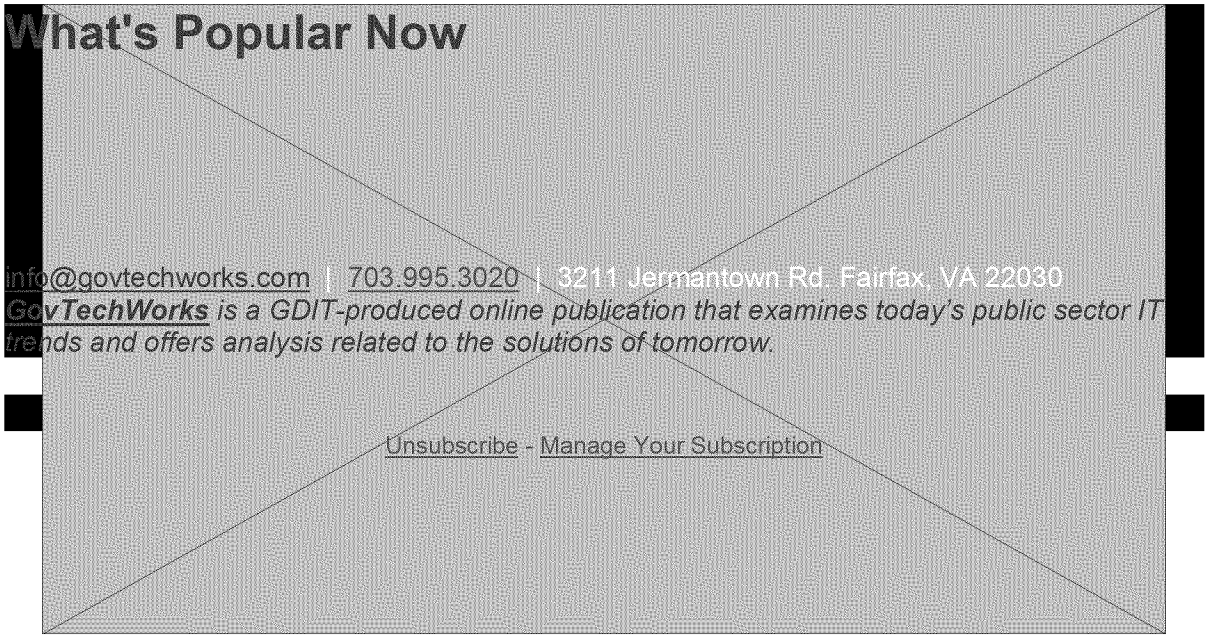
A Long-Term Data Strategy Is Necessary to Stop Insider Threats

Insider threat protection programs accumulate massive storage volumes in order to monitor and track user activity. What data organizations collect – and how long they choose to retain it – depends on its risk tolerance and budget. Read More

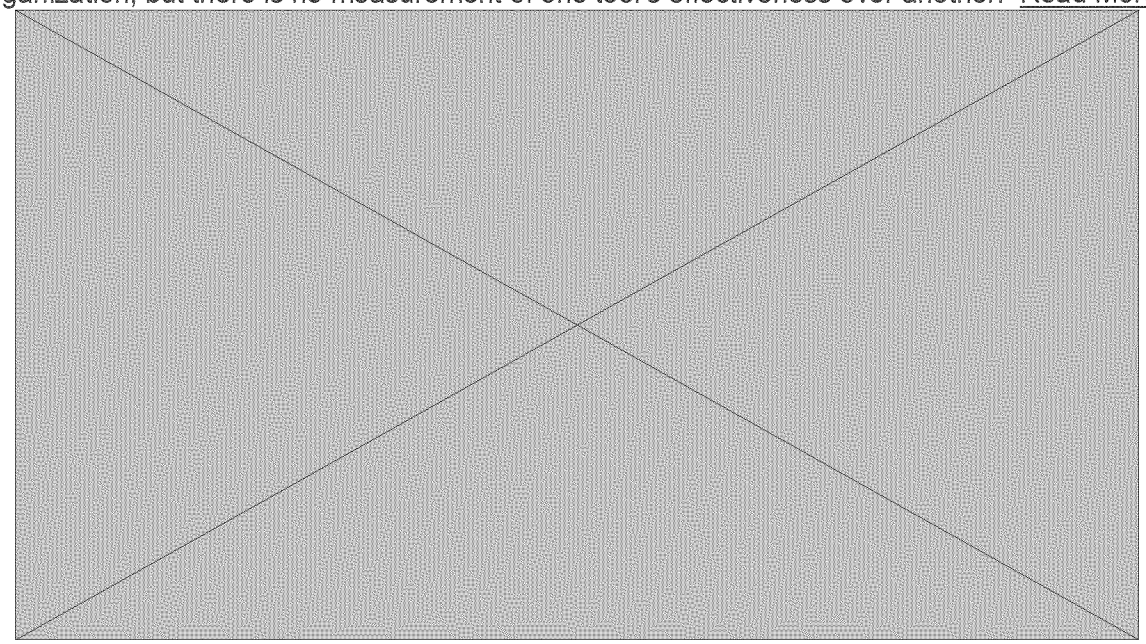
Metrics for Measuring Cyber Effectiveness

Worry about cybersecurity means system owners have multiple tools to help protect their

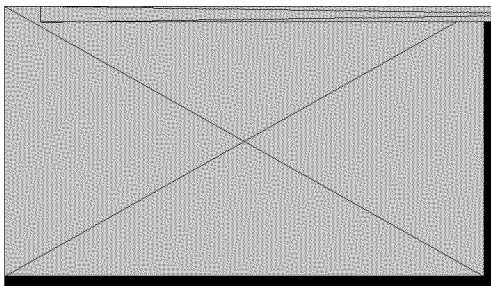
NICE Framework Defines Cyber Workforce Needs



organization, but there is no measurement of one tool's effectiveness over another. Read More

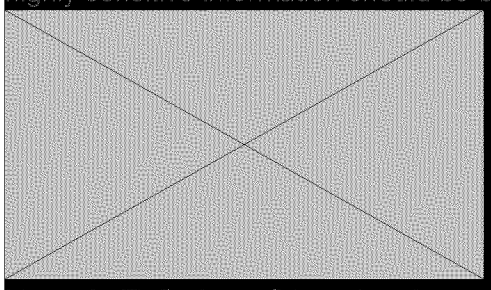


Today's shortage of skilled cybersecurity professionals won't end overnight, but the answer to solving the shortage may be here: It's called the National Initiative for Cybersecurity Education Cybersecurity Workforce Framework. By defining a common language to describe the skills, knowledge and requirements needed to fill each type of cyber job, the framework provides a baseline for understanding which can be shared by employers, educators and workers alike. Read More



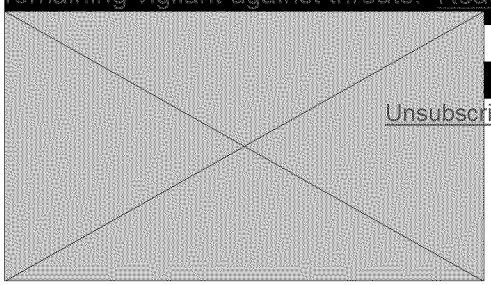
HIPAA's Threat to Health IT

Health IT systems often focus on complying with data privacy concerns. However, protecting highly sensitive information should be baked into every information system. Read More



New IoT Cyber Standard Eases Security Woes

UL 2900 is the first standard for securing IoT products but it does not absolve users from remaining vigilant against threats. Read More



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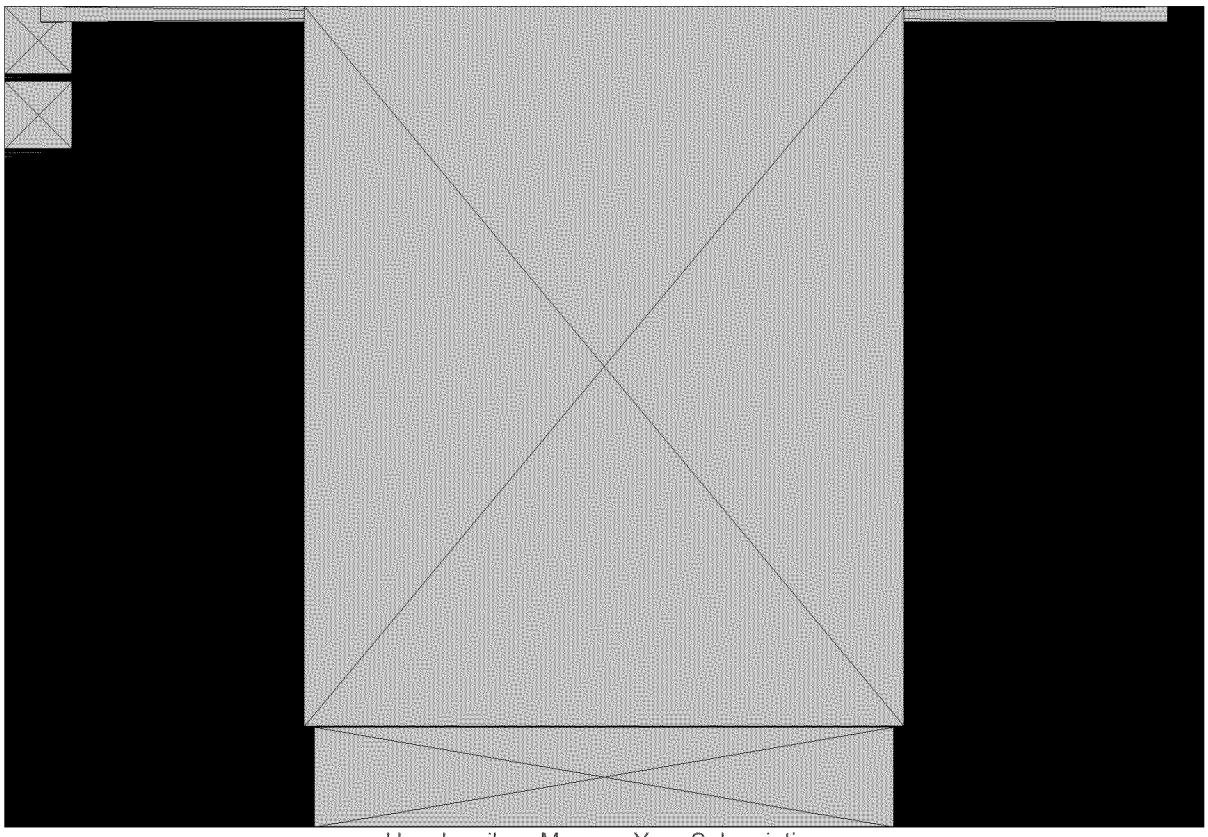
Modern tools plus old-fashioned discipline yield secure software that's built to stay that way. The key: Catch the flaws before they mushroom into disasters. Read More

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Subject: Today on Climate Beat

September 1, 2017

Today on Climate Beat . . .

. . . we headed West, reporting that a federal district judge has rejected Wyoming's bid for separate Clean Air Act and other penalties against Volkswagen for its emissions cheating scandal, saying the air law bars states from enforcing EPA-approved limits on pollution from "new" vehicles unless they adopt California's emissions standards.

Speaking of states, those that support EPA's Clean Power Plan greenhouse gas rule for power plants are reviving arguments over whether the rule's deadlines would be delayed, or "tolled," to account for each day of legal challenges if courts ultimately uphold the regulation, though it might take years for those arguments to become relevant again.

In biofuel news, supporters and detractors of EPA's proposed rule setting volumes under the renewable fuel standard for 2018 have filed dueling comments on the issue, with many focusing on the agency's proposal to reduce the volume of low-carbon cellulosic fuels that must be blended into the nation's fuel supply.

We highlighted some of this week's top stories, including report on how Hurricane Harvey will spur debate on climate and flood policy, as well as novel environmentalist litigation against oil firms, biomass CO2 and California's tractor trailer GHG rules.

And our daily news roundup checked in on a small natural gas plant with carbon capture technology that could be a "game changer" for the climate and clean energy world.

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Subject: The Morning Headlines from InsideEPA.com -- August 31, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

August 31, 2017

Latest News

9th Circuit Avoids Deference Fight In Ruling Backing CWA 'Adjacency' Rule

A federal appeals court has rejected a lawsuit claiming the Corps lacked discretion for what petitioners argued was a too-narrow application of a Clean Water Act (CWA) rule exempting some wetlands from the law's jurisdiction, teeing up a potential Supreme Court fight over agency deference even though the ruling avoids that dispute entirely.

Court Rejects Environmentalists' Call To Stay RMP Delay Pending Review

Federal appellate judges have denied environmental and labor groups' request to stay or vacate the Trump EPA's final rule delaying an Obama-era overhaul of the agency's facility accident prevention program, saying groups have failed to meet "stringent standards" for a stay, though the court also rejected EPA's request to slow briefing.

EPA Broadens Harvey Fuel Waivers, Providing Limited Support For E15 Call

EPA has expanded the scope of its emergency clean fuel waivers to address the impacts of Hurricane Harvey by temporarily waiving requirements for reformulated and low volatility gasoline in the southeast and Mid-Atlantic, a move the renewable fuel sector says grants in part its request for a broader waiver that would allow for the sale of higher-volume ethanol blends.

Small Fuel Retailers' Lawsuit Seeks To Change EPA RFS 'Obligation' Point

Small fuel retailers are suing EPA in a bid to force a change to the renewable fuel standard's (RFS) "point of obligation" compliance duty from refiners and fuel importers to blenders or others, ahead of the agency's expected rejection of petitions seeking the change -- a decision said to have spurred presidential adviser Carl Icahn to quit that position.

EPA Approval Of State's CWA List May Signal Weaker Controls On Minerals

EPA's approval of Arkansas' delayed Clean Water Act (CWA) list of impaired waters

could signal that the agency is preparing to allow states to weaken controls on waters with high mineral content, sources say, seeing it as part of a broader switch to taking a more hands-off approach to states' decisions on environmental regulation.

Environmentalists Defend Court's Order For EPA To Craft Conductivity Plans

Environmentalists are urging a federal appeals court to uphold a district judge's finding that West Virginia has unlawfully abandoned any effort to craft Clean Water Act (CWA) cleanup plans for a host of waters across the state, including many with high conductivity from mining, saying the state will not advance those plans unless ordered to.

EPA Fights 'Speculative' Bid To Vacate Ozone NAAQS Designations Delay

EPA is fighting several states' request for a federal appeals court to vacate the agency's since-withdrawn notice delaying by one year designations for which areas are attaining the 2015 ozone air standard, saying it is “speculative” for the states to say the delay was unlawful and that EPA should be prevented from trying it again.

Daily Feed

Industry urges high court to reject suit over flooding damages

Industry urges the justices to decline to hear a damages case that charges that drilling in Louisiana damaged the coastal ecosystem and made it more vulnerable to flooding from hurricanes and other storm events.

FOIA suit targets industry role in EPA's TSCA rules

Environmental and government watchdog groups are investigating whether the chemical industry influenced changes EPA made to Toxic Substances Control Act rules before finalizing them.

Quote-Unquote: Hurricane Harvey, climate change, ozone NAAQS and NSR

Featuring some beginning assessments of whether climate change was a contributor to the severity of Hurricane Harvey.

Ewire: Harvey's pollution effects start to be seen

By Aug. 29, “74 incidents of excess air pollution have been reported since the hurricane hit, totaling more than one million pounds of emissions."

EPA sends final utility ELG delay rule for OMB review

The rule is likely to face challenges as environmentalists are already suing over a related preliminary action that had the same effect of delaying the underlying rule.

EPA finalizes CWA testing methods rule update

EPA has finalized a Clean Water Act effluent test methods update rule after the Trump administration held it up for additional review earlier this year.

Read all the latest EPA news, analysis and documents →

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From: Bloomberg BNA
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Subject: Sep. 14 -- Energy and Climate Report

Energy and Climate Report

September 14, 2017 - Number 178

News

Boards of Directors

Any Board Ignoring Sustainability Not Doing Its Job, Report Says

When agribusiness Bunge Ltd. bought a stake in a palm oil processor this week, sustainable sourcing was one of the topics that came up in boardroom discussions about the $946 million deal.

Climate Change

Monster Storms Change Coastlines, Not Minds on Climate Change

Back-to-back hurricanes fueled by warm Atlantic waters may have altered the coasts of Texas and Florida, but there's no indication they are shifting the politics of climate change.

Climate Policy

Carbon Capture Bill Gains Steam But Still Needs Republicans

A bill to boost carbon capture incentives would seem to have the right ingredients to hit the Senate floor: It's backed by both the oil and gas industry and environmentalists and is led by an unlikely alliance of Democratic climate hawks and Republican climate policy critics.

Climate Regulation

De Blasio Eyes Greenhouse Gas Cuts from City's Buildings

Greenhouse gas emissions from thousands of buildings in New York City would have to be sharply reduced under a plan by Mayor Bill de Blasio (D) targeting the city's top source of heat trapping emissions.

Coal-Fired Power Plants

Coal Refuse Industry Hopes for Help From Congress

Power companies that generate energy from decades-old waste piles they clean up would get a lifeline under a bill House Republicans have started moving forward.

Coal-Fired Power Plants

EPA to Reconsider Obama-Era Coal Ash Regulations

The EPA said it will reconsider "substantive provisions" of a final rule regulating electric power plants' coal combustion residuals as hazardous waste.

Congress

House Clears EPA Funding Bill Full of Poison Pills for Senate

A funding bill passed by the House Sept. 14 offers a more modest cut to environmental programs than sought by the Trump administration but is so laden with poison pill amendments that it will be little more than a starting point for negotiations with Senate

Democrats.

Energy

Arizona Regulator to Head Energy Department Government Affairs

Doug Little, the former chairman of Arizona's public utility commission, was appointed to lead the Energy Department's intergovernmental and external affairs work.

Energy

Federal Energy Regulatory Chairman Changes Tune on Coal

Federal Energy Regulatory Commission Chairman Neil Chatterjee seemed to back away from previous pro-coal comments today in his first public testimony since taking office in August.

Renewable Energy

Germany's Energy Transition Creates Costly Problems With Grid

Bolstering Germany's renewable output and expanding its electricity grid will be among Chancellor Angela Merkel's priorities if she prevails in upcoming federal elections.

Water Pollution

Judges Weigh Objections to EPA Approach on Cooling Water Intakes

Federal appeals court judges sought to determine why industry and environmental groups object to the EPA's consultation with other agencies about species protection from cooling water intakes.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 8/11/2017 8:23:32 PM
Subject: Aug. 11 -- Energy and Climate Report - Afternoon Briefing



Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Massachusetts Moves to Curb Power Plant Carbon, Methane

Posted August 11, 2017, 11:52 A.M. ET

By Adrianne Appel

Massachusetts power generators and gas companies will be required to lower their carbon dioxide, methane, and sulfur emissions by 2020 under new rules released today.

The six new rules are designed to curb the state's contribution to climate change and require the industries to reduce their greenhouse gas emissions 25 percent from 1990 levels by 2020.

The Massachusetts Department of Environmental Protection issued the rules to bring the state into compliance with a 2008 climate change law. An environmental organization, the Conservation Law Foundation, successfully sued the state in 2016 for falling behind in meeting the emissions targets required in the law. The environmental group backs the rules, it said in a joint statement with the governor.

"These rules re-establish the Commonwealth as a national leader in developing sensible, enforceable standards to transition our economy to a low-carbon future," Conservation Law Foundation President Brad Campbell said in the statement.

Troubled Georgia Nuclear Project Is Said to Seek Aid from Trump

Posted August 11, 2017, 7:33 A.M. ET

By Ari Natter and Mark Chediak

President Donald Trump has vowed to revive America's dying nuclear industry. Backers of a troubled Georgia nuclear project want him to prove it.

They have asked the administration to come to the aid of a project to build two reactors to the Southern Co.'s Vogtle power plant, according to people familiar with the talks. That could include increasing or speeding up disbursements of $8.3 billion in loan guarantees to the companies behind the nuclear plant, the people said. They asked not to be identified discussing ongoing negotiations.

A Georgia public service regulator was in Washington to make a case for the project, the last

nuclear plant under construction in the U.S., and Southern has hosted congressional staff members at the construction site.

"We have asked anybody that would help us achieve the best commercial outcome possible," Southern chief executive officer Tom Fanning said in an interview Aug. 2.

With Southern set to tell regulators in Georgia by the end of this month whether it plans to continue with construction plans for the plant, federal support could be crucial. Last week, Southern said it estimated its portion of the cost to complete the reactors was at least $11.5 billion, excluding $1.7 billion in guaranteed payments from Toshiba. Given Southern's 46 percent stake in the project, that would put the total cost estimate at $25 billion.

After Energy Secretary Rick Perry turned down a request for $3 billion in aid for Scana Corp.'s nuclear plant in South Carolina, it's not clear how much the federal government will help. Scana abandoned its V.C. Summer nuclear projects last month after it concluded the two reactors would end up costing it more than $20 billion to build.

"This thing is in our national security interest," Fanning said. "That's why we've preserved the option to go forward. That's why government has been helpful."

In general, the Trump administration has said it's studying the nuclear issue.

"A complete review of U.S. nuclear energy policy will help us find new ways to revitalize this crucial energy resource," Trump said during a visit to the Energy Department earlier this summer.

The Energy Department is close to issuing a study on how to help baseload power, which is primarily coal and nuclear power. Plants using those fuels are struggling as cheap natural gas and renewable energy has kept wholesale power prices largely flat.

The request for help could be in addition to, or part of, the $8.3 billion loan guarantee provided by the Energy Department under the Obama administration. As of June 30, Southern has borrowed $2.6 billion through the loan guarantee pact, but disbursements from that financing agreement were put on hold until it decides if construction will continue, according to a company filing.

Both the Summer and Vogtle projects hit additional delays and cost overruns after Westinghouse Electric Co., the U.S. unit of Toshiba Corp., went bankrupt in March. Westinghouse was building both plants.

Instead of giving Scana a grant, Perry suggested the company apply for a loan guarantee, according to an Energy Department official. Kevin Marsh, Scana's CEO, told state regulators he got "no response" on the company's grant request.

"When Scana showed up on Perry's doorstep dragging the carcass of Westinghouse behind it, it's understandable the administration blanched and turned away," Peter Bradford, a former member of the Nuclear Regulatory Commission, said in an interview.

An Energy Department spokeswoman didn't respond to a request for comment. Southern continues to talk with the administration and Congress and has found support from Washington to be "critical to the project," spokesman Schuyler Baehman said in an emailed statement.

"On Vogtle and nukes in general the Trump administration is what the Texans call 'Big Hat and No

Cattle,'" said James Lucier, an energy analyst and managing director at Capital Alpha Partners. "They don't have any ammo in the gun."

Good Game

"You hear them talking such a good game about nuclear power and base load power, but the reality is there isn't a lot they can do," he added. Beyond rejiggering or expanding the loan guarantee, direct aid for Southern would literally require an act of Congress, and getting that done is uncertain.

Tim Echols, the vice chairman of the Georgia Public Service Commission, was in Washington this week to brief lawmakers about the project. If Westinghouse comes through with the payment of $3.68 billion it has promised toward the project, it should be in good shape, he predicted.

"We are not going to throw in the towel like South Carolina," he said in an interview.

—With assistance from Jennifer A. Dlouhy, Billy House and Jim Polson.

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Week Ahead: Integrating Energy, Water Use to Be Explored at Forum

Posted August 11, 2017, 03:25 P.M. ET

By Chuck McCutcheon

A hydropower and tidal power executive will outline the importance of assessing water and energy issues in an integrated fashion at a Tuesday forum, one of several energy and environment events—including numerous webinars—the week of Aug. 14.

Trey Taylor, president of Verdant Power International Inc. of New York, will speak at the U.S. Energy Association about the company's research and development efforts at its Roosevelt Island Tidal Energy (RITE) Project in New York City's East River. USEA is a group of public and private energy-related organizations, corporations, and government agencies.

The Federal Energy Regulatory Commission (FERC) in 2012 issued a pilot commercial license for the Roosevelt Island project, in which a system of underwater turbines, similar to those used for wind power, continuously make use of tidal power to generate electricity.

A 2014 Department of Energy report said several trends underscore the need to address the water and energy in an integrated and proactive way. Those trends include climate change; increasing population growth and regional migration that each complicate managing energy and water systems; and new technologies in energy and water that shift demands in those areas.

"Because energy and water are interdependent, the availability and predictability of water resources can directly affect energy systems," then-Energy Secretary Ernest Moniz said in the report. "We cannot assume the future is like the past in terms of climate, technology, and the evolving decision landscape. These issues present important challenges to address." David Schultz will cover the event.

In Other News

Mercury convention: A long-awaited United Nations treaty to phase out and limit mercury use becomes legally binding on Wednesday. The European Union and seven of its member countries in May ratified the Minamata Convention on Mercury, signed in 2013, taking the pact beyond a 50-country threshold for entry into force. The Minamata Convention is intended to prevent environmental contamination by highly hazardous mercury by requiring the phaseout of mercury extraction; limiting its use in products and processes; and implementing measures to reduce mercury emissions into air, soil or water. It is the first international environmental convention adopted in about a decade. Bloomberg BNA staff will monitor.

Inorganic Byproducts: The Environmental Protection Agency will hold its second meeting on Wednesday and Thursday to negotiate strategies to ease the chemical reporting burden faced by electronic equipment, metal, petroleum, power plant, and other companies when they produce inorganic chemicals—mostly metals—as byproducts of their regular manufacturing. A committee of EPA, company, state and environmental organization officials will discuss simplifying reporting requirements, expanding reporting exemptions, improving data collected and other strategies. Pat Rizzuto will cover.

Gasoline additives: EPA science advisers will meet Tuesday through Thursday to evaluate agency risk reviews for two gasoline additives. Sylvia Carignan will track.

Pipeline project: Minnesota's Commerce Department is scheduled Thursday to release its final environmental impact statement regarding a fuel pipeline replacement project proposed by Enbridge Inc. The project is expected to ship light, medium and crude oil from northern Canada to Wisconsin, transiting through Minnesota. Stephen Joyce will follow.

Webinars Offered

Lead rule: EPA's Office of Water on Thursday will host its final webinar series on its rule regarding lead in drinking water. The agency is updating its set of lead standards, known as the Lead and Copper Rule, with a goal of releasing a draft version of the update later this year.

Water emergency preparedness: The Water Research Foundation will hold a Thursday webinar discussing the findings of its recent report on preparedness and response practices. Participants will learn about practices in other sectors that could be used in the water sector.

Climate and agriculture: Agriculture is responsible for one-third of global greenhouse gas emissions. The Environmental Defense Fund's Jenny Ahlen will lead a Wednesday webinar on best practices for agriculture in reducing greenhouse gas emissions. The Food and Agriculture Organization of the United Nations will hold a separate Thursday webinar on how climate information services—the packaging and dissemination of climate information to specific users—can help with planning for climate adaptation in agriculture.

Renewable fuels: The Renewable Fuels Foundation and Pinnacle Engineering Inc. will hold the first in a series of webinars on Wednesday to educate the renewable fuels industry about oil release planning, prevention, and impact mitigation.

London Solar Auctions Aim to Make City Greenest on Earth

Posted August 11, 2017, 01:42 P.M. ET

By Jessica Shankleman

London Mayor Sadiq Khan said he wanted to try city-wide auctions as part of an environment strategy proposed to more than double the capital's solar energy generation capacity by 2030.

The reverse auctions would be similar to the Solarize NYC model already used in New York, where multiple buyers pool together and panel sellers compete for one single contract, according to a draft solar action plan.

The plan includes a new interactive map of the city to show potential hotspots for sun power as well as a change in planning guidance to favor photovoltaics on new developments. It also envisions a grant program for community solar and pilot programs to test how batteries can be delivered alongside photovoltaics. Those steps could help double London's capacity for the technology to about 200 megawatts over the next 13 years, the mayor's office said in the strategy document.

"I've set out my plans to improve London's environment by fighting pollution, tackling waste and promoting cleaner energy so we can make London a healthier city that adapts to the impacts of climate change," Khan said in a statement.

The mayor's forecast "seems pretty trivial to achieve and may well happen anyway as a result of businesses and homeowners installing solar panels to save on electricity bills," said Jenny Chase, head of solar analysis at Bloomberg New Energy Finance. Similar reverse auctions in the Netherlands have successfully brought down costs, she said.

Khan also urged the national government to develop a solar strategy applying to the whole country, saying the step could help increase capacity to 2 gigawatts by 2050. A gigawatt is about as much as a new nuclear reactor produces.

The solar proposals were announced as part of an Environment Strategy Consultation, which includes a new 9 million-pound ($11.66 million) Greener City Fund to boost tree planting and green infrastructure. The mayor's office said the changes could make London "one of the greenest cities on Earth."

Khan said he wanted London to become the first "National Park City" in 2019, which would protect and increase the amount of green space in the capital. Those include using planning regulations to protect undeveloped land and encouraging the installation of so-called "green roofs" that are covered with plants.

The plan could help reduce London's air pollution, which is some of the worst in Europe and causes almost 10,000 premature deaths a year, according to research by the Environmental Research Group at King's College London.

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Threat of Venezuelan Oil Ban Pits Oil Boss Against Refiners

Posted August 11, 2017, 02:40 P.M. ET

By Jennifer A. Dlouhy, Bill Allison and Meenal Vamburkar

The prospect of a U.S. blockade of crude oil imports from Venezuela has ignited fierce lobbying in Washington pitting domestic energy producers such as oil tycoon Harold Hamm, who favor a get-tough approach, against refiners that depend on those supplies.

Hamm said hitting Venezuelan President Nicolas Maduro where it counts would deter the socialist leader's moves to undermine democracy and consolidate power. In an interview, the Continental Resources, Inc. chief executive officer urged President Donald Trump to block the oil, a vital source of revenue for Venezuela.

"If the president wants to make an immediate impact on Venezuela to stop these human rights abuses and restore the situation, he's got the ability to," said Hamm, speaking as head of the Domestic Energy Producers Alliance, whose members include producers, oilfield service companies, and independent oil and gas associations.

Opposing the ban are refiners such as Chevron Corp., Phillips 66, and Valero Energy Corp., which have warned that choking off shipments of Venezuelan crude would starve refineries designed to process the country's heavy oil, leaving them searching for alternative supplies and driving up gasoline prices.

The stakes are high for both countries. Venezuela is the third-biggest supplier of oil imports to the U.S.—more than 270 million barrels worth about $10 billion last year—and that trade is a major source of revenue for the South American country.

Hamm was a vocal supporter of Trump's presidential bid, eventually agreeing to advise him on energy policy. Trump, in turn, repeatedly lavished praise on Hamm, during campaign stops in front of industry-heavy audiences in North Dakota and Pennsylvania.

When it is unified, the oil industry is a lobbying powerhouse in Washington, leaning on allies in the top ranks of the Trump administration as well as on Capitol Hill to advance its policy priorities. Oil and gas interests rank fourth among industry lobbying, with $64 million spent through the first six months of 2017, according to the not-for-profit Center for Responsive Politics, which analyzes lobbying and campaign finance data.

U.S. Pressures Maduro

Refiners have been pressing their case with the Trump administration since June, as the White House considers ways to pressure Maduro and discourage a rewrite of Venezuela's constitution. On Aug. 9, the Trump administration froze the assets of eight Venezuelans, building on previous sanctions against 13 people associated with the Maduro regime.

White House officials have prepared a menu of possible additional sanctions against Venezuela but are divided over whether—and when—to take actions that could exacerbate the country's deteriorating humanitarian and economic situation. The progressive approach envisioned by administration officials includes blocking exports of U.S. oil to Venezuela followed by limits on oilfield service firms doing business in the country and, finally, restricting imports of Venezuelan crude to the U.S. Those restrictions could be phased in gradually.

The prospect has inspired frantic appeals by companies that spent billions optimizing at least 20 different refineries to process heavy crude from the country. The leading refining trade group, the American Fuel and Petrochemical Manufacturers, sent two letters to Trump last month warning that a blockade would destabilize crude markets, causing an increase in oil prices as refiners scramble to replace Venezuelan supplies with ill-fitting, higher-cost substitutes and leading to bigger gasoline bills for consumers.

Sanctions may not even work as intended, as Venezuela finds other outlets for its crude beyond the

U.S., said AFPM President Chet Thompson.

"We think that the United States could take this action, and it won't have the desired effect, but it will have the unintended consequences of hurting consumers and refiners," Thompson said in an interview. "This is more than just a passing concern."

"Folks have spent many billions of dollars over the last several years to really optimize around Venezuelan crude, so any disruption of it could be a really big deal," Thompson said.

Refiners Fear Ban

Besides Venezuelan-owned Citgo Petroleum Corp., the refiners most dependent on Venezuelan crude are Valero, Phillips 66, Chevron and PBF Energy Inc. They are also the most active in lobbying against a crude import ban, according to accounts by four people familiar with the activity.

Last year, Valero took in roughly 54 million barrels from Venezuela while Phillips 66 and Chevron imported 46 million barrels and 33 million barrels, respectively. And while companies are already working to pare their dependence on Venezuelan crude, that is a heavier lift at some refineries. For instance, Venezuelan oil accounted for 43 percent of Chevron's Pascagoula refinery's capacity last month, according to U.S. Customs data compiled by Bloomberg. It represented 62 percent at Valero's St. Charles facility.

Refiners have made direct appeals to administration officials and are courting Gulf Coast lawmakers, asking them to amplify their concerns with the White House. Those efforts paid off Aug. 10 when the U.S. senators from Texas and Louisiana sent a letter to Trump arguing crude sanctions would be self defeating.

Sanctions targeting the oil sector would increase the likelihood of a disorderly default, hastening Russian consolidation of Venezuelan and Citgo oil assets, while diverting Venezuelan crude to China, harming the global competitiveness of U.S. businesses and raising costs for consumers, they said.

Asked about Chevron's lobbying on the issue, a spokesman said the company "engages with the administration and Congress to provide our perspectives on complex energy issues to help shape an effective and responsible U.S. energy policy."

Phillips 66 declined to comment. Representatives of PBF and Valero didn't respond to requests for comment.

Oilfield service providers also have been discouraging the Trump administration from imposing sanctions that limit their business in the country, including contracts with the state-owned oil company Petroleos de Venezuela SA, or PDVSA. That option had been presented by some refiners as an alternative to throttling down Venezuelan crude imports.

Ban Won't Further Democracy

Excluding U.S. companies from working in Venezuela doesn't help further democracy there, the oilfield service firms argue; instead, it blocks their ability to recoup debt and gives competitors a chance to gain a foothold in the market.

The world's four biggest oil service providers—Schlumberger Ltd.; GE's Baker Hughes; Halliburton

Co., and Weatherford International Plc—have kept a presence in Venezuela in order to work for some large, integrated oil companies, James West, an analyst at Evercore-ISI, said in an email. None of the companies give specifics for how many wells they are drilling or the size of their crews there.

Hamm is advocating that the Trump administration also cut off Venezuela's access to light sweet, U.S. oil—like the kind flowing from Texas and North Dakota, where his Continental Resources is pulling crude from the Bakken formation. Venezuela blends U.S. light oil with its heavy crude before shipping the mixture to foreign refiners.

Hamm said his recommendation has been conveyed to the White House, though he did not elaborate on how.

Sector-Based Sanctions a Concern

Oil companies are still reeling from their last lobbying fight—a battle to weaken possible sanctions in legislation targeting Russia. The industry scored a partial win, when lawmakers agreed to set a threshold for Russian involvement high enough to remove the threat to some U.S. oil company projects around the world.

The threat of more sector-based regional sanctions is a disturbing trend, lobbyists said.

Citgo has made overtures to the Trump administration. It contributed $500,000 in December to the incoming president's inaugural committee, according to Federal Election Commission records. The company didn't contribute to inaugurations in 2005, 2009 or 2013.

Citgo has hired three lobbying shops, including Avenue Strategiescq, the firm co-founded by former Trump campaign manager Corey Lewandowski, paying it $80,000 from April to June. Lewandowski, who was not a registered lobbyist for Citgo, left Avenue Strategies in May. Two other veterans of the Trump campaign, senior adviser Barry Bennett and Arkansas state chairman Bud Cummins, represent the company.

They list the potential impact of "energy and foreign policy restrictions" on its client as a specific issue, and are lobbying the Treasury Department and the White House. Neither Bennett nor Cummins returned phone calls seeking comment.

—With assistance from David Wethe.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Fri 10/20/2017 2:03:24 PM
Subject: POLITICO's Morning Energy, presented by the National Biodiesel Board: Midwest senators win RFS concessions from EPA — Republicans split on when Pruitt should return to EPW — Opening for ANWR preserved in Senate budget

By Anthony Adragna | 10/20/2017 10:00 AM EDT

With help from Emily Holden and Esther Whieldon

PUTTING MAJOR RFS CONCESSIONS INTO WRITING: Sen. Joni Ernst released a letter late Thursday from EPA Administrator Scott Pruitt outlining a number steps the agency intends to take on the Renewable Fuel Standard that will be music to the ears of a small bloc of Midwest corn-state Republicans. Those include:

- A decision to be finalized "within 30 days" not to move the point of obligation downstream to fuel wholesalers (as previously reported),

- A commitment to finalize biofuel volumes on time by Nov 30 at levels equal to or greater than those in the proposed rule,

- Direction for EPA staff to "actively explore" whether the agency has legal authority to grant a waiver allowing year-round sale of gasoline with 15 percent ethanol. Pruitt also expressed openness to working with Congress on "definitive analysis" on the agency's ability to issue a waiver, and,

- A pledge not to make biofuel exports eligible for credits, known as RINs.

In a statement, Ernst said: "I am appreciative of Administrator Pruitt's pledges to rural America, and I will continue to work collaboratively with the EPA going forward on this and other issues." She didn't specifically say she'd vote for EPA air nominee Bill Wehrum in light of these public commitments - remember Ernst said Wednesday she needed public evidence of the administration's biofuels support - but ME would be surprised if the nomination didn't move forward now.

EPW REPUBLICANS SPLIT ON PRUITT APPEARANCE: At least some EPW Republicans are ready for Pruitt to come before their committee again (he hasn't testified since his confirmation hearing in January), but that feeling is not universal. "I wouldn't think that would be necessary," Deb Fischer said of Pruitt testimony right now. And John Boozman and Jim Inhofe both wanted to focus on getting lower-level nominees confirmed and into their roles at the agency first. "I'd like to get him beefed up with his staff and not only get him back, but actually get some undersecretaries with some authority," Boozman said.

But that sentiment wasn't unanimous: Others voiced interest in having Pruitt back to testify even as they applauded his early efforts at EPA. "I think he's doing a really good job, but I think regular updates are useful," Dan Sullivan told ME. West Virginia's Shelley Moore Capito was

more succinct on her desire for an appearance: "That would probably be a good idea. It's been a while."

What's the holdup? Chairman John Barrasso told ME on Wednesday he'd extended an invitation to Pruitt, but the committee didn't respond to further requests for comment. "We will respond to the Senate EPW Committee through the proper channel," Jahan Wilcox, an agency spokesman, said about when Pruitt might testify. ME would note Barrasso could definitely expedite Pruitt's appearance if he actually wanted to make it happen.

For the record: Former Administrator Lisa Jackson made her first post-confirmation appearance at the committee in May 2009.

TRUMP THROWS LIFELINE: In phone calls this week, President Donald Trump told EPW senators Barrasso, Fischer and Sen. Roger Wicker he'd back their 2018 reelection bids over any insurgent primary challengers, POLITICO's Burgess Everett reports. "Sen. Barrasso is grateful that President Trump would take the time to call him directly to express his support," said Dan Kunsman, a top aide to Barrasso, said. Formal endorsements are expected to eventually follow.

TGIF EVERYONE! I'm your host Anthony Adragna, and LCV's Tiernan Sittenfeld correctly identified Sens. Harry Reid, Jim Jeffords and Bob Smith as your three EPW chairmen in 2001. For today: Which congressman co-wrote Elizabeth Smart's bestseller, *My Story*? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

ANWR LANGUAGE STAYS: Senators refused, by a vote of 48-52, to strip out language from their fiscal 2018 budget resolution that could open the door for drilling in ANWR, your ME host reports. Sen. Susan Collins was the lone Republican to vote for the amendment, while Sen. Joe Manchin was the lone Democrat to oppose it. Though the budget doesn't explicitly mention ANWR, it calls for the Senate Energy and Natural Resources Committee to identify ways of raising an additional $1 billion in revenue. Chairman Lisa Murkowski said on the floor her committee is "prepared to meet this instruction" by "expanding our energy development in our federal areas" that would almost certainly include ANWR. "We can and we must do more as a nation to responsibly develop our energy resources," she said.

Just the beginning? A coalition of 20 environmental groups said the vote was just the beginning of a "long fight" to remove the rider from any subsequent reconciliation package. "There is no reason why Congress should hijack the budget with a controversial rider to drill in the Arctic Refuge," the groups, which include Clean Water Action, the National Audubon Society and the Sierra Club, said.

Two Lee amendments fail: Senators rejected one amendment from Sen. Mike Lee that would have barred regulating species that exist only in one state under the Endangered Species Act by a vote of 49-51. Another amendment, which would have made the federal government compensate local governments for the full value of the property taxes they are losing when much of their jurisdiction is covered by federal land, actually failed by a tally of 50-50 since Vice President Mike Pence wasn't available to break the tie.

The budget passed 51-49 just after 9:30 p.m., following a mere six-and-a-half hours of vote-a-rama.

BIG PROMISE: Speaking to the Texas Oil and Gas Association in the Woodlands, Texas, Pruitt vowed his agency would respond to permit requests within six months by the end of the year, Reuters reports. "It can be done. It's just a matter of having the process in place to achieve results," Pruitt said. That comes after the administrator held a roundtable with representatives of the Texas Health and Environmental Alliance, Galveston Bay Foundation, Houston Advance Research Center and Harris County Attorney Vince Ryan concerning the cleanup of the San Jacinto Superfund site during his Texas swing (pictures).

CHATTER ON REBUILDING PUERTO RICO'S GRID: During an appearance with Trump on Thursday, Puerto Rico Gov. Ricardo Rosselló floated the idea of using public-private partnerships to help rebuild the island's electric grid. Rosselló said he hoped to "rebuild a much modern, much stronger platform, and not only have Puerto Rico have energy but actually be a model of sustainable energy and growth towards the future." Trump replied: "You were talking about rebuilding your electric plant long before the hurricane; you've been wanting to do that for a long time. So maybe this is a reason that we can do it. And we'll help you and we'll all do it together."

Side note: Seems like Trump is referring to the electric grid when he refers to the "electric plant."

Patience is a virtue: Trump said it would be a "period of time" before electricity could be restored on the island given its electric infrastructure had been "totally destroyed." The president floated one potential policy idea: "It would be wonderful if you could have underground wire. It makes it a lot better in these storms." (Side note: Underground wires didn't fare so well during Hurricane Sandy in New York and it would hugely expensive for the whole island).

Rosselló promises corruption crackdown: "If there is a public official that is purposefully mishandling the food that should go to the people of Puerto Rico, there is going to be some hell to pay," he said.

HOLD UP: Senate Majority Whip John Cornyn has placed a hold on Russell Vought's nomination to be deputy director of the Office of Management and Budget unless he gets more funding for Texas hurricane relief, Axios reports. That comes as Florida Sen. Bill Nelson said Thursday he'd also placed a hold on Vought's nomination after the administration kicked funds for his state's citrus growers to a later disaster relief package.

** **Presented by the National Biodiesel Board:** President Trump repeatedly pledged to protect biodiesel and the Renewable Fuel Standard (RFS). But EPA's latest actions threaten the 64,000 jobs supported by biodiesel. A strong RFS will be key to keeping these jobs and upholding his promise. Mr. President: please stop EPA from thwarting growth in rural America. http://bit.ly/2xn5Sgm **

IT'S NOT UNUSUAL: He doesn't like it and vehemently opposes his nomination, but EPW ranking member Tom Carper sees nothing irregular in EPA chemical pick Michael Dourson joining the agency early. "I don't see it as going around us - there's plenty of precedence for this in earlier administrations," he told ME. "What I find troubling most recently is his abject failure to respond to basic questions."

Whitehouse disagrees: Sen. Sheldon Whitehouse told ME in a statement Dourson's move showed contempt for the Senate's advice and consent role. "Not only is this move contemptuous of the Senate as an institution, it risks undermining the legal validity of EPA actions involving the nominee," he said. "The administration may find it easier to nominate individuals with bipartisan support and a commitment to the EPA's mission rather than industry-funded hacks."

UPTON WAVERS ON SENATE BID: While he was once 95 percent likely to mount a Senate bid, former House Energy and Commerce Chairman Fred Upton is now "more like 50-50" on challenging Michigan incumbent Debbie Stabenow, according to the Detroit News. "He's gone coy over the last few days," one source told columnist Ingrid Jacques, citing fears in particular about Steve Bannon's potential involvement.

STILL MOVING FORWARD: Senate Agriculture Chairman Pat Roberts hopes to schedule a hearing on Trump's controversial pick to be chief scientist at USDA, Sam Clovis, next week, Pro Ag's Helena Bottemiller Evich reports. "Hopefully, we can get that done next week," Roberts said, noting staff continues to assemble all of Clovis' past statements. Democrats say Clovis doesn't fit legal requirements for the job and condemned past statements that climate change is a hoax.

Garrett too: Even as the business community has come out strongly against his nomination, the Senate Banking Committee announced an Oct. 1 hearing on Scott Garrett's selection to run the Export-Import Bank.

PLEASE, NO CH-CH-CHANGES: Some of the state-focused climate change web pages EPA took down in April reappeared in late July as "energy resources," according to a report from watchdog group Environmental Data and Governance Initiative. The agency removed all 15 references to "climate," on the main page, as well as several climate-specific links and tools, including webinars and example policies. The website still hosts information about renewable power and energy efficiency.

LAWSUIT LODGED OVER RFS ENVIRONMENTAL IMPACTS: The Sierra Club filed a lawsuit in federal district court Thursday alleging EPA has failed to conduct required environmental impact and air quality analyses for the Renewable Fuel Standard. "Today's lawsuit is a reminder to Administrator Pruitt that his duty is to the American people, and we will continue to hold him accountable for both his harmful actions and inaction alike," attorney Devorah Ancel said in a statement.

GETTING ANTSY IN UTAH: Gov. Gary Herbert hasn't heard a peep from the Trump administration on the status of Interior Secretary Ryan Zinke's review of national monument designations but wants a decision ASAP. "Whether the president will act on those

recommendations and, if so, how, whether he'll modify them, I don't think anybody knows for sure," he told local reporters in video posted by KUED. "I hope he makes a decision soon so we can all get past the uncertainty." Trump must make the final call, but Zinke suggested shrinking several monuments previously designated under the Antiquities Act.

MAIL CALL! WYDEN SAYS ABANDON GRID RESILIENCY PROPOSAL: Oregon Sen. Ron Wyden urged FERC to withdraw Energy Secretary Rick Perry's grid resiliency plan from consideration. "Arbitrarily propping up a dying industry goes against what the GOP has long claimed is its goal - an all-of-the-above energy strategy," he wrote in a letter. "This rule clearly picks winners and losers in energy resources, which robs taxpayers of the benefits of competitive markets."

ABOUT THAT ROAD...: Two House Democrats are questioning whether Zinke can transfer land that would clear the way for a road to be built through Alaska's Izembek National Wildlife Refuge - a long-time pet issue of Murkowski. The Washington Post on Sunday reported the agency is mulling transferring land to the tribal King Cove Corp. even though the agency previously found allowing the 12-mile road would hurt migratory birds, caribou and other species. In the Thursday letter, House Natural Resources Committee ranking Democrat Raul Grijalva and subcommittee top Democrat Donald McEachin asked Zinke to describe his authority to transfer or exchange the land and whether the agency will conduct a new public environmental review before making the call.

KEEPING GAO BUSY: Grijalva asked GAO to examine whether and how much public revenue has been lost due to changes in how Interior leases drilling parcels in the Gulf of Mexico. Link here.

TAKE A GLANCE! The National Wildlife Federation released a report Thursday on the dramatic rise in wildfire activity, which it links to unhealthy forest conditions, insufficient forest restoration activities, rapid climate change and increasing housing development in high-risk and fire-prone areas. "By restoring and better managing U.S. forests, it is possible to reduce fire risks to communities, increase populations of cherished wildlife species, and protect our climate by enhancing the carbon sequestration and storage potential of our forests," it concludes.

LIGHTER CLICK: The Sierra Club launched a spoof airline Pruitt-Zinke Airlines, or PZ Air, over their non-commercial travel. Watch the video here.

QUICK HITS

- Trump pick for top environmental post called belief in global warming a 'kind of paganism'. CNN.

- The story of Puerto Rico's power grid is the story of Puerto Rico. The Economist.

- EPA crews working on Gold King cleanup find elevated lead threatening birds, animals and, potentially, people. Denver Post.

- We asked 4 agency bosses about Trump. They're worried. E&E News.

- EPA Orders More Repairs at Texas Toxic Site Following Harvey. AP.

- Rick Perry's Plan Looks DOA But Could Spark a Dynegy Deal. Bloomberg.

- Facing Public Outcry, New Mexico Restores Evolution and Global Warming to Science Standards. Mother Jones.

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** **Presented by the National Biodiesel Board:** Made from an increasingly diverse mix of resources such as recycled cooking oil, soybean oil and animal fats, biodiesel is a renewable, clean-burning diesel replacement that can be used in existing diesel engines without modification. Biodiesel and the Renewable Fuel Standard (RFS) have been essential to staving off a recession in rural America throughout the country's economic downturns. Weakening the RFS may pad the pockets of certain oil companies, but it will devastate rural America. Please keep your promise, Mr. President, to rural America. http://bit.ly/2xn5Sgm **

To view online:
http://www.politico.com/tipsheets/morning-energy/2017/10/20/midwest-senators-win-rfs-concessions-from-epa-222910

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 8/16/2017 7:44:06 PM
Subject: Yergin supports ending Trump policy advisory forum

By Ben Lefebvre

08/16/2017 03:41 PM EDT

Daniel Yergin, an energy expert who sat on President Donald Trump's Strategic and Policy Forum, "fully supports" the forum's decision to disband, his spokesman told POLITICO.

"As our members have expressed individually over the past several days, intolerance, racism and violence have absolutely no place in this country and are an affront to core American values," forum members said in a prepared statement. "We believe the debate over forum participation has become a distraction from our well-intentioned and sincere desire to aid vital policy discussions on how to improve the lives of everyday Americans. As such, the president and we are disbanding the forum."

Yergin, vice chairman of consulting agency IHS Markit, advises many of the country's largest energy companies and helps organize the industry's largest annual conference. He sat on the White House forum with the heads of General Motors, JPMorgan Chase and other major companies. An IHS spokesman said he supported the forum's decision to disband.

A steady stream of CEOs and other executives had left the forum and a separate White House manufacturing council in recent days to protest Trump's claim that both sides were responsible for violence at a white supremacist march in Charlottesville, Va., last weekend that left three people dead.

As the defections mounted today, Trump said he was disbanding both groups of business advisers.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/yergin-supports-ending-trump-policy-advisory-forum-091876

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Thur 8/3/2017 8:20:49 PM
Subject: Interior IG probing Zinke call to Murkowski over health care vote

By Esther Whieldon

08/03/2017 04:18 PM EDT

The Interior Department's inspector general's office told lawmakers today that it has launched a preliminary investigation into Secretary Ryan Zinke's effort to get Sen. Lisa Murkowski to back Obamacare repeal last week.

In a letter to Reps. Raúl Grijalva and Frank Pallone, Deputy Inspector General Mary Kendall said she is looking into "potential legal and ethical violations" by Zinke. The secretary called Murkowski July 26 to convey the administration's dissatisfaction with her vote against a motion to proceed on the GOP health care bill.

Murkowski today said that pressure from the administration was one of several reasons she delayed a markup that had been scheduled for July 27 to consider several nominees. The panel voted today to advance the nominees.

"But we also were dealing with the very proximate timing of issues coming out of the White House related to health care that really had nothing to do with energy and yet some had made it tied to energy," Murkowski told POLITICO today. "But ... even if that had not happened, we still were looking at whether or not the timing was right to move forward with the markup."

Murkowski said that she did not take Zinke's call as a threat and that his department has not done anything to stop or slow down the issues she cares about since then.

Zinke posted a photo on Twitter today of him and Murkowski sharing a beer. "My friends know me well," he wrote.

Murkowski characterized their relationship as "very strong, professional, friendly, cordial and respectful."

WHAT'S NEXT: Murkowski said she is hopeful the Interior and Energy department nominees that cleared her committee today will be confirmed by the full Senate before adjourning for recess, which is expected later tonight. They were not part of a large batch of nominations confirmed earlier this afternoon, but negotiations continue.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/interior-ig-probing-zinke-call-to-murkowski-over-health-care-vote-091482

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 9/29/2017 12:25:30 AM
Subject: Sep. 29 -- Daily Environment Report



Daily Environment Report

September 29, 2017 - Number 188

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Leading the News

Air Pollution
New Head of State Air Pollution Group Seeks Common Ground
The newest advocate for state air pollution officials wants to mend fences with a splinter group that objected to his association's often cozy relationship with the Obama-era EPA.

Coal Mining
Perry Talks Up Rare Earth Minerals at Pennsylvania Coal Mine
Extracting rare earth minerals from coal could revive the flagging sector and wean the U.S. off Chinese mineral providers, Energy Secretary Rick Perry said.

Drinking Water
Private Water Firms Tap Profit From Struggling Public Utilities
A cash crunch for public water utilities is creating an opportunity for the growing for-profit water companies—but it's one that might drain customers' wallets.

EPA
Maria Response Awaits New EPA Regional Office Head
Pete Lopez, the EPA's newly appointed Region 2 administrator, has experience dealing with hurricane recovery, but he will still face a steep learning curve when he joins the agency Oct. 1.

News

Air Pollution
Illinois Floats Emissions Rule Changes for Dynegy Coal Plants
Emissions from eight coal-fired power plants owned by Dynegy Inc. would be capped under

a proposal from the Illinois EPA, but critics say the changes could actually increase air pollution.

Climate Policy

Merkel May Have Promised Too Much in Carbon Pollution Fight

As German Chancellor Angela Merkel embarks on coalition talks to bed down her fourth term in office, a promise made shortly before her re-election may come back to haunt her.

Energy

Entergy Gives Michigan Nuclear Plant a Few Extra Years to Run

Entergy Corp. will keep Michigan's Palisades nuclear plant open until spring 2022, citing the state's refusal to allow consumer rate increases necessary to buy out a power agreement on one of Michigan's three nuclear facilities.

Energy

Modi's $2.5 Billion Power Plan May Stumble on Ailing Buyers

The success of Prime Minister Narendra Modi's ambitious plan to electrify all households in India by December 2018 faces a familiar hurdle: the money-losing state power retailers.

Environmental Reviews

State Air Plans' Conflict of Interest Rules Draw Lawsuit

Alabama and Mississippi have taken too long to file proper plans to ensure air pollutant regulators don't have financial conflicts of interest, and the EPA has failed to force the issue, environmental groups state in a lawsuit filed Sept. 28.

Motor Vehicles

Chile Aims to Boost Lithium Output as Electric Cars Rise

The country holding the world's largest reserves of lithium is drafting regulations that would allow companies to set up new mines amid soaring demand for the mineral used in electric-car batteries.

Motor Vehicles

China Gives Carmakers More Time in Biggest Electric-Vehicle Plan

China unveiled a comprehensive set of emission rules and delayed a credit-score program tied to the production of electric cars, giving automakers more time to prepare for the phasing out of fossil-fuel powered vehicles.

Natural Resources

U.S. Seen Having Long Way to Go to Market Energy Department Land

The U.S. Department of Energy needs to develop a more accurate inventory of federal lands it manages to promote energy projects by private companies.

Renewable Energy

Battery Boom Spurs One Bank's Pivot from Iron Ore to Lithium

Westpac Banking Corp., Australia's second-largest lender, is targeting deals linked to China that finance renewable energy minerals such as lithium and cobalt as a decade of unprecedented iron ore mining expansion in its home market has largely run its course.

Renewable Energy

Interior Expects Hot Bidding for Offshore Wind Energy Leases

The Bureau of Ocean Energy Management is betting on heightened interest in offshore wind to drive up the price of the Atlantic Ocean leases that it will auction next year—parcels that just two years ago had no takers.

Renewable Energy

Puerto Rico's Solar Rooftops Isolated, Useless Without Storage

Puerto Rico's largest rooftop solar-power supplier has no idea whether its 10,000 systems survived back-to-back hurricanes this month.

Renewable Energy

Storm-Ravaged Caribbean Eyes Solar, But It Won't Be Cheap

For Caribbean islands plunged into darkness after hurricanes Irma and Maria, small-scale electric systems powered by the sun may be the key to energy resilience. Transforming the grid, though, won't come cheap.

Superfund

Fighting the Toxic Nightmare Next Door

It was practical considerations that led Dawn and Brian Chapman to Maryland Heights, a modest suburb of St. Louis bound by two interstate highways, several strip malls, an international airport, and the Missouri River.

Superfund

Superfund Bribery Case Ensnares Alabama Lawyers, Coal Exec

An Alabama coal company's vice president and two lawyers have been indicted in a bribery case involving a Birmingham Superfund site.

Toxic Substances

DuPont, ARCO Win Dismissal of Tenants' Contamination Claims

DuPont and ARCO won dismissal of civil rights claims alleging failure to clean up contamination at an Indiana public housing complex (Mabry v. City of E. Chicago, 2017 BL 342506, N.D. Ind., No. 16-CV-402, 9/27/17).

Water Pollution

Mexican Sewage, Toxic Waste Draw Lawsuit Threat From Cities

Toxic waste and sewage continue to flow from the Tijuana River to the Pacific Ocean, and California cities along the U.S.-Mexican border are ready to bring a lawsuit to halt it.

Practitioner Insights

Chemicals

Practitioner Insights: Hurricanes and the Need for Safer Chemical Facilities

Across the nation, the Environmental Protection Agency (EPA) estimates over 134 million Americans live in imminent risk of being impacted by a catastrophic explosion or the release of poisonous gas from a nearby industrial or commercial facility. In fact, the Associated Press has reported that up to 1.5 million people were evacuated in Texas because of the threat of a chemical plant explosion after Hurricane Harvey.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 8/2/2017 3:56:47 PM
Subject: Blue states can help defend 2015 ozone rule, court says

By Alex Guillén

08/02/2017 11:54 AM EDT

The D.C. Circuit Court of Appeals today said Democratic state officials will be allowed to defend EPA's 2015 ozone standard in lawsuits challenging the rule, which the Trump administration has begun rolling back.

Six states and the District of Columbia previously had filed a "friend of the court" brief supporting the rule, but last month they asked to be upgraded to intervenor status, which will allow them to actively defend the rule and seek appeals if the Trump EPA does not. EPA Administrator Scott Pruitt has suspended initial implementation deadlines for the ozone rule while he considers rewriting the Obama-era standard.

Both the Trump administration and the industry groups and states challenging the rule opposed upgrading the blue states, saying it was too late in the process. The states replied that they were prompted to step up by EPA's recent suggestions "that it is sympathetic to arguments that had been raised by" the challengers that the Obama EPA had previously rejected.

The states involved are California, New York, Vermont, Washington, Massachusetts and Delaware, along with D.C.

Various environmental and public health groups were previously granted intervenor status to defend the ozone standard.

WHAT'S NEXT: The ozone lawsuit currently is on hold while EPA reconsiders the 2015 standard. Many of the same states on Tuesday sued EPA over Pruitt's delay in implementing the rule.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/blue-states-can-help-defend-2015-ozone-rule-court-says-091397

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 9/6/2017 8:27:48 PM
Subject: Sep. 6 -- Energy and Climate Report - Afternoon Briefing

Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

EPA Review of Model Year 2021 Limits Splits Auto Industry

Posted September 06, 2017, 03:59 P.M. ET

By Abby Smith

The EPA's review of model year 2021 mileage standards for light-duty vehicles is causing a split in the automotive industry between major car companies and the manufacturers that supply their equipment.

Major automobile manufacturing groups—like the Alliance for Automobile Manufacturers, which represents the Ford Motor Co., Fiat Chrysler Automobiles, General Motors, BMW and others— have urged greater flexibility in the Environmental Protection Agency's light-duty vehicle greenhouse gas standards, including now for model year 2021.

But a group representing manufacturers and suppliers of auto equipment—the Motor & Equipment Manufacturers Association—is warning that any relaxation of the model year 2021 standards would have a detrimental impact on manufacturing jobs in the United States. The group is asking the model year 2021 limits remain unchanged.

The EPA in March re-opened a feasibility review of the greenhouse gas and fuel efficiency standards for model years 2022-2025, reversing a determination made in the final days of the Obama administration to maintain current standard levels for those years. The agency, along with the National Highway Traffic Safety Administration, began accepting comments on that review Aug. 10, and expanded the review to include potential changes to model year 2021 limits, drawing criticism from environmentalists and other supporters of the Obama-era rules.

The motor vehicle suppliers group is also urging the EPA to "remain on course" with the model year 2021 target the industry had agreed to. Any relaxation of those limits would cause a "significant increase in the level of uncertainty in an already uncertain time," Laurie Holmes, senior director of environmental policy for the Motor & Equipment Manufacturers Association, said at a Sept. 6 public hearing hosted by the EPA.

Ann Wilson, vice president of public affairs for the group, told Bloomberg BNA that motor vehicle suppliers are the "largest employer of manufacturing jobs in the United States." Many of those jobs "have been contingent on compliance with the new" NHTSA and EPA vehicle standards, she said, noting suppliers have already dedicated millions of dollars in research and development.

Maintaining the model year 2021 limits, and forward progress from there, is necessary for "these investments to continue to bear fruit" and "to continue to have this level of employment in the United States," Wilson said.

But also at the hearing, Chris Nevers of the auto alliance and Julia Rege of Global Automakers urged officials to consider tweaks to model year 2021 limits to advance "harmonization" with the NHTSA program.

"We never meaningfully reached the goals of harmonization," Rege said during her testimony. An adjustment to the model year 2021 standards "would advance our request" to align the two programs.

Threat to Oil Becomes Real as Climate Crashes Norway Election

Posted September 06, 2017, 8:59 A.M. ET

By Mikael Holter

Politicians and activists who have been fighting to rein in Norway's mighty oil industry are eyeing a breakthrough.

Several parties opposed to further oil exploration could emerge as kingmakers in the Sept. 11 election. That will threaten a push to search for about 9 billion barrels in Arctic crude and natural gas, which is necessary to prolong the petroleum age that made Norway one of the world's richest countries.

"I'm very worried," said Stale Kyllingstad, chief executive officer of IKM Gruppen AS, one of the biggest suppliers to the oil industry.

Big oil's enemies are now gaining ground with both moral and financial arguments. Norwegians are increasingly questioning how to reconcile their role as western Europe's biggest oil and gas producer with fighting climate change and whether searching for more petroleum is the financially sound thing to do in a world where renewable energy is taking over more and more.

The Green Party, which wants to end exploration immediately and phase out the industry in 15 years, is poised to become a key parliamentary force. The race is too close to call between Conservative Prime Minister Erna Solberg's government and the opposition, headed by Labor leader Jonas Gahr Store. Polls suggest both blocs could fail to win a majority.

Labor, a historic supporter of the oil industry, has seen its backing plunge in recent weeks, making it dependent on support from smaller parties seeking to curtail drilling. A key Labor politician last month even suggested reviewing tax subsidies for exploration, shocking the industry before the party clarified that it wasn't about to change a system prized by oil companies for its stability.

That failed to reassure Kyllingstad, who said he feared a weak Labor Party would be forced to "prostitute itself" to "extremist parties."

The Socialist Left (Labor's government partner until 2013) and the Red Party, which both want to end license awards and new field developments, also stand to gain.

To be sure, Labor and the current government parties, the Conservatives and the Progress Party, all industry backers, are likely to remain the three biggest groups after the election, sharing well over half the votes.

But the smaller parties, which for now have had little more to celebrate than a ban on drilling off the Lofoten islands, could extract deeper concessions, said Anders Holte, an analyst at Danske Bank A/S in Oslo. That could include fewer license awards and possibly jeopardize a program that lets loss-making companies collect 78 percent of exploration expenses in cash, he said.

For an industry that lost 50,000 jobs during the oil crash, it would be a bad blow. It could especially threaten an expansion in the Arctic Barents Sea, which holds the bulk of the country's undiscovered oil and gas resources and is seen as key to maintaining production 10 years from now after it already dropped by 12 percent since a 2004 peak.

"For the first time in a long while, there's increasing political risk," Holte said.

The outgoing government has pushed hard to stimulate exploration in the Arctic, overseeing a record search for oil in the Barents Sea, including Norway's northernmost well, and offering the most blocks ever in that region in a licensing round. On Sept. 6, the Petroleum Ministry said it received a record amount of applications in a round focusing on mature blocks after Barents acreage had been boosted.

Rasmus Hansson, the only Green lawmaker for now, said the top priority is to end exploration for new oil. That's a moral obligation because of climate change and a financial imperative because spending on exploration could be throwing money into the sea if the resources are never used as the world moves beyond fossil fuels, he said.

"It's particularly naïve to believe that the oil industry will be profitable for a long time to come," he said in an interview last week. "An increasing number of Norwegians are saying in polls that they see a future after oil."

One survey showed last month that 44 percent of Norwegians would be willing to leave some oil in the ground if it helped cut emissions.

At Statoil ASA, Norway's biggest oil company, outward appearances are cool for now.

"I'm registering that there's a greater diversity and a bigger stretch in the views on the Norwegian oil and gas industry," Eldar Saetre, the company's CEO, said in a phone interview this week.

Saetre said he wasn't worried about a change in the fundamental framework conditions for oil companies. The powerful Norwegian Oil and Gas Association and the country's biggest oil union, Industry Energy, also said they trusted the big parties to safeguard the industry because of its importance for jobs, value creation and government income.

But the industry could be overplaying its hand and Solberg has vowed to help the country wean itself off oil. Its dominance is slowly fading, and production now comprises about 12 percent of the economy, down from more than 20 percent pre-oil crisis. To be sure, that doesn't factor in how oil cash seeps through other sectors of the economy.

"I understand that people in the oil industry are worried," said Frode Alfheim, who represents thousands oil workers as head of the union. "I'm pretty certain that once one or the other

constellation starts running the country after the election, the broad lines will remain firm."

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France Proposes to End Oil Output by 2040 with Exploration Ban

Posted September 06, 2017, 8:13 A.M. ET

By Francois de Beaupuy

France will stop granting new exploration permits next year as it seeks to end all oil and gas production by 2040, according to a draft bill presented at a Sept. 6 cabinet meeting.

The move would allow the government to turn down more than 40 exploration requests already made, while some existing permits may be extended to respect contracts, the presentation showed. That includes the Guyane Maritime license off French Guiana, in which Total SA has a stake, according to an adviser to Ecology Minister Nicolas Hulot, who briefed reporters in Paris.

This legislation would "allow us to progressively free ourselves," Hulot said after the cabinet meeting, also confirming that current exploration permits off French Guiana would remain valid. "It will allow investors to go much further in their renewable investments. Currently oil and gas leave us dependent on geopolitics."

The proposed legislation is part of President Emmanuel Macron's broader plan to take the lead against climate change, after U.S. counterpart Donald Trump ditched the landmark Paris agreement to fight global warming. While France's oil and gas output is small, the plan may affect companies such as Vermilion Energy Inc., which has several concessions, and will reduce the prospect of discoveries off French Guiana.

France pumped 6 million barrels of oil in 2015, covering just 1 percent of its demand, according to the presentation. Oil and gas exploration and production on French soil generates as much as 300 million euros ($358 million) in annual revenue, and accounts for as many as 5,000 jobs, directly and indirectly. Existing production licenses wouldn't be extended beyond 2040 under the proposed law.

"We do not expect this new legislation, if passed, to have a material impact on Vermilion as our operations are focused on development activities such as well-workovers, infill drilling and waterflood optimization," the Calgary-based company said previously.

Under a plan presented by Hulot in July, France will end the sale of gasoline- and diesel-powered vehicles by 2040. It will also progressively increase taxes on fossil fuels, close coal-fired power plants by 2022 and invest more in renewable energies.

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Energy and Climate Report

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From: The Washington Post
Sent: Wed 9/13/2017 4:00:43 PM
Subject: Checkpoint: As Hurricane Irma heads toward Florida, U.S. military launches amphibious relief efforts in the Caribbean

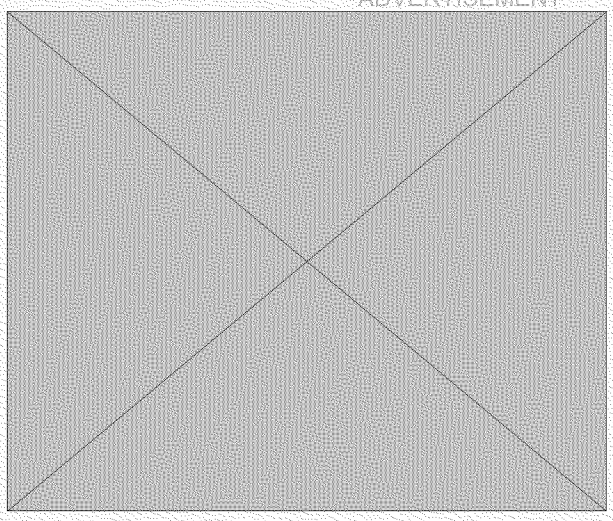


President Trump just gushed about the Coast Guard. It really needed the boost.

The Coast Guard, once eyed for deep cuts, got a morale boost from the commander in chief.

By Alex Horton • Read more »

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White House says its military response to Irma is unprecedented, but there's a history of similar operations

More ships were involved in the response to Hurricane Katrina.

By Dan Lamothe • Read more »

As Hurricane Irma heads toward Florida, U.S. military launches amphibious relief efforts in the Caribbean

Five U.S. ships are headed to the Caribbean.

By Thomas Gibbons-Neff • Read more »

Admiral: After deadly collisions, the Navy must scrutinize how it deploys 'from the ground up'

"Sometimes our culture works against us," said Adm. William F. Moran.

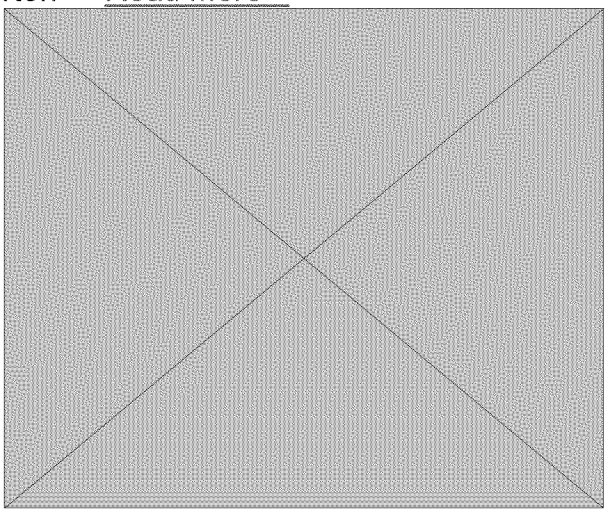
By Dan Lamothe • Read more »

The military looked to 'dreamers' to use their vital skills. Now the U.S. might deport them.

"Indonesia is a foreign country to me," one soldier said.

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Subject: The Morning Headlines from InsideEPA.com -- September 8, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

September 8, 2017

Latest News

Novel Enforcement Case Driving GOP Effort To Overhaul EPA's IRIS Program

Republicans on the House science committee are citing novel EPA and state enforcement efforts at a Louisiana chemical plant, based on a cancer risk estimate for chloroprene from the agency's Integrated Risk Information System (IRIS), to make the case for their efforts to de-fund or overhaul the program, starting with a budget rider that would eliminate any IRIS funding in fiscal year 2018.

EPA Rejects IG's Call For Broad Review Of Agency Risk Screening Tools

Top EPA officials are rejecting a call from their Inspector General (IG) for an agency-wide review of its web-based tools used for screening communities for environmental risks, though the IG says such an assessment is needed given anticipated EPA budget cuts that make it vital to avoid duplication in agency activities.

As Another Storm Looms, EPA Vows Strong Response Despite Budget Cuts

With a second major hurricane looming, EPA Administrator Scott Pruitt is vowing a strong response to Hurricane Irma and noting that agency regional officials are already securing Superfund sites in the storm's path though former agency officials say Trump administration efforts to cut agency funding will cripple EPA's disaster responses.

House Panel Opens Door To Scores Of Amendments In EPA Spending Bill

House lawmakers are one step closer to taking up a barrage of amendments that could place new limits on EPA's power or, in some cases, restore funds to some programs, after the House Rules Committee ruled the proposals in order, though the committee also rejected some amendments that would have restricted Trump administration deregulatory efforts.

EPA Officials Acknowledge Challenges Implementing Superfund Reforms

EPA officials are acknowledging a host of challenges to implementing the Superfund reforms that are among Administrator Scott Pruitt's top priorities, conceding smaller

budgets, retiring staff and a series of other hurdles will make the revisions more difficult to enact, even as the officials note that the agency has begun to implement them.

Daily Feed

Trump nominates Wehrum to head EPA air office

The former acting head of EPA's air office appears more likely to win Senate confirmation than he was during the Bush administration.

EPA says CPP repeal proposal due this 'fall'

The agency says it previously "inadvertently classified" its Clean Power Plan repeal rule as a "long-term action," which is intended for policies that are expected to take more than a year to complete.

Trump nominates former DOJ official Katsas to D.C. Circuit

If confirmed, Gregory Katsas would join the appellate court that hears the majority of challenges to EPA's regulations.

Carper probes EPA's cost analysis of CWA rule repeal

The senator is asking whether EPA unjustifiably scrapped projected benefits from the Obama-era Clean Water Act jurisdiction rule in order to bolster its planned repeal.

Ewire: Criticism of EPA toxics nominee grows

Growing criticism of Michael Dourson's work on behalf of industry is likely to inform the Senate debate over his nomination.

DOJ renews bid to undercut plaintiffs' standing in '2-1' EO suit

The Trump administration says a 1987 circuit court ruling shows why citizen groups' challenge to the executive order on regulatory reform is fatally flawed.

Read all the latest EPA news, analysis and documents →

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Sat 8/26/2017 12:12:12 AM
Subject: BREAKING NEWS: Trump pardons former Sheriff Arpaio

President Donald Trump pardoned attorney former Sheriff Joe Arpaio on Friday.

Arpaio had been convicted of federal contempt. The outspoken immigration opponent has long backed Trump. The president teased a pardon during a campaign rally in Phoenix on Tuesday.

The White House cited a lifetime of public service in announcing Apraio's pardon.

Read more: http://www.politico.com/story/2017/08/25/trump-pardons-former-sheriff-arpaio-242053

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Thur 8/31/2017 10:31:49 AM
Subject: POLITICO Playbook, presented by American Bankers Association: BREAKING: Chemical plant explodes outside Houston -- BEHIND THE SCENES of the GOP call on Harvey aid -- SPOTTED: Gary Cohn unwinds at Fiola Mare after presidential snub -- B'DAY: Tom Kaplan

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Today's POLITICO Playbook presented by American Bankers Association

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

Listen to the Playbook Audio Briefing

Driving the Day

BREAKING at 5:02 a.m. -- **HOUSTON CHRONICLE: "Explosions reported at flooded Crosby chemical plant,"** by Keri Blakinger, Matt Dempsey and Andrew Kragie: "The Harris County Emergency Operations Center is reporting two explosions and black smoke coming from the Arkema chemical plant in Crosby, according to a statement from the company.

"Arkema said Harris County officials notified the company about the explosions around 2 a.m. Thursday ... The company said it had agreed with local authorities that, because of the volatile chemicals involved, 'the best course of action is to let the fire burn itself out.'

"Within two hours of the explosions, sheriff's deputies were dispatched to block off roads in the area. One deputy was taken to the hospital after inhaling fumes, the Harris County Sheriff's Office tweeted about 4 a.m. Thursday. ... A spokeswoman for the county fire marshal's office warned that it's not clear whether all residents had followed the evacuation order given for the area with 1.5 miles of the plant." http://bit.ly/2wV21GB

SPOTTED -- GARY COHN with two other gentlemen and a bottle of red wine sitting outside at Fiola Mare just hours after the president failed to mention him in his tax reform speech. **SUSAN RICE** was sitting at a table nearby.

Good Thursday morning and happy final day of August. **BEHIND THE SCENES OF LAST NIGHT'S GOP LEADERSHIP CALL ON HARVEY AID -- COMING IN SEPTEMBER --** House Majority Leader Kevin McCarthy (R-Calif.) organized a call yesterday to help get lawmakers on the same page on Hurricane Harvey aid. One Republican on the call told us afterwards that **THE PRICE TAG MIGHT EXCEED**

KATRINA, a sentiment shared by many lawmakers and members of the administration.

HOUSE MAJORITY WHIP STEVE SCALISE (R-La.) -- who was shot two-and-a-half months ago -- joined in on the call with OMB Director Mick Mulvaney, officials from FEMA and DHS, members of the Texas delegation and House Appropriations Chairman Rodney Frelinghuysen of New Jersey. Mulvaney talked about the massive package that Congress would need to pass to rehab Houston after the storm, and noted it would be complicated because the U.S. government is nearing the end of a fiscal year, and the debt ceiling is approaching. Whatever Congress spends might impact the time frame with which Congress needs to lift the debt ceiling, multiple people on the call told us.

CONGRESS NEEDS TO GET SOMETHING DONE IN SEPTEMBER -- that was the message on the call. Aid is likely to come in installments, because officials are not sure about the extent of the damage.

REP. TED POE (R-TEXAS), who represents a slice of western, northwestern and northeastern Houston, said on the call that it was very helpful that President Donald Trump came to Texas to show that Washington is acting. ***More details from Rachael Bade, John Bresnahan and Sarah Ferris*** http://politi.co/2erFYQo

GOP CONGRESSIONAL LEADERS still want to marry a government funding bill, Harvey aid and the debt ceiling. We'll see if that's possible.

TRUMP is meeting with H.R. McMaster in the morning and OMB Director Mick Mulvaney in the afternoon.

THE NEXT BATTLE -- "Trump Administration Wants to Stabilize Health Markets but Won't Say How," by NYT's Robert Pear: "A Trump administration official said Wednesday that the administration wanted to stabilize health insurance markets, but refused to say if the government would promote enrollment this fall under the Affordable Care Act or pay for the activities of counselors who help people sign up for coverage.

"The official also declined to say whether the administration would continue paying subsidies to insurance companies to compensate them for reducing deductibles and other out-of-pocket costs for low-income people. Without the subsidies, insurers say, they would sharply increase premiums. The administration, the official suggested, will do the minimum necessary to comply with the law, which Mr. Trump has called 'an absolute disaster' and threatened to let collapse. 'I don't think we can force people to sign up for the program,' the official said." http://nyti.ms/2x8oKOC

-- WE KEEP HEARING about the prospect of some sort of fall health care deal. No one knows what would be in a package like that. But Republicans, when they're being honest, would say they want to continue CSR payments to stabilize Obamacare markets, but need some serious reforms to the law. The politics of taking up a health care bill after failing to repeal and replace Obamacare for Republicans is tricky to say the least.

HOUSTON CHRONICLE A1 -- "THREATS RISE FROM RESERVOIRS, RIVERS: As sun finally returns, a devastated region tallies the damage." http://bit.ly/2elnIEB

HOUSTON CHRONICLE -- "More than 30 people reported dead from Harvey, and officials expect toll to rise" http://bit.ly/2grYQzl

THE LATEST ON HARVEY -- "The Sun Came Out in Houston. Here's What Residents Saw," by NYT's Monica Davey in Houston: "The water has receded in some parts of the city, leaving cakes of mud, branches and garbage baking in the heat wherever the current dropped them. Abandoned cars, too, appear every so often, left where they were in the moment the storm overtook them. The downtown streets are dry now, but the gleaming office towers are mostly empty and the wide sidewalks oddly quiet. Some streetlights flash red. Along neighborhood streets, long strips of businesses sit shuttered, darkened and with stools atop tables and handwritten signs promising to reopen soon. On one dry block, a jogger ran by in the steamy Houston heat, as neighbors collected debris that had grown tangled in their lawns.

"Not far away, barricades marked off a street where darkened houses and cars suddenly vanished into a murky brown soup that showed no sign of retreat. In the silence, a shredded tree bobbed in the water near the tops of submerged cars. Such were the scenes of Houston on Wednesday, as the sun appeared at last - the first sign of blue sky in nearly a week - and as some in the city began to come out of their homes to see what was left. The images were a study in contrast in this vast city: of neighborhoods moving on and of others doing anything but that." http://nyti.ms/2vup2Qx

-- "Birds-eye view of flooded Houston captures Harvey's totality," by AP's Paul J. Weber: "Flying over the Houston area most days is a postcard of America: crisscrossing highways, skyscrapers, hulking shopping plazas, oil refineries, big houses, cattle pastures. Then there's the view after Harvey. 'I had an idea, but once you can get up there and actually physically see it, the water is never-ending,' said David Phillip, an Associated Press photographer who has called Houston home for two decades. Phillip got a bird's-eye view this week after Harvey dumped more than 50 inches (127 centimeters) of rain in and around the nation's fourth-largest city. His photographs show rows of suburban streets turned into canals and brownish floodwaters creeping up to rooftops. In one photo, a mansion's long cul-de-sac driveway resembles a drawbridge over a moat." ***With 14 pix*** http://bit.ly/2gl6Le9

-- "How Harvey Will Change Texas: The storm's most lasting legacy might be the end of the Lone Star State's rugged individualism," by Richard Parker in POLITICO Magazine: "Texans might pride themselves on their rugged individualism, but this time, they'll have no choice but to accept years of state and federal help for the recovery. By the time Harvey leaves the city on Wednesday, Greater Houston will have been drenched with 1 trillion gallons of water and an estimated 30,000 people will be living in temporary housing. [FEMA] expects to receive at least 450,000 claims for damage caused by the storm. And early estimates point to least $150 billion in total economic

losses." http://politi.co/2xP3gUg

****** **A message from the American Bankers Association:** The banking industry is the single most important supplier of credit to the nation's agriculture sector, providing nearly 50 percent of all loans to America's farmers and ranchers. Learn how banks are helping farmers grow. http://politi.co/2wwho81 ******

THE BIG PICTURE -- "The reality beneath Trump's tax reform talk," by Brian Faler: "President Donald Trump's tax plans hardly match his populist rhetoric. Though he sold his plan to rewrite the tax code as a boon to the average American worker in a speech Wednesday, he mostly focused on the taxes paid by America's largest corporations. Trump argued that his plans to cut the 35 percent corporate tax rate for the first time in 30 years would benefit regular wage earners by putting more money in corporate coffers, which he said business leaders would then use to hire more people and raise wages.

"But most economists say companies' shareholders would be the primary beneficiaries of a corporate tax rate cut. That's because it would make companies more profitable, which would boost their stock price while also leaving them with more money to pay out dividends. The official Joint Committee on Taxation, as well as the Treasury Department and the independent Tax Policy Center, all say shareholders bear roughly three-quarters of the burden of the corporate tax, and therefore would be the main winners were it cut." http://politi.co/2vumf9T

FOR YOUR RADAR -- "Federal judge blocks Texas' tough 'sanctuary cities' law," by AP's Paul J. Weber and Will Weissert in Austin: "A federal judge late Wednesday temporarily blocked most of Texas' tough new 'sanctuary cities' law that would have let police officers ask people during routine stops whether they're in the U.S. legally and threatened sheriffs with jail time for not cooperating with federal immigration authorities. The law, known as Senate Bill 4, had been cheered by President Donald Trump's administration and was set to take effect Friday. It was widely viewed as the toughest immigration measure in the nation since Arizona passed what critics called a 'Show Me Your Papers' law in 2010, which was later partially struck down by the U.S. Supreme Court." http://bit.ly/2xArvWY

SPLIT -- **"Top advisers in more displays of disagreement with Trump,"** by Reuters' Jonathan Landay and Jeff Mason: "Defense Secretary Jim Mattis openly differed with his commander in chief over North Korea on Wednesday, the latest example of a once-rare public display of disagreement by top U.S. aides that has become more frequent under President Donald Trump. 'We are never out of diplomatic solutions,' Mattis told reporters, just hours after Trump said in a tweet that 'talking is not the answer' to the standoff over North Korea's nuclear weapons and missile programs." http://reut.rs/2wkmjli

CANADIAN PRIME MINISTER JUSTIN TRUDEAU on **DONALD TRUMP** to **DANIELLE WEISBERG** and **CARLY ZAKIN** of **theSKIMM:** "It may be surprising to some that he's

... [long pause] ... he's authentic in that the person he is on-camera, in public, is very true to the person he is in private. There's a consistency there that one can work with."

THE LATEST ON RUSSIA -- "Russian lobbyist testifies to Mueller grand jury," by FT's Katrina Manson: "Rinat Akhmetshin, the lobbyist and former Soviet army officer who met senior Trump campaign aides at a controversial meeting last year, has given evidence before a grand jury investigation, according to two people familiar with the matter. Mr. Akhmetshin gave testimony under oath for several hours on Friday August 11, in a sign that special counsel Robert Mueller is looking at the 2016 meeting as part of his investigation into links between Donald Trump's election campaign and Russia. ... In an interview with the Financial Times, Mr. Akhmetshin refused to comment on the grand jury appearance. 'I don't know what you're talking about ... I'm not commenting on anything,' he said, adding he has 'deference' for Mr Mueller's probe and promises 'full co-operation' with any investigations. Peter Carr, spokesman for the special counsel's office, also declined to comment." http://on.ft.com/2ekN2uj

-- "Trump Lawyer 'Vehemently' Denies Russian Collusion," by NYT's Maggie Haberman and Matt Apuzzo: "President Trump's longtime lawyer, Michael D. Cohen, has given Congress a point-by-point rebuttal of a dossier alleging that he has deep ties to Russian officials - an effort to clear his name as the Justice Department and congressional committees investigate Russia's attempts to disrupt last year's election. ... In an eight-page letter to the House Intelligence Committee, a lawyer for Mr. Cohen offered a full-throated rejection of any suggestion that Mr. Cohen was involved in an effort to work with Russia to disrupt the election. 'We have not uncovered a single document that would in any way corroborate the dossier's allegations regarding Mr. Cohen, nor do we believe that any such document exists,' wrote the lawyer, Stephen M. Ryan. 'Mr. Cohen vehemently denies the claims made in the dossier about him, which are false and remain wholly unsubstantiated.'" http://nyti.ms/2elhPai

JOSH DAWSEY SCOOP -- "Mueller teams up with New York attorney general in Manafort probe": "Special counsel Robert Mueller's team is working with New York Attorney General Eric Schneiderman on its investigation into Paul Manafort and his financial transactions, according to several people familiar with the matter. The cooperation is the latest indication that the federal probe into President Donald Trump's former campaign chairman is intensifying. It also could potentially provide Mueller with additional leverage to get Manafort to cooperate in the larger investigation into Trump's campaign, as Trump does not have pardon power over state crimes.

"The two teams have shared evidence and talked frequently in recent weeks about a potential case, these people said. One of the people familiar with progress on the case said both Mueller's team and Schneiderman's have collected evidence on financial crimes, including potential money laundering. No decision has been made on where or whether to file charges. 'Nothing is imminent,' said one of the people familiar with the case." http://politi.co/2x74Xzq

-- "Paul Manafort's Overseas Political Work Had a Notable Patron: A Russian

Oligarch," by WSJ's Brett Forrest: http://on.wsj.com/2il2xRW

AT FOGGY BOTTOM -- "With Departure of Top Lawyer, State Department Exodus Continues," by Foreign Policy's Colum Lynch and Robbie Gramer: "A senior State Department lawyer, Todd Buchwald, is stepping down in the coming weeks, joining scores of career civil and foreign service officers fleeing an administration that critics say has diminished the standing of U.S. diplomacy, according to friends and colleagues. ... Buchwald's imminent resignation follows last week's exodus of three other top career diplomats who oversee the department's policies on Europe, the United Nations, and narcotics and law enforcement, respectively." http://atfp.co/2wpUgFx

LAST CHANCE! -- PLAYBOOK ON THE ROAD -- Send us a photo of yourself, or others reading Playbook during your travels this month. Email photos to Daniel daniel@politico.com, or tweet photos with #PlaybookLoyal for a chance to be featured tomorrow in our last Playbook on the Road installment and be entered into a contest to win a signed Matt Wuerker cartoon.

REMEMBERING ROLLIE MASSIMINO -- Philadelphia Inquirer: "Rollie Massimino, the crafty little coach whose successful and sometimes controversial career at Villanova will be colored forever by the Wildcats' startling 1985 NCAA championship and by his role in the downfall of a beloved Philadelphia basketball institution, died Wednesday. Mr. Massimino, 82, had been battling lung cancer for several years." http://bit.ly/2vHvq2N

Playbook Reads

PHOTO DU JOUR: Evacuees from Tropical Storm Harvey fill the Max Bowl as others continue to pour in for shelter at the business in Port Arthur, Texas, on Aug. 30. | Kim Brent/The Beaumont Enterprise via AP

THE OPPOSITION -- "Dems' 2020 dilemma: Familiar 70-somethings vs. neophyte no-names," by Isaac Dovere in Manchester, N.H.: "Old but well-known vs. fresh but anonymous: That's how the 2020 Democratic presidential field is shaping up so far - and it's causing anxiety within a party starting to acknowledge that President Donald Trump could be harder to beat for reelection than the base would like to admit. The older generation - Joe Biden, Elizabeth Warren and Bernie Sanders-would be tested and experienced on the national stage, with high name recognition and built-in support. They'd also all be in their 70s, people who've been around forever for Donald Trump to use as perfect foils for exactly what he stands against.

"Then there's everyone else looking at a White House run who could embody a new start, separate from the Washington and political establishment that repel voters. But they're virtually unknown, and they'd be running against the most famous man in the world who's proven he can dominate every news cycle. If only, Democrats say, there was some person under 55 who had any profile. 'That person doesn't exist,' said

Howard Dean, the 2004 presidential candidate and former [DNC] chair. Dean, who's 68, is clear on which option he wants: 'I have nothing against any of the people my age who will run, but I really do believe that if we're going to appeal to the younger generation, we've got to change the party.'" http://politi.co/2x7XZdp

****** **A message from the American Bankers Association:** America's banks play a critical role in generating economic growth while delivering safety and convenience for customers. The two million women and men who work for America's banks safeguard $12.9 trillion in deposits and originate $2.4 trillion in home loans. They provide $331 billion in loans to small businesses and $175 billion in loans to farmers and ranchers. Banks' fraud protection measures stop at least $11 billion in attempted fraud each year. And thousands of banker volunteers deliver financial literacy lessons annually to millions of young Americans to help them become financially successful adults. Find out more at www.aba.com/AmericasBanks, #AmericasBanks ******

THE FAM -- "Kushners' China Deal Flop Was Part of Much Bigger Hunt for Cash," by Bloomberg's David Kocieniewski and Caleb Melby: "Jared Kushner, Donald Trump's son-in-law and top adviser, wakes up each morning to a growing problem that will not go away. His family's real estate business, Kushner Cos., owes hundreds of millions of dollars on a 41-story office building on Fifth Avenue. It has failed to secure foreign investors, despite an extensive search, and its resources are more limited than generally understood. As a result, the tower poses a significant challenge to the company. Over the past two years, executives and family members have sought substantial overseas investment from previously undisclosed places: South Korea's sovereign-wealth fund, France's richest man, Israeli banks and insurance companies, and exploratory talks with a Saudi developer, according to former and current executives. These were in addition to previously reported attempts to raise money in China and Qatar." https://bloom.bg/2wLioFI

IVANKA WATCH - "Ivanka Trump supports rollback of Obama's policy to close gender pay gap," by The Guardian's Sabrina Siddiqui: "Ivanka Trump, who came into her father's administration vowing to fight for women in the workplace, has blessed a White House plan to roll back an Obama-era policy aimed at eliminating the gender pay gap. The initiative, which was unveiled by Barack Obama in January 2016, would have required employers to collect data on how much they pay their workers, broken down by gender, race and ethnicity. ... 'Ultimately, while I believe the intention was good and agree that pay transparency is important, the proposed policy would not yield the intended results,' Trump said in a statement." http://bit.ly/2gqVIDN

HMM -- "The Militarization of the Hamptons: Why is a heavily armed counterterrorism force patrolling the parties of the rich and famous?" by Joe Nocera in Bloomberg View: "Yes, it's true, the town of Southampton, New York, with its 55,000 year-round residents -- and its deserved reputation as a summer playground for the rich and famous -- now has its very own counterterrorism squad. Its members were first sighted in April, when cops wearing bulletproof vests and carrying fully loaded AR-15s showed up at the Bridgehampton Half Marathon, where they spent most of their

time milling around the finish line." https://bloom.bg/2xA5TtU

CENTER FOR PUBLIC INTEGRITY's big 3 story package on campaign finance reform - "Democrats say 'Citizens United' should die. Here's why that won't happen," by Sarah Kleiner: http://bit.ly/2xzUkTk ... "Statehouses, not Congress, hosting biggest political money fights," by Ashley Balcerzak: http://bit.ly/2wkrEiI ... "Campaign regulation foes targeting state-level restrictions," by Ashley Balcerzak: http://bit.ly/2x8vagQ

Playbookers

SPOTTED: OMB's Douglas Sellers at Joe's Stone Crab yesterday celebrating his departure from OMB to join the OPIC team (h/t Craig Crutchfield).

TRANSITIONS -- Nate Tibbits has been promoted to be Qualcomm's SVP of global government affairs and public affairs. Nate most recently served as the acting head of government affairs at the company. ... **John Collison** has been named Of Counsel at gov't relations firm Ervin Hill Strategy. He most recently was a senior staffer to Sen. Jim Inhofe (R-Okla.).

... Jennifer Mullin started as director of public advocacy at Exelon. She's a Tom Vilsack and Tom Harkin alum and was most recently at Uber as a senior member of the public affairs team. ... The Atlantic Council has named **Jason Marczak** as the new director of its Adrienne Arsht Latin America Center.

WELCOME TO THE WORLD - Scott Jennings, principal at RunSwitch Public Relations in Louisville and a Bush WH alum, and **Autumn Jennings,** senior accountant for American Society of Oncology in Alexandria, email friends and family: "Autumn and I are pleased to announce that baby #4 has arrived! Our latest came this morning (August 30) at 9:25 a.m. He weighed seven pounds and is 19 and ¾ inches long (the smallest of the four Jennings brothers). Mama and baby are resting comfortably at Baptist East Hospital in Louisville, KY. The baby came quickly [Wednesday] morning - we walked into this place at 8 a.m.! This baby has a name: Harlan Lowell Mitchell Jennings." ***Pic*** http://politi.co/2wV4a5l

BIRTHDAY OF THE DAY: NYT congressional correspondent **Thomas Kaplan** . How he's celebrating: "This is my first birthday in Washington - I moved here at the start of the year - and I'll be getting drinks with friends in Shaw. This should be a big improvement over my birthday last year, when my celebration consisted of sitting around for hours in the Cincinnati airport after covering a Hillary Clinton speech." **Read his Playbook Plus Q&A:** http://politi.co/2ilwFwH

BIRTHDAYS: Tommy Vietor, cohost of "Pod Save America," host of "Pod Save the World" and founder of Crooked Media ... NYT's Patrick Healy ... Michael Finnegan ... Ryan Stanton, director of U.S. gov't affairs and comms at Rio Tinto and a Sphere and

Levick alum (hat tip: Jim Courtovich) ... Hillary DeParde ... Lauren Fine, press secretary for Whip Scalise ... former Rep. Marlin Stutzman (R-Ind.) ... Politico's Kim Hefling and Paul Demko ... Ed Goeas, president and CEO of the Tarrance Group ... Rachel Oliver ... Lenny Stern, co-founder of SS+K (h/t Jon Haber) ... Politico Europe's Mathilde Ciocci ... Alison Schwartz ... Paul Garrahan ... Scott Shalett ... Jennifer Shutt ... Christopher Dickey, Paris-based foreign editor for The Daily Beast ... Ryan Ellis, tax consultant and Akin Gump consultant ... Mattie Duppler, who celebrated her 30th with a training ruck last night with her friends as they prepare for their October GORUCK to raise money for the Third Option Foundation ...

... Alex Schriver, SVP of public affairs at Targeted Victory ... Brian Johnson, aka the Hungry Lobbyist, federal affairs director at American Petroleum Institute, who celebrated with friends at Dacha in Shaw yesterday, the one year anniversary of his engagement -- he gets married to Morgan Gress in a month ... Meghan Barr ... Jess Levin ... Nick Horowitz ... Fox News' Leland Vittert ... Justin Meyers ... Alison Fox ... Ramzi Nemo ... Jordan Ball ... Kaylin Minton ... Sam Merchant ... Ida Rukavina ... Brian Garcia ... Lori Stith ... Deadspin editor Tim Marchman ... Adam Dolin, associate at the Global Impact Investing Network (h/t Michael Knopf) ... West Foster ... Neil Alpert ... Bennett Resnik, manager of gov't relations/regulatory affairs at Cardinal Infrastructure ... Elizabeth Pemmerl ... Elizabeth Whitehouse ... Kent Klein ... Jill Rackmill ... Beth Roberts ... Iris Krasnow ... John Leary ... Liz Kurantowicz ... Steve Smith (Calif.) ... Tricia Yates ... Karisa Johnson ... Ethan Gray ... Barb Helmick ... Philip Smucker ... Gabbrealle Allen (h/ts Teresa Vilmain)

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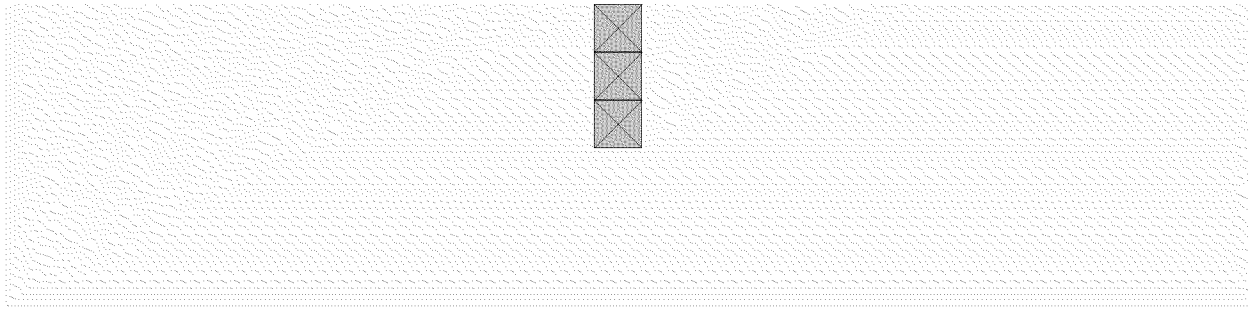
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Fri 10/20/2017 2:03:17 PM
Subject: POLITICO's Morning Score: Well-funded House Democrats endanger Republicans — Americans for Prosperity ad blitz — DNC shakeup

By Daniel Strauss | 10/20/2017 10:00 AM EDT

With Elena Schneider, Zach Montellaro, Kevin Robillard

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

MONEY TALKS - "Historic glut of well-funded Democrats endanger GOP House" by Campaign Pro's Elena Schneider: "An unprecedented wave of well-funded Democrats have launched campaigns against Republican members of Congress this year, setting the stage for a true battle for control of the House of Representatives in the 2018 midterm election. Animated by opposition to President Donald Trump and Republicans' congressional majorities, at least 162 Democrats in 82 GOP-held districts have raised over $100,000 so far this year, according to a POLITICO analysis of FEC data. ... The Democrats' fundraising success, especially from a glut of candidates who have never run for office before, has set off alarm bells for GOP strategists watching the House landscape develop. 'That's something that should get every Republican's attention in Washington,' said Jason Roe, a Republican strategist who works on House races. 'These first-timers are printing money.'" **Full story.**

OL' VIRGINNY - "'Our democracy is at stake,' Obama says on Virginia campaign trail" by Politico's Edward-Isaac Dovere: "Fresh from New Jersey after making an appearance for the Democratic gubernatorial candidate there, Phil Murphy, his own former ambassador to Germany, [former President Barack] Obama uncorked. He argued that this year's elections are an existential moment that should - if Democrats do what he's kept telling them to do, without much success, and vote - be the start of reasserting an American politics and society that turns away from what's embodied by President Donald Trump. 'We need you to take this seriously. Our democracy is at stake,' Obama said." **Full story.**

-NEW THIS A.M. - Americans for Prosperity launches $1 million mail, ad blitz: Americans for Prosperity's Virginia chapter is launching a direct mail and digital ad blitz targeting Democratic gubernatorial candidate Ralph Northam, to go along with the Koch-backed group's ever-present field program. The $1 million program includes mailers attacking Northam for supporting tax increases as part of a 2013 transportation deal, and a 30-second digital ad featuring a charter school vice principal from Richmond criticizing Northam for voting against education savings accounts. Watch the ad here.

OPTING OUT - "Ohio's Tiberi to leave Congress," by Campaign Pro's Elena Schneider: "Ohio Rep. Pat Tiberi will not seek reelection and plans to resign early to lead the Ohio Business Roundtable, according to a statement the incumbent Republican released [Thursday]. 'Today, it

is with a humble and thankful heart that I announce I will not be seeking reelection,' Tiberi said in a statement. 'While I have not yet determined a final resignation date, I will be leaving Congress by January 31, 2018.' A Republican official briefed on Tiberi's thinking said the Ohio Republican plans to stick around 'to help the House pass tax reform.'" **Full story.**

- A handful of GOP names are already floating as possible replacements, including state Rep. Mike Duffey, state Sen. Kris Jordan and state Sen. Jay Hottinger. Tiberi's district is reliably Republican.

- "Syracuse mayor won't run for Congress," by POLITICO New York's Jimmy Vielkind: "Syracuse Mayor Stephanie Miner, a Democrat who will be forced from office this year by term limits, said she will not mount a challenge to GOP Rep. John Katko in the state's 24th District. ... The 47-year-old is also pondering a gubernatorial run, and this weekend met with New York City Councilman Jumaane Williams. Both have criticized Gov. Andrew Cuomo, a nationally aspirant Democrat who says he will seek a third term in 2018." **Full story.**

OPTING IN - "Salt Lake County Mayor Ben McAdams jumps into U.S. House race against Rep. Mia Love," via The Salt Lake Tribune's Taylor W. Anderson: "Ben McAdams, the Democratic mayor of Salt Lake County, announced he is running for Utah's 4th Congressional District, teeing up a 2018 challenge against two-term Republican Rep. Mia Love. McAdams, a former state senator who was re-elected to his second term as mayor of the state's largest county in 2016, is known as one of the state's most politically popular and ambitious Democrats." **Full story.**

AT HEADQUARTERS - "Shake-Up at Democratic National Committee, Longtime Officials Ousted," via NBC News: "A shake-up is underway at the Democratic National Committee as several key longtime officials have lost their posts, exposing a still-raw rift in the party and igniting anger among those in its progressive wing who see retaliation for their opposition to DNC Chairman Tom Perez. ... The removal and demotion of a handful of veteran operatives stood out, as did what critics charge is the over-representation of Clinton-backed members on the Rules and Bylaws Committee, which helps set the terms for the party's presidential primary, though other Sanders and Ellison backers remain represented." **Full story.**

Days until the 2017 election: 18.

Days until the 2018 election: 382.

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

- "Lawmakers unveil bill to thwart Russian election ads on social media," by POLITICO's Ashley Gold and Nancy Scola: "A bipartisan group of lawmakers on Thursday unveiled a bill

to make it harder for Russia to secretly interfere with future U.S. elections, by forcing social media companies to disclose the buyers of online political ads. The measure from Sens. Amy Klobuchar, (D-Minn.), Mark Warner (D-Va.) and John McCain (R-Ariz.), and Reps. Derek Kilmer (D-Wash.) and Rep. Mike Coffman (R-Colo.), would expand political ad disclosure rules beyond print, radi, and television to the internet. It would include not only material that is explicitly an advertisement, but also other forms of online paid content like so-called sponsored posts. If the bill becomes law, the major online platforms like Facebook and Google - and any site with 50 million or more U.S. monthly unique visitors - would be required to attach what the lawmakers call 'clear and conspicuous' disclosures like the 'Paid for by Candidate Smith' that appear on ads in other mediums. More than that, though, the bill would make the tech companies keep records of anyone who even attempted to purchase a political ad, as long as the ad buys total $500 in any one year." **Full story.**

AIR WAR - Super PAC ad in Wisconsin highlights Nicholson's military service: "A super PAC backing businessman and veteran Kevin Nicholson in Wisconsin's Senate race is out with an focusing on Nicholson's military service." **Watch the ad here. Full story.**

- Great America Alliance attacks Jones in new Alabama ad: "Great America Alliance, a 501(c)(4) backing President Donald Trump's agenda, is out with a new television ad attacking Democrat Doug Jones in Alabama's Senate race. The ad attacks Jones, a former U.S. attorney in the state, over his stance on abortion. The ad will run digitally this week and move to television next week." **Watch the ad here. Full story.**

- Super PAC launches to back Braun in Indiana race: "A top Republican strategist will lead a super PAC backing state legislator and businessman Mike Braun in Indiana's Senate race. Norway Hill Associates President Dave Carney, a New Hampshire-based strategist who has worked for Texas Govs. Rick Perry and Greg Abbott and Wyoming Sen. John Barrasso, will lead the group, called Our Indiana Voice." **Full story.**

REVOLUTION ROADBLOCKS - "Mega donor Foster Friess battles against Steve Bannon's war on GOP establishment," by Fox Business' Brian Schwartz: "Conservative mega donor Foster Friess said in an interview with FOX Business that he will not be joining Bannon's ranks in his fight against Republican leaders such as Sen. Mitch McConnell (R KY) because he believes the best way to pass legislation is to do it the conventional way: go after the opposing party. 'I can understand [the] frustrations of some of my fellow Republicans, but I believe they are wrong,' Friess said in an email to FOX Business. 'While Steve Bannon wants to replace Republican incumbents I want to champion the effort [and for] that money be devoted instead to replacing the ten Democrats in states where President Trump won. I do not intend to raise money to defeat fellow Republicans. My efforts will be spent on raising money to defeat Democrats so we have more Republicans to pursue our agenda.'" **Full story.**

THE MORE YOU KNOW - "Inside the Campaign Merch Graveyard," by GQ's Elaina Plott: "So what happens with all the stuff that a company like Hammerstone can't sell? Campaign volunteers are usually gifted the T-shirts and other basic apparel: a Republican operative who worked on the Rubio campaign tells me that kind of merch is given out first to volunteers, with the rest donated to someplace like Goodwill. Similarly, Moira Muntz of the Bernie Sanders

campaign says they were able to get rid of most stuff by sending it to volunteers. As for leftover yard signs, [My Campaign Store director Jason] Worrix says he encourages campaigns to give them to the Boy Scouts and Girl Scouts." **Full story.**

CASH INFUSION - The Democratic Governors Association announced Thursday that it's putting another $1 million into Northam's gubernatorial campaign in Virginia. Per a press release: "Today the DGA announced it is sending another $1 million to Ralph Northam in the Virginia governor's race. The donation brings the DGA's total investment in the race to just over $5 million. Northam already has a cash advantage over his opponent Ed Gillespie. This latest donation puts the campaign in a strong position heading into the final weeks of the campaign. 'This latest $1 million investment will help continue Ralph Northam's momentum heading into the final stretch of the campaign,' said DGA Executive Director Elisabeth Pearson. 'The DGA is committed to supporting Ralph's campaign to bring economic opportunity to all Virginians. We look forward to continuing to support Ralph's campaign over the final 3 weeks.'"

- The Republican Attorneys General Association has sent Virginia attorney general candidate John Adams an additional $775,000, bringing the organization's investment in the race to $3.525 million. During the second and final debate between Adams and Attorney General Mark Herring, a Democrat, the group plans to use a special snapchat filter during the debate in Leesburg hitting Herring for giving "staff backdoor pay raises." Finally, RAGA has taken out a full-page color ad in Loudoun Now to also ding Herring on pay raises.

"Honestly, voters in the Commonwealth should be deeply troubled by Mark Herring's backdoor pay raises for staff. This decision was wrong, and he knows it," RAGA executive director Scott Will said. "Unfortunately, it's the norm and not the exception for Mark Herring. He is a political activist masquerading as the attorney general."

THIRD QUARTER FUNDRAISING - Virginia Republican Senate Candidate Corey Stewart raised about $190,000 and has about $150,000 on hand.

FROM THE COURTROOM - Menendez defense could rest next week, via POLITICO New Jersey: "The defense for Sen. Bob Menendez (D-N.J.) and co-defendant Salomon Melgen could rest as soon as next week, attorneys said Wednesday. Menendez attorney Abbe Lowell told Judge William Walls during a sidebar conference Wednesday morning that if Menendez and Melgen don't testify, he anticipates wrapping up at the end of next week." **Full story.**

STAFFING UP - Lujan Grisham's chief-of-staff joins campaign: Dominic Gabello has left as chief of staff to New Mexico Rep. Michelle Lujan Grisham to join the congresswoman's gubernatorial campaign as manager.

CODA - QUOTE OF THE DAY: "There's no perfect way to make that phone call" - White House chief of staff John Kelly during a press briefing Thursday discussing calling the families of fallen soldiers.

To view online:
http://www.politico.com/tipsheets/morning-score/2017/10/20/well-funded-house-democrats-

endanger-republicans-222911

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Daily Environment Report

October 03, 2017 - Number 190

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Leading the News

Courts

PODCAST: Celebrate SCOTUS Day With Parts Per Billion

For attorneys, today is like Christmas, July 4th, and Super Bowl Sunday all rolled into one. It's the first day of the Supreme Court's new term.

Electronic Waste

Hong Kong to Recycle Homegrown Electronic Waste

Hong Kong is about to open its first recycling plant specifically to process domestic electronic waste, which should help reduce water and soil pollution, but isn't necessarily good news for e-waste traders.

Energy

Trump May Have Paths to Save Coal, Hobble Clean Energy

President Donald Trump may soon have a chance to prove wrong the notion that economics will kill the U.S. coal industry and keep clean energy thriving. Two initiatives pending in Washington—one to prop up large traditional power plants and a second to impose tariffs on solar panels—could let Trump upend wholesale electricity markets and tip the advantage away from renewables.

General Policy

Zinke's Charter Jet Flights Draw Probe From Interior Watchdog

The Interior Department's Office of Inspector General will probe Interior Secretary Ryan Zinke's use of charter jets to travel to the U.S. Virgin Islands, Alaska and Montana, amid questions about Trump administration officials' reliance on private planes.

News

Air Pollution

China's Pollution Curbs May Start Slowing Growth Within Months

China's drive to cut pollution could reduce economic growth by 0.25 percentage point in the next six months while boosting factory inflation, according to Societe Generale SA.

Chemical Testing

Correction

A Sept. 20 story, "EPA Non-Animal Chemical Testing Strategy Imminent," incorrectly said that the strategy would be released to a review panel Nov. 3. It will be publicly released at that time. The online version has been corrected.

Climate Policy

U.K. Clean Growth Strategy Due in Weeks, Climate Minister Says

The U.K. government will support carbon capture and sequestration technologies in its delayed Clean Growth Strategy that's expected in the coming weeks, Climate Change Minister Claire Perry said.

Coal-Fired Power Plants

Navajo Coal Plant Slated for Closing Identifies Potential Buyers

The Navajo Generating station, the largest coal-fired power plant in the U.S. West, has identified a group of potential investors with financing that may avert a planned 2019 shutdown.

Contribution

ARCO May Pursue Ranch for Superfund Cleanup Costs

ARCO may seek to recoup Superfund cleanup costs from a ranch where waste from a corporate predecessor's mining operation migrated, the District of Nevada ruled (Diamond X Ranch LLC v. Atl. Richfield Co., 2017 BL 346998, D. Nev., No. 13-cv-00570, 9/29/17).

Energy

Brexit May Threaten U.K. Nuclear Renaissance Dream

Britain's plan to spend billions of pounds on a fleet of new nuclear reactors could be stopped in its tracks if Prime Minister Theresa May ends the rights of skilled European migrants to work in the nation after it leaves the European Union.

Energy

Fossil Fuel, Renewables Groups Fight Trump's Coal Plan

Energy Secretary Rick Perry's plan to rescue money-losing coal and nuclear plants has spawned a coalition of unlikely bedfellows.

Energy

Kinder Morgan Foes Launch Legal Challenge to Canada Pipeline

Kinder Morgan Inc.'s plan to expand the Trans Mountain pipeline linking Alberta's oil-sands to British Columbia's Pacific Coast is facing a long legal battle as communities and activists challenge the project in court.

Energy

Lower Corporate Tax Rate May Alter New Energy Project Investment

A 20 percent corporate tax rate proposed in the new Republican tax framework Sept. 27 could reduce tax equity investments in future renewable energy projects, meaning that developers may need to find new funding mechanisms.

International Climate

EU on Track for $235 Billion in Climate Finance

The European Union is on track to generate about 200 billion euros ($235 billion) in spending linked to climate protection, according to a top official.

Motor Vehicles

Automakers Plan Electric Car Blitz as Tesla Burns Billions

Here are two facts that defy logic: By the end of the year, electric-car maker Tesla Inc. will have burned through more than $10 billion without ever having made 10 cents. Yet companies around the world are lining up to compete with it.

Motor Vehicles

Israel's Extended Tax Break Keeps Electric, Hybrid Cars Humming

Israel has extended its lower purchase tax rate on electric and hybrid cars for two more years, continuing a "Green Taxation" reform that economic reports and automobile dealers indicate has helped put more low-emission vehicles on the road.

Natural Gas

Oil Refiners in India to Aid Future for Natural Gas

A push to use more natural gas by India, the world's fastest-growing oil guzzler, is getting a boost from an unlikely source: the nation's gasoline and diesel makers.

Oil & Gas

Shell, Total Join Statoil in Carbon Storage Project Off Norway

Royal Dutch Shell Plc and Total SA are joining Statoil ASA in a Norwegian government-sponsored project to store carbon dioxide from onshore industrial sites under the North Sea.

Sustainability

Can the 'Uber of Trash' Clean Up Its Own Business?

Last month, an Atlanta-based company called Rubicon Global announced its entry into the rarefied "unicorn club" of startups worth more than $1 billion. Rubicon is not an obvious candidate—it's in the gritty business of waste disposal. Then again, it's not a typical garbage company.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 8/3/2017 8:13:53 PM
Subject: Aug. 3 -- Energy and Climate Report - Afternoon Briefing



Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Methane Hot Spot in West Troubles Regulators and Industry

Posted August 03, 2017, 7:01 A.M. ET

By Alan Kovski

The Four Corners area of northwestern New Mexico and southwestern Colorado has been described as an especially prominent hot spot for methane leaking and venting—and illustrates why the Obama administration issued tougher federal regulations in 2016 to govern oil and gas operations on federal and Indian lands.

Emissions of natural gas—mostly methane—contribute to climate change. Some of the hydrocarbon molecules in the mix of gases also add to ground-level ozone, which is linked to respiratory and cardiovascular effects at high levels of exposure. From a business perspective, the emissions are a waste of natural resources.

The Bureau of Land Management's 2016 Methane and Waste Prevention Rule, commonly called the venting and flaring rule, put oil and gas companies and some state officials on the defensive. They argued that it would add significant costs; that existing regulations were adequate; and that companies already had an economic incentive to capture the gas and sell it for a profit.

Companies in the Four Corners areas produce natural gas from layers of coal and separate gas deposits. ConocoPhillips Co. was for years the the largest operator in the region but on July 31 completed the sale of its assets there to Hilcorp Energy Co. Other notable producers in the area include BP Plc and WPX Energy Inc. Chevron Corp. sold its assets in the area in the second quarter.

It's not necessarily easy to say why the Four Corners area may be worse for methane emissions than other areas. Geology, weather, local infrastructure, state regulations, and the limitations of methane detection systems all play a role.

Charged Political Issue

Some states have taken action to varying degrees and report declining emissions. More federal action awaits Interior Department decisions on how the Trump administration will change the venting and flaring regulations.

The Bureau of Land Management, an Interior Department agency, didn't criticize any state when it issued the venting and flaring rule. But the Four Corners' methane plume became a charged political issue, nevertheless.

Sens. Maria Cantwell (D-Wash.) and Michael Bennet (D-Colo.) singled out the New Mexico portion of the methane plume when they participated in a Washington press conference May 9. One day later, they helped defeat a congressional attempt to rescind the BLM rule.

In June, the Interior Department suspended compliance with those parts of the rule not already in effect and said it will either rescind or revise the rule. The suspension of the regulations pending judicial review was quickly challenged in court by the attorneys general of California and New Mexico.

"Believe me, this was not done without some serious discussions with the lawyers at the Department of Interior," attorney Vincent DeVito, counselor to the Interior secretary on energy policy, said July 27 at an annual meeting of the U.S. Energy Association.

Satellite and Airborne Detection

A 2014 NASA report turned the spotlight on the Four Corners, when satellite detection of methane plumes found the largest single plume over that area.

A later study, led by a scientist at NASA's Jet Propulsion Laboratory at the California Institute of Technology, used two airborne spectrometers in April 2015 for infrared measurements that identified 250 methane point sources in the Four Corners area.

"This finding confirms earlier assumptions that most of the enhanced methane is related to natural gas extraction, as well as coal mining but also that there is not a single source explaining most enhancements," the 2016 report said, referring to enhanced emissions. It was published in the Aug. 30, 2016, issue of the Proceedings of the National Academy of Sciences.

The most prominent identified leaks came from gas processing facilities, storage tanks, a couple of gas pipelines, and a venting coal mine. The spectrometers could detect individual plumes, but not measure volumes, which were inferred from the plume sizes.

All of which doesn't mean the states were sitting by idly while methane leaked.

Colorado Takes Action

Colorado and New Mexico have tightened their emissions regulations during the past three years, as have other states. For Colorado, 2015 was the first full year of new regulations requiring, among other things, hydrocarbon leak detection, which includes methane detection.

Although the regulations don't specify infrared cameras, in practice that has been what companies use, according to Jeremy Neustifter, a planner in the Air Pollution Control Division of the Colorado Department of Public Health and Environment.

"It's still early to tell what effects we have seen" from the relatively new regulations, especially given that 2016 results have not been fully vetted yet, Neustifter told Bloomberg BNA July 27. And the program gets good marks from an industry group.

"The leak detection and repair program has been working fairly well," according to Scott Prestidge, spokesman for the Colorado Oil & Gas Association.

Colorado has seen declines in methane and ethane emissions and ozone concentrations, but specifying the exact reasons for the declines isn't so simple, Neustifter said.

The drop in emissions of volatile organic compounds in Colorado from 2011 to the present, not just under the latest regulations, have been significant, "and the oil and gas industry is responsible for three-quarters of that reduction," Prestidge said.

Individual companies didn't respond to requests for information on methane control strategies.

New Mexico Acts

New Mexico has for several years required operators to obtain special permission for venting or flaring after 60 days of drilling operations. Starting May 1, 2016, the state also requires a gas capture plan for all new applications for permits to drill.

But the New Mexico gas capture plan doesn't require leak detection, according to Jon Goldstein, director of regulatory and legislative affairs for the conservation group Environmental Defense Fund. That leaves New Mexico behind both Colorado and Wyoming, Goldstein said.

Venting and flaring in the state have gone down, David Catanach, director of the Oil Conservation Division within the New Mexico Energy, Minerals and Natural Resources Department, said. The percentage of total gas production in New Mexico was almost 1.5 percent in January 2016 and down to 0.89 percent in January 2017, he said.

The 2016 BLM regulations would have gone beyond New Mexico's by requiring leak detection that would have resulted in infrared camera use, said Dave Mankiewicz, assistant field manager for minerals in the BLM Farmington, N.M., field office.

Why Worse in Four Corners?

Mankiewicz, a geologist with much industry and government experience, offered some details on why the Four Corners area—also known to geologists as the San Juan Basin—might appear to have more methane leakage than other areas.

First there are topography and meteorology. The area has a bowl shape where atmospheric inversions often occur, trapping gases longer near the surface of the Earth, where satellites can spot them. By contrast, oil and gas production areas like the oil-rich Permian Basin of western Texas and eastern New Mexico are in flatter lands, where gases quickly disperse via air currents, he said.

Goldstein agreed that topography and air inversions were a basic problem for the area.

Neustifter in Colorado said inversions also trouble Wyoming, where winter inversions trap volatile organic compounds (a broad category including natural gas) and nitrogen oxides. Wyoming requires quarterly leak inspections on new and existing wells.

Then there's the oil and gas companies' heavy reliance in the Four Corners area on gas-driven equipment, such as pumps and compressors, rather than electrically powered equipment—meaning

more opportunities for gas leaks.

The gas to drive the equipment comes from the leases in the San Juan Basin, amounting to 38 percent of all on-lease use of gas in the U.S., Mankiewicz said.

Another problem is the large number of gas seeps. The Four Corners area includes the Fruitland Formation, one of the most gas-rich coal outcrops, Mankiewicz said. And while gas operations appear to dominate the leaks, there also is coal mine venting and leaking.

'Market Failure'

Two industry groups, the American Petroleum Institute and Western Energy Alliance, said operators faced the prospect of significant expenditures to comply with provisions of the BLM rule that were scheduled to start operating in January 2018. Those now are suspended pending review.

Western Energy Alliance specifically noted that the requirement for leak detection and repair programs, and the standards for storage tanks and pneumatic devices would require operators to begin purchasing and installing tens of thousands of replacement parts in the near future.

Companies have an economic incentive to capture gas and sell it, but the incentive is not strong enough, especially with gas prices low, Environmental Defense Fund's Goldstein told Bloomberg BNA.

"It's just not a strong enough driver," Goldstein said. "It's a market failure."

If the BLM chooses to revise rather than simply rescind the rule, it could retain the leak detection and repair requirements while jettisoning much else, but the agency has not revealed its plan. It's very likely that whatever the agency does will be tested in court for compliance with the National Environmental Policy Act, Administrative Procedure Act, Mineral Leasing Act, and Federal Land Policy and Management Act.

Nuclear Plant Closure Quashes Tax Credit Need, Graham Says

Posted August 03, 2017, 02:05 P.M. ET

By Brian Dabbs

An early extension of a high-profile nuclear tax credit is no longer needed following the closure of a nuclear plant in South Carolina, Sen. Lindsey Graham (R-S.C.) told Bloomberg BNA Aug. 3.

The statement marks a reversal of the senator's position on the production tax credit, which currently sunsets at the beginning of 2021. Graham previously spearheaded the early extension effort in the Senate.

But the July 31 decision by Scana Corp. to abandon an expansion project at the V.C. Summer plant in South Carolina shows that a tax credit won't prop up the industry, Graham said.

"That's probably the end of a nuclear renaissance," he told Bloomberg BNA. "Why do you need production tax credits if you're not building reactors?"

Scana said the move would save utility customers $7 billion.

Brouillette Heads to Energy Department Following Heller Sign-Off

Posted August 03, 2017, 12:42 P.M. ET

By Brian Dabbs

The Energy Department is set to add a deputy for Secretary Rick Perry following the Senate's confirmation of Dan Brouillette Aug. 3.

The chamber, on a vote of 79-17, approved Brouillette after Sen. Dean Heller (R-Nev.) lifted a hold on his nomination. Brouillette formerly served at the Energy Department during the George W. Bush administration.

As recently as Aug. 1, Heller said he was blocking the nomination because Brouillette hadn't responded to his inquiry over the nominee's position on the Yucca Mountain nuclear waste repository. A spokeswoman for Heller said the senator made "progress" on resolving the standoff with Brouillette.

Heller sent the inquiry, which focused on the nominee's support for consent-based siting of a waste repository, nearly two months ago. The spokeswoman didn't respond to a followup request by Bloomberg BNA to obtain more details. Heller was the lone Republican to vote no on the nomination.

A hold is an informal Senate tactic that typically signals a senator will force full debate on a nomination or legislation. The Brouillette nomination received only 15 minutes of debate prior to the vote, an indication that the hold had been lifted.

The Nevada congressional delegation largely opposes the permanent repository at Yucca Mountain, arguing the project presents risks to the environment and surrounding communities. A bill sponsored by Heller (S. 95) would require any such facility to first receive consent from the state's governor, Indian tribes and local governments. Gov. Brian Sandoval (R-Nev.) opposes a repository at Yucca.

Brouillette has been senior vice president of the United Services Automobile Association, an organization providing financial services to military personnel, veterans, and their families. Before that he was a vice president at Ford Motor Co. He served as an assistant secretary of energy for congressional and intergovernmental affairs from 2001 to 2003.

Brouillette previously worked in Congress for the House Energy and Commerce Committee and for lobbying firms, including FleishmanHillard Inc. His clients at that firm included Entergy Corp., Allegheny Energy Inc., and Peabody Energy Corp., according to OpenSecrets.org, a project of the Center for Responsive Politics that tracks money in politics.

Electric-Car Revolution Shakes Up Biggest Metals Markets

Posted August 03, 2017, 7:35 A.M. ET

By Mark Burton and Eddie van der Walt

The revolution in electric vehicles set to upturn industries from energy to infrastructure also is

creating winners and losers within the world's biggest metals markets.

While some of the largest diversified miners like Glencore Plc argue that fossil fuels such as coal and oil still play a crucial role supplying energy needs, they also will benefit the most from a move to electric cars, requiring more cobalt, lithium, copper, aluminum, and nickel.

The outlook for greener transportation got a boost this year as the U.K. joined France and Norway in saying it would ban fossil-fuel car sales in coming decades. That's as Volvo AB announced plans to abandon the combustion engine and Tesla Inc. unveiled its latest, cheaper Model 3. Such vehicles will outsell their petroleum-driven equivalents within two decades, Bloomberg New Energy Finance estimates.

"For some of the metals, it's a complete game-changer," said Simona Gambarini, a commodities economist at Capital Economics Ltd. in London. "We've already seen a big impact on some metals like cobalt and lithium, which have soared over the past couple of years."

Electric cars contain about three times more copper than a regular vehicle, according to Glencore. Even more is needed for charging stations, with Exane BNP Paribas seeing such infrastructure adding about 5 percent to demand by 2025. Lithium, cobalt, graphite, and manganese used in batteries also will see more demand.

Copper and Cobalt

Glencore will get a boost as rising electric-vehicle sales lend support to copper prices, as well as from its position as the world's largest cobalt producer, according to Jefferies Group LLC. Freeport-McMoRan Inc. and First Quantum Minerals Ltd. are also top picks for long-term investors looking to benefit from the trend, the brokerage said in a note Aug. 2.

Markets are responding. Cobalt has surged 70 percent on the London Metal Exchange this year, after jumping 37 percent in 2016. Lithium prices have extended gains in recent years. Copper is also up 14 percent in 2017 on signs of resurgent economic growth, particularly in China.

On the flip side, lead producers such as Recylex SA and Campine SA may have to adapt operations to the new era. The main end-use for lead is in starter batteries for petrol and diesel engines. Electric vehicles, by contrast, are powered by lithium-ion units.

"It's a serious risk for lead demand, unless you find different applications to make up for the decline," said Michael Widmer, head of metals market research at Bank of America Merrill Lynch in London.

Lithium vs. Lead

Yet with lead prices up 17 percent this year, the best of any major industrial metal traded in London, investors see only distant risks. "I'm not so sure things will turn out" so badly for lead, as cheap oil prices will help keep conventional cars competitive, said Herwig Schmidt, head of sales at metals brokerage Triland Metals Ltd. If demand for lead does drop, it will do so gradually, he said. "Maybe that will be the case in 10 years or so."

In the meantime, stricter emissions rules could raise demand for hybrid cars that rely on advanced lead-intensive batteries to cope with frequent engine stops and starts, according to the International Lead and Zinc Study Group.

It's not just shifts in use of batteries and wires that are forcing change.

Lightweight metals like aluminum are replacing steel to allow cars to travel further on less power. That already expanded demand by about 1.6 million metric tons, or 2.7 percent of global output, from 2013 to 2016 in a trend that's likely to accelerate, Widmer said.

Aluminum vs Steel

Aluminum is up 14 percent this year as rising use by automakers has run into supply curbs in China, pushing the market into deficit.

Steelmakers are fighting back. AK Steel Holding Corp. has teamed up with General Motors Co. to try to use nanotechnology to make lightweight vehicle bodies. ArcelorMittal and Tata Steel Europe also are among those developing lighter, stronger alloys to fend off the competition.

"The development of ultra-high–strength steel is meant to address that," said Sylvain Brunet, an analyst at Exane BNP Paribas. There's been "some success in Europe."

Platinum also could struggle to cope with the end of petroleum.

Almost half the precious metal used last year was sold to the auto industry for use in catalytic converters to curb diesel pollution, according to research from Johnson Matthey Plc, one of its top refiners.

"A lot of commodities that are in demand right now, like oil and platinum, may not be in demand in the future," said Bernard Dahdah, a commodities analyst at Natixis SA in London. "It's not that commodities overall will become less relevant, but we will see a reshuffling in terms of what is important in the next 15 years."

The platinum industry sees a continued need for converters in diesel-hybrid engines. Umicore SA, a maker of raw materials for batteries and engine catalysts, expects hybrids to still outnumber full-electric cars in 2025, Chief Executive Officer Marc Grynberg said Aug. 1.

"Given the expected evolution of battery costs, there may still be an advantage to buying a hybrid," he said.

Fuel-cell vehicles being developed by Toyota Motor Corp. and Hyundai Motor Co. that rely on platinum as a catalyst to generate energy from hydrogen promise the greatest opportunity for demand growth in the next 10 years, according to the World Platinum Investment Council lobby.

Yet, until such technology has been proven commercially, the industry is at risk from the shift away from fossil fuels.

"Diesel looks set to be the clear loser out of this substitution towards electric vehicles," said Brunet at Exane BNP Paribas.

German automakers, fighting for diesel's future, faced a setback last month after a Stuttgart court ruled in favor of banning the technology in the home city of Mercedes-Benz and Porsche.

Perhaps the most immediate danger from electric vehicles, though, is to analysts' predictions. Given

the tectonic shift away from oil and the competing technologies to replace the fossil fuel, the outlook for demand from the auto industry has never been so clouded.

"What it comes down to is the extent to which electric vehicles gain popularity," said Bank of America's Widmer. "For metals like copper and nickel, if you underestimate electric vehicle sales by one percentage point, you can add one percentage point to global demand."

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U.K. Policy Change Seen Too Frequent for Smooth Energy Shift

Posted August 03, 2017, 8:51 A.M. ET

By Mathew Carr

The U.K.'s energy policies are confusing markets and limiting investment needed to spur a transition away from fossil fuels, according to a pro-business environmental group.

The government's willingness to move by itself in Europe to set a carbon-price floor and its threat to cap household energy tariffs is undermining the country's ability to win spending on clean energy and smart networks, said Volker Beckers, former chief executive officer of RWE AG's U.K. unit. Beckers was speaking in an interview before a report Aug. 3 by Forum for the Future, a pro-business environmental group, for which he was consulted.

"It's absolutely paramount we get this sorted," Beckers said by telephone. "The more political intervention we have in the markets, it'll undermine the ability of markets to deliver a true wholesale price of electricity—governments need to decide whether they believe in a fully competitive and free market, or they want to intervene more, as they're already doing."

The report concludes that governments, including Britain's, have been caught off guard by the pace and scale of the transition away from fossil fuels. European utilities have lost more than 100 billion euros ($119 billion) of value since 2008 and new companies are beginning to gain traction, it said.

The Department for Business, Energy and Industrial Strategy didn't immediately comment on the criticism contained in the report, when contacted by email.

The report draws on interviews with six former executives and policy makers: Beckers, Ed Davey, energy secretary in 2012–2015; Charles Hendry, U.K. energy secretary in 2010–2012, Steve Holliday, CEO of National Grid Plc in 2007–2016; Joan MacNaughton, director general of energy at the former Department of Trade and Industry in 2002–2006; and Ian Marchant, CEO of SSE Plc in 2002–2013.

The U.K. carbon price floor has made both coal and cleaner natural gas generation less profitable. With doubt about future carbon and wholesale power prices, there's a risk that free markets may not recover to levels high enough to sustain a cleaner system, Beckers said. Two gas plants commissioned by him before 2010 were needing prices of 70 pounds per megawatt-hour to break even, he said. That's about 56 percent more than average prices since then.

"You can easily work out that the economics of these power stations do not stack up," Beckers said. "Hence, we've seen massive impairments of generation assets across Europe."

Governments need to boost the EU carbon price, which will help lift power contracts, and they probably will do so after about a decade of trying, Beckers forecast. European policy makers are seeking to install a market reserve in 2019 to deal with a glut in their emissions program, while the U.K. is consulting how to price or tax its emissions after it exits the European Union.

Plunging costs for wind and solar technology have complicated policy making, MacNaughton said by phone. Still, the U.K. government had made it more difficult to meet its emissions targets cheaply by having an aversion to onshore windfarms and by favoring the EDF SA nuclear project at Hinkley Point, which was encouraged in an "expensive" fashion, she said. EDF is guaranteed to earn 92.50 pounds a megawatt-hour for the power it generates at the nuclear site over 35 years.

"We've had a very strong signal from the Climate Change Act and the carbon budgets, but it's not quite strong enough," she said.

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Arsenal Soccer Club Tackles Climate Change With Clean Energy

Posted August 03, 2017, 12:15 P.M. ET

By Jessica Shankleman

Arsenal Football Club plans to power its stadium with renewable energy produced from wasted food and solar panels in a bid to reduce greenhouse gas pollution.

The North London club signed a contract with Octopus Energy Ltd. to source energy from anaerobic digestion plants and solar farms. It will offset carbon dioxide emissions from fossil fuels.

The contract was signed Aug. 3 for an undisclosed value followed a yearlong trial by Arsenal, a spokeswoman for the utility said by phone. Wasted food from the club will be sent to the plants that break down organic waste to create biogas and electricity.

Octopus was started in April 2016, backed by renewable energy investors at Octopus Capital Ltd. In the first year the switch helped Arsenal save 2.32 million kilograms (5.1 million pounds) of carbon dioxide, according to the statement.

Arsenal isn't the only soccer club to use green energy. Forest Green Rovers, a vegan team based in Gloucestershire that's owned by the clean-energy supplier Ecotricity Group Ltd. Chairman Dale Vince, already uses a solar-powered robot lawnmower. Vince also wants his club to be the greenest in the world and is building a new stadium made almost entirely of wood.

Other companies like Apple Inc., Facebook Inc. and Google parent company Alphabet Inc. all plan to run only on green energy over the next few years, marking a growing drive by corporations to buy renewable energy.

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Germany Giving Gigafactory a Home in Latest Challenge to Tesla

Posted August 03, 2017, 8:34 A.M. ET

By Brian Parkin

German executives are preparing to announce a new home for a lithium-ion battery plant designed to rival the output at Tesla Inc.'s Gigafactory.

Terra E Holding GmbH will choose one of five candidate sites in Germany or a neighboring country next month to build its 34 gigawatt-hour battery factory, Frankfurt-based Chief Executive Officer Holger Gritzka said in an interview. The former ThyssenKrupp AG manager has helped to assemble a consortium of 17 German companies and won government support for the project, which will break ground in the fourth quarter of 2019 and reach full capacity in 2028, he said.

The battery factory is the latest sign that German industry, the motor behind the world's fourth-biggest economy, is gearing up for a new stage in the energy revolution. Lithium-ion batteries can help stabilize intermittent flows of wind and solar power on electricity networks. They're also projected to power millions of plug-in cars expected to roll off German production lines beginning early next decade.

"We have to be better in process technology than competitors, a constant step ahead," said Gritzka, who emphasized that Terra E will be counting on Germany's competitive edge in manufacturing robotics and automated production to make money.

Global battery-making capacity is set to more than double by 2021, reaching 278 gigawatt-hours, up from about 103 gigawatt-hours in the second quarter, according to Bloomberg New Energy Finance. Asia electronics makers including South Korea's LG Ltd. and Samsung SDI Co. currently control the market. Tesla will become the world's No. 2 battery maker once it finishes building its $5 billion, 35 gigawatt-hour Gigafactory in Nevada, according to the London-based researcher.

Merkel's Endorsement

Some of Terra E's consortium members also may become its clients, according to Gritzka, who declined to name companies participating. The project, which won 5.2 million euros ($6.2 million) in subsidies from Germany's Ministry of Education and Research, expects to need upwards of a billion euros before completion, the CEO said.

Terra E will be seeking strategic investors that are attracted by the government-paid research embedded in Terra's technology and German Chancellor Angela Merkel's endorsement of the company, said Gritzka. In May, Merkel broke ground at another 500 million-euro plant to assemble lithium-ion energy-storage units for Daimler AG, which produces Mercedes-Benz and Maybach luxury cars.

The company will focus its batteries on stationary units, according to Gritzka. The project aims to tap an emerging market for mobile and non-automotive power and storage, he said. The bet rests on projected faster demand for lithium storage in the next decade.

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Turkey Awards First Wind-Power Contract to Siemens Gamesa

Posted August 03, 2017, 01:24 P.M. ET

By Onur Ant and Anna Hirtenstein

A consortium led by Siemens Gamesa Renewable Energy SA won the right to build 1 gigawatt of wind power in Turkey, outbidding competitors from China to the U.S. in the country's first wind auction.

The group won with a low bid of 3.48 U.S. cents a kilowatt-hour to sell electricity to Turkey's government, according results distributed Aug. 3 at the auction in Ankara. Siemens Gamesa partnered with Turkey's Turkerler and Kalyon at the auction, which needed 29 rounds to find a price.

"The aggressive bidding at 50 percent below the ceiling price shows that Siemens Gamesa really wanted to get into this market," said Keegan Kruger, wind analyst at Bloomberg New Energy Finance. "This tender also shows there's a shift in mentality among the turbine makers away from just being suppliers."

Eight groups participated in the auction, which set out rules requiring the winning bidder to build a turbine factory in Turkey and agree to employ a mostly local workforce. Energy Minister Berat Albayrak estimated that development costs for the wind projects will be more than $1 billion.

Capacity will be spread throughout Turkey. Before the auction, the government had selected seven regions for developers to choose from, including Eastern Thrace near Bulgaria, an area close to Ankara, and the city of Sivas in central Turkey.

German Investors

The participation of Siemens Gamesa, a Vizcaya, Spain-based company majority owned by Germany's Siemens AG, should improve ties with Berlin's government, Albayrak said after the tender, an apparent reference to months of diplomatic discord between Turkey and Europe's biggest economy.

The win by a German firm is "really important in showing bilateral problems between the Turkish and German governments is not getting in the way of German business interests in Turkey," Tim Ash, an emerging-market strategist at BlueBay Asset Management in London, said in an e-mailed note. "The Turkish government has been really keen to demonstrate this and re-assure German business."

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Invenergy Issues Green Bond to Finance Wind Park in Uruguay

Posted August 03, 2017, 01:01 P.M. ET

By Vanessa Dezem

Invenergy Wind LLC, a Chicago-based energy company, issued a $137 million green bond to finance a wind park in Uruguay.

It is the first green bond in Uruguay, according to Emilio Fabbrizzi, head of project finance Latin America at DNB Markets, who structured the transaction. The deal was backed by the Inter-American Investment Corporation, known as IIC.

"It is an innovative way to issue a bond," said Fabbrizzi. "Issuing it together with a multilateral bank

is more comfortable for investors as a country such as Uruguay is not big for the capital market. It is an investment grade country, attractive for this type of transaction."

The 70-megawatt Campo Palomas Wind Farm in the Salto Department of Uruguay was acquired by Invenergy last year from an Uruguayan subsidiary of Abengoa SA. Project financing was provided by the IIC, with DNB acting as the mandated lead arranger.

The goal of the bond issuance is to refinance the wind park, which is already operating. The state-owned utility Administracion Nacional de Usinas & Trasmisiones Electricas, known as UTE, will buy the plant's output under a long-term lease agreement.

"You can get more interest from investors when the bond is certified as green," said Salvatore Santoro, head of investment banking Sweden at DNB. "Demand for green bonds is increasing as insurance companies, asset managements, pension funds, among other players, are chasing opportunities to comply with requirements of allocating a portion of the money for sustainable activities."

Invenergy and its affiliates have more than 12,000 megawatts of projects in operation, construction or advanced development, including wind, solar, natural gas fueled power generation and energy storage.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 9/29/2017 12:05:55 AM
Subject: Sep. 28 -- Energy and Climate Report

Energy and Climate Report

September 28, 2017 - Number 188

Environment & Safety News. Redefined.

Get a sneak peek into the enhancements coming to your news subscription. Check it out at www.bna.com/ehs-news.

News

Air Pollution
Illinois Floats Emissions Rule Changes for Dynegy Coal Plants
Emissions from eight coal-fired power plants owned by Dynegy Inc. would be capped under a proposal from the Illinois EPA, but critics say the changes could actually increase air pollution.

Air Pollution
New Head of State Air Pollution Group Seeks Common Ground
The newest advocate for state air pollution officials wants to mend fences with a splinter group that objected to his association's often cozy relationship with the Obama-era EPA.

Climate Policy
Merkel May Have Promised Too Much in Carbon Pollution Fight
As German Chancellor Angela Merkel embarks on coalition talks to bed down her fourth term in office, a promise made shortly before her re-election may come back to haunt her.

Coal Mining
Perry Talks Up Rare Earth Minerals at Pennsylvania Coal Mine
Extracting rare earth minerals from coal could revive the flagging sector and wean the U.S. off Chinese mineral providers, Energy Secretary Rick Perry said.

Energy
Entergy Gives Michigan Nuclear Plant a Few Extra Years to Run
Entergy Corp. will keep Michigan's Palisades nuclear plant open until spring 2022, citing the state's refusal to allow consumer rate increases necessary to buy out a power agreement on one of Michigan's three nuclear facilities.

Energy
Modi's $2.5 Billion Power Plan May Stumble on Ailing Buyers
The success of Prime Minister Narendra Modi's ambitious plan to electrify all households in India by December 2018 faces a familiar hurdle: the money-losing state power retailers.

Motor Vehicles

Chile Aims to Boost Lithium Output as Electric Cars Rise

The country holding the world's largest reserves of lithium is drafting regulations that would allow companies to set up new mines amid soaring demand for the mineral used in electric-car batteries.

Motor Vehicles

China Gives Carmakers More Time in Biggest Electric-Vehicle Plan

China unveiled a comprehensive set of emission rules and delayed a credit-score program tied to the production of electric cars, giving automakers more time to prepare for the phasing out of fossil-fuel powered vehicles.

Natural Resources

U.S. Seen Having Long Way to Go to Market Energy Department Land

The U.S. Department of Energy needs to develop a more accurate inventory of federal lands it manages to promote energy projects by private companies.

Renewable Energy

Battery Boom Spurs One Bank's Pivot from Iron Ore to Lithium

Westpac Banking Corp., Australia's second-largest lender, is targeting deals linked to China that finance renewable energy minerals such as lithium and cobalt as a decade of unprecedented iron ore mining expansion in its home market has largely run its course.

Renewable Energy

Interior Expects Hot Bidding for Offshore Wind Energy Leases

The Bureau of Ocean Energy Management is betting on heightened interest in offshore wind to drive up the price of the Atlantic Ocean leases that it will auction next year—parcels that just two years ago had no takers.

Renewable Energy

Puerto Rico's Solar Rooftops Isolated, Useless Without Storage

Puerto Rico's largest rooftop solar-power supplier has no idea whether its 10,000 systems survived back-to-back hurricanes this month.

Renewable Energy

Storm-Ravaged Caribbean Eyes Solar, But It Won't Be Cheap

For Caribbean islands plunged into darkness after hurricanes Irma and Maria, small-scale electric systems powered by the sun may be the key to energy resilience. Transforming the grid, though, won't come cheap.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Mon 12/4/2017 6:11:26 PM
Subject: Playbook Power Briefing, presented by PhRMA: TRUMP backs ROY MOORE -- CORRINE BROWN sentenced to 5 years in prison -- WHITE HOUSE invites PELOSI and SCHUMER to meeting -- FREEDOM CAUCUS schedules emergency meeting

View online version | Add politicoplaybook@politico.com to your address book.

Today's Playbook Power Briefing presented by PhRMA

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman) and ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

BREAKING -- THE WHITE HOUSE has invited **SENATE MINORITY LEADER CHUCK SCHUMER** (D-N.Y.) and **HOUSE MINORITY LEADER NANCY PELOSI** (D-Cailf.) to a meeting Thursday to discuss the "year-end agenda."

-- *Excerpt from their joint statement:* "We need to reach a budget agreement that equally boosts funds for our military and key priorities here at home including the opioid crisis, pension plans and rural infrastructure. We have to provide funding for community health centers and CHIP, as well as relief for the millions of Americans still reeling from natural disasters. And we must also come together on a bipartisan deal to pass the DREAM Act along with tough border security measures. There is a bipartisan path forward on all of these items."

GOVERNMENT FUNDING runs out on Friday.

WELCOME TO DECEMBER -- ATTN. PRESIDENT TRUMP -- THE HOUSE FREEDOM CAUCUS has scheduled an emergency meeting before the 6:30 p.m. vote series this evening. Many in the three-dozen member conservative caucus have voiced opposition to the leadership's strategy to fund the government for two weeks, and they have lingering tax concerns. And with a series of important votes coming up -- including the motion to begin formal Senate-House tax negotiations -- the HFC could have some leverage. If they stick together, they have the ability to single handedly block anything that comes to the floor.

-- MEANWHILE ... BUSY WEEK AHEAD: @StewSays: "This week the #Senate will confirm the nomination of Kirstjen Nielsen to be Secretary of @DHSgov, pass a clean, two-week CR and go to conference with the House on the #TaxReform bill."

Good Monday afternoon. Can't get enough of our latest Playbook Power List: 18 to Watch in 2018? Jake, Anna and Zach recorded a bonus Audio Briefing discussing some of the honorees and how we picked the list. ***Listen*** http://bit.ly/2BHOrFO ... ***The list*** http://politi.co/2jLwZIs

TRUMP BACKS MOORE -- WHITE HOUSE STATEMENT, via the pool at 12:40 p.m.**:** "The President had a positive call with Judge Roy Moore during which they discussed the state of the Alabama Senate race and the President endorsed Judge Moore's campaign," principal deputy press secretary Raj Shah said in a statement.

-- @realDonaldTrump at 6:17 a. m. : "Democrats refusal to give even one vote for massive Tax Cuts is why we need Republican Roy Moore to win in Alabama. We need his vote on stopping crime, illegal immigration, Border Wall, Military, Pro Life, V.A., Judges 2nd Amendment and more. No to Jones, a Pelosi/Schumer Puppet!" ... **at 7:00 a.m.:** "Putting Pelosi/Schumer Liberal Puppet Jones into office in Alabama would hurt our great Republican Agenda of low on taxes, tough on crime, strong on military and borders...& so much more. Look at your 401-k's since Election. Highest Stock Market EVER! Jobs are roaring back!"

-- REMEMBER: Ivanka said: "There's a special place in hell for people who prey on children. I've yet to see a valid explanation and I have no reason to doubt the victims' accounts."

-- @MooreSenate at 12:37 p.m.: "'Go get 'em, Roy!' - President Trump[.] Just got off the phone with President Trump who offered his full support and said he needs a fighter to help him in the US Senate. I look forward to fighting alongside the President to #MAGA!"

LEXINGTON HERALD LEADER -- "Jeff Hoover had sex with staffer and used donors to fund settlement, lawsuit alleges," by John Cheves: "The communications director for the Kentucky House Republican caucus sued the Legislative Research Commission on Monday, alleging that she is being unfairly punished for shedding light on sexual harassment claims by a female colleague who was in an 'inappropriate sexual relationship' with then-House Speaker Jeff Hoover of Jamestown.

"In her whistle-blower lawsuit, filed in Franklin Circuit Court, Daisy Olivo said she and a House aide who was in a relationship with Hoover both were targeted for punishment by Hoover's chief of staff, Ginger Wills. Wills and other House GOP staff members and lawmakers have shunned her in the weeks since the harassment scandal publicly broke and Hoover resigned as speaker, making it impossible for her to perform her duties, Olivo alleged.

"Olivo's suit contains several new or more specific allegations. She said her female colleague told her that the 'secret settlement' that resolved her harassment complaint against Hoover and three other Republican state representatives was constructed 'to avoid media scrutiny, and it was paid off the public record with private funds pooled from prominent campaign donors.'" http://bit.ly/2BxGC4z

FROM 30,000 FEET -- " Women Line Up to Run for Office, Harnessing Their Outrage at Trump," by NYT's Michael Tackett in Leesburg, Virginia: "For Wendy

Gooditis, a real estate agent in the Northern Virginia suburbs, the crystallizing moment came when she heard her state delegate suggest that he had fought gerrymandering in Virginia when his record said otherwise.

"For Mai-Khanh Tran, a pediatrician in Southern California, it was the day after the presidential election in 2016 and she looked into the eyes of a young patient with a brain tumor whose family had only recently obtained health insurance.

"For Andrea Ramsey, the president of a nonprofit children's health clinic in Kansas City, Kan., it was in May when her local congressman voted to repeal the Affordable Care Act.

None of the women had seriously contemplated running for public office before. They had no money or organization. But they were dismayed with the direction of the country, they said, starting with the election of President Trump, and finally decided to act. ...

"The largest increase by far is in the number of female House candidates -- 354 -- which includes 291 Democrats and 63 Republicans, according to data from the Rutgers center. The number of women challenging incumbents is almost four times the number at the same period in 2015. In the Senate, there are almost double the number of female candidates - 25 Democrats and 13 Republicans so far - than there were at this point in 2015, and about 10 times the number in the 2012 and 2014 elections." http://nyti.ms/2BH6wDO

CORRINE BROWN SENTENCED TO FIVE YEARS IN PRISON -- Florida Times-Union's Christopher Hong and Steve Patterson: "Former U.S. Rep. Corrine Brown was sentenced Monday to five years in federal prison for fraud and tax crimes that included raising about $800,000 for a sham charity. Brown's longtime chief of staff, Ronnie Simmons, was sentenced to 48 months in prison, and the charity's founder, One Door for Education President Carla Wiley, was sentenced to 21 months.

"U.S. District Judge Timothy Corrigan said he believed Brown used her position in Congress to achieve an 'admirable record of service.' However, he also said she abused the trust of that office in order carry out a criminal conspiracy." http://bit.ly/2ALI3km

HMM -- "Trump's lawyer claims responsibility for president's problematic tweet," by NBC News' Kristen Welker and Max Burman: "President Donald Trump's personal lawyer took responsibility Sunday for a tweet that Trump sent the previous day, in which the president said for the first time that he knew his former security adviser, Michael Flynn, had lied to the FBI before he fired Flynn in February. ...

"Interfering in the FBI's investigation could be construed as obstructing justice, potentially creating legal jeopardy for Trump. Within a few hours, Trump's personal lawyer, John Dowd, stepped in to say that he wrote the tweet, not the president. Dowd told NBC News that he drafted the tweet and then sent it to White House Social Media

Director Dan Scavino to publish. When asked for the original email he sent to Scavino, Dowd said he dictated it orally. 'I'm out of the tweeting business,' Dowd said with a chuckle. 'I did not mean to break news.'" http://nbcnews.to/2AILYgJ

****** **A message from PhRMA**: A medicine's path from the biopharmaceutical company to the patient involves many entities across the supply chain. A new report examines how money flows through this system - which includes wholesalers, pharmacy benefit managers, pharmacies and insurers - and how that impacts what patients pay at the pharmacy. Read more: http://politi.co/2ngVlPj ******

THE PRESIDENT WEIGHS IN on the charge against Mike Flynn, per pooler S.V. Date of HuffPost: "I feel badly for Gen. Flynn. I feel very badly. He's led a very strong life, and I feel very badly about it. I will say this. Hillary Clinton lied many times to the FBI and nothing happened to her. Flynn lied, and it destroyed his life, and I think it's a shame. Hillary Clinton on the 4th of July weekend went to the FBI, not under oath, it was the most incredible thing anyone has ever seen, lied many times, nothing happened to her. Flynn lied, and it's like -- it ruined his life. It's very unfair."

NEWS FROM RICHMOND -- RICHARD CULLEN is stepping down as chairman of McGuire Woods. The former Virginia attorney general is representing VP Mike Pence in the Mueller investigation. Jon Harmon will take his slot.

COREY LEWANDOWSKI BOOK EXCERPT -- "'I've Got a Crook Running My Campaign': Donald Trump, Paul Manafort and me" in POLITICO Magazine -- an excerpt from "Let Trump Be Trump," by Corey Lewandowski and David Bossie: http://politi.co/2ijM03z

TAX UPDATE -- "Rep. Kevin McCarthy Calls For Corporate AMT Repeal," by WSJ's Rich Rubin: "A top House leader says Republicans need to repeal the corporate alternative minimum tax and reverse a late Senate change that has companies up in arms. 'That has to be eliminated because that would destroy R&D,' House Majority Leader Kevin McCarthy (R-Calif.) said on CNBC on Monday. Retaining the 20% corporate AMT creates a parallel tax structure. Companies would have to pay whichever tax is higher, and the AMT denies the research and development tax credit. That's a particularly important break for California's high-tech industry." http://on.wsj.com/2iNCVUL

FALLOUT FROM NRCC VS. NRSC TIFF -- "NRSC staffers resign after digital break-in," by Kevin Robillard: "Two fundraising staffers for the [NRSC] who broke into the computer servers of the House GOP campaign arm resigned late last week, Republican sources told POLITICO. The staffers, Laura Kleffner and Krista Madaio, had previously worked at the [NRCC]. Three Republican sources said last week that the NRSC aides used their old NRCC passwords to collect information on more than 200,000 donors." http://politi.co/2ANQBWC ... ***Last week's story*** http://politi.co/2AMi0Za

WAR REPORT -- "Did American Missile Defense Fail in Saudi Arabia?," by NYT's

Max Fisher, Eric Schmitt, Audrey Carlsen and Malachy Browne: "The official story was clear: Saudi forces shot down a ballistic missile fired by Yemen's Houthi rebel group last month at Saudi Arabia's capital, Riyadh. It was a victory for the Saudis and for the United States, which supplied the Patriot missile defense system. ...

"But an analysis of photos and videos of the strike posted to social media suggests that story may be wrong. Instead, evidence analyzed by a research team of missile experts appears to show the missile's warhead flew unimpeded over Saudi defenses and nearly hit its target, Riyadh's airport. The warhead detonated so close to the domestic terminal that customers jumped out of their seats." http://nyti.ms/2ANQsmp

HAPPENING TOMORROW -- Don't miss POLITICO's fifth annual Women Rule Summit featuring informative and forward-looking conversations with Kellyanne Conway, Kate Bosworth, Sec. Elaine Chao, Sen. Kirsten Gillibrand, Sen. Marco Rubio, Camille Hearst, and many more as they discuss how women are harnessing their power to make an impact. Sign up to watch the livestream and receive notifications (http://bit.ly/wrlivestreamsignup) and follow along on Twitter with #WomenRule.

THE TIME PERSON OF THE YEAR SHORTLIST: Jeff Bezos ... The Dreamers ... Patty Jenkins ... Kim Jong Un ... Colin Kaepernick ... The #MeToo movement ... Robert Mueller ... Crown Prince Mohammed bin Salman ... Donald Trump ... Xi Jinping http://ti.me/2AMrF1R

TODAY'S BEYOND THE BELTWAY -- Steinle family repeatedly said they do not want their daughter's death used politically -- Primary challenger emerges to Gov. Rauner http://politi.co/2jMh1gV

MEDIAWATCH -- POSTCARD FROM ZACH AT THE POYNTER JOURNALISM ETHICS SUMMIT -- CNN's Jim Acosta: "This is a different kind of president, it is going to require a different kind of playbook." ... "We are not part of 'the Resistance' but ... if journalism is attacked, we should resist. That is up to us." ... **Bloomberg's Margaret Talev:** "One of the challenges that seems new to me ... is that it feels like, in some sense, the press corps, particularly people in the briefing room have ... among some American news consumers, it feels like we've become a proxy for all their frustrations." ...

... The Weekly Standard's Stephen Hayes: "Asserting accuracy is not going to work. You have to demonstrate accuracy and earn that respect." ... "Too often in discussions like this ... we don't spend enough time looking at why people -- particularly conservatives -- are so skeptical of the kind of accuracy and the kind of news reporting we provide." ...

... WaPo's Marty Baron: "We're not in the business of pandering to anybody, we're not in the business of placating anybody ... I think we have to know who we are, have a strong sense of self, purpose and mission, and do that everyday." ... "I think we should've seen Donald Trump coming, or someone like him coming, before he

descended the escalator."

WAPO'S BEN TERRIS: "Why does conservative Armstrong Williams want to buy the liberal Washington City Paper?": "Williams is a small man ... [who] speaks without a filter - something that made him a go-to for reporters for much of the 2016 campaign - which gives the impression that he always means what he says. Even if that's not always the case. He volunteers that he's 55, though public records suggest he is 58. 'Either one works,' Williams says graciously, noting that at various times in his life it has been convenient to appear older or younger than he actually is. (Carson once said of his close friend that he's 'not necessarily the epitome of truth . . . He doesn't speak all things that are correct.')" http://wapo.st/2AVDzHj

--"EPA Kicks Out InsideSources Reporter From Event With Administrator Scott Pruitt," by Ethan Stoetzer: http://bit.ly/2jNGOFR

-- POLITICO EUROPE announced a series of big moves on their leadership team. **Stephen Brown** will become managing editor, **Kate Day** will move to London to be the first U.K. editor and **Johannes Boege** will be the chief product officer.

-- ALEX THOMPSON has moved to D.C. and is now covering the Trump era as a staff writer for Vice News.

SPOTTED: Rep. Charlie Crist (D-Fla.) walking down Lexington Avenue this morning in NYC

HAPPENING TONIGHT - Author **James K. A. Smith** will speak on his new book "Awaiting the King: Reforming Public Theology" at a Trinity Forum event tonight at the National Press Club. **Michael Wear,** an Obama alum and former deputy director of the Faith Based Office, will give a response. ***RSVP*** http://bit.ly/2iN7euE ... ***$15.17 on Amazon*** http://amzn.to/2ATNv3R

--MICHAEL SMERCONISH is speaking tonight at 7 p.m. at Sixth & I in a talk titled "Divided We Stand." ***RSVP*** http://bit.ly/2iKBYMV

TRANSITIONS -- Adi Sathi, former vice chairman of the Michigan GOP and legislative fellow in Sen. Orrin Hatch's (R-Utah) office, is joining the RNC as national director of Asian Pacific American engagement. ... **Natalie Boyse** has started as a special assistant in the office of the secretary at the Department of Education. She was most recently the deputy finance director at the MassGOP and is an alum of Rubio 2016, Poolhouse and Romney 2012. ...

... Denis Forte has joined the Century Foundation as a senior fellow focused on education policy. She was most recently the minority staff director for the House Committee on Education and the Workforce. ... **Steve Jacobs** is joining Precision Strategies as managing principal on the digital team, **Hayley Matz Meadvin** is joining the firm's communications team as managing principal, and **Karly Moen** is joining the

digital team as senior associate. **Melanie Garunay** also recently joined the firm as a principal on the digital team, and **Brandon Chaderton** recently joined as Senior Associate on the operations team.

****** **A message from PhRMA** : In the competitive marketplace for medicines, negotiations between pharmacy benefit managers (PBMs) and biopharmaceutical companies result in substantial rebates and fees. According to a new report, in many cases, this system often creates incentives for PBMs to prefer medicines with higher list prices and higher rebates. Read more about how money flows through the supply chain here: http://politi.co/2ngVIPj ******

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Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

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Trump's Sluggish Pace of Staffing May Slow Hurricane Response

Posted September 06, 2017, 03:02 P.M. ET

By Todd Shields, Jennifer A. Dlouhy and Christopher Flavelle

The Trump administration's slow pace of appointments has left vacancies in key posts related to emergency response, something that may hamper efforts to help victims of Harvey's record rainfall and Hurricane Irma's punishing winds.

Deputies are missing from the Federal Emergency Management Agency, which spearheads relief in the early days after disasters, and at the Department of Housing and Urban Development, which helps get storm victims back into lodgings. The Environmental Protection Agency doesn't have a regional director in Texas whose duties would include responding to Harvey's inundation of polluted Superfund sites.

President Donald Trump has said he doesn't intend to fill "unnecessary" positions, and his administration is behind the appointments pace of the Obama and Bush White Houses. He has proposed slashing the EPA's budget by almost a third, HUD's by 13 percent, and FEMA's by 11 percent.

"To the extent that those kind of remarks and his indifference to appointments at senior levels reflect an animus toward government itself, there is undoubtedly a price to pay in the effectiveness of the country to respond to a variety of disasters," Paul Bledsoe, a lecturer on environmental policy at American University in Washington and a former official under President Bill Clinton, said in an interview.

EPA and FEMA public relations offices didn't immediately respond to emailed queries.

At the housing department—led by a skeptic of government, Secretary Ben Carson—nine of 12 top positions aren't filled, according to a tally kept by the Partnership for Public Service and the Washington Post. In six cases the Trump administration hasn't nominated somebody to fill the post; two nominees await Senate confirmation including Pamela Hughes Patenaude as deputy secretary

responsible for day-to-day operations.

Carson, in an interview broadcast Sept. 6 by National Public Radio, said his agency would take care of families left homeless by the storm.

"There's no question that it's harmful that we don't have our complete complement of people," Carson said, faulting the Senate for not confirming two high-level picks. "Fortunately, we have many people who have stepped up to the plate and we're working very hard to keep things moving in a positive direction."

Carson's department wins praise from some.

"HUD already has good, capable, competent, experienced leadership in place to run a successful recovery program," said Marion McFadden, who in 15 years with HUD helped lead disaster responses. She cited Neal Rackleff, a former housing director for the city of Houston, who is in place as a deputy at HUD with responsibility for disaster recovery.

"We have every indication he's well placed to take on this responsibility" after working effectively for the city including guiding flood relief, said McFadden, who is vice president with Enterprise Community Partners Inc., a nonprofit group based in Columbia, Maryland, that works on affordable housing.

At FEMA, where Administrator Brock Long has been in place since June, two top aides await Senate confirmation, including one whose position was created in response to shortcomings in the response to 2005's Hurricane Katrina, according to the Partnership for Public Service.

On Sept. 6, the House passed $7.4 billion for a disaster-relief fund. The measure must now be considered by the Senate. The Trump administration made its first relief request for Harvey on Sept. 1, and Category 5 Hurricane Irma is headed toward Florida Sept. 8, portending more damage.

Regional Offices

The EPA's response to Harvey will be hampered with few political staff installed in key posts, said Christine Todd Whitman, a Republican who led the agency under former President George W. Bush from 2001 to 2003.

Among the vacancies are the heads of almost all of EPA's 10 regional offices, who are on the front lines of interactions with states and local governments. A regional administrator just took the reins at Atlanta-based Region 4, but Dallas-based Region 6—which oversees activity in Texas, Louisiana and three other southern states—does not yet have a Trump-approved leader.

"It makes it difficult, because what you've got is a lot of career people in the regions without a leader who are worried every day about their job anyway," Whitman said. "They are afraid if they put a foot wrong they've signed their exit from the agency."

Hundreds of EPA workers are voluntarily leaving as Administrator Scott Pruitt works toward a one-fifth reduction of head count through buy-outs and other incentives.

"The agency is going to be hugely stressed if Irma comes on shore as it looks like she might, because a Category Five is a monster storm," Whitman said. "Without people in the regions, without your political people who can give some guidance to the career staff as to what they should be

doing, they're left to do it on their own, and that's just not an optimum way to organize a response to a crisis."

The federal response could benefit from one overall leader that works across agencies, said Amy Liu, director of the Metropolitan Policy Program at the Brookings Institution, a policy group in Washington.

"We need one person who wakes up every day and thinks about: How can the federal government be a steady partner to the Texas community—and even Florida if that becomes the case," Liu said.

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EPA Harvey Response Hampered by Budget Cuts, Democrats Say

Posted September 06, 2017, 01:49 P.M. ET

By Dean Scott

The one-two punch of buyouts and budget cuts at the EPA could hamstring its efforts in the aftermath of Hurricane Harvey even as another storm bears down on South Florida, House Democrats warned today.

The EPA's counsel to the Inspector General, Alan Larsen, told members of a House Energy and Commerce Committee panel that the Environmental Protection Agency has key responsibilities in the wake of Harvey, which slammed Texas last week, including assessing and addressing fuel shortages; monitoring public water systems; securing Superfund sites; and assessing damage at major industrial facilities.

But Rep. Paul Tonko, (D-N.Y.) said the agency is being hamstrung by Trump administration budget cuts and a clampdown on climate and other environmental policies.

"Sadly, this administration is aggressively working to dismantle the EPA with unsound science," Tonko said. "These are foolish cuts, proven to be foolish, when we have disasters right before our very eyes," he said.

The EPA Inspector General's office as well as a representative from the Government Accountability Office appeared before the House Subcommittee on Oversight and Investigations to give an update on the EPA's implementation of their offices' recommendations to improve agency operations, including nearly 50 changes to environmental cleanup, pollution prevention, and hazardous and other waste programs.

About 20 percent of those recommendations, some dating back a decade, have yet to be implemented at the EPA, according to a GAO report unveiled at the hearing.

Several Republicans worry that the EPA has been ignoring other suggestions, including a GAO recommendation dating to 2010 that called on the agency to better evaluate its workforce.

"The agency is about people," Rep. Susan Brooks (R-Ind.) said. "I'm concerned that this agency has for a long period of time not accepted" recommendations that the EPA establish a mechanism to evaluate workforce planning and placement of employees.

EPA Last Inspected Flooded Arkema Plant in 2003

Posted September 06, 2017, 03:51 P.M. ET

By Sam Pearson

It's been 14 years since EPA inspectors last visited an Arkema Corp. facility in Crosby, Texas, that saw chemical explosions caused by flooding from Hurricane Harvey, a company official told Bloomberg BNA.

Arkema spokesman Stan Howard, and David Gray, a spokesman for the Environmental Protection Agency's Region 6 office in Dallas, both said the plant was last inspected under the agency's risk management program in 2003. The EPA is more likely to inspect high-risk facilities under the program "where offsite consequences impact a large number of people or they have had an accident," Gray said in an email Sept. 6.

Arkema's Crosby facility came under scrutiny after power failures due to an estimated 40 inches of rain at the plant during Harvey caused electricity and multiple backup generators to fail and volatile chemicals to overheat and catch fire.

The lack of inspections at the Crosby plant doesn't surprise many. According to a Sept. 1 letter Sen. Tom Carper (D-Del.) sent to EPA Administrator Scott Pruitt, the agency has "about 30 inspectors" who can complete between 300 and 350 inspections per year of around 12,500 facilities in the program—information the senator's spokeswoman told Bloomberg BNA came from a telephone briefing with EPA staff last week.

That means it would take at least 35 years to check all of the sites once.

Carper told Bloomberg BNA Sept. 6 the inspection gaps are "way too long."

Jim Frederick, assistant health and safety director at the United Steelworkers union, said the long timeframe between checks at the Crosby site wasn't surprising.

"Both EPA and OSHA are certainly not staffed to a level to have the reach to be able to inspect facilities on a very frequent basis," Frederick said.

Several other Arkema facilities had more recent EPA inspections. The agency inspected Arkema's Axis, Ala., plant in 2015, 2009, and 2004; a plant in Beaumont, Texas, in 2008 and 2003; the Alsip, Ill., plant in 2007; and facilities in Piffard, N.Y. and Calvert City, Ky., in 2010, according to EPA data obtained by Bloomberg BNA.

Lawmakers Interested

How often the inspections occur is a focus for lawmakers interested in learning more about Arkema's problems.

The letter from Carper, the ranking member of the Environment and Public Works Committee, asked Pruitt provide inspection data for the Crosby plant and other Arkema facilities. Carper said the plant's risk management plan seemed insufficient given the hurricane's impact on the plant.

"The failure of both of Arkema's emergency backup power supply measures and subsequent

evacuation of on-site personnel clearly raise questions related to the sufficiency of Arkema's plan and its implementation," Carper wrote.

Under the EPA's program, Arkema is required to submit a risk management plan every five years. The company filed its most recent plan for the Crosby facility in 2014, which didn't mention the organic peroxides that exploded since those chemicals are not covered under the risk management program. But the company's plan did identify the risk of hurricanes, power failures and power surges, and flagged the 66,260 pounds of anhydrous sulfur dioxide that, if released, could threaten more than 1 million residents within 23 miles of the plant.

Mark Farley, a partner at the law firm Katten Muchin Rosenmann LLP in Houston, told Bloomberg BNA Sept. 6 he didn't think including organic peroxides in the risk management plan would have made a difference at Arkema's plant.

"The company and the government knew that these chemicals were highly hazardous and the employer had redundant systems in place to try to mitigate that risk," Farley said. "What should they have done? Had a fourth backup system?"

OSHA, Contractors Help Too

EPA regional offices may also use consultants to check plants, and OSHA process safety management inspectors are on the lookout for many similar types of violations, Stephen Richmond, a principal at the law firm Beveridge and Diamond PC, told Bloomberg BNA Sept. 6.

A typical inspection involves as many as five inspectors, who scour the plant over several days, Richmond said.

"They're pretty intensive," Richmond said. "The inspection, if you have five inspectors on site for as much as a week, they can cover a lot of ground."

Other agencies that made it to the Crosby plant sometimes found violations.

OSHA inspectors that visited the site in 2016 issued 10 citations for serious violations, nine of which involved management of highly hazardous chemicals, records show. The U.S. Chemical Safety Board, which is investigating the incident, may also make recommendations to EPA if it finds the agency could better enforce existing regulations.

Given the magnitude of what happened, Carper wrote, reducing EPA inspections further through budget cuts "seems shortsighted at best."

—With assistance from Dean Scott and Madi Alexander

Manufacturers Share Chemical Data With EPA to Make Safety Case

Posted September 06, 2017, 7:01 A.M. ET

By Pat Rizzuto

The BASF Corp., the Dow Chemical Co. and Honeywell International Inc. are sharing chemical data with the EPA in a bid to persuade agency scientists that the compounds they make or use are safe and should stay on the market.

During the next few years, the Environmental Protection Agency will study and consider regulations for the 10 compounds that are under review if the agency determines they are unsafe—part of the agency's implementation of last year's amended toxics law. At stake are hundreds of uses of chemicals in factories, households, and construction sites that hinge on EPA's upcoming reviews.

Faye Graul, executive director of the Halogenated Solvents Industry Association (HSIA), said industry's goal for providing information about the 10 chemicals to the EPA is to "to make our case that they should stay on the market."

Sept. 19 Deadline

In meeting with the EPA, some companies are making the case that certain chemicals are small impurities in the manufacturing process and thus can be safely ignored. Others are providing use and exposure information on major industrial products such as solvents used in manufacturing. Still others are opting not to share data with the EPA, instead waiting to learn more about the process based on this first group of 10 reviews. All have an EPA deadline of Sept. 19 to submit information for this first round of chemical risk reviews.

By the end of the year, the EPA will craft blueprints for studying the health and ecological risks of 10 chemicals that will rely in part on the companies' use, exposure, and toxicity data they share with the agency. The EPA will augment this data with studies in its own databases, the scientific literature, and other sources. Those 10 blueprints also will include the relevant exposure scenarios, human populations, and environmental conditions of interest.

"While some stakeholders have indicated they may or plan to submit to the docket, they have not necessarily indicated what they would submit," the EPA told Bloomberg BNA by email. "At this time, EPA has no basis to characterize how much information may be submitted."

Firms Reach Out

The BASF Corp. is offering hazard and exposure information to support the n-methylpyrrolidone (NMP) and 1,4-dioxane risk evaluations, company spokeswoman Donna Jakubowski told Bloomberg BNA. NMP is a commonly used solvent in industrial and some consumer chemical formulations.

1,4-dioxane is primarily an impurity that occurs during chemical manufacturing, but the chemical also is a processing aid used for wood pulping, pharmaceutical manufacture, and other purposes, the EPA said in a preliminary risk evaluation plan for the chemical.

BASF is submitting some information directly to the EPA and providing data through trade associations, including the American Chemistry Council and the NMP Producers Group, Jakubowski said.

The members of the NMP Producers Group—Ashland Inc., BASF, and Lyondell Chemical Co.—have worked to encourage their customers and other trade associations that represent companies using the solvent to provide the EPA chemical use, exposure, and other data, Kathleen Roberts, manager of the NMP group, told Bloomberg BNA.

HSIA members make solvents that are used by manufacturers large and small to strip paint, degrease machine parts, and clean factory surfaces.

The group also explained how the agency's risk evaluation differs from a rule the agency proposed to limit NMP's use in paint strippers, and how these actions differ from some possible EU solvent regulations, Roberts said.

In addition to HSIA, the Consumer Specialty Products Association—which represents the makers of chemical-intensive home care and other consumer products—also provided solvent data to the agency.

Member companies Ecolab, the Sherwin Williams Co., and W.M. Barr & Co. met with the EPA to discuss 1-bromopropane, methylene chloride, NMP, perchloroethylene and trichloroethylene, Steven Bennett, vice president of scientific affairs at the association, told Bloomberg BNA. They offered data on what markets and for what types of customers—consumer, institutional or industrial—the solvents are used by, he said. Honeywell, a diversified technology and manufacturing company, was among the downstream companies that met with EPA staff to discuss its use of perchloroethylene during the hydrofluorocarbon manufacturing process, a company spokeswoman told Bloomberg BNA.

"The Honeywell staff explained that all Honeywell hydrofluorocarbon manufacturing processes take place in a closed system with full pollution control devices. This approach minimizes any emissions of perchloroethylene, with low potential for human exposure," she said. The EPA previously has concluded similar chemicals manufactured in sufficiently closed systems do not pose unreasonable risk, she said.

Dow Chemical Co. provided use information to the EPA before it issued its preliminary risk evaluation plans in June, Johnathan DiMuro, regulatory services leader, told Bloomberg BNA. The company does not plan to provide more information, he said.

Firemen, Labs and Legacy Carve-Outs

The International Association of Fire Fighters, state officials, the AFL-CIO, environmental groups, and the American Public Health Laboratories association also have provided the EPA chemical toxicity, use and exposure information.

Firefighters, for example, have a higher risk of getting various cancers than does the general population, Larry Petrick, director of health and safety for the International Association of Fire Fighters, told Bloomberg BNA. Firefighters are exposed to building materials such as old ceiling tiles, insulation, asbestos, and furniture sprayed with flame retardants, Petrick said.

Firefighters hope to persuade the EPA to reconsider its June decision to exclude legacy uses from its 10 risk reviews, he said. Petrick referred to decisions the EPA announced in 10 documents it released June 22 describing its preliminary plans to assess hazards, uses of, and exposures to each chemical.

"In the case of asbestos, legacy uses and associated legacy disposals will be excluded from the scope of the risk evaluation. These include asbestos-containing materials that remain in older buildings or are part of older products but for which manufacture, processing, and distribution in commerce are not currently intended, known, or reasonably foreseen," the agency wrote in a preliminary evaluation plan for that mineral.

The agency made a similar conclusion for carbon tetrachloride, which the U.S. Consumer Product Safety Commission banned in 1970, but which the EPA said may still be used in some paints,

coatings, rubber, cement, and asphalt formulations. "Legacy uses and associated legacy disposals will be excluded from the scope of the risk evaluation," EPA said in its preliminary risk evaluation plan.

Firefighters want the EPA to consider their current legacy-use-based occupational exposures to hazardous chemicals, Petrick said.

The American Public Health Laboratories—which represents a network of state health and environmental labs—wants to share its measurements of the 10 chemicals in air, water, people's bodies, and other places the chemicals reside, Julianne Nassif, director of environmental health, told Bloomberg BNA.

Shying Away

Asked why more companies didn't chime in when asked about the information they may plan to give the EPA, several reasons, including lack of familiarity and a desire to stay off the radar, were given.

Especially for manufactured goods producers, it is a new idea to give the EPA information about the chemicals they use, Mark Duvall, a principal in the Washington office of Beveridge & Diamond, P.C. told Bloomberg BNA.

"Companies and trade associations may be looking for experience and guidance to gauge what information EPA actually needs and in what level of detail," he said. "In addition, EPA's information requests, where made, tend to be fairly general, which may lead to fairly general responses."

Companies also may be reluctant to give data that may restrict their products by providing information that EPA might use to decide a chemical should be scrutinized, Duvall said.

Chemical manufacturers can ask their customers to send EPA information, but they're usually not in a position to insist on it, the NMP group's Roberts said. Companies that buy chemicals to make consumer and industrial goods may not see a reason to provide the EPA information at this early stage, she said. They may not feel compelled to until the agency proposes to restrict their particular use of chemical, Roberts added.

Beyond the First 10 Chemicals

The American Chemistry Council's Center for Chemical Safety Act Implementation is working with chemical and product manufacturers to discuss ways companies may contribute to future risk evaluations the EPA will undertake, David Fischer, who helps manage that center told Bloomberg BNA.

Even if EPA isn't evaluating a chemical a company currently makes or uses, the agency may do so down the road. Chemicals already listed on an EPA "work plan" list of about 90 chemicals are potential candidates for future risk evaluations as are chemicals of concern identified in other parts of the world, such as the European Union's Substances of Very High Concern list.

If a company is aware of data gaps for such chemicals, "it may be good to start talking to EPA now," Fischer said. "There's an opportunity now, to start filling data gaps." he said.

Companies also can nominate a chemical for the agency to evaluate or choose to submit their own risk evaluation for it, Fischer said. The company's risk evaluation would have to meet guidance the

EPA published June 22.

Deadlines, State Preemption

The EPA plans to release draft risk evaluations for public comment and peer review as early as 2018. It aims to publish final risk evaluations by the end of 2019, although the amended TSCA law gives the agency until mid-2020 to complete them.

Those risk evaluations could find that some of the 10 chemicals pose no risks. That finding largely would preempt states from regulating the same chemical or chemical use under the amended TSCA law.

The EPA's risk evaluations also could affect markets even before the reviews are finished. If the science appears to show a chemical or certain uses of it may raise health or ecological concerns, chemical makers could voluntarily drop those uses. Sales of those chemicals also could drop ahead of the completion of a risk review if the market responds to feedback from consumers or watchdog groups.

The EPA's evaluation would trigger a regulation if the agency concluded one or more uses of any of the 10 chemicals poses an unreasonable risk to people or the environment. Such regulations would be intended to benefit human or environmental health by reducing disease, lost productivity, and other costs.

EPA Review of Model Year 2021 Limits Splits Auto Industry

Posted September 06, 2017, 03:59 P.M. ET

By Abby Smith

The EPA's review of model year 2021 mileage standards for light-duty vehicles is causing a split in the automotive industry between major car companies and the manufacturers that supply their equipment.

Major automobile manufacturing groups—like the Alliance for Automobile Manufacturers, which represents the Ford Motor Co., Fiat Chrysler Automobiles, General Motors, BMW and others— have urged greater flexibility in the Environmental Protection Agency's light-duty vehicle greenhouse gas standards, including now for model year 2021.

But a group representing manufacturers and suppliers of auto equipment—the Motor & Equipment Manufacturers Association—is warning that any relaxation of the model year 2021 standards would have a detrimental impact on manufacturing jobs in the United States. The group is asking the model year 2021 limits remain unchanged.

The EPA in March re-opened a feasibility review of the greenhouse gas and fuel efficiency standards for model years 2022-2025, reversing a determination made in the final days of the Obama administration to maintain current standard levels for those years. The agency, along with the National Highway Traffic Safety Administration, began accepting comments on that review Aug. 10, and expanded the review to include potential changes to model year 2021 limits, drawing criticism from environmentalists and other supporters of the Obama-era rules.

The motor vehicle suppliers group is also urging the EPA to "remain on course" with the model year 2021 target the industry had agreed to. Any relaxation of those limits would cause a "significant

increase in the level of uncertainty in an already uncertain time," Laurie Holmes, senior director of environmental policy for the Motor & Equipment Manufacturers Association, said at a Sept. 6 public hearing hosted by the EPA.

Ann Wilson, vice president of public affairs for the group, told Bloomberg BNA that motor vehicle suppliers are the "largest employer of manufacturing jobs in the United States." Many of those jobs "have been contingent on compliance with the new" NHTSA and EPA vehicle standards, she said, noting suppliers have already dedicated millions of dollars in research and development.

Maintaining the model year 2021 limits, and forward progress from there, is necessary for "these investments to continue to bear fruit" and "to continue to have this level of employment in the United States," Wilson said.

But also at the hearing, Chris Nevers of the auto alliance and Julia Rege of Global Automakers urged officials to consider tweaks to model year 2021 limits to advance "harmonization" with the NHTSA program.

"We never meaningfully reached the goals of harmonization," Rege said during her testimony. An adjustment to the model year 2021 standards "would advance our request" to align the two programs.

China Seeks to Move Hazardous Chemical Makers Away From Cities

Posted September 06, 2017, 8:33 A.M. ET

By Michael Standaert

Efforts are underway to encourage and provide financial incentives for hazardous chemical production facilities to relocate further away from urban areas in China, a State Council announcement indicated.

Small and medium-sized hazardous chemical facilities that produce and store materials within urban areas that propose "significant risks" will need to relocate, fully upgrade facilities, or face being closed down in order to minimize risks in urban areas by 2018, with all relocations and upgrades required to be completed by 2020, the State Council said Sept. 4.

Larger facilities will have a different window, between 2020 and 2025.

The government will provide financial support to help companies meet requirements or relocate, according to the statements, but no details on amounts or how these companies will apply for them were released.

The central government pledged to open channels for bank loans, bonds and other financial products to back the relocation or upgrade of facilities. Local governments will also be expected to bare some of the burden of the restructuring, the State Council said. The government did not say how many facilities would need to upgrade or relocate.

"The relocation faces great difficulties, with biggest problem being financial," Yang Ting, Secretary-General of Party Working Committee of the China Petroleum and Chemical Federation said in a statement on its website on Sep. 6.

"For larger facilities the costs will be high," Yang said. "During times when production is halted, there will be major losses in economic profit and it will be difficult to repay loans to the major banks. Without government compensation it will be difficult to move this forward."

Facilities will be required to be at "safe distances" according to both health and safety standards, with different distances calculated depending on the amounts of chemicals produced or stored, what they are, and other factors.

France Proposes to End Oil Output by 2040 with Exploration Ban

Posted September 06, 2017, 8:13 A.M. ET

By Francois de Beaupuy

France will stop granting new exploration permits next year as it seeks to end all oil and gas production by 2040, according to a draft bill presented at a Sept. 6 cabinet meeting.

The move would allow the government to turn down more than 40 exploration requests already made, while some existing permits may be extended to respect contracts, the presentation showed. That includes the Guyane Maritime license off French Guiana, in which Total SA has a stake, according to an adviser to Ecology Minister Nicolas Hulot, who briefed reporters in Paris.

This legislation would "allow us to progressively free ourselves," Hulot said after the cabinet meeting, also confirming that current exploration permits off French Guiana would remain valid. "It will allow investors to go much further in their renewable investments. Currently oil and gas leave us dependent on geopolitics."

The proposed legislation is part of President Emmanuel Macron's broader plan to take the lead against climate change, after U.S. counterpart Donald Trump ditched the landmark Paris agreement to fight global warming. While France's oil and gas output is small, the plan may affect companies such as Vermilion Energy Inc., which has several concessions, and will reduce the prospect of discoveries off French Guiana.

France pumped 6 million barrels of oil in 2015, covering just 1 percent of its demand, according to the presentation. Oil and gas exploration and production on French soil generates as much as 300 million euros ($358 million) in annual revenue, and accounts for as many as 5,000 jobs, directly and indirectly. Existing production licenses wouldn't be extended beyond 2040 under the proposed law.

"We do not expect this new legislation, if passed, to have a material impact on Vermilion as our operations are focused on development activities such as well-workovers, infill drilling and waterflood optimization," the Calgary-based company said previously.

Under a plan presented by Hulot in July, France will end the sale of gasoline- and diesel-powered vehicles by 2040. It will also progressively increase taxes on fossil fuels, close coal-fired power plants by 2022 and invest more in renewable energies.

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Threat to Oil Becomes Real as Climate Crashes Norway Election

Posted September 06, 2017, 8:59 A.M. ET

By Mikael Holter

Politicians and activists who have been fighting to rein in Norway's mighty oil industry are eyeing a breakthrough.

Several parties opposed to further oil exploration could emerge as kingmakers in the Sept. 11 election. That will threaten a push to search for about 9 billion barrels in Arctic crude and natural gas, which is necessary to prolong the petroleum age that made Norway one of the world's richest countries.

"I'm very worried," said Stale Kyllingstad, chief executive officer of IKM Gruppen AS, one of the biggest suppliers to the oil industry.

Big oil's enemies are now gaining ground with both moral and financial arguments. Norwegians are increasingly questioning how to reconcile their role as western Europe's biggest oil and gas producer with fighting climate change and whether searching for more petroleum is the financially sound thing to do in a world where renewable energy is taking over more and more.

The Green Party, which wants to end exploration immediately and phase out the industry in 15 years, is poised to become a key parliamentary force. The race is too close to call between Conservative Prime Minister Erna Solberg's government and the opposition, headed by Labor leader Jonas Gahr Store. Polls suggest both blocs could fail to win a majority.

Labor, a historic supporter of the oil industry, has seen its backing plunge in recent weeks, making it dependent on support from smaller parties seeking to curtail drilling. A key Labor politician last month even suggested reviewing tax subsidies for exploration, shocking the industry before the party clarified that it wasn't about to change a system prized by oil companies for its stability.

That failed to reassure Kyllingstad, who said he feared a weak Labor Party would be forced to "prostitute itself" to "extremist parties."

The Socialist Left (Labor's government partner until 2013) and the Red Party, which both want to end license awards and new field developments, also stand to gain.

To be sure, Labor and the current government parties, the Conservatives and the Progress Party, all industry backers, are likely to remain the three biggest groups after the election, sharing well over half the votes.

But the smaller parties, which for now have had little more to celebrate than a ban on drilling off the Lofoten islands, could extract deeper concessions, said Anders Holte, an analyst at Danske Bank A/S in Oslo. That could include fewer license awards and possibly jeopardize a program that lets loss-making companies collect 78 percent of exploration expenses in cash, he said.

For an industry that lost 50,000 jobs during the oil crash, it would be a bad blow. It could especially threaten an expansion in the Arctic Barents Sea, which holds the bulk of the country's undiscovered oil and gas resources and is seen as key to maintaining production 10 years from now after it already dropped by 12 percent since a 2004 peak.

"For the first time in a long while, there's increasing political risk," Holte said.

The outgoing government has pushed hard to stimulate exploration in the Arctic, overseeing a record search for oil in the Barents Sea, including Norway's northernmost well, and offering the most blocks ever in that region in a licensing round. On Sept. 6, the Petroleum Ministry said it received a record amount of applications in a round focusing on mature blocks after Barents acreage had been boosted.

Rasmus Hansson, the only Green lawmaker for now, said the top priority is to end exploration for new oil. That's a moral obligation because of climate change and a financial imperative because spending on exploration could be throwing money into the sea if the resources are never used as the world moves beyond fossil fuels, he said.

"It's particularly naïve to believe that the oil industry will be profitable for a long time to come," he said in an interview last week. "An increasing number of Norwegians are saying in polls that they see a future after oil."

One survey showed last month that 44 percent of Norwegians would be willing to leave some oil in the ground if it helped cut emissions.

At Statoil ASA, Norway's biggest oil company, outward appearances are cool for now.

"I'm registering that there's a greater diversity and a bigger stretch in the views on the Norwegian oil and gas industry," Eldar Saetre, the company's CEO, said in a phone interview this week.

Saetre said he wasn't worried about a change in the fundamental framework conditions for oil companies. The powerful Norwegian Oil and Gas Association and the country's biggest oil union, Industry Energy, also said they trusted the big parties to safeguard the industry because of its importance for jobs, value creation and government income.

But the industry could be overplaying its hand and Solberg has vowed to help the country wean itself off oil. Its dominance is slowly fading, and production now comprises about 12 percent of the economy, down from more than 20 percent pre-oil crisis. To be sure, that doesn't factor in how oil cash seeps through other sectors of the economy.

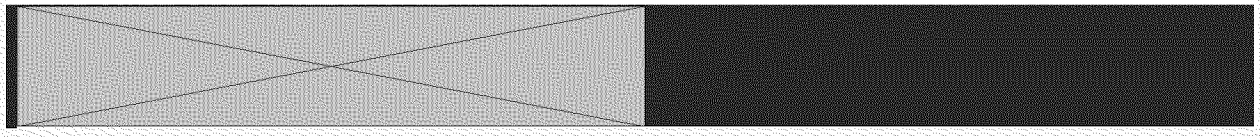
"I understand that people in the oil industry are worried," said Frode Alfheim, who represents thousands oil workers as head of the union. "I'm pretty certain that once one or the other constellation starts running the country after the election, the broad lines will remain firm."

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: The Washington Post
Sent: Wed 9/13/2017 4:00:37 PM
Subject: Federal Insider: Interior's 'unusual' transfer of senior executives spurs official probe



Interior's 'unusual' transfer of senior executives spurs official probe

By Joe Davidson

Interior Secretary Ryan Zinke testifies during a Senate Energy and Natural Resources Committee hearing in June. (Michael Reynolds/EPA)

It doesn't smell right, so maybe an official probe will tell if it's rotten.

The Interior Department's Office of Inspector General (OIG) is examining the extraordinary and politically suspect reassignment of dozens of Senior Executive Service (SES) members.

The OIG's review is in response to a request from eight Democrats on the Senate Energy and Natural Resources Committee. They asked for the probe after one Interior senior executive, Joel Clement, wrote a Washington Post article that said he was reassigned and "retaliated against for speaking out publicly about the dangers that climate change poses to Alaska Native communities."

Nancy K. DiPaolo, an OIG spokesperson, said the assessment could take a few months and that "you can expect the review to list out what facts are found."

In a letter led by Sen. Maria Cantwell (Wash.), the Democrats requested the IG action because of "troubling newspaper reports of the arbitrary reassignment of as many as 50 Senior Executive Service employees of the Department of the Interior. … Any suggestion that the Department is reassigning SES employees to force them to resign, to silence their voices, or to punish them for the conscientious performance of their public duties is extremely troubling and calls for the closest examination."

On Monday, Cantwell welcomed the review, saying "there are serious

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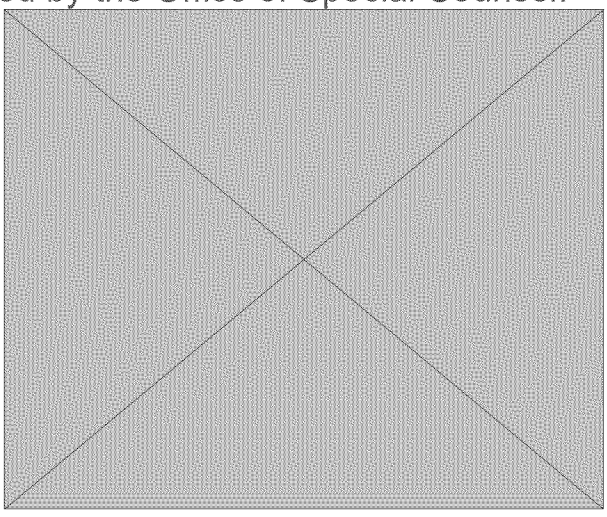
questions that need to be answered about the treatment of public servants who have dedicated their careers to the Department of the Interior."

While reassignments of individual senior executives are encouraged to provide broad experience, mass transfers of this magnitude are unheard of. And given the scarcity of confirmed political appointees at the department, Interior Secretary Ryan Zinke's reassignment of more than 20 percent of the senior executive corps could be particularly disruptive. Out of 18 presidentially appointed slots requiring Senate confirmation at Interior, only three are filled, per data from The Washington Post/Partnership for Public Service tracker. Of six assistant secretary offices, which work directly with senior executives, none is filled.

A statement from Zinke's press office said "senior executives are the highest paid employees in the federal government and signed up for the SES knowing that they could be called upon to work in different positions at any time. Congress meant for the SES to be a mobile force that are capable of taking on different assignments to meet the needs of the agency. Personnel moves among the Senior Executive Service are being conducted to better serve the taxpayer and the Department's operations."

Clement said he hopes the OIG's review looks "closely at the motivations behind the reassignments, the cost to taxpayers, and the impact on Interior's mission and American health and safety. A thorough investigation and report could help restore the plummeting morale at an agency whose mission is under attack by its own political leaders."

Clement has a separate whistleblower retaliation complaint that is being investigated by the Office of Special Counsel.



In a message to his members, Bill Valdez, president of the Senior Executives Association, notes the great concern about the reassignments and their potentially corrosive effect on morale and career leadership effectiveness at affected agencies. Even if a reassignment is legal, that doesn't necessarily make it a net benefit to the agency if it causes career SES to question the motives of their political leadership.

Feds' charitable giving reflects worry: reciting oath on

Federal workers have ways of making their feelings known,

Blunter was Shelby Hallmark, a former chair of the association's Board of Directors. An article, headlined "A Dangerous Moment for Career Senior Executives" that he wrote for Government Executive, called the transfers "a preemptive strike." Hallmark said the transfers "seemed designed to disrupt the functioning of the agencies involved, and likely to drive as many executives as possible into retirement or quiescence. Zinke could not possibly have assessed the strengths and weaknesses of all these executives."

Max Stier, president and chief executive of the Partnership for Public Service, a good-government organization that studies federal workplace and management issues, agreed that "mass transfers within the SES certainly is unusual" and posed "three big questions":

- How well was the process managed?
- Does Interior have an organizational vision that is furthered by the transfers and have officials communicated that to their senior

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- Does Interior have the capacity to do this correctly?

"The fact that they are missing so many political appointees," he added, "makes it harder to do this right."

It's not right, contend 15 law and public policy professors supporting Clement. "The reassignment of over one-fifth of all Senior Executives within an agency is more akin to the spoils system that our country abandoned over a century ago," argued their letter, led by Joshua A. Geltzer and Robert Friedman, both with the Institute for Constitutional Advocacy and Protection at the Georgetown University Law Center.

The letter continued: "One can fairly anticipate that, if allowed to stand, these initial reassignments will denigrate both and, at the same time, embolden the current administration to continue to push the boundaries of acceptable personnel practices."

Q&A for federal workers: Proposal for bigger buyouts

Staff writer Juliet Eilperin contributed to this report.

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[Is Trump making the political environment for top civil servants worse?]

[Trump creates 'hostile environment' for federal government scientists. One speaks out about reprisals]

[I'm a scientist. I'm blowing the whistle on the Trump administration.]

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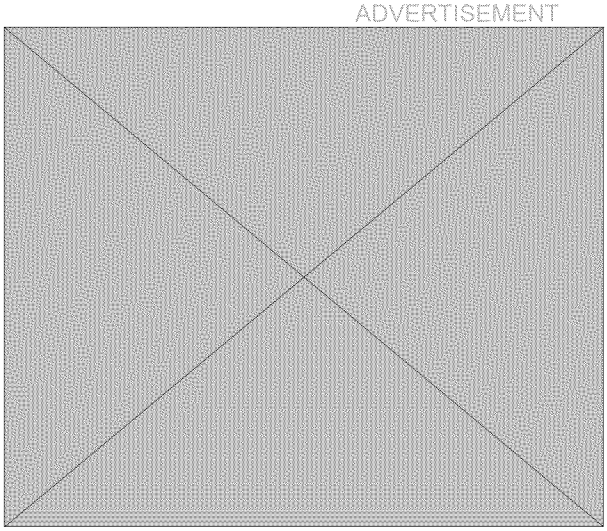
[Zinke moving dozens of senior Interior Department officials in shake-up]

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Fri 9/8/2017 10:47:24 AM
Subject: POLITICO Playbook, presented by Hewlett Packard Enterprise: MEXICO hit by biggest earthquake in 100 yrs -- House will vote to send Trump debt-ceiling, gov't-funding and aid package -- CLINTON to Colbert -- EVAN OSNOS' N. Korea dispatch -- B'DAY: Jim Ma...

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Today's POLITICO Playbook presented by Hewlett Packard Enterprise

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

BULLETIN -- AP: "President: Mexico hit by biggest quake in century, 5 killed," by Christopher Sherman and E. Eduardo Castillo in Mexico City: "A major earthquake off Mexico's southern coast killed at least five people, with the president saying Friday it was the biggest in a century to hit the country. Houses toppled and the quake produced tsunami waves and sent people running into the streets in panic.

"The U.S. Geological Survey reported the earthquake's magnitude as 8.1, but President Enrique Pena Nieto says it was 8.2, making it the largest in Mexico in 100 years. He also said it was bigger than the 8.1 quake in 1985, which killed thousands and devastated large sections of Mexico City. ... The death toll could rise as authorities assess the damage. The president said that 62 aftershocks followed the quake and it's possible that one as strong as 7.2 could strike in the next 24 hours. Pena Nieto also said that serious damage had been caused and that 1 million customers initially had been without power following the quake, but that electricity had been restored to 800,000 of them." http://bit.ly/2wNB4nM

-- IN JUST THE LAST FEW WEEKS there have been widespread fires in Montana, Los Angeles and Oregon. Two historic hurricanes have barreled toward the United States and the Caribbean, leaving mass devastation in their wake. And the worst earthquake in a century just hit Mexico, bringing with it tsunami-like waves.

Happy Friday. THE REPUBLICAN HOUSE is expected to clear President Donald Trump's debt-ceiling, government-funding and Harvey-aid deal by noon today. **EMAIL FROM THE WHIP'S OFFICE:** "In order to ensure Members from the Southeast can travel home safely ahead of Hurricane Irma, Members are advised that last votes for the week will now be called at approximately 12:00 PM [Friday] on the Senate Amendment

to H.R. 601 (Harvey disaster relief package)."

-- THIS is truly Donald Trump's first legislative deal. And it was done with House Minority Leader Nancy Pelosi and Senate Minority Leader Chuck Schumer. It is expected to pass the House with mostly Democratic votes. **WHAT REPUBLICAN LEADERSHIP THINKS:** They are annoyed, not angry. They see it as a self-inflicted wound for a president with big legislative plans that only Republicans can execute. If he wants to govern with Democrats, good luck, one senior GOP aide told us. Most Republicans and Democrats say they think this is a short-term phenomenon, though.

GREAT JOHN MCCAIN QUOTE in the Washington Post: "'Haven't seen anything like it before,' said Sen. John McCain (R-Ariz.), who has served in the Senate for three decades. Of Trump, McCain said: 'I have no way of divining his motives. I'm a pretty intelligent guy, but I don't understand this.'" http://wapo.st/2eLdmy2

THERE ARE ROUGHLY 40 LEGISLATIVE DAYS until this deal expires, and Congress has to renew government funding and pass another increase of the debt limit. **THERE ARE ROUGHLY 45** legislative days until the end of 2017, when Republicans say tax reform will be passed. We have not seen a bill. It's being written behind closed doors.

SNEAK PEEK -- THE WHITE HOUSE is hosting principals from conservative groups today to talk about the administration's plans for tax reform. Kellyanne Conway, Tony Sayegh and Sarah Huckabee Sanders also met with staffers from conservative outside groups Thursday to discuss tax reform messaging. "They were mainly pushing top-line messaging -- fairness, simplicity and 'un-rigging' the system. No policy details at all," said one attendee at Thursday's meeting.

-- MEANWHILE -- @jimmykimmel: "Dear @seanspicer - if I promise to look AT the camera this time, will you come to my show next week?" http://bit.ly/2xgsizi ... **@seanspicer**: "It's a deal, does next Wednesday work?" ... **@jimmykimmel:** "Perfect! I have no further comment."

TRUMP THE BACKSLAPPER -- "Trump, jovial after debt deal, turns meeting into a freewheeling affair," by Josh Dawsey: "In an Oval Office meeting with the New York and New Jersey congressional delegations, he repeatedly shook Schumer's hand and kept him after for a private session, his third chat with the Democrat in 30 hours. He praised Gov. Andrew Cuomo - who also attended the meeting and who has often torched Trump but without mentioning his name - for his work on the Tappan Zee Bridge and other New York projects. 'My governor!' he said to Cuomo, according to Rep. Peter King, a New York Republican.

"He told the room that New Jersey Gov. Chris Christie coached him in the 2016 presidential debates against Hillary Clinton, and that 'Hillary was easy' after dealing with 'Chris.' He wished Christie, whose birthday was Wednesday, a happy one. 'You should give him a tunnel for his birthday,' Schumer said, drawing laughs from the room, referring to the Gateway rail-expansion project. ...The president, though, had one gripe,

after his visit from the emir of Kuwait on Thursday afternoon. He was very impressed by the emir's plane but noted that it was longer than his - maybe even by 100 feet." http://politi.co/2xaScDJ

-- "Trump gets cozy with Democrats, and Republicans say 'I told you so,'" by Eliana Johnson, Burgess Everett and Heather Caygle: "Just like that, he went from 'Cryin' Chuck' to the president's pal 'Chuck,' and she went from an 'incompetent' shepherd of House Democrats who has 'done a terrible job' to just 'Nancy.' ... Trump tends to govern more by sentiment than by substance, and he likes Schumer and Pelosi more than House Speaker Paul Ryan and Senate Majority Leader Mitch McConnell, who have stomached him but never done a good job disguising the fact that he makes them nauseous." http://politi.co/2wNQXYV

WAPO's BOB COSTA and **ASHLEY PARKER -- "Gingrich or Santorum as speaker? House conservatives plot mischief for the fall":** "Several influential House conservatives are privately plotting ways to use the legislative calendar this fall to push their hard-line agenda - including quiet discussions about possibly mounting a leadership challenge to House Speaker Paul D. Ryan.

"The group has gone so far as to float the idea of recruiting former House speaker Newt Gingrich or former Pennsylvania senator Rick Santorum as potential replacements for Ryan (R-Wis.) should there be a rebellion. The Constitution does not require that an elected member of the House serve as speaker. While the chances that a non-House member could mount a credible threat to Ryan are exceedingly slim, the fact that the group has even toyed with the idea underscores their desire to create trouble for GOP leaders if they believe their demands are not being addressed." http://wapo.st/2vS7eif

-- IF YOU'RE PAUL RYAN, you feel pretty good about this.

WHAT GARY COHN IS READING -- "White House Considering at Least Six for Fed Chair," by Bloomberg's Craig Torres and Jen Jacobs: "The breadth of the search goes against the narrative that has taken hold in Washington and on Wall Street that the Fed chair nomination is a two-horse race between National Economic Council Director Gary Cohn and current Fed Chair Janet Yellen, whose term expires in February. Some of the other possible contenders include former Fed Governor Kevin Warsh, Columbia University economist Glenn Hubbard and Stanford University professor John Taylor, one of the people familiar said. Lawrence Lindsey, a former economic adviser to President George W. Bush, has been discussed. Former US Bancorp CEO Richard Davis and John Allison, the former CEO of BB&T Corp., have also been considered." https://bloom.bg/2wMfqAm

-- "McCaul emerges as a leading candidate for DHS secretary," by Eliana Johnson and Anna Palmer: http://politi.co/2xTyVER

JOHN KELLY is continuing to put his stamp on the White House. Quinn Jones started Tuesday as executive assistant in the office of the White House chief of staff. Jones

previously served as special assistant in the office of the secretary of DHS.

****** **A message from Hewlett Packard Enterprise**: How are Hewlett Packard Enterprise's supercomputers helping create the future in science, medicine and national security? Learn more: hpe.com/supercomputing ******

THE LATEST ON HURRICANE IRMA -- "Hurricane Irma slams Turks and Caicos on path to Florida," by AP's Evens Sanon and Danica Coto in Port-Au-Prince, Haiti: "Hurricane Irma battered the Turks and Caicos Islands early Friday as the fearsome Category 5 storm continued a rampage through the Caribbean that has killed at least 11 people, with Florida in its sights. Waves as high as 20 feet were expected in the Turks and Caicos. Communications went down as the storm slammed into the islands, and the extent of the devastation was unclear. The first hurricane warnings were issued for parts of southern Florida as the state braced for what could be a catastrophic hit over the weekend. Following in Irma's wake was Hurricane Jose, with some of the islands hit hardest by Irma in its expected path." http://bit.ly/2eKRKBV

-- "'It's like someone with a lawn mower from the sky has gone over the island,'" by WaPo's Anthony Faiola, Lindsey Bever and Andrew deGrandpre: http://wapo.st/2wO3yeM

-- "Former presidents band together in call for Harvey, Irma relief aid," by Cristiano Lima: "The online campaign, called the 'One America Appeal,' brought together former Presidents Barack Obama, George W. Bush, Bill Clinton and George H.W. Bush and Jimmy Carter in a singular plea for donations to ongoing recovery efforts in Texas and likely future efforts in Florida and U.S. territories in the Caribbean in the wake of Irma." http://politi.co/2vQWMHY ... ***The campaign*** http://bit.ly/2wN8XnO

WHAT BEN RAY LUJAN IS READING -- "Rep. Dent won't seek re-election in 2018, according to source," by Alex Isenstadt and Kyle Cheney: "Pennsylvania Rep. Charlie Dent, a Republican who occupies a swing district, will not seek reelection in 2018, a source close to him confirmed. Dent's retirement comes the day after another swing district Republican, Washington Rep. Dave Reichert, announced he was calling it quits. Florida Rep. Ileana Ros-Lehtinen, another moderate, is also retiring. Democrats are certain to target all three seats in next year's midterms. Dent's announced departure comes one day after state Rep. Justin Simmons said he would challenge him in a primary." http://politi.co/2xh7XtL

THE TROUBLE WITH BERNIE... -- "Bernie backers' attacks on Democrats infuriate the party," by Gabe Debenedetti: "Prominent Democrats are increasingly riled by attacks from Bernie Sanders' supporters, whose demands for ideological purity are hurting the party ahead of the 2018 midterms and 2020 presidential election, they say. But it's not just the outside agitators that Democratic lawmakers, operatives, and activists are annoyed with: They're tired of what they see as the senator's hesitance to confront his own backers, either in public or through back channels.

"Tensions boiled over recently when a handful of Sanders loyalists bashed freshman Sen. Kamala Harris - a rising star in the party and potential 2020 hopeful - as an establishment tool. Democrats were also rankled that other prominent Sanders allies said support for single-payer health care should be a litmus test for candidates. In response, Democratic senators and outside groups have begun telling Sanders and friendly intermediaries that if he wants to be a leading figure for Democrats ahead of 2020's presidential election, he needs to get his supporters in line - or at least publicly disavow their more incendiary statements." http://politi.co/2xaQVg8

--SANDERS on **COLBERT** last night -- ***"What Bernie Sanders Wants Hillary To Do Next"*** *-- 9-min. video* http://bit.ly/2xbkBd3 ... ***"Bernie Sanders Tries To Say Something Nice About Trump"*** *-- 4-min. video* http://bit.ly/2wPg1Pu

THE AMERICANS -- "The Fake Americans Russia Created to Influence the Election," by NYT's Scott Shane: "Sometimes an international offensive begins with a few shots that draw little notice. So it was last year when Melvin Redick of Harrisburg, Pa., a friendly-looking american with a backward baseball cap and a young daughter, posted on Facebook a link to a brand-new website. 'These guys show hidden truth about Hillary Clinton, George Soros and other leaders of the US,' he wrote on June 8, 2016. 'Visit #dcleaks website. It's really interesting!' Mr. Redick turned out to be a remarkably elusive character. No Melvin Redick appears in Pennsylvania records, and his photos seem to be borrowed from an unsuspecting Brazilian. But this fictional concoction has earned a small spot in history: the Redick posts that morning were among the first public signs of an unprecedented foreign intervention in American democracy. ...

"On Twitter, as on Facebook, Russian fingerprints are on hundreds or thousands of fake accounts that regularly posted anti-Clinton messages. Many were automated Twitter accounts, called bots, that sometimes fired off identical messages seconds apart - and in the exact alphabetical order of their made-up names, according to the Fireeye researchers. On Election Day, for instance, they found that one group of twitter bots sent out the hashtag #waragainstdemocrats more than 1,700 times." http://nyti.ms/2jaJoZ5

RUSSIA UPDATE -- "Mueller seeks interviews with WH staff over Trump Tower meeting statement," by CNN's Pamela Brown, Gloria Borger and Jeremy Diamond: "Special Counsel Robert Mueller's team has approached the White House about interviewing staffers who were aboard Air Force One when the initial misleading statement about Donald Trump Jr.'s meeting with a Russian lawyer at Trump Tower was crafted ... The special counsel's discussions with the White House are the latest indication that Mueller's investigators are interested in the response to the Trump Tower meeting. Mueller wants to know how the statement aboard Air Force One was put together, whether information was intentionally left out and who was involved." http://cnn.it/2vKje1m

-- BETTER LATE THAN NEVER -- "The DNC Begins Cybersecurity Effort To Try To

Make Sure 2016 Doesn't Happen Again," by BuzzFeed's Ruby Cramer: "On his second day at [the DNC], sitting in a meeting at the party's headquarters south of Capitol Hill, Raffi Krikorian looked around the room and realized he was the only technology staffer at the table. ... It's about a 'culture change inside the building' - to 'get everyone's guard up' and create an instinctive, daily cybersecurity reflex. ... Krikorian, 39, said he felt his 'continuous poking and prodding' was starting to work when the chair of the DNC, Tom Perez, walked into the CTO's office one day and announced that he had downloaded the encrypted messaging app, Signal. ... Later, Perez stood up at an all-staff meeting and told aides, "'If you guys talk to me, you're going to use Signal,' Krikorian recalled." http://bzfd.it/2wNfu31

COMING ATTRACTIONS? -- CNN's Jeremy Herb: "On Thursday, [Sen. Mark] Warner suggested that congress could play a role by passing legislation to put disclosure requirements on social media advertising similar to those for television commercials. 'An American can still figure out what content is being used on TV advertising ... but in social media there's no such requirement,' Warner said. 'There may be a reform process here. I actually think the social media companies would not oppose, because I think Americans, particularly when it comes to elections, ought to be able to know if there is foreign-sponsored content coming into their electoral process.'" http://cnn.it/2gMNaUp

WHAT CHRIS LICHT IS SMILING ABOUT -- "Hillary Clinton to Discuss Campaign and New Book on Colbert's 'Late Show'," by NYT's Matt Stevens: "The appearance will come one week after the book hits shelves. And the network promises that Mrs. Clinton will sit down with Mr. Colbert to discuss her writing, as well as 'her run for the White House in 2016' and 'her thoughts on the current administration.'" http://nyti.ms/2xTHqzX

THE JUICE ...

-- FIRST IN PLAYBOOK: MATT VISER has joined CNN as a political analyst. He's remaining at the Boston Globe as deputy Washington bureau chief. **MOLLY BALL** of The Atlantic and **MARGARET TALEV** of Bloomberg have also been named as CNN political analysts.

Playbook Reads

PHOTO DU JOUR: A Sept. 7 photo provided by the Dutch Defense Ministry shows storm damage in the aftermath of Hurricane Irma in St. Martin. | Gerben Van Es/Dutch Defense Ministry via AP

THIS IS A BIG DEAL -- "Sara Netanyahu Expected to Be Indicted for Fraud in Pocketing $110,000 in Goods," by Haaretz's Gidi Weitz: "Sara Netanyahu is expected to be indicted, pending a hearing, on charges of fraudulently receiving items worth

400,000 shekels ($111,851), Haaretz has learned. Attorney General Avichai Mendelblit is expected to inform Netanyahu, wife of Prime Minister Benjamin Netanyahu, of the charges against her in a few weeks.

"Sara Netanyahu is suspected of ordering chef's meals at the prime minister's official residence, which is against regulations, and concealing the fact that she did so. She and her husband have accused the former chief caretaker of the official residence, Meni Naftali, who is currently leading protests against the prime minister, of inflating the residence's expenses." http://bit.ly/2gP5FLt

-- ANSHEL PFEFFER (**@AnshelPfeffer**), Haaretz writer and Economist correspondent: "Took 3 years to indict Sara N on defrauding state of 400k worth of gourmet food. Investigation-indictment-trail of Bibi will take longer ... Even assuming Bibi is guilty, it will take the courts until 2020's to force him out of office. The Israeli public will judge him first. ... 2 ways Netanyahu is forced out of office before election: 1 His coalition partners (Kahlon, Bennett) say like Barak in '08 he has to go. ... 2. Netanyahu realizes he could be facing jail and signs plea bargain, resigns, gets reduced sentence. Both possible but for now unlikely."

THIS GUY -- "Prosecutors Seek to Revoke Martin Shkreli's Bail for Hillary Clinton 'Threats': Convicted former drug executive urged followers to 'grab a hair' from Clinton," by WSJ's Rebecca Davis O'Brien: "Federal prosecutors in Brooklyn have asked a judge to revoke bail for Martin Shkreli, the former pharmaceutical executive convicted last month on securities-fraud charges, citing Mr. Shkreli's 'escalating pattern of threats and harassment,' including an apparent threat to former Secretary of State Hillary Clinton.

"In a court filing late Thursday night, prosecutors asked U.S. District Judge Kiyo A. Matsumoto to have Mr. Shkreli detained until his sentencing. The filing came several days after Mr. Shkreli posted a message on his Facebook page in which he urged his followers to "grab a hair" from Mrs. Clinton while she is on her coming book tour. In the post, he offered $5,000 per strand of hair.

"'[T]he defendant's threats create a risk of danger to the community ,' prosecutors wrote, adding that his 'egregious public behavior shows that he has no respect for the law and will not abide by any conditions or combination of conditions for release.'" http://on.wsj.com/2xaYjbk

BUSINESS BURST -- "Equifax hack hits credit histories of up to 143 million Americans," by WaPo's Craig Timberg, Elizabeth Dwoskin and Brian Fung: "The credit reporting agency Equifax said Thursday that hackers gained access to sensitive personal data - Social Security numbers, birth dates and home addresses - for up to 143 million Americans, a major cybersecurity breach at a firm that serves as one of the three major clearinghouses for Americans' credit histories." http://wapo.st/2xglxwn

-- WOW: "Three Equifax Managers Sold Stock Before Cyber Hack Revealed," by Bloomberg's Anders Melin: "Three Equifax Inc. senior executives sold shares worth

almost $1.8 million in the days after the company discovered a security breach that may have compromised information on about 143 million U.S. consumers. The trio had not yet been informed of the incident, the company said.

"The credit-reporting service said late Thursday in a statement that it discovered the intrusion on July 29. Regulatory filings show that three days later, Chief Financial Officer John Gamble sold shares worth $946,374 and Joseph Loughran, president of U.S. information solutions, exercised options to dispose of stock worth $584,099. Rodolfo Ploder, president of workforce solutions, sold $250,458 of stock on Aug. 2. None of the filings lists the transactions as being part of 10b5-1 scheduled trading plans." https://bloom.bg/2eS9H53

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OOPS -- "Trump lawyer Ty Cobb, fooled by 'email prankster,' asks for 'drone' in private emails slamming reporter," by Business Insider's Natasha Bertrand: "White House special counsel Ty Cobb engaged in a lengthy email exchange with a prankster posing as White House social media director Dan Scavino, during which Cobb asked whether there was 'any drone time left' when discussing a Business Insider reporter he described as 'insane.' ... A half hour later, the prankster reached out again -- this time to ask about 'the whole Russia situation.' ... 'I have great confidence there is nothing there implicating the President or the White House,' Cobb wrote. 'Manafort and Flynn have issues separate and apart from the WH that will cause the investigation to linger but am hoping we get a clean bill of health soon. Best, Ty.'" http://read.bi/2vKgils

DAVID IGNATIUS -- "Tillerson is working with China and Russia -- very, very quietly": "Secretary of State Rex Tillerson has often been the silent man in the Trump foreign policy team. But out of the spotlight, he appears to be crafting a broad strategy aimed at working with China to resolve the North Korea crisis and with Russia to stabilize Syria and Ukraine. The Tillerson approach focuses on personal diplomacy, in direct contacts with Chinese and Russian leaders, and through private channels to North Korea. His core strategic assumption is that if the United States can subtly manage its relations with Chinese President Xi Jinping and Russian President Vladimir Putin - and allow those leaders to take credit for successes - complex regional problems can be solved effectively. Tillerson appears unfazed by criticism that he has been a poor communicator and by recent talk of discord with President Trump." http://wapo.st/2wdJGju

IF YOU READ ONE THING - EVAN OSNOS in The New Yorker, **"The Risk of Nuclear War with North Korea:** On the ground in Pyongyang: Could Kim Jong Un and Donald

Trump goad each other into a devastating confrontation?": "A few days after the July 4th missile test, [North Korean diplomat Pak Song Il] told me that I could book a flight to Pyongyang. I submitted a list of people I wanted to interview, including diplomats and Kim Jong Un himself. About the latter, Pak only laughed. (Kim has never given an interview.) After Pak stopped laughing, he said I could talk to other officials. ... James Clapper, the former director of National Intelligence, who visited Pyongyang in 2014, told me, 'The North Koreans are not going to give up their nuclear weapons. It's a non-starter.' The American national-security community is now nearly unanimous on this point, but the government cannot say so openly, because that would cede leverage in a future negotiation, and raise the risk that other countries will try to follow North Korea's example. ...

"In an e-mail, [H.R.] McMaster told me, 'Their provocations seem likely to increase-not decrease-over time. The North Koreans have also proliferated just about every capability they've ever produced, including chemical weapons and a nuclear reactor. Then there's the matter of what other countries do-in the region and beyond-when they see that a rogue regime developed nukes and got away with it.' ... "On the way to lunch one afternoon in Pyongyang, I noticed that the latest American threats had already been inscribed on the cityscape. A full-color billboard depicted a barrage of missiles descending on a bombed-out shell of the U.S. Capitol." http://bit.ly/2wNmE7r

WEST COAST WATCH -- "New primary challenger to Feinstein emerges," by California Playbooker Carla Marinucci: "Add another name to the list of progressive Democrats seriously considering a primary challenge to California's senior Senator Dianne Feinstein: wealthy financial entrepreneur Joseph N. Sanberg. Sanberg, 38 - co-founder of Aspiration.com, a socially-conscious investment firm, and a founding investor in Blue Apron ... Raised in Orange County by a single mom before he earned a fortune on Wall Street, Sanberg had been mulling a governor's run, sources familiar with his planning told POLITICO, and he delivered a speech to the last state Democratic convention that appeared to lay out a rationale for that race." http://politi.co/2wNdC9G

MEDIAWATCH -- MICHAEL CROWLEY'S NEW JOB -- Carrie Budoff Brown emails the POLITICO staff this morning at 4:25 a.m.: "We're thrilled to announce that Michael Crowley will take on the role of national security editor. Michael has established himself as one of the preeminent foreign policy thinkers in Washington in his nearly three years as Politico's senior foreign affairs correspondent and at Time Magazine before that. ... During the 2016 campaign, Michael was among the first reporters to explore the connections between Trump and Russia and his stories on the subject repeatedly broke fresh ground later revisited by others. ... Michael will continue to write in his new role and retain the title of senior foreign affairs correspondent."

-- DEBORAH SOLOMON has been hired as economics editor in the Washington bureau of the New York Times. She is currently a director at Brunswick Group and earlier spent 15 years at the WSJ.

LEWANDOWSKI TALKS TO PRESTON -- Corey Lewandowski sits down with CNN

senior political analyst Mark Preston on his SiriusXM show, "Full Stop with Mark Preston." Lewandowski talks about his relationship with Trump, the Russia investigation and the president's recent dealmaking with Democrats. The show airs Saturday at noon and Sunday at 5 p.m. on Sirius XM channel 124. ***Listen to him talk about the Russia investigation*** http://bit.ly/2xQT5OX ... ***And dealmaking with Democrats*** http://bit.ly/2gPoJZO

JAVELIN UPDATE -- "The Upstart D.C. Agents Making Waves in New York," by Rachel Deahl in Publishers Weekly: Keith "Urbahn and [Matt] Latimer are no longer the new kids on the block. They have an 11-person-agency called Javelin in Arlington, Va., that has been behind some of the biggest nonfiction deals of the summer, including rumored seven-figure agreements for James Comey ... and Tucker Carlson ... And, although they both worked for Republicans in D.C., Latimer and Urbahn stressed that they are eager to work with liberals and conservatives. The deal they struck this summer for former DNC strategist Donna Brazile, selling her forthcoming book 'Hacks' to Hachette, may go a long way in proving this to potential Democratic clients." http://bit.ly/2wOpeY6

HAPPENING TONIGHT - JAKE TAPPER will be given the John F. Hogan Distinguished Service Award at the Radio Television Digital News Association's annual Excellence in Journalism conference in Anaheim. http://bit.ly/2xRYwxS

THE GLOBAL POLICY LAB: POLITICO Europe is launching Global Policy Lab, a first-of-its kind experiment in collaborative journalism that is expected to produce new policy solutions and inform the public debate on key issues. POLITICO readers are among the most engaged and educated in the world, and the Global Policy Lab will tap into their experience and knowledge to develop solutions to pressing challenges. POLITICO is partnering with GE on the first installment, titled Engineering Growth, to look at the rise of digital manufacturing in Germany, Europe's largest economy, and explore ways to improve the economies of France and the United Kingdom. ***Sign up for the weekly newsletter*** http://politi.co/2xaxcwS

Playbookers

SPOTTED: Sean Spicer last night at Wolf Trap rocking out to Sting. He was with OMB's Jessica Anderson and Jim Herz and Brandt Anderson of Rep. Jim Banks' (R-Ind.) office. Spicer took numerous selfies with fellow patrons ... Shaun Donovan yesterday at Penn Station ... Star Wars/Indiana Jones actor Harrison Ford having lunch at il Canale in Georgetown, on Thursday. ***Pic with hostess Alona Nedorezova and Alessandro Farruggio (the son of il Canale's owner)*** http://bit.ly/2eR9hfd ... James Comey at McLean High for parents' night last night ...

... Senate Minority Leader Chuck Schumer (D-N.Y.) at DCA carrying his own bags and talking on his cellphone "using the old shoulder/head lean" ... Sen. Bernie Sanders

(I-Vt.) last night in the TSA line at Newark airport - ***pic via @OliverDarcy, who headed to Miami last night to cover the media angle of the storm*** http://bit.ly/2gNZ9AW ... Karen Knutson, global government affairs and policy leader for Baker Hughes, a GE Company, serving as a preliminary judge last night at the Miss America pageant http://bit.ly/2xhuCpY

THE FINANCIAL TIMES held an anniversary party last night at the Observatory at America's Square hosted by Lionel Barber, Gillian Tett and Demetri Sevastopulo, whose birthday was yesterday. The food included lamb chops, seared tuna and roast beef and boozy pink lemonade was also served. **SPOTTED:** Ambassadors of Belgium, Japan, India and Ireland, Rep. Darrell Issa (R-Calif.), Norm Ornstein, Steve Clemons, Coach Kathy Kemper, Sally Quinn, Jane Harman, Andrea Mitchell and Alan Greenspan, Gary Cohn, Wilbur Ross, Steve Case, Sidney Blumenthal, UAE Ambassador Yousef Al-Otaiba, Juleanna Glover, Becca Glover, David Bolger, Paul Beckett, Dan DeLuce, Kevin Madden, Spencer Abraham.

SPOTTED at a Meridian International Center reception to honor and welcome newly credentialed Ambassadors and their spouses to Washington: Ambassadors from Bahrain, Colombia, Ghana, Kazakhstan, Mexico, Swaziland and Togo. President Stuart Holliday, Meridian Chair Carlos Gutierrez, Linda Douglas and John Phillips, Adrienne Arsht, Patrick Steel, Capricia Marshall, Catherine Stevens, Mitch Rose, Brian Toohey, Dan and Aviva Rosenthal, Josh Rogin, Tom Korologos, Megan Beyer, Ann Stock, Lloyd Hand, Hani and Cheryl Masri, Dwight Bush and Cam Henderson.

SUNDAY SO FAR -- NBC's "Meet the Press": Sen. Bernie Sanders (I-Vt.). Panel: David Brody, David Brooks, former Rep. Donna Edwards (D-Md.), Hallie Jackson

--CNN's "State of the Union": Sen. John McCain (R-Ariz.)

-- "Fox News Sunday": Panel: Brit Hume, Mo Elleithee, Gillian Turner, Juan Williams

TRANSITIONS -- PHIL MUSSER has accepted a new position with Boeing as SVP for communications. He is leaving as CEO of IMGE while **Phil Cox** has joined as the chairman of its board. **Gerrit Lansing, Gary Coby, Ethan Eilon,** and **Megan Foote** are also joining as partners at the firm. **Marty Obst** has joined as senior adviser.

OBAMA ALUMNI -- Peter Velz has moved to Albany and this week joined the State University of New York system as assistant vice chancellor for external affairs in the office of Chancellor Kristina Johnson. Velz served nearly five years in the Obama White House, mostly as a press staffer, and finished Jan. 19 as special assistant to the communications director.

-- **Alexandra Nunez Costello,** Obama State Department alum and former Sen. John Kerry (D-Mass.) political director, is joining the Center for Law and Social Policy as its first-ever director of legislative affairs.

WELCOME TO THE WORLD -- Scott Bland, editor of Politico's Campaign Pro and host of the Nerdcast, and **Gina Bland,** an elementary school teacher, welcomed Samuel Bland, who was born on Eclipse Day. "He and mom are doing great." ***Pic*** http://politi.co/2gNQiiS

-- Jennifer Wishon, White House correspondent for CBN News, and **C. Todd Gilbert,** House Majority Leader designee for the Virginia House of Delegates and attorney in the Shenandoah Valley, recently welcomed Christopher "Grant" Gilbert, who was "born with a healthy set of lungs." ***Pic*** http://politi.co/2f9IZCY

BIRTHWEEK (was yesterday): DCCC staffer Sam Iacobellis, pride of Manchester, Conn. and UPenn (hat tip: Lisa Moody, who was on time)

BIRTHDAY OF THE DAY: Steve McMahon, co-founder and CEO at Purple Strategies, celebrating with Cynthia and "a quiet dinner at our neighborhood Italian bistro, Pulcinella's in McLean. It's the local Italian haunt not just for us, but also for Gingrich, Comey and Ovechkin, all of whom we've seen there repeatedly and recently." **A fun fact about Steve:** "Whenever I can, I try to sneak off and play ice hockey, which is maybe the only thing I enjoy as much as politics. And now that I'm an empty-nester, with more time to skate, I'm hoping my play will improve-and so are my teammates." **Read his Playbook Plus Q&A:** http://politi.co/2wOXDWO

BIRTHDAYS: Defense Secretary Jim Mattis ... Sen. Bernie Sanders (D-Vt.) ... Richard Cullen, EVP of public affairs at FP1 Strategies (h/t Ryan Williams) ... Madigan Schmidt ... Jonathan Rosen, de Blasio adviser and principal at BerlinRosen ... Morgan Hook, SVP at SKD Knickerbocker ... Jeremy Kirkpatrick ... Will Brunelle ... Sharon Páez, partner at Hilltop Public Solutions ... Harry Liberman ... Politico's Rhea Beal and Judy Diaz ... former Rep. Mark Foley (R-Fla.) ... Rep. Mike Simpson (R-Idaho) ... Jillian Harding ... Andrei Berman ... Matthew McGregor, director of digital at Precision Strategies ... Michael Pratt ... WSJ's Akane Otani ... Zack Ford ... Jason Mattera ... Lex Wexner, owner of L Brands ... Howard Mark Lorber, chairman of Douglas Elliman (h/ts Jewish Insider) ...

... Ali Pardo, Rep. Ann Wagner (R-Mo.) spox and GW, Rubio and RNC alum (h/ts Rebecca Coffman and Ninio Fetalvo) ... Samantha Osborne Reynolds, chief digital officer at the RNC (hubby tip: Matthias) ... Andrew Golis ... Jill McClain ... Dan Gurley ... Dylan McDowell ... Will Batson ... Axios' Alayna Treene ... Marco Romeo ... Kim Coalter ... Mike Danylak ... former Sen. Sam Nunn (D-Ga.) ... Steph Tong, co-founder of Juva Therapy and a McKinsey alum ... Jaime Lennon ... Jasi Edwards ... Janelle Kovacevich ... Sara Fellenz ... former Clinton aide Lenore Cho ... Nick Bouknight ... Al Hubbard ... Brookly McLaughlin ... Andrea Hoffman ... Diedtra Henderson ... Paul Fletcher ... Charlotte Spears Ivancic ... Jillian Wikler Black ... Michael Johns ... Brandon Wright ... JoAnne Anton ... David Dixon ... Gail Leftwich Kitch ... Don Schimanski (h/ts Teresa Vilmain)

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Subject: Aug. 28 -- Daily Environment Report



Daily Environment Report

August 28, 2017 - Number 165

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Leading the News

Air Pollution

Texas Coal Plants May Not Be Saved by Scaled Back Visibility Rules

The EPA is giving Texas a chance to rework a proposed multibillion-dollar air pollution regulation for utilities, but that likely won't be enough to save some coal-fired power plants from shutting down, energy analysts told Bloomberg BNA.

Energy

New Biofuel Exemption Prospects Spur Oil Giant Concern

An era of relaxed biofuel blending requirements may be dawning for small oil refineries nationwide following a watershed court decision and new congressional direction for regulators.

General Policy

Week Ahead: 'Garbage Juice,' Snow Leopards, EPA Modeling Debated

"Garbage juice" in North Carolina, the snow leopard's role in addressing climate change, and an EPA panel's scrutiny of regulation models are among the topics at energy and environment events during the week of Aug. 28.

News

Coal Mining

Coal Study Halted But Other Science Projects Go On

The Interior Department halted a National Academy of Sciences study of coal mining and health links in what the agency said was a broader stoppage of certain grant projects, but at least three other studies with the same funding criteria remain ongoing, a spokeswoman for the scientific advisory group told Bloomberg BNA.

Duty to Indemnify

Taos Ski Resort Can't Recoup Cleanup Costs From Insurer

A Taos, N.M., ski resort that operates on land leased from the federal government can't recover from its insurer for cleaning up contamination on the property, the Tenth Circuit ruled (Taos Ski Valley, Inc. v. Nova Cas. Co., 10th Cir., No. 16-cv-2118, 8/25/17).

Energy

Duke Asks to Cancel Planned South Carolina Nuclear Reactors

Duke Energy Corp. asked to cancel its planned nuclear plant in South Carolina, citing the bankruptcy of reactor manufacturer Westinghouse Electric Co.

Mining

Canada Making Progress on Central Arctic's First Deep-Water Port

Canada's Nunavut territory is taking early steps toward building the first deep-water port in the Central Arctic, located at the mid-point of the Northwest Passage.

Oil & Gas

Oil and Gas Industry Would Welcome Interior Agencies to Colorado

The oil and gas industry in Colorado would welcome the relocation of three Interior Department agencies into the state, an industry representative told Bloomberg BNA.

Renewable Energy

Shell Joins Solar Push in Coal Country of World's Top Exporter

Royal Dutch Shell Plc is investigating a solar power project in an Australian region better known for its fossil fuels, particularly coal.

Sustainability

Paper Waste Spurs Testing of Low-Cost Carbon Fiber for Products

When you think about the materials that go into making cars, you don't generally consider the plants growing in your backyard. But that's the direction industry is headed.

WTO Week Ahead

U.S. Takes on Chinese Farm Quotas; New Life for Green Goods Pact?

Summer vacation is nearly over, and officials at the World Trade Organization's dispute panel will be back in the saddle by the end of the week.

Water Pollution

After 40 Years, Shared Water Pollution Permits Still Puzzle States

Several states want to issue water pollution permits that for decades have been controlled by the federal government, but a recent report highlights how they're being hindered by confusion over costs and even which waters are eligible for state oversight.

Water Pollution

Los Angeles Sewage Sludge Fight Ends in Settlement

Los Angeles can continue shipping its treated sewage sludge to a farm it owns in Kern County, following the settlement of a long-running legal battle over the land application of biosolids.

Water Pollution

New Zealand Moves Up Microbeads Ban, Expands Scope

New Zealand plans to ban plastic microbeads in a broader range of products and tighten the deadline so the ban will go into effect in May 2018.

Water Pollution

Water Pollution Testing Rule Increases State Compliance Options

The EPA issued new testing guidelines for testing effluent levels in water, which will provide states with more options for complying with federal pollution regulations.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Fri 9/1/2017 7:54:15 PM
Subject: TSCA rule lawsuits to head to different courts

By Alex Guillén

09/01/2017 03:51 PM EDT

Lawsuits over two key EPA rules for implementing the revised Toxic Substances Control Act will play out in two separate courts.

Various challenges were filed last month over EPA's prioritization rule, which determines how the agency chooses which substances it will focus on immediately, and its evaluation rule, which describes how EPA will review substances. Public health and environmental groups argued that both rules skewed in favor of industry interests.

Lawsuits over the rules were filed in the 2nd, 4th and 9th Circuits. EPA had asked for all the lawsuits to land in the same court, but each rule's challenges will proceed in a different court. The lawsuits over the prioritization rule will move forward in the 9th Circuit, while the 4th Circuit will handle challenges to the evaluation rule.

The decisions were made randomly by the Judicial Panel on Multidistrict Litigation, a group of seven judges who consolidate similar lawsuits that are filed in disparate courts.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/09/tsca-rule-lawsuits-to-head-to-different-courts-092409

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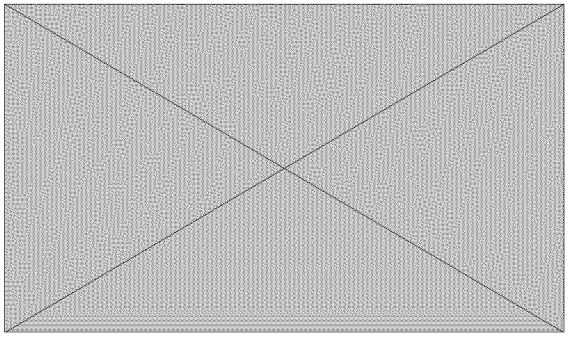
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
Sent: Thur 8/31/2017 10:00:31 AM
Subject: AEI Today: In the wake of Harvey, Americans come together

Politics and ideology are, or should be, downstream from all of the most important things in life, at least in America.

AEI's daily publication of independent research, insightful analysis, and scholarly debate



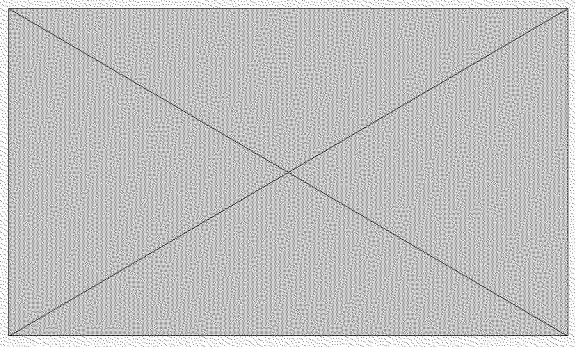
Reuters

In the wake of Harvey, Americans come together

Jonah Goldberg | National Review Online

We live in an ugly, tribal moment in American history. Politics is becoming a substitute for identity, even religion, for millions of Americans. How you vote and what team you root for on the cable shout shows is becoming a signifier of who you are. But politics and ideology should be downstream from all of the most important things in life. This becomes apparent only in

dire circumstances, such as when floodwaters wash away the nonsense and reveal the decency of the American people.

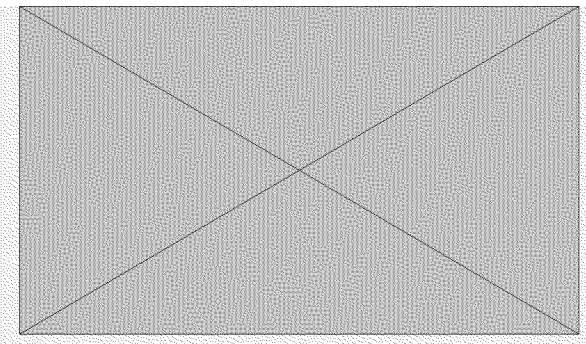


Reuters

Why Democrats should negotiate on health care

James C. Capretta | Real Clear Health

Congressional Democrats may be tempted to think they shouldn't negotiate with Republicans on health care because, so far, the GOP has shown itself incapable of fulfilling its commitment to repeal and replace the Affordable Care Act. "Why rescue Republicans from their failure?" the current thinking goes. This is a short-sighted perspective. Yes, the GOP effort has stalled, but it is still possible that Republicans will succeed in pushing through substantial changes on their own.

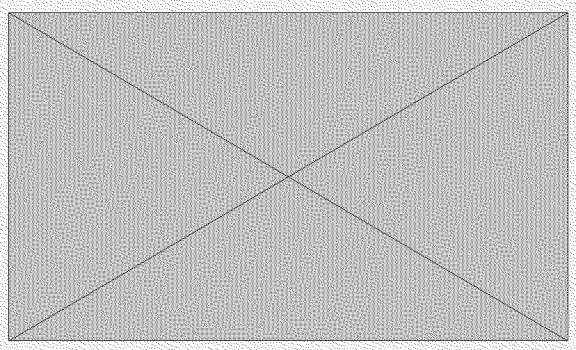


Reuters

The key to stopping North Korea: Bolstering alliances

Michael Mazza | The Wall Street Journal

North Korea's launch of an intermediate-range ballistic missile over Japan once again highlights the threat that Pyongyang poses to the US and its Northeast Asian allies. The Kim family has a variety of reasons for pursuing a nuclear-weapons capability, but one of its goals — one that happens to align with Chinese interests — is to unsettle and ultimately delink the US alliances with South Korea and Japan.



Reuters

There's a difficult road ahead for GOP tax cuts

Ramesh Ponnuru | Bloomberg View

While Republicans have not yet drawn the outline of their coming tax-reform proposal, it appears that they are scaling back its ambition. That's a consequence of the one major decision they have made: to scrap a proposed border adjusted tax. For much of the year Republicans debated that idea, which would have changed business taxes so that imports were taxed and exports were not. Without it, they face tighter constraints.



MORE FROM AEI

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Karlyn Bowman and Eleanor O'Neil | Forbes

Exchange rate headaches
Desmond Lachman | US News & World Report

Is the economy's long stagnation finally over?
James Pethokoukis | AEIdeas

The power of the private sector to rise up to any challenge
Mark J. Perry | AEIdeas

Group differences don't undermine the case against racial discrimination
Michael Barone | Washington Examiner

Is the economy working for workers?
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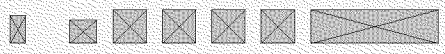
Around the web: What our imaginations get wrong about technology

Matt Winesett | AEIdeas

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From: Bloomberg Environment
Sent: Thur 11/30/2017 12:07:05 PM
Subject: First Move: Ocean Summit in Canada • Pruitt Off to Iowa • More Clean Power Hearings?

What you need to know to start your day.

Ocean Summit in Canada • Pruitt Off to Iowa • More Clean Power Hearings?

By Chuck McCutcheon

Depleted fish stocks, plastic pollution, melting glaciers, and rising sea levels are just a few of the issues confronting Earth's oceans. And, depending on one's point of view, the solutions range from solvable to daunting.

The World Ocean Council's Sustainable Ocean Summit is taking place this week in Halifax, Nova Scotia, to discuss some of the potential solutions. Adam Allington is reporting from the conference, which follows up on the United Nations' first-ever Ocean Conference earlier this year.

Ocean waves break off Sunset Beach, Calif.
Photographer: David McNew/Getty Images

The council functions as sort of an international chamber for ocean commerce. It seeks to bring together such industries as shipping, oil and gas, fisheries, aquaculture, tourism, and renewable energy, along with maritime legal, financial, and insurance companies.

One of the summit's panels will focus on climate change and ocean acidification and look at how businesses can ensure that ports and coastal infrastructure can be made more resilient against extreme weather. Another session on marine pollution will explore how industries collaborate to halt the introduction of invasive species.

The EPA today is scheduled to finalize 2018 ethanol volumes under the Renewable Fuel Standard. The RFS is the 2005 law that requires U.S. oil refineries to blend increasing amounts of ethanol and biodiesel into the nation's fuel supply.

Corn-state lawmakers have pushed EPA Administrator Scott Pruitt to jettison plans to revamp the standard mandating the use of ethanol and other biofuels. Their concerns help to explain why Pruitt plans to visit the city of Nevada, Iowa, on Friday to meet with farmers and biofuel groups.

That meeting signals that Pruitt plans to stick to his October pledge to the

lawmakers and issue a requirement for 15 billion gallons of conventional biofuel—mostly corn-based ethanol.

Now that the official hearings on repealing the Clean Power Plan are over, proponents of the Obama-era initiative are demanding more sessions.

Abby Smith, who reported from the public hearings in Charleston, W.Va., explains that New York already is planning to host a forum in mid-December—with or without the EPA's participation.

"If EPA will not bring these important hearings to our residents, we will bring the hearings to them," Mike Myers, an assistant attorney general for New York state, testified at the Charleston hearing.

A hearing in New York—or in another large city—would almost certainly draw larger numbers of low-income people and minorities who back the Clean Power Plan. Some of them testified in Charleston that controlling climate and air pollution from coal-fired plants, as the Obama administration sought to do in its plan, is critical to environmental justice.

Other Stories We're Covering

- The Senate has begun voting to start debate of the Republican-backed tax overhaul, which includes provisions to open drilling in Alaska's Arctic National Wildlife Refuge.
- Pennsylvania's environment department is hosting a webinar today on final regulations for methane emissions from oil and gas wells. The final regulations—the first of their kind in the nation, the department says—are an update to draft regulations announced in January 2016 that seek to target methane leaks. Leslie A. Pappas is following.
- A House Natural Resources panel is holding a hearing on a bill that would streamline the Bureau of Reclamation's process for approving water projects. David Schultz is covering.
- Donald Blankenship, former Massey Energy chief executive who went to prison in the wake of a 2010 mine explosion that killed 29, plans to run for the U.S. Senate from West Virginia.

Quote of the Day

"This is not a standard vaccine. It's proving to be an elusive little genie to get out of the bottle."
—Peter Janssen, principal research scientist for a New Zealand program trying to develop a vaccine to make cows burp less, thus reducing their contribution to climate change.

Around the Web

- Grants funded by the National Science Foundation have seen a steady drop this year in the use of the phrase "climate change."
- Yale University has released a map breaking down opinions on climate change at the state and congressional district levels and sorted by political party; it finds 62 percent of New York Republicans believe global warming is happening, while only 48 percent of Republicans in Nebraska and Kansas concur.
- General Motors Co. will demonstrate its battery-powered, computer-operated Chevrolet Bolt prototype today in San Francisco, hoping to establish itself as a leader in the race to bring driverless cars to market.

Today's Events

- **9:30 a.m. • Interior** • Deputy Secretary David Bernhardt will testify before a House Appropriations panel.
- **12:30 p.m. • FERC** • Chairman Neil Chatterjee will speak at the Natural Gas Roundtable luncheon.
- **12:45 p.m. • Energy Security** • Resources for the Future hosts webcasted event on energy security with speakers including MIT's Howard Gruenspecht, who recently stepped down as the Energy Information Administration's acting administrator.
- **All Day • Energy and Climate** • Texas Public Policy Foundation and the Heritage Foundation host the At the Crossroads IV: Energy and Climate Policy Summit. Speakers include Republican Sens. Jim Inhofe of Oklahoma and Mike Lee of Utah.

For all of today's Bloomberg Environment headlines, visit Environment & Energy Report

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Daily Environment Report

November 09, 2017 - Number 216

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Leading the News

Coal-Fired Power Plants
EPA Seeks to Take Coal Ash Decisions Out of Court's Hands
Utilities unhappy with EPA's coal ash regulations are pleased the agency wants to consider some rule changes and take the matter out of court.

EPA
Senate Tees Up Confirmation Vote for EPA Air Office Pick
The Senate could vote as early as Nov. 9 on the Trump administration's pick to head the EPA's air pollution office after he cleared a procedural hurdle Nov. 8.

Elections
Election 2017: Offshore Drilling Opponent Wins Virginia Governor Race
Opponents of offshore oil and gas drilling scored a victory with the election Nov. 7 of Democrat Ralph Northam to be Virginia's next governor.

Energy
High-Voltage Transmission Lines Coming, Mexico's Energy Ministry Says
A much-awaited bidding process for Mexico's first private auction on a $1.2 billion high-voltage line will take place in the first quarter of 2018, after a year of delays, according to a senior energy minister.

Energy
House Passes Bill to Boost Energy Regulator Role in Hydro Reviews
The Federal Energy Regulatory Commission would take the lead role in coordinating the interagency licensing process for hydropower projects in a bill passed by the House Nov. 8.

News

Air Pollution

Beijing Beaten as Pollution in Indian Capital Goes Off the Chart

Thick toxic smog enveloped New Delhi for a second straight day on Nov, 8, forcing schools to shut down, halting traffic on highways, and sending residents scurrying to buy air purifiers and filtration masks.

Biofuels

Icahn Subpoenaed by U.S. Over Biofuel Policy While Trump Adviser

Federal investigators have issued subpoenas for information on Carl Icahn's efforts to change biofuel policy while serving as an informal adviser to President Donald Trump, according to regulatory filings.

Biotechnology

Russia Seeks Technology as Condition for Bayer-Monsanto Deal

Russia delayed the approval of Bayer AG's takeover of Monsanto Co. until the merged company agrees to share technology and data with the country, the first time authorities have demanded corporate secrets in exchange for access to the local market.

Chemicals

Chlorine's Deadly Hazards Fuel Stock Rally as Supply Tightens

Armies used chlorine as a weapon in World War I. Thousands of lives are put at risk every time a railroad tank car rolls through a city carrying the chemical. It's among the biggest fears of safety regulators.

Climate Policy

EU Climate Chief Calls for Carbon-Market Reform Deal This Week

The European Union should reach an agreement on an overhaul of the world's biggest carbon market this week to prove leadership in combating emissions at the United Nations climate talks, according to EU Climate and Energy Commissioner Miguel Arias Canete.

Climate Policy

Trump Nominee Drops Paganism Claim, Says Climate Change Is Real

An environmental nominee of President Donald Trump who had dismissed the threat of climate change and labeled carbon dioxide plant food, abandoned those positions Nov. 8 under questioning from Senate Democrats.

Climate Regulation

As Trump Steps Back from UN Climate Talks, Coke and HP Move In

On the fringes of the ongoing global climate summit in Bonn, U.S. leaders will once again demonstrate their commitment to the issue, with a packed agenda of film screenings, panel discussions and cocktail parties where they will highlight the country's carbon dioxide cuts.

Coal Mining

How Coal Giant Peabody's Ideas Ended Up in Trump's Coal Study

Days after Energy Secretary Rick Perry requested a study on how to help coal-fired power plants, a lobbyist for the largest U.S. coal producer contacted the department to offer his advice. Many of those ideas became part of the department's efforts to help companies who provide the fuel source.

Energy

A Year After Trump's Election, Coal's Still Losing to Renewables

It's been a year since President Donald Trump's election and his pledges to transform the

energy markets haven't exactly come to pass.

Energy
France Says Cutting Nuclear Reliance Could Take Extra 10 Years
France may delay its goal of reducing nuclear power to half of electricity output by five to 10 years because it needs more time to develop renewable energy, Ecology Minister Nicolas Hulot said.

Energy
Microgrid Industry Seeks Regulations in Order to Grow
The business of building microgrids is ready to grow but is being held back by a lack of state rules and guidance about how utilities should relate to microgrids, business sources said.

Energy
No Sales Growth? No Problem! Utilities See Money in Grid Repairs
Faced with stagnant sales, big power companies say they can still grow in the U.S. by investing billions in upgrading their grids to accommodate renewables and protect against extreme weather events.

Lead Paint
Lead Paint Nuisance Ruling Could Have Big Impact
Sherwin-Williams Co., NL Industries Inc. and ConAgra Grocery Products Co. are expected to learn before Thanksgiving whether a California trial court validly ordered the manufacturers to pay $1.15 billion to remove or abate lead paint hazards from hundreds of thousands of California homes.

Mining
Wisconsin's 'Prove it First' Mining Ban Headed for Repeal
Highland Copper Co. Inc., Komatsu Mining Corp. and other global mining equipment and development firms could benefit from the Wisconsin Legislature's approval of a bill repealing a 20-year mining moratorium.

Motor Vehicles
EU Seeks to Cut Cars' Carbon Dioxide Emissions 30 Percent By 2030
BMW Group, Daimler, and other carmakers in the European Union would be required to improve the fuel economy of their vehicles or increase the proportion of electric cars they produce to meet 2030 carbon dioxide reduction targets proposed by the European Commission Nov. 8. The commission, the EU's executive arm, said the average private car or light van sold in the EU in 2030 should emit 30 percent less carbon dioxide than a car or van sold in 2021—a level that European automakers ...

Motor Vehicles
Ford Seals Big Deal for Chinese Electric Cars in Time for Trump
Ford Motor Co. is going all-in on electric cars in China, the world's largest market for battery-powered vehicles, and it wants President Donald Trump to know about it.

Natural Resources
California to Tackle Shrinking Salton Sea With $383M Plan
California has signed off on a $383 million plan to build wetlands and control dust along the Salton Sea's shrinking shoreline over the next 10 years.

Oil & Gas
Bill to Boost Federal Oil and Gas Production Advances

A bill that would promote wider offshore oil and gas drilling and a greater state role in onshore oil and gas permitting advanced out of the House Natural Resources Committee Nov. 8 on a mostly party-line vote of 19-14.

PFOA

Pollution Claims Against Rug Makers Batted to State Court

Water pollution claims against many of the nation's carpet manufacturers belong in Alabama state court, a federal court in Alabama ruled Nov. 7.

Pesticides

California Limits Farmers' Pesticide Use Near Schools

California farmers can't spray pesticides near schools and daycare centers during weekdays under new restrictions the state adopted Nov. 7.

Pesticides

In-Season Dicamba Ban Gets Arkansas Plant Board Approval

The Arkansas State Plant Board voted Nov. 8 to institute a seasonal ban on dicamba, an herbicide linked to nearly 1,000 complaints of crop damage in the state.

Proxy Voting

Passive Investing Giants Get More Active on Climate, Diversity

State Street Corp., Vanguard Group, and other big passive investment managers' increasingly vocal stance on issues such as climate change and diversity shows in the way they vote.

Vehicle Fuels

Copper Consumption to Get Boost as World Wagers on Electric Cars

Demand for copper globally is set to jump 22 percent in as soon as five years on increasing usage of the metal in electric vehicles, solar and wind power sectors, according to Indian billionaire Kumar Mangalam Birla's Hindalco Industries Ltd.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Wed 8/23/2017 5:04:56 PM
Subject: Playbook Power Briefing, presented by Chevron: TRUMP attacks Flake by name -- COMEY takes lecture post at Howard U -- U.S. has more troops in Afghanistan than previously disclosed -- Excerpts from HILLARY'S book

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Today's Playbook Power Briefing presented by Chevron

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman), ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

Good Wednesday afternoon. THE DUAL-HEADED SHUTDOWN MONSTER -- ONE THEORY BOUNCING AROUND ... Many in the Capitol believe that September will be the first of two government-shutdown fights. The theory goes like this: Congress will pass a clean debt ceiling and a short-term government funding bill that extends funding only until December, setting up a Christmas-season dustup. There simply isn't time to solve everything in September. Of course, Trump clearly wants a fight on border wall funding, so it's completely feasible that he stands firm next month. But many on the Hill think there will be a second legislative fight, as well. **LIKELY SCENARIO:** They screw up both September and December for Washington. Womp womp.

-- OF COURSE, a prolonged government-shutdown fight would adversely affect the prospects of tax reform.

TEXT FROM A HILL REPUBLICAN: "Remember when the [White House] was going to do a big push for tax reform?"

THE PRESIDENT used Twitter this morning to repeat much of what he said last night. **@realDonaldTrump** at 9:20 a.m.: "Phoenix crowd last night was amazing - a packed house. I love the Great State of Arizona. Not a fan of Jeff Flake, weak on crime & border!" ... **at 9:40 a.m.:** "Last night in Phoenix I read the things from my statements on Charlottesville that the Fake News Media didn't cover fairly. People got it!" ... **at 9:50 a.m.:** "If Republican Senate doesn't get rid of the Filibuster Rule & go to a simple majority, which the Dems would do, they are just wasting time!"

FOR THE PRESIDENT -- @jmartNYT: "This came up during reporting w @alexburnsNYT: Sen Rs especially resent the Flake attacks bc Flake is unfailingly decent to colleagues."

-- FACT CHECK: True.

-- ALSO: Senate Republicans have been having trouble getting to a simple majority on

legislative priorities. The whole get-rid-of-the-filibuster-and-all-of-Trump's-problems-with-Congress-will evaporate theory doesn't jive with reality.

BIRTHERISM'S STILL KICKING -- "GOP Senate candidate Roy Moore has said he doesn't believe Obama is a natural-born citizen," by CNN's Andrew Kaczynski and Paul LeBlanc: "Former Alabama Chief Justice Roy Moore, a Republican candidate for US Senate, has cast doubt on former President Barack Obama's citizenship repeatedly and as recently as December 2016, fueling the debunked 'birther' movement that sought to delegitimize Obama's presidency. Moore, who started questioning the legitimacy of Obama's citizenship back in 2008, last year told a meeting of the Constitution Party that he personally did not believe Obama was a natural-born citizen.

"'My opinion is, there is a big question about that,' Moore said when asked how he defines natural-born citizen as it relates to qualifications for president. CNN's KFile reviewed video from the event. 'My personal belief is that he wasn't, but that's probably over and done in a few days, unless we get something else to come along,' he added. ... Moore's campaign declined to make him available for interview and did not respond to follow-up emails about the details of this story." http://cnn.it/2vnVcZ6

OOPS -- "Why Ben Carson's appearance in Phoenix was likely a violation of federal law," by WaPo's Philip Bump: "Right before Ben Carson took the stage at President Trump's rally in Phoenix on Tuesday night, the announcer introduced him. 'The secretary of the U.S. Department of Housing and Urban Development, Dr. Ben Carson,' the voice intoned, prompting cheers from the audience. And, as simply as that, a law was likely broken. ...

"Among the prohibitions included in the Hatch Act is one prohibiting Cabinet secretaries from leveraging their positions for a political cause. That means that the head of, say, the Department of Housing and Urban Development can't appear at a campaign rally in a way that implies he's doing so in an official capacity. Say, by being introduced with his official title." http://wapo.st/2voA2Kt

-- RESIGNED: @dan_kammen: "Mr. President, I am resigning as Science Envoy. Your response to Charlottesville enables racism, sexism, & harms our country and planet." ***His letter to Trump. The first letters of each paragraph spell "IMPEACH"*** http://bit.ly/2w44yv4 (He was appointed before Trump took office.)

****** **A message from Chevron**: Advanced technology is helping us find safer ways to deliver energy. We're piloting a program that uses drones to monitor tanks and pipelines. Watch the video: http://politi.co/2vLsVyX ******

ON RUSSIA -- "How Alan Dershowitz Went From Hillary Donor to Trump's Attack Dog on Russia," by The Daily Beast's Betsy Woodruff: "Alan Dershowitz -- a liberal Harvard law professor and ardent backer of Hillary Clinton -- has emerged as one of the Russia probe's most vocal critics. He's likened the investigation to a KGB hunt, and special counsel Bob Mueller to a notoriously obsessed sailor. It's made him a Fox News

fixture, and that has left some of his counterparts in the legal world baffled and skeptical. But those close to Dershowitz say his vociferous criticism of Mueller's investigation is the opposite of surprising -- and that Mueller and Dershowitz have a history. ...

"Some suspect Dershowitz's advocacy goes beyond his television appearances. A person familiar with the president's legal affairs said there are concerns Dershowitz has talked about legal affairs with Trump. Dershowitz told The Daily Beast this isn't true. He said he and the president have spoken, but never privately. He said the two men spoke at Mar-a-Lago once when Dershowitz dined there with Newsmax CEO Chris Ruddy, a mutual friend of the two. Trump came over to their table and chatted with them about the travel ban." http://thebea.st/2voKth3

SLOWED TO A CRAWL -- "Regulatory activity dips to new lows in Trump administration," by Bloomberg Government's Cheryl Bolen: "The Office of Information and Regulatory Affairs, which reviews all significant federal regulations, processed 67 regulatory actions in the first six months of this administration, including notices, proposals, and final rules, compared with 216 actions by the same point in the Obama administration, according to government data. The question now is whether this pace will continue, or inch back up as agencies complete their assessments of existing rules that can be rolled back and new regulations that are required." http://bit.ly/2vo3OPq

WAR REPORT -- "U.S. Has More Troops in Afghanistan Than Publicly Disclosed," by WSJ's Gordon Lubold and Nancy Youssef: "The Pentagon maintains more than 12,000 U.S. troops in Afghanistan, defense officials said, currently about 3,500 more than it publicly acknowledges, a critical factor as military planners weigh how many additional forces to deploy under a new strategy.

"The actual number of troops, which hasn't been previously disclosed, reflects the true U.S. force level on the ground in Afghanistan. The Pentagon for many years has kept the actual number of forces deployed to a war zone hidden, choosing to publicly disclose only those deployed for longer periods while not counting those who slip in and out of a war zone on temporary status. In recent years, when tens of thousands of troops were deployed to places like Afghanistan and Iraq, the difference between the public and the true numbers was largely inconsequential. But in recent years, overall troop numbers began to dwindle and the hidden number became more significant, analysts and military officials acknowledge." http://on.wsj.com/2vouNKJ

NEW GIG -- "Comey takes lecture post at Howard University," by Negassi Tesfamichael: "The university said Wednesday that Comey, who was fired earlier this year by President Donald Trump, would speak at the opening convocation ceremony slated for Sept. 22, which is designed to welcome students to the historically black university. Comey will also hold a one-year position at Howard, delivering a series of five lectures related to public policy, the university said." http://politi.co/2iqTMMh

FOR YOUR RADAR -- "U.S. Ambassador to Israel David Friedman Says Trump's

Charlottesville Response 'Was Not Fine'" -- Haaretz: "Asked by a Channel 10 TV reporter about if Trump's response to events following a white supremacist rally was 'fine,' Friedman said, 'I think that it was not fine,' and added he would rather not comment any further on the matter. Friedman also said Trump 'is being treated unfairly by the media. I think he'll do a great job for America.'" http://bit.ly/2xsVYp2

TOP TALKER -- MORNING JOE had exclusive excerpts from **HILLARY CLINTON'S** new book. Some nuggets: "I don't have all the answers, and this isn't a comprehensive account of the 2016 race. That's not for me to write. I have too little distance and too great a stake in it. Instead, this is my story. I want to pull back the curtain on an experience it was exhilarating, joyful, humbling, infuriating and just plain baffling. Writing this wasn't easy. Every day that I was a candidate for president I knew that millions of people were counting on me and I couldn't bear the idea of letting them down. But I did. I couldn't get the job done. And I'll have to live with that for the rest of my life."

Clinton on the second presidential debate, when Trump hovered directly behind her: "This is not OK, I thought. It was the second presidential debate, and Donald Trump was looming behind me. Two days before, the world heard him brag about groping women. Now we were on a small stage and no matter where I walked, he followed me closely, staring at me, making faces. It was incredibly uncomfortable he was literally breathing down my neck. My skin crawled. ...

"It was one of those moments where you wish you could hit pause and ask everyone watching 'well, what would you do?' Do you stay calm, keep smiling and carry-on as if he weren't repeatedly invading your space? Or do you turn, look him in the eye, and say loudly and clearly 'back up you creep, get away from me! I know you love to intimidate women, but you can't intimidate me, so back up.'

"I chose option A. I kept my cool, aided by a lifetime of dealing with difficult men trying to throw me off. I did, however, grip the microphone extra hard. I wondered though, whether I should've chosen option B. It certainly would've been better TV. Maybe I have overlearned the lesson of staying calm, biting my tongue, digging my fingernails into a clenched fist, smiling all the while determined to present a composed face to the world." ***3-min. video from Morning Joe, with Clinton reading the excerpts*** http://on.msnbc.com/2voj3aP

NEW EXCUSE FOR DODGING THE PRESS -- @JimmyVielkind: "Cuomo did not take press questions - aides said cuddling the puppies threw them off schedule. He left reporters waiting beneath the gondola."

FIRST IN PLAYBOOK -- BINYAMIN APPELBAUM , a Washington correspondent who covers economics for the New York Times, has signed a deal with publisher Little Brown to write "The Economists' Hour" with a goal to publish in the fall of 2019. He told us it's a history of how free market economics went from the classroom to being used in the halls of power around the world and will also look at the people and ideas who have affected the role of government in citizens' lives and the recent populist backlash.

WEEKEND WEDDING - Henry Ross, a recent graduate of Columbia Law School, incoming associate at Sullivan & Cromwell and a DOJ alum, married **Charlotte Dillon,** an associate on the tech investing team at New Enterprise Associates and a Goldman Sachs alum, on Saturday in front of family and friends at St. Mary's Church in Lakeville. The bride and groom met at Hotchkiss and became a couple during a school trip to Antarctica in December 2008 (h/t maid of honor, Natalie Boyse). ***Pic*** http://politi.co/2g1OMN9

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Fri 10/20/2017 2:03:18 PM
Subject: POLITICO's Morning Transportation, presented by the Embassy of the United Arab Emirates: Build America Bureau chief signs off — Trump to talk GOP agenda with senators — DHS faces more complex aviation threats

By Brianna Gurciullo | 10/20/2017 10:00 AM EDT

With help from Stephanie Beasley and Tanya Snyder

SIGNING OFF: The Build America Bureau's first executive director has stepped down. Marty Klepper was named to the job less than a month before the Obama administration ended. As Tanya reports , the DOT unit "had been created less than six months earlier as a 'one-stop shop' for credit and grant opportunities," bringing together the TIFIA and RRIF programs. No word yet on why Klepper left. The bureau focused on public-private partnerships, but President Donald Trump has been less than enthused about those agreements lately - despite the fact that his officials have said for months that P3s will be a major part of his infrastructure proposal.

TO BE A FLY ON THE WALL: Trump will speak to Senate Republicans during their weekly policy lunch on Tuesday - his first trip to the Hill to talk to senators since entering office, POLITICO's Burgess Everett reports. Sen. John Barrasso (R-Wyo.), the chairman of the Environment and Public Works Committee as well as the Republican Policy Committee, invited Trump. In a statement, Barrasso said the president is coming "to press our common agenda and speed a great American recovery." Will infrastructure be a part of the conversation? Stay tuned.

YAY FRIDAY: Thanks for tuning in to POLITICO's Morning Transportation - your daily tipsheet on all things trains, planes, automobiles and ports - where your host is looking forward to a lazy weekend. Send along tips, feedback and lyrics to bgurciullo@politico.com or @brigurciullo.

"Mustang Sally, guess you better slow your Mustang down / Oh Lord, what I say now / Mustang Sally, now baby / Oh Lord, guess you better slow your Mustang down."

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) that are all about flying, driving, commuting and sailing?

DHS FACES MORE COMPLEX AVIATION THREATS: DHS spokesman David Lapan made a few clarifications about the nature of terrorist threats against the U.S. aviation system at a pen and pad Thursday. Acting Homeland Security Secretary Elaine Duke reportedly told U.K. officials Wednesday that groups like ISIS and Al Qaeda continue to hatch plots to down aircraft on the scale of the Sept. 11, 2001, attacks. "What she is communicating is that the nature of the threat environment today is much more complex and diverse than it was before 9/11," he said, noting the emergence of new technology and communication tools. Steph has more for Pros here.

ICYMI: Lapan isn't staying at DHS for much longer. He's heading to the Bipartisan Policy Center later this month, as CNN first reported.

MORE REAL ID EXTENSIONS POSSIBLE: DHS spokeswoman Justine Whelan also told reporters at Thursday's pen and pad that the department continues to review states' applications for REAL ID extensions. DHS has granted one-year extensions to 17 states so far, but half a dozen others, including Missouri and New York, remain under review. "There are many packages still at DHS," she said. "Currently there is a grace period in effect." Whelan said states whose requests are still pending will be exempt from enforcement action until Jan. 22, 2018, which is when the department is slated to start rejecting ID cards that don't meet federal standards at airports and other federal facilities. States that received the extensions now have until Oct. 10, 2018, to comply.

NO-FILTER DEFAZIO: Rep. Peter DeFazio (D-Ore.) wrote to Transportation Secretary Elaine Chao on Thursday slamming her for giving PHMSA the status of lead U.S. agency on ICAO's dangerous goods committee instead of the FAA. "I find your decision inexplicable, and I strongly believe it has the potential to put the lives of airline passengers and crews at serious risk," the top Transportation Committee Democrat wrote, adding that he plans to introduce a bill to permanently assign the top role to the FAA.

What mission? "FAA's mission is, in fact, to provide the safest, most efficient aerospace system in the world," DeFazio wrote. "I have no idea what PHMSA's mission is, or whether its leaders do, because the agency is so dysfunctional that it cannot even finalize crucial safety rulemakings that Congress mandated more than five years ago." DeFazio also accused PHMSA of showing "coziness" toward "industry representatives that strongly oppose the regulation of lithium cells and batteries and other dangerous goods." DOT didn't return a request for comment on the letter.

** **A message from the Embassy of the United Arab Emirates**: It was the largest commercial aviation order in history - UAE airlines bought $120 billion in US-made Boeing aircraft. That's hundreds of thousands of jobs for Americans. The UAE-US commercial aviation relationship is a win-win deal. http://politi.co/2yFCemS **

SENATE OK's BUDGET: The Senate passed a budget resolution Thursday that'll open the way for a Republican tax overhaul. The vote was 51-49, with only Kentucky Sen. Rand Paul defecting. The House passed its budget earlier this month. "Key House and Senate lawmakers privately hammered out a compromise Thursday that would likely eliminate the need for a conference committee - buying Republicans at least a week to do more tax work," POLITICO's Sarah Ferris and Seung Min Kim report.

I'M OUT: JetBlue Airways is ditching a dozen online travel websites as it looks to slash $20 million in spending on ticket sales, Bloomberg reports . The airline will, however, keep its flights on Priceline and Expedia sites. One expert told Bloomberg that when a person books a flight on an online travel website, it costs an airline five times more than when someone books on the carrier's website. "Distributing really low fares through these channels is very, very expensive for us," a JetBlue executive told Bloomberg, explaining that "distribution costs" stay constant regardless of the price of a ticket. (Airlines pay fees for so-called global distribution systems to give schedule and airfare data to online travel websites.)

300 MPH TORRENTIAL OUTPOUR BLUES: About 70 percent of a maglev line between Washington, D.C., and Baltimore would need to be underground so it wouldn't affect the homes along the route, according to private company Baltimore-Washington Rapid Rail, which has teamed up with the state of Maryland. But that kind of construction would push the cost past the $10 billion originally projected. As WAMU's Martin Di Caro reports , three potential routes are being evaluated, and each one will probably change as an environmental impact study moves forward. And since we know you're wondering: A stop at Union Station isn't an option because the turns would be too narrow and Amtrak already expects to construct a facility under the station in the future.

MT MAILBAG: Rep. Lloyd Doggett (D-Texas) sent a letter Thursday to FAA Administrator Michael Huerta pushing the agency to mandate that commercial hot air balloon pilots receive medical certification, as NTSB recommended earlier this week. The board concluded that the current exemption for balloon pilots contributed to a 2016 crash in Doggett's district and also recommended that the FAA review its oversight policies for balloon operations. "Continued rejection of NTSB's recommendations risks condemning more unsuspecting families to death," Doggett's letter reads.

MT INFLUENCE: K&L Gates is lobbying for the American Bus Association on appropriations for DHS, according to a disclosure form. The lobbyists are Sean McGlynn, previously a staffer for former Sen. Barbara Mikulski (D-Md.), and Dennis Potter, previously a staffer for former Sen. Phil Gramm (R-Texas).

Plus, a fly-in: Nonprofit PeopleForBikes had a fly-in this week with women who serve as leaders at companies like REI and Trek Bicycle Corporation. They met with lawmakers to promote TIGER and other programs.

SHIFTING GEARS: Michael McLaughlin is now the chief of rail transportation for the Virginia Department of Rail and Public Transportation. McLaughlin most recently worked at the Chicago Transit Authority and previously worked for Rep. Dan Lipinski (D-Ill.) and Sen. Dick Durbin (D-Ill.).

THE AUTOBAHN:

- "Mayor will fight 'vigorously' against Cuomo-approved autonomous vehicle tests." POLITICO New York.

- "Alphabet unit leads $1 billion investment in Lyft." Bloomberg.

- "U.S.: Laptops in checked bags pose fire, explosion risk." The Associated Press.

- "Elon Musk's East Coast Hyperloop will launch digging in Maryland, state and company say." The Washington Post.

- "Where will Blackstone spend its infrastructure billions?" Bloomberg.

- "Australian car making to end soon with GM plant closing." The Associated Press.

- "To survive the streets, robocars must learn to think like humans." Wired.

- "Federal loan secured for I-66 public-private partnership project." The Washington Post.

- "Oroville Dam repair costs will top $500 million." The Associated Press.

THE COUNTDOWN: DOT appropriations run out in 50 days. The FAA reauthorization expires in 163 days. Highway and transit policy is up for renewal in 1,077 days.

** **A message from the Embassy of the United Arab Emirates**: UAE international airlines Emirates Airline and Etihad Airways are major Boeing customers. Emirates is the world's largest operator of Boeing 777s. And Etihad is responsible for nearly 20 percent of all Boeing 787-10s that are currently on order. Emirates and Etihad now serve 11 US gateway cities from Dubai and Abu Dhabi respectively with more than 260 weekly flights.

The growth of the UAE's aviation industry is the most visible sign of the UAE's overall economic success - a model of stability, growth and diversity in the Middle East. No country has benefitted more from this success than the US. Since 2009, the UAE has been the US's largest export market in the Middle East and North Africa. In 2016, the US had a $19 billion trade surplus with the UAE, America's third largest trade surplus globally. http://politi.co/2yFCemS **

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http://www.politico.com/tipsheets/morning-transportation/2017/10/20/build-america-bureau-chief-signs-off-222920

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Subject: BREAKING NEWS: White House launches probe of private email accounts

The White House has launched an internal probe of private email use, pulling batches of emails on the White House server to and from private accounts of senior aides, according to four officials familiar with the matter.

The effort began this week after POLITICO reported that both Jared Kushner and a number of other senior White House officials used private email accounts throughout the year to conduct government business.

Of particular interest is Kushner and Ivanka Trump's private email domain, because they still work in the White House, two officials said. Accounts of other White House officials are also being reviewed.

The probe could take several weeks or even months to complete, according to one of these people, as officials are searching for all emails sent or received about government business. The White House counsel's office is reviewing the accounts to determine if the messages are germane to any investigations such as the ongoing Russia probes by Congress and special counsel Robert Mueller, one of these people said.

News about the private email accounts caught many White House lawyers by surprise, one of these people said, and infuriated a number of White House officials.

Josh Raffel, who often speaks for Kushner and Ivanka Trump, referred inquiries to the White House press office.

A White House spokesperson declined to comment on the review, but said "the White House instructs staff to fully comply with the Presidential Records Act and briefs staff on the need to preserve records."

This article was reported in coordination with the Project On Government Oversight, a nonprofit investigative watchdog organization.

Read more: http://www.politico.com/story/2017/09/28/white-house-launches-probe-private-email-accounts-243281

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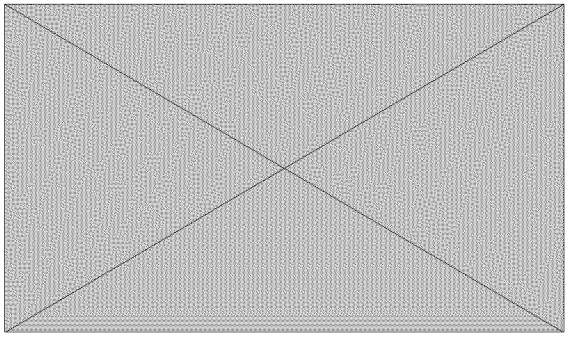
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From: American Enterprise Institute
Sent: Fri 9/8/2017 10:04:38 AM
Subject: AEI Today: How the GOP can make good on tax reform

Conservatism believes public policy should build ladders of opportunity for low-income Americans, offering them a hand up out of poverty and into the workforce.

AEI's daily publication of independent research, insightful analysis, and scholarly debate



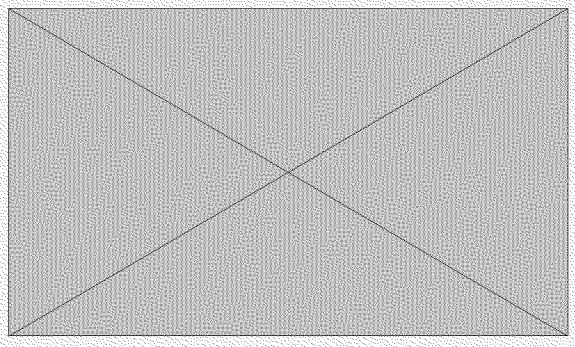
Reuters

How the GOP can make good on tax reform

Michael R. Strain | Bloomberg View

As the GOP turns its attention to tax reform after a summer filled with controversy, Republicans can finally legislate better public policy. But conservatives can also seize this chance to advance and illustrate their principles and priorities. Conservatism believes public policy should build ladders of opportunity for low-income Americans, offering them a hand up out of poverty and

into the workforce. One of the most successful programs to advance this goal operates through the tax code.

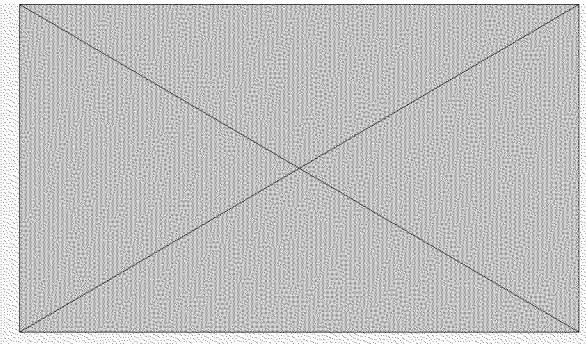


Reuters

America's deadliest war hides in plain sight

Mackenzie Eaglen | Real Clear Defense

With hurricane relief and the debt ceiling grabbing the headlines, it will be easy to overlook today's congressional hearing on recent ship collisions in the Pacific Ocean. But policymakers should not. Troops are now more likely to die in "peacetime" incidents than active hostilities or combat. We should all be worried about that trend. Recent US Navy ship collisions in the Pacific and several aircraft crashes have highlighted the tangible and tragic consequences of how "degraded military readiness" manifests.

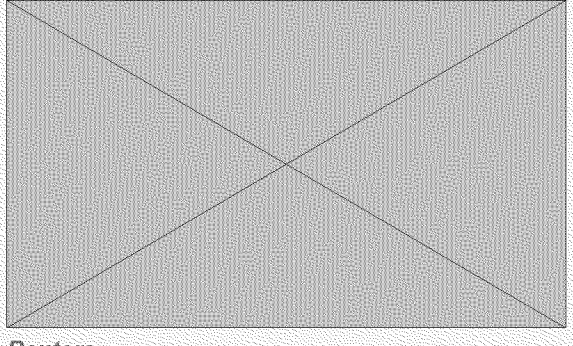


AEI

How the Google memo fits into the current culture war

Christina Hoff Sommers | AEI video

At Google, men hold 80 percent of the tech jobs and 75 percent of leadership positions. But the disparity isn't unique to Google. At US colleges last year, men earned 82 percent of computer science degrees. Why are there so few women in technology? Well, in his now notorious memo, James Damore tried to answer that question. And for doing so, he was fired by Google. Christina Hoff Sommers, the Factual Feminist, offers her take on the situation.



Reuters

Why America is the scariest emerging market economy

Desmond Lachman | The Hill

According to an old Wall Street joke, the longest river in the emerging market countries is “De Nile.” However, looking at the United States economy today, one has to wonder whether it is perhaps not we in America who are in denial about the underlying state of our country’s economy. There is much danger in choosing to turn a blind eye to the fact that the US is increasingly coming to resemble those major emerging market economies.



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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Fri 8/25/2017 11:03:26 PM
Subject: BREAKING NEWS: Trump signs transgender military ban

President Donald Trump signed a directive to the Pentagon on Friday that bans transgender people from serving in the military but gives the secretary of defense latitude in how to carry it out. The directive follows through on Trump's previously announced intention to implement the ban.

Read more: http://www.politico.com/story/2017/08/25/trump-transgender-military-ban-242049

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Fri 9/1/2017 7:33:52 PM
Subject: Court rejects EPA bid to delay Delaware ozone deadline plan

By Alex Guillén

09/01/2017 03:30 PM EDT

A federal judge has rejected an EPA request to push back a deadline to act on ozone pollution in Delaware.

Under a consent decree approved in January, the agency is supposed to make a decision about a state plan to curb emissions of nitrogen oxides and volatile organic compounds by Sept. 29. EPA recently asked for an extension while it reviews a separate but related Obama-era rule requiring states to modify their air plans to drop a "shield" for lawsuits against power plants or other sources that violate emissions limits during startup, shutdown or malfunction, a regulation known as the "SSM SIP call."

But Judge Phyllis Hamilton of the U.S. District Court for Northern California on Thursday said EPA can't have any more time.

"Whether EPA's 'policy review' will have any impact on EPA's decision is entirely speculative at this juncture," Hamilton wrote. "Even if EPA ultimately decided to change policy, EPA could later revise its decision on the Delaware SIP, if necessary."

She also criticized the agency for seeking an indefinite delay of the Delaware deadline while it reviews the SSM SIP call regulation, saying "an open-ended extension ... would defeat the core purpose of the Consent Decree by perpetuating a statutory violation."

WHAT'S NEXT: EPA has until Sept. 29 to decide on the Delaware plan.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/09/court-says-epa-must-meet-delaware-ozone-deadline-092407

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Tue 8/15/2017 2:07:32 PM
Subject: POLITICO's Morning Score: What to watch in Alabama's special election — And Utah's special election! — More Charlottesville fallout

By Kevin Robillard | 08/15/2017 10:00 AM EDT

With Daniel Strauss and Zach Montellaro

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

ROLL TIDE - "Five things to watch in Alabama's special election," by Seung Min Kim and Daniel Strauss: "The brutal fight on the Republican side is all but assured to go to a September runoff, with no one expected to reach the 50 percent threshold to win the nomination outright. ... [Sen. Luther] Strange isn't a lock to secure a spot in the runoff. Polls show ex-state Supreme Court Justice Roy Moore consistently leading, while Strange and [Rep. Mo] Brooks are battling for the runner-up position. ...[S]hould Strange somehow not make the runoff - he's consistently placed second in polls, though the margin between him and Brooks is narrow - it would be a huge embarrassment for McConnell and establishment Republicans who have invested millions to help Strange secure the nomination. ... How much Trump's imprimatur matters is unclear, but Strange isn't hesitating to remind voters of it at every turn. To a crowd of Republicans in Homewood, Alabama last week, Strange recounted the phone call with Trump when he informed the senator of the endorsement, when the president told him: 'I've never done this in a contested primary before, I'm sure I'm going to be criticized, but it's important to get my agenda passed and I appreciate what you're going through to get it done.' ... Republican officials expect turnout to be low, which would likely hurt the rest of the field but potentially boost Moore, given his enthusiastic base. At the same time, Moore's campaign is floating the idea that he could exceed expectations and win somewhere above 35 percent but probably below the 50 percent needed to clinch the nomination outright."

- And don't forget about the Democratic primary: "A Democrat hasn't held a U.S. Senate seat in Alabama since 1997 but the party feels it might have an outside shot if the chips all fall their way. Seven candidates are running for the Democratic nomination, but two candidates are really in play: former U.S. attorney Doug Jones and Robert Kennedy Jr., a Navy veteran and business executive who's unrelated to the Kennedy family." **Full story.**

-If Strange doesn't make the runoff, "he will become just the second appointed senator since the 1970s to come up short in such a bid," per Smart Politics. "Since 1980, appointees nearly have an unblemished mark with 21 of 22 U.S. Senators receiving their party's nomination, including each of the last 12 aspiring to keep their seat since 1999." **Full story.**

- PHONING IT IN - "Trump sends robocall for Strange in Alabama," by Daniel Strauss: "President Donald Trump praises Sen. Luther Strange in a new robocall released by Strange's

campaign Monday, a day before Alabama voters head to the polls for special Senate primaries. ... 'Hi, this is President Donald Trump, and I love the people of Alabama and I hope you go out and vote for Luther Strange for Senate,' Trump says in the call. 'It's so important that you do.'" **Full story.**

-Polls close in most parts of Alabama at 8 p.m Eastern, with some counties closing at 7:30 p.m.

BEEHIVE BUZZ - "Tight Race for Chaffetz's Utah Seat Due to Outside Spending," by Roll Call's Bridget Bowman: "It's the Beehive State's first special election for a House seat in nearly 90 years, and the winner could hang onto the 3rd District seat for a while. The three Republican contenders battling it out are Provo Mayor John Curtis, former state Rep. Chris Herrod, and businessman Tanner Ainge. ... A Utah Policy poll from July showed Curtis leading Herrod by nearly 20 points, with half of those surveyed undecided. But a poll from the same outfit released Thursday showed Curtis' lead over Herrod had narrowed to 8 points, 31 percent to 23 percent, with Ainge in third at 15 percent, and roughly a quarter of respondents still undecided. So why are outside groups spending so much money on one House race? 'Whoever we elect - unless he does something dumb personally or misappropriates funds - is going to be there for a decade or more,' GOP strategist Chuck Warren said." **Full story.**

-THROWBACK TUESDAY: "Trump invisible in race to replace Chaffetz," by Campaign Pro's Elena Schneider. Full story.

-Polls close in Utah at 10 p.m. Eastern.

Days until the 2017 election: 84.

Days until the 2018 election: 448.

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

CHARLOTTESVILLE FALLOUT CONTINUES - Nevada Sen. Dean Heller praised Trump's revised statement on Charlottesville: "It was much stronger, it was much stronger. And I think he needed to do it." **When asked if Trump waited too long:** "I don't want to answer that question. I'm just glad he did it."

- Some Democrats pounced on the fallout. Jason Crow, who is running against Colorado GOP Rep. Mike Coffman, said Coffman needs to pressure Trump to fire presidential strategist Steve Bannon and Seb Gorka, whom he called "alt-right sympathizers." Former NAACP President Ben Jealous, who is running against GOP Gov. Larry Hogan in Maryland, said the state should remove statues of Chief Justice Roger Taney, who wrote the Dred Scott decision, in Baltimore

and replace it with a statue of Frederick Douglass.

- Some Republicans say statues of Confederate generals should stay. Rep. Evan Jenkins, who is running against Democratic Sen. Joe Manchin in West Virginia, said on a local radio show on Monday removing a statue of Stonewall Jackson from the West Virginia capitol grounds would be "scrub[bing] our history," but said it would ultimately be up to the state legislature and governor. South Carolina Gov. Henry McMaster, who is running for reelection in a GOP primary, said he didn't think Confederate statues in South Carolina would come down soon. "We have been over these issues over the years," McMaster told the Charleston Post and Courier. "I think our people are different."

PRIMARY CONCERNS - "Nine months after 2016 election, Heller finally says he voted for Trump," by the Nevada Independent's Riley Snyder: "In a short statement released to The Nevada Independent, Heller - who is up for reelection in 2018 and is being challenged in a primary by businessman Danny Tarkanian - confirmed that he indeed voted for the Republican nominee during the 2016 election after more than a year of vocal criticism toward the party's nominee. 'Yes, I voted for Donald Trump,' he said in a statement texted to a reporter." **Full story.**

- NEW THIS A.M.: Club for Growth PAC endorses Nicholson in primary: The Club for Growth PAC is endorsing Kevin Nicholson in Wisconsin's GOP Senate primary. "Kevin is not just a political outsider, he's a strong economic conservative, who understands that free markets and limited government are the engines of economic growth," said Club president David McIntosh. "Kevin will be a great Senator for the Badger State because, unlike out-of-touch liberal Tammy Baldwin, Kevin understands the needs of everyday Wisconsinites." Nicholson is the only declared candidate in the field, but state Rep. Leah Vukmir and businessman Eric Hovde are still considering the race.

HOUSE CANDIDATE WATCH - Paul Davis launches KS-02 campaign: The former state House Democratic leader and 2014 gubernatorial nominee is making his campaign for retiring GOP Rep. Lynn Jenkins' seat official today. Davis took 46 percent of the vote in the 2014 governor's race against Republican incumbent Sam Brownback and carried the 2nd District, which President Donald Trump also won by a 56-37 margin in 2016.

WEB WARS - NRSC attacks Nelson over Venezuela, Cuba, in Spanish-language ads: The National Republican Senatorial Committee is out with a Spanish-language radio ad attacking Florida Sen. Bill Nelson, arguing he is soft on Cuba and Venezuela. "What has our Senator Bill Nelson done? In the past, he has aligned himself with communists and dictators," a narrator says in the ad. "If Bill Nelson supports murderers, I can't support Bill Nelson." **Listen to the ad here.**

- Nelson spokesman Ryan Brown responds: "These ads are untrue. Sen. Nelson is one of the strongest opponents of the Maduro and Castro regimes. In fact, the Miami Herald has called Nelson one of Chavez's fiercest critics. And earlier this month Nelson called on President Trump to ban at least some imports of Venezuelan oil until constitutional order has been restored in Venezuela. These attacks against Nelson's anti-Castro, anti-Maduro record are false and nothing more than a thinly-veiled attempt to try to distract people from Rick Scott's decision to flip-flop on doing business with Goldman Sachs, which is currently doing business with an arm of the

Maduro regime."

- NEW THIS A.M.: American Action Network to spend $500,000 pushing tax reform with mobile ads: American Action Network, a nonprofit with ties to House Republican leadership, is out with new member-specific mobile ads pushing tax reform. The ads, including display spots and 15-second videos, will run in 31 congressional districts. The group, which has already spent $3.5 million on ads advocating tax reform, is spending another $500,000 on this effort. **Watch the video here. See the list of districts here.**

- NEW THIS A.M.: American Bridge attacks Rauner: Democratic super PAC American Bridge is out with a new web ad attacking Illinois Gov. Bruce Rauner as a "bully" for vetoing a school funding package just before the 2017-2018 school year begins. **Watch the ad here.**

A COMPLEX FOR EVERY INDUSTRY - Democratic elections attorney Marc Elias discussed the "'explosion' in election law" in a 15-minute interview with the National Law Journal. **Listen here.**

STAFFING UP - Jordan Russell, communications director for Strategic Partners & Media, is leaving the Republican consulting firm to join Sen. Marco Rubio's leadership PAC. Russell is also an alum of Sen. Thad Cochran's reelection campaign.

CODA - QUOTE OF THE DAY: "Peter, you will have to shovel our bodies into the oven, too. Please son, renounce the hate, accept and love all." - The father of Charlottesville protester Peter Tefft, in a letter to the Fargo Forum.

To view online:
http://www.politico.com/tipsheets/morning-score/2017/08/15/what-to-watch-in-alabamas-special-election-221878

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Thur 8/31/2017 2:10:23 AM
Subject: BREAKING NEWS: Judge blocks Texas push to ban sanctuary cities

A San Antonio-based federal judge has temporarily blocked Texas from enforcing a state ban on "sanctuary cities."

On behalf of the Trump administration, Attorney General Jeff Sessions had filed a brief in support of the effort, but Judge Orlando Garcia's ruling prevents the law from taking effect.

The measure, known as S.B. 4, was backed by Texas' GOP-dominated Legislature and signed into law by Gov. Greg Abbott. It has been heavily criticized by pro-immigration groups and led to displays of anger in the Texas legislature between opponents and supporters.

Read more: http://www.politico.com/story/2017/08/30/texas-sanctuary-cities-242197

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA.com
Sent: Thur 11/30/2017 11:50:05 AM
Subject: The Morning Headlines from InsideEPA.com -- November 30, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

November 30, 2017

Latest News

Brownfields Bill Backers Plan Push To Fund Program At New Spending Level

As the House prepares to vote on bipartisan brownfields legislation later this week, supporters of the bill say they plan to urge appropriators to fully fund any revised EPA program at the increased funding levels the new bill authorizes in order to gain the full benefits of the legislation and ensure the agency can fund more projects than it currently is.

Former EPA Official Blasts Senate Spending Bill As Threat To Enforcement

EPA's former enforcement chief is blasting draft Senate spending legislation as a major threat to the agency's ability to bring new enforcement actions, citing significant proposed cuts in several spending categories that would translate into even larger reductions in the agency's ability to bring actions than broad spending figures suggest.

CBD Sues To Glean Scope Of Industry Influence In Pruitt 'Sue-Settle' Order

The Center for Biological Diversity (CBD) is suing EPA under the Freedom of Information Act (FOIA) to gather information on Administrator Scott Pruitt's recent directive that seeks to curb so-called "sue-and-settle" agreements the agency reaches, often with environmental groups, to set a deadline to take a mandatory action.

House Republicans Hold 'Nascent' Talks On Bill To Limit CWA Jurisdiction

The top Republican on the House science panel's environment subcommittee says there are "bubbling, nascent discussions" on potential legislation to limit the reach of the Clean Water Act (CWA), but any such bill could be far off despite subcommittee members voicing support for restricting the law's scope during a Nov. 29 hearing.

Barrasso Backs Rule Fix To End Democrats' Holds On Trump's EPA Picks

Senate environment committee chairman John Barrasso (R-WY) is publicly supporting GOP efforts to limit debate on executive branch nominees in an effort to

end continuing Democratic delays on a suite of Trump administration nominees for EPA and other top environmental policy slots.

Key Trump Picks At Odds Over EPA's Power To Weigh Costs In Air Standards

Key Trump administration environment nominees are at odds over whether EPA has sufficient legal authority to consider compliance costs when setting national ambient air quality standards (NAAQS), even though a unanimous Supreme Court opinion found that the agency lacks such power under the Clean Air Act (CAA).

Daily Feed

EPA says methane ICR withdrawal shows 'deregulatory' success

EPA is meeting its targets for "deregulatory actions" required by executive orders from President Donald Trump, a top agency official says.

Research ties PFOA phase-out with drop in low birth weights

The study's authors are praising EPA for its voluntary phase out agreement it struck with the chemical's manufacturers in 2006.

Ewire: Pruitt says hurricanes may be 'enhanced' by climate change

The EPA chief says scientific studies "don't talk about cause and effect" when it comes to climate change and hurricanes, but they could show that storms are "enhanced in some way."

Survey finds many lawmakers muted on CPP repeal

A group supporting federal climate change policy finds the reaction is "substantially more muted" than lawmaker responses to President Donald Trump's June announcement that he intends to leave the Paris climate agreement.

NACEPT plans second 'citizen science' report for EPA

A second report due in April from an EPA advisory committee will recommend ways the agency can strengthen its use of non-governmental "citizen science."

Stakeholders spar over scope of future CWA jurisdiction rule

Industry, environmental groups, states and other stakeholders' comments on a possible new Clean Water Act jurisdiction rule likely preview future litigation arguments.

Read all the latest EPA news, analysis and documents →

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: CBS News
Sent: Thur 11/9/2017 12:05:34 AM
Subject: DNA defines who we are, but what if anyone can change it?

Watch Tonight on CBSN

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The latest CBSN Original, **Playing God** airs tonight on CBSN at 8pm ET.

Editing DNA used to be the stuff of science fiction. Now, CRISPR technology allows everyone from hobbyists on up to play God.
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Thur 9/28/2017 11:24:11 PM
Subject: Suniva, SolarWorld modify remedy proposal in trade case

By Eric Wolff

09/28/2017 07:20 PM EDT

Suniva and SolarWorld USA are pressing a U.S. trade panel to recommend that President Donald Trump institute either a floor price for imported solar equipment or tariffs plus a quota that caps the amount of solar panels and cells that can enter the country.

The two solar panel manufacturers filed a joint brief to the U.S. International Trade Commission, and each recommended different remedies, though they said that either option could be selected.

Suniva recommends a price floor for all solar modules that starts at 74 cents per watt and declines over the four years of the tariff, as well as tariffs for both modules and the solar cells. SolarWorld said it was seeking a a quota of 220 MW on imported cells and 5,700 MW on imported modules.

"Both co-petitioners agree that an effective remedy must include either the co-petitioners' requested tariff plus Suniva's requested module floor price or the co-petitioners' requested tariff plus SolarWorld's requested quota," the companies said in a joint statement.

Briefs were due on Wednesday to the ITC, and the companies publicly released their proposals to today, excluding proprietary company information.

The ITC voted unanimously last week that low-cost imports had harmed the domestic solar manufacturing industry. Under the "safeguard" provisions of the Trade Act, Trump will have the final say in what tariffs to impose.

WHAT'S NEXT: The commission will have a hearing on remedies on Oct. 3.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/09/suniva-solarworld-modify-remedy-proposal-in-trade-case-093676

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Wed 9/6/2017 5:54:53 PM
Subject: Playbook Power Briefing, presented by Hewlett Packard Enterprise: TRUMP agrees to Dem plan to lift debt ceiling, fund gov't for three months -- HARVEY RELIEF passes House -- MERCEDES SCHLAPP expected to join WH comms -- 60 MINUTES lands Bannon interview

View online version | Add politicoplaybook@politico.com to your address book.

Today's Playbook Power Briefing presented by Hewlett Packard Enterprise

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman) and ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

Happy Wednesday afternoon and happy hump day on this short week.

NEWS -- PRESIDENT DONALD TRUMP sided with House and Senate Democrats, accepting their offer to lift the debt ceiling and fund government for three months, setting up another wild December in Washington. **SPEAKER PAUL RYAN, SENATE MAJORITY LEADER MITCH MCCONNELL** and **HOUSE MAJORITY WHIP KEVIN MCCARTHY** -- the top GOP leaders, who were all at the White House with House Minority Leader Nancy Pelosi and Senate Minority Leader Chuck Schumer -- all wanted a debt-limit increase through the end of 2018, and believe they would've been able to extract it from Democrats, according to aides. Now they will be forced into an awkward spot: the GOP president is asking them to push a legislative package they disagree with.

-- THERE IS NO AMBIGUITY HERE: Trump defied Ryan and McConnell, who were working in tandem to clear the debt ceiling through the end of the midterm elections. Trump sided with Pelosi and Schumer just a few hours after they made their position clear. **REPUBLICANS WANTED A LONG-TERM DEBT CEILING INCREASE** because Hill leaders always work to minimize the number of times lawmakers have to vote to raise the borrowing limit. It's a horrible vote politically. Now Congress will have to vote to lift the debt ceiling at least twice.

NO ONE QUOTE SUFFICES -- Every Republican leadership aide we've spoken to disagrees with this strategy, and thinks the president got rolled.

ACCORDING TO AN AIDE BRIEFED ON THE MEETING -- "Republican leaders pushed for 18 month debt limit hike, then floated 6 months. Pelosi and Schumer dismissed 6 month hike. Trump then agreed to the 3 month hike that Democrats put on the table."

NEWS: Republicans are already telling us they'll push for a long-term debt-limit package before December. They don't want a debt-limit crisis in December.

-- OH YEAH: Democrats are already whispering that they might use the must-pass bills in December for the reinstatement of DACA.

HOW THIS ALL WENT DOWN. Earlier this morning, Pelosi and Schumer said Democrats would only vote for a Harvey aid package if the debt limit was lifted for three months. They had leverage, because they had the votes.

-- RYAN told us this morning at his news conference that this was a "ridiculous idea" and Democrats were playing politics with hurricane relief and the debt limit. Ryan seemed pretty perturbed at the gambit.

-- SCHUMER and **PELOSI'S VICTORY LAP:** "In the meeting, the President and Congressional leadership agreed to pass aid for Harvey, an extension of the debt limit, and a continuing resolution both to December 15, all together. Both sides have every intention of avoiding default in December and look forward to working together on the many issues before us. As Democratic leaders, we also made it clear that we strongly believe the DREAM Act must come to the floor and pass as soon as possible and we will not rest until we get this done."

TRUMP'S VIEW, from a gaggle on Air Force One: "We had a very good meeting with Nancy Pelosi and Chuck Schumer. We agreed to a three-month extension on debt ceiling, which they consider to be sacred -- very important -- always we'll agree on debt ceiling automatically because of the importance of it.

"Also on the CRs and also on Harvey, which now we're going to be adding something because of what's going on in Florida -- but we had a very good meeting. We essentially came to a deal, and I think the deal will be very good. We had a very, very cordial and professional meeting.

"So we have an extension, which will go out to December 15th. That will include the debt ceiling, that will include the CRs, and it will include Harvey -- the amount of money to be determined, but it will include -- because everyone is in favor obviously of taking care of that situation. So we all very much agree."

-- NOTE: Trump says "always we'll agree on debt ceiling automatically because of the importance of it." That's significant, given the GOP's posture on the debt limit in the past. Also, note how he doesn't mention McConnell, Ryan or McCarthy.

-- COULD THIS "DEAL" FALL APART? Probably not. But who knows.

GOP LEADERSHIP has said they will stay in town as long as it takes to pass the final aid package. It passed the House 419-3 a little after 12:30 p.m. The House-passed version did not include the debt-limit piece or the government-funding element, which will be added in the Senate. The three nos where Reps. Thomas Massie (R-Ky.), Justin Amash (R-Mich.) and Andy Biggs (R-Ariz.).

DEMOCRATS are also trying to hold Republicans feet to the fire on DACA. Schumer said that "If a clean DREAM Act does not come to the floor in September, we're prepared to attach it to other items this fall until it passes," at the joint press conference with Pelosi.

HEATHER CAYGLE and **ELANA SCHOR:** "But Schumer, as well as Senate Minority Whip Dick Durbin (D-Ill.), stopped short of committing to withholding Democratic votes for government funding legislation or other must-pass bills that Congress is expected to consider this fall. Yet some House Democrats believe that now, when the issue has captured the public's attention, is the best time to force Republicans to act and want to take a tougher stand.

"Rep. Luis Gutiérrez (D-Ill.) stood up during House Democrats' weekly caucus meeting Wednesday to give a rousing speech about how now is the time for Democrats to take a stand on DACA, saying lawmakers need to lay out a clear line in the sand for Republicans.

House Minority Whip Steny Hoyer (D-Md.) then suggested Democrats withhold their votes for a short-term funding bill later this month if there isn't a clear path forward to addressing DACA. Both Gutiérrez and Hoyer received standing ovations, according to multiple sources in the room.

"But the idea of blocking a budget deal and threatening a government shutdown is not the official caucus position -- at least not yet. And it's unclear whether Democrats would vote as a bloc against a short-term funding deal. Either way, the threat could force House Republican leaders to round up additional votes on their side to ensure the government stays open beyond Sept. 30." http://politi.co/2wI7xto

TO BE SURE -- THIS IS DEMOCRATS giving Republicans a taste of their own medicine. They long played hardball on must-pass items when Democrats controlled the White House. Now Democrats are saying they will do the same.

****** **A message from Hewlett Packard Enterprise**: How are Hewlett Packard Enterprise's supercomputers helping create the future in science, medicine and national security? Learn more: hpe.com/supercomputing ******

ON WAR WITH NORTH KOREA -- TRUMP said "certainly, that's not our first choice, but we will see what happens." Trump said this as he boarded Marine One for North Dakota, per the Tampa Bay Times' Alex Leary.

DETENTE -- "Trump, McConnell meet after monthlong standoff," by John Bresnahan and Burgess Everett: "President Donald Trump and Senate Majority Leader Mitch McConnell met privately on Tuesday in a bid to repair their badly frayed relationship, according to sources familiar with the meeting.

"Trump and McConnell huddled privately for roughly 20 minutes ahead of a larger gathering of Republican leaders and officials working on tax reform. The meeting was an apparent attempt to clear the air after a contentious August recess between the two, mostly fueled by the Senate's failure to repeal Obamacare." http://politi.co/2wGSXSF

THE LATEST ON THE STORM , from POLITICO's weather guru Steven Shepard: "As of 11 a.m., Irma remains an extremely powerful, Category-5 hurricane with maximum sustained winds of 185 mph. After passing through the Leeward Islands last night and this morning, Irma is bearing down on the Virgin Islands and Puerto Rico, which will see damaging winds, flooding rains that could lead to mudslides and deadly storm surge. After that, Irma is forecast to track close to Hispaniola and Cuba, bringing the same dangerous conditions.

"The forecast then turns the storm north toward Florida. Irma is expected to be over or near the Florida peninsula on Sunday or Monday. It is still too early to determine whether the center of Irma will make landfall in Florida or remain offshore, and small changes in the forecast may make large differences in impact. But Florida needs to prepare for dangerous weather beginning on Saturday and potentially lasting several days. Other areas of the East Coast should also monitor Irma's track over the next few days."

BANNON ON '60 MINUTES' -- THE HOLLYWOOD REPORTER: " Steve Bannon, the ousted White House strategist, sat for an interview with CBS News' Charlie Rose on Wednesday afternoon in New York, sources tell The Hollywood Reporter. The full interview will air Sunday on 60 Minutes with portions of it set to run Thursday afternoon on CBS This Morning. It will be the first in-depth TV interview Bannon has given since he left the White House last month amid intense criticism over President Trump's "both sides" equivocating on the deadly violence in Charlottesville, Va. in August." http://bit.ly/2eG7Xlj

TRUMP INC. -- "Trump gets millions from golf members. CEOs and lobbyists get access to president," by USA Today's Brad Heath, Fredreka Schouten, Steve Reilly, Nick Penzenstadler and Aamer Madhani: "Dozens of lobbyists, contractors and others who make their living influencing the government pay President Trump's companies for membership in his private golf clubs, a status that can put them in close contact with the president, a USA TODAY investigation found. Members of the clubs Trump has visited most often as president -- in Florida, New Jersey and Virginia -- include at least 50 executives whose companies hold federal contracts and 21 lobbyists and trade group officials. Two-thirds played on one of the 58 days the president was there, according to scores they posted online. ...

"Among Trump club members are top executives of defense contractors, a lobbyist for the South Korean government, a lawyer helping Saudi Arabia fight claims over the Sept. 11 terrorist attacks and the leader of a pesticide trade group that sought successfully to persuade the Trump administration not to ban an insecticide government scientists linked to health risks. ...

"Trump marked his 100th day in office by visiting a factory owned by a company run by a member of his New Jersey golf club. Standing behind Trump as he signed two executive orders was Robert Mehmel, president of the company that owns the Harrisburg, Pa., factory and another company that sells radars and electronics to the military, including about $54 million worth of contracts last year." https://usat.ly/2xam18p

THE LATEST ON RUSSIA -- "Donald Trump Jr. to face Thursday grilling before Senate Judiciary panel," by Darren Samuelsohn: "Donald Trump Jr. is scheduled to meet in private Thursday with the Senate Judiciary Committee for a long-awaited interview to discuss a 2016 meeting he arranged with a Kremlin-linked lawyer who promised damaging information about Hillary Clinton during the height of last year's presidential campaign, according to Trump Jr.s' attorney.

"The closed-door session involving aides and senators has long been in the works, though the exact details of when the meeting would occur have remained under wraps until now. Trump Jr. was called to publicly testify before the Senate committee in July but the president's oldest son instead offered to conduct both a private interview and hand over documents for committee investigators." http://politi.co/2wIjFdN

BRING IN THE REINFORCEMENTS -- "Chief of staff Kelly builds out his West Wing team," by Nolan McCaskill: "President Donald Trump announced on Wednesday a handful of White House appointments, including a deputy and an assistant for his latest chief of staff John Kelly. Kirstjen Nielsen, who worked under Kelly at the Department of Homeland Security as his chief of staff, will be his deputy in the White House and an assistant to the president. Zachary Fuentes, a former military assistant to Kelly at DHS, will serve as a special assistant to the president and assistant to the chief of staff." http://politi.co/2wHUjwQ

-- "Fox pundit Mercedes Schlapp expected to join White House communications," by Tara Palmeri: "Fox News pundit Mercedes Schlapp, wife of American Conservative Union chairman Matthew Schlapp, is expected to join the White House in a senior role in the communications department, according to three White House officials with knowledge of the situation. The role for Mercedes Schlapp, who served in the George W. Bush administration as a spokesperson for Spanish-language media outlets, has yet to be defined." http://politi.co/2wHwWTW

WASHINGTON STATE REP. DAVE REICHERT is retiring. **STATEMENT FROM HIS OFFICE:** "After spending time during the August work period with family and friends, reflecting on the past, discussing the future, and celebrating another birthday, I have decided this will be my last term and I will not run for reelection in November, 2018. It was not an easy decision but I believe it was the right one for my family and me. I have spent my entire career and devoted my life to service. I see this not just as a job, but as a calling - a calling I will not walk away from.

MORE POLITICO/MORNING CONSULT POLL DATA -- An interesting nugget from

today's POLITICO/Morning Consult poll is softness in Sen. Mitch McConnell's support among GOP voters. When Republican voters were asked if they'd be more or less likely to vote for their member of Congress if they supported keeping Mitch McConnell as Senate majority leader, 30% said they'd be less likely, while 28% said they'd be more. When asked about their support for their member of Congress if they backed Paul Ryan as speaker, 40% said they'd be more likely and 28% said they'd be less likely. ***More on Democrats' support of Chuck Schumer and Nancy Pelosi*** http://politi.co/2wI0iS3

TOP TALKER -- "Defiant Clinton looks to explain loss in new memoir," by CNN's Dan Merica and Kevin Liptak: "A raw and aggrieved Hillary Clinton takes ownership -- to a degree -- for her stunning 2016 loss to Donald Trump in her upcoming book, which offers a revealing look at the campaign through the eyes of the contest's loser. CNN purchased the book -- 'What Happened' (Simon & Schuster, 494 pages) -- from a Jacksonville, Florida, bookstore a week before its widespread release. ...

"In a voice that swings from defiant to conciliatory to -- at rare moments -- deeply vulnerable, Clinton does assume ownership where the fault lines are obvious. And in overarching terms, she admits she badly misjudged the environment in which she was running and the candidate she was running against. But Clinton still finds ample blame to go around. She writes bluntly that sexism hampered her ability to reach voters effectively. She offers unvarnished assessments of those who have cast doubts on her campaign, including Vice President Joe Biden and Sen. Bernie Sanders, her former rival. And she singles out James Comey -- a 'rash FBI director' -- for direct and lashing criticism. The book also oozes with contempt for Trump, the campaign he ran and the President he has become." http://cnn.it/2wI70aU

-- @AlexWeprin: "Just in: Hillary Clinton gives first TV interview about new book to CBS News' Jane Pauley. Airs this weekend on 'CBS Sunday Morning.'"

FED OPENING -- "Fischer resigns as Fed vice chair, in new opening for Trump," by Victoria Guida http://politi.co/2wI3UDz

MEDIAWATCH -- "Washington Post's Scott Wilson is out as national editor," by WaPo's Erik Wemple: "Washington Post National Editor Scott Wilson has left his position after disputes with his superiors over newsroom resources for his coverage areas, according to informed sources at the newspaper. The move comes after Wilson, a veteran Postie who has covered the White House and served as a foreign correspondent, reportedly yelled at a fellow editor in a conversation about the duties of digital editors." http://wapo.st/2wIRNpU

PLAYBOOK METRO SECTION -- "Washington National Cathedral to remove stained glass windows honoring Robert E. Lee, Stonewall Jackson," by WaPo's Michelle Boorstein http://wapo.st/2wIofbX

PLAYBOOK AT UNGA -- Join us Sept. 18 and 19 in New York for the 2017 Concordia Annual Summit. POLITICO is the official media partner of the event, a nonpartisan

forum that brings together more than 2,000 influencers. Top speakers for the summit include IMF Managing Director Christine Lagarde, former British Prime Minister Tony Blair, retired Gen. David Petraeus, Forest Whitaker and cellist Yo-Yo Ma. Anna will moderate a session with David Axelrod and Tim Phillips on political strategy in the age of information load on Sept. 18 starting at 12:55 p.m. ***Registration*** http://bit.ly/2gMR6YY

-- BONUS EVENT: Anna will be joined by Jack Blanchard, the author of the new London Playbook, for a Global Playbook Briefing Sept. 19 at 9 a.m. The briefing, moderated by POLITICO Europe's Matt Kaminski, will shed the light on some of the most pressing issues driving the day in Washington and in Europe as we navigate the Trump administration and Brexit negotiations. ***Registration*** http://bit.ly/2wI0uAM

NOTHING TO SEE HERE -- "'Shut up,' judge tells Menendez lawyer," by POLITICO New Jersey's Matt Friedman and Ryan Hutchins: "U.S. District Court Judge William H. Walls told a lawyer for Sen. Robert Menendez to 'shut up for a moment; as the two engaged in a heated argument during the first moments of the New Jersey Democrat's corruption trial. Shortly after court proceedings began, defense attorney Raymond Brown criticized Judge William H. Walls for a line in his opinion on Friday that rejected Menendez's request that the trial be recessed on days where the Senate is taking 'critical' votes, so that the senator can be in Washington. ...

"Brown said that Walls was 'speculative as to our motives.' Brown and Walls then began talking over each other. 'Shut up for a moment if you don't mind,' Walls said. 'I said what I said' to 'underscore what I considered the lack of merits in this motion,' Walls added." ***More highlights, including Sen. Cory Booker arriving*** http://politi.co/2wHTcgn

CAMPAIGN STOP -- Americans for Prosperity rolled out a seven-figure ad buy in the Virginia gubernatorial race. The ad slams Democrat Ralph Northam's tenure as a board member of the Virginia Economic Development Partnership http://bit.ly/2wIAyFo

CLICKER -- Vanity Fair's 2017 International Best Dressed List was released today, featuring former President Barack and First Lady Michelle Obama, Canadian Prime Minister Justin Trudeau, French President Emmanuel and Brigitte Macron, Jack Schlossberg and more. http://bit.ly/2wIo9kC

SPOTTED: John Kerry watching last night's Venus Williams vs. Petra Kvitova and Kevin Anderson vs. Sam Querrey matches at the U.S. Open in New York (h/t Josh Goldstein) ... Jon Huntsman, Trump's nominee for ambassador to Russia, making the rounds in Dirksen today

WELCOME TO THE WORLD - OBAMA ALUMNI -- Ayame Dinkler, former chief of staff for the assistant HHS secretary in the Obama administration and now COS at LCMC Health in New Orleans, and **Carling Dinkler IV,** VP at Enhanced Capital Partners, recently welcomed Ansley Yoshiye Dinkler. ***Pic*** http://politi.co/2j2wKeP

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From: Morning Score
Sent: Wed 9/13/2017 2:07:12 PM
Subject: POLITICO's Morning Score: Trump turns out to be Teflon, Dems worry — Ryan transfers $2M more to NRCC — Schuette announces gov. bid

By Kevin Robillard | 09/13/2017 10:00 AM EDT

With Daniel Strauss

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

THE NARRATIVE - "Teflon Trump," by Edward-Isaac Dovere: "Data from a range of focus groups and internal polls in swing states paint a grim picture for the Democratic Party heading into the 2018 midterms and 2020 presidential election. It suggests that Democrats are naïve if they believe Trump's historically low approval numbers mean a landslide is coming. The party is defending 10 Senate seats in states that Trump won and needs to flip 17 House seats to take control of that chamber. The research, conducted by private firms and for Democratic campaign arms, is rarely made public but was described to POLITICO in interviews with a dozen top operatives who've been analyzing the results coming in. ... Pollsters are shocked by how many voters describe themselves as "exhausted" by the constant chaos surrounding Trump, and find that there's strong support for a Congress that provides a check on him instead of voting for his agenda most of the time. But he is still viewed as an outsider shaking up the system, which people in the various surveys say they like, and which Democrats don't stack up well against. 'People do think he's bringing about change, so it's hard to say he hasn't kept his promises," said Celinda Lake, a Democratic pollster. ... More than that, no single Democratic attack on the president is sticking - not on his temperament, his lack of accomplishments or the deals he's touted that have turned out to be less than advertised, like the Carrier plant in Indiana. Voters are also generally unimpressed by claims that Trump exaggerates or lies, and they don't see the ongoing Russia investigation adding up to much."

- Moving away from free college: "The call for free college tuition fosters both resentment at ivory tower elitism and regret from people who have degrees but are now buried under debt. Many voters see 'free' as a lie - either they'll end up paying for tuition some other way, or worse, they'll be paying for someone else's tuition who'll be getting it free off of their sweat. Greenberg Quinlan Rosner Research and Gerstein Bocian Agne Strategies conducted online polling of 1,000 Democrats and 1,000 swing voters across 52 swing districts for the Democratic Congressional Campaign Committee. Their advice to candidates afterward: drop the talk of free college. Instead, the firms urged Democrats to emphasize making college more affordable and reducing debt, as well as job skills training, according to an internal DCCC memo."

- So what's the solution? "More and more, Democratic operatives are gravitating toward pushing for an argument that Trump is just out to make his rich friends richer, at the expense of everyone else. They believe they could include all sorts of attacks on his decisions under that

umbrella, from stripping regulations on credit cards to trying to end Obamacare to pushing for corporate tax breaks. DCCC polling showed that on the question of who 'fights for people like me,' Trump and Democrats were split at 50 percent each in February, but that Democrats are now ahead by 17 points." **Full story.**

MONEY RACE - "Ryan transferred $2M to NRCC in August," by Campaign Pro's Elena Schneider: "Ryan's fundraising accounted for more than half of what the NRCC raised in August, just before a round of GOP retirements put more battleground districts at risk ahead of a potentially difficult - and expensive - 2018 election for House Republicans. In the last week, Michigan's Dave Trott, Pennsylvania's Charlie Dent and Washington's Dave Reichert announced their plans to not run for reelection, vacating competitive seats that will prove more expensive without an incumbent congressman on the ballot. ... But the NRCC's fast fundraising pace, with nearly $34.7 million banked for the 2018 campaign by the end of July, has emerged as a strength for House Republicans facing a growing battleground map. The DCCC had $22.8 million on hand at the end of July. ... 'Each retirement costs a couple million dollars of campaign money, and Republicans have over performed in recent years, so we have some vulnerabilities,' said former NRCC Chairman Tom Davis. '[But] any criticism Ryan gets, he's a fundraising champ. It's hard to think of anyone who has the persona that can raise money the way he's done.' **Full story.**

- "ActBlue passes $300M raised in 2017," by Campaign Pro's Maggie Severns: "The Democratic online fundraising platform ActBlue raised more than $32.2 million in August for campaigns and other groups, which is more than double the amount it raised in August of 2015. In a blog post, ActBlue said that this year it has raised more than $300 million overall, far ahead of its pace at this time in the 2014 and 2016 election cycles. ... Additionally, ActBlue was used by a 4,021 different candidates, organizations and committees in August, which was an all-time high in ActBlue's history." **Full story.**

PRIMARY PROBLEMS - "GOP Senate candidate's wife lobbied against Obamacare repeal," by Campaign Pro's Kevin Robillard: "West Virginia Attorney General Patrick Morrisey's wife lobbied against the repeal of Obamacare this spring, according to federal filings, and her work is likely to become a major issue in Morrisey's contentious Republican Senate primary with Rep. Evan Jenkins . Federal lobbying records show Denise Morrisey, a partner and co-owner of Capitol Counsel, lobbied for both the American College of Cardiology and American Academy of Dermatology during the first two quarters of 2017, when both groups were publicly opposed to repealing the Affordable Care Act. She also lobbied for the Coalition to Protect Access to Care, which focused on preserving Medicaid funding. Those three groups combined to pay Capitol Counsel about $230,000." **Full story.**

REDISTRICTING WATCH - "Supreme Court blocks ruling against Texas redistricting," by Josh Gerstein: "A sharply divided Supreme Court has blocked a lower court ruling that a congressional district map Texas adopted in 2013 violates the Constitution and is the product of intentional racial discrimination. The high court announced Tuesday night that the justices voted, 5-4, along partisan lines to block a three-judge panel's ruling that Texas needed to redraw the maps or face having them redrawn by the court. The stay will remain in place until the Supreme Court receives and acts on an appeal expected to be filed by the State of Texas." **Full story.**

SCHUETTE ANNOUNCES - "Michigan's Schuette running for governor" by Campaign Pro's Daniel Strauss: "Michigan Attorney General Bill Schuette is running for governor, according to published remarks briefly posted on the Republican's website this afternoon. Schuette, who has long been expected to run for the state's top office, is scheduled to make the announcement during a BBQ event at the Midland County Fairgrounds this evening. "Tonight in Midland, my home town, I announced that I am running for governor of the State of Michigan!" said the remarks, which were later taken down. "In case you could not be with us or see the FacebookLive stream, I wanted to post this copy of my remarks here for your review. Thank you for everything you do and for your support!" **Full story**.

- Schuette is working with FP1 Strategies and John Sellek is managing the campaign.

Days until the 2017 election: 55.

Days until the 2018 election: 419.

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

DAILY WAR EAGLE - "Group linked to Bannon runs tough ad against Sen. Strange before Alabama runoff," by Alex Isenstadt: "The spot, from the pro-Trump organization Great America Alliance, describes Strange as a 'big time lobbyist' who was 'appointed by the swamp' and is 'in the pocket of Mitch McConnell.' ... The ad also features a clip of former Alabama Gov. Robert Bentley saying that he consulted with McConnell before appointing Strange to the Senate seat, which was vacated when Jeff Sessions became attorney general." **Full story. Watch the ad here.**

STAFFING UP - FIRST IN SCORE - DGA hires Miller as press secretary: The Democratic Governors' Association has hired Melissa Miller as press secretary. Miller was previously communications director for New Jersey Rep. Josh Gottheimer and press secretary for the New Hampshire Democratic Party.

- Newsom hires Demissie as campaign manager: Addisu Demissie, formerly the campaign manager for Sen. Cory Booker's election and a top official on Barack Obama's and Hillary Clinton's presidential campaigns, will run California Lt. Gov. Gavin Newsom's gubernatorial campaign.

- Wisconsin GOP promotes Zimmerman: The Wisconsin Republican Party has promoted Alec Zimmerman from press secretary to communications director.

- RNC hires state directors: The Republican National Committee announced the hiring of state

directors in 17 states across the electoral map. The full list of states and hires is here.

SINGLE-PAYER TRACK MIND - "Sanders' single-payer push splits Democrats," by Elana Schor: "Senate Minority Leader Chuck Schumer (D-N.Y.) told reporters that he would be 'looking at all of' the party's 'many good' proposals to expand health care access, but declined to back Sanders. House Minority Leader Nancy Pelosi (D-Calif.) declared that her priority is shielding Obamacare from a GOP repeal push that's not yet dead for good. ... Wisconsin Sen. Tammy Baldwin on Tuesday became the single-payer bill's first supporter from the class of Senate Democrats up for reelection next year in states Donald Trump carried. But other politically imperiled incumbent Democrats said "no" to Sanders. ... Single-payer on a national level would have 'a lot of problems,' [Claire] McCaskill added, although she came out in support of allowing individuals as young as 55 to buy into Medicare. That idea is also backed by Baldwin and two other red-state Senate Democrats up for reelection next year who are declining to endorse Sanders' bill: Sherrod Brown of Ohio and Debbie Stabenow of Michigan. Stabenow, also a member of Democratic leadership, said Tuesday that she would keep working on her Medicare-at-55 plan 'because I think there is some bipartisan interest in that.'" **Full story.**

THE DAILY MENENDEZ - "Former Melgen girlfriend fumes at prosecutors during Menendez trial," by Matt Friedman: "'I've been better,' Svitlana Buchyk, a model and actress who was in her early 20s when prosecutors say Menendez allegedly helped her secure a visa to visit the United States, told [Salomon] Melgen attorney Kirk Ogrosky when he asked how she was doing. Buchyk, who was born in the Ukraine and grew up in Spain, was one of four women - three of them 20-something girlfriends to the 63-year-old married Melgen - for whom Menendez, a Democrat, allegedly pressured officials to get visas in exchange for vacations, private jet flights and political donations. Another former girlfriend, Rosiell Polanco Suero, also testified Tuesday about Menendez's help securing her a visa." **Full story.**

FRONTIERS OF CAMPAIGN ISSUES - Donnelly won't return Feinstein, Durbin cash after criticism of judge: Indiana GOP Rep. Luke Messer attacked Democratic Sen. Joe Donnelly on Monday for not standing up for a Notre Dame law professor who was controversially questioned about her Catholic faith during her confirmation hearing for a federal judgeship. Messer demanded Donnelly return money he received from Sens. Dianne Feinstein and Dick Durbin , who participated in the questioning. Donnelly's campaign indicated he doesn't plan to return the cash, but does support the nomination of Amy Barrett. "I'm a Catholic - my faith has always been an important part of my life - and I believe someone can be a person of faith and at the same time uphold the law and our Constitution on the federal bench," Donnelly said in a statement. "Had I been on the Judiciary Committee, I would have steered clear of lines of questioning that seemed to focus on Professor Barrett's faith. When I interviewed her in July, we spoke at length about the 7th Circuit position, her qualifications, and understanding of the law."

D.C. FUNDRAISING CIRCUIT - Maine Democratic gubernatorial candidate Adam Cote will headline a fundraiser for his campaign in October at the Glover Park Group. Headliners, according to an invitation for the event, include Pete Rouse, Joe Lockhart, Mark Paustenbach, Ambassador Robert Gelbard and Colin Rogero among others. See the invitation **here**.

QUOTE OF THE DAY: "It was a staffing issue and it was inadvertent." - Texas Sen. Ted Cruz, explaining how his Twitter account "liked" a pornographic video on Monday night.

To view online:
http://www.politico.com/tipsheets/morning-score/2017/09/13/trump-turns-out-to-be-teflon-dems-worry-222259

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Subject: Morning Energy, presented by Chevron: House muddles through EPA-Interior amendments — Wehrum picked as EPA air chief — Florida hopes to avoid fuel shortages as Irma looms

By Anthony Adragna | 09/08/2017 05:48 AM EDT

With help from Eric Wolff, Alex Guillén, Esther Whieldon and Eric Geller

GLIMPSES INTO DECEMBER DEBATE: House lawmakers churned through about 70 of the 80 amendments related to EPA and Interior during a debate on a spending package H.R. 3354 (115) Thursday evening. Final votes on the overall measure will now occur next week, but the results so far offer some glimpse into what may happen during the forthcoming December government funding debate, so here are some highlights:

1. There's love for addressing park maintenance (a priority for Interior Secretary Ryan Zinke)! In a voice vote, lawmakers backed an amendment adding $9.7 million to address the backlog.

2. An effort to restore funding to EPA's environmental justice program by cutting from the Interior secretary's budget fell short by a vote of 190 to 218.

3. Rep. John Katko's amendment to restore $250 million in Clean Water State Revolving Funds, an infrastructure program that typically enjoys broad bipartisan support, passed by voice vote.

4. Republican Frank LoBiondo and Democrat Don Beyer's bipartisan push to block offshore drilling in a host of Atlantic sites came up short on a voice vote.

5. An amendment giving EPA $6 million to implement a long-term monitoring program for water quality of the waters affected by the Gold King Mine spill passed the House 220 to 191.

6. Rep. Scott Perry's amendment to block EPA from issuing any regulations under Section 115 of the Clean Air Act, an obscure section of the statute some fear could be used to force carbon rules, passed by voice vote.

Rather extraordinary: Rep. Don Young had to apologize after calling Democratic Rep. Pramila Jayapal a "young lady" who "doesn't know a damn thing what she's talking about" concerning his amendment blocking regulations on sport hunting and trapping in national preserves in Alaska. He apologized later, though his amendment passed 215 to 196. Video here.

Reminder: This bill won't become law in anything approaching its current form and likely won't resemble the Senate's version, so take its contents with a grain of salt. That said, a bunch of amendments will get votes next week.

TGIF EVERYONE! I'm your host Anthony Adragna, and New York was home to the first ATM in the U.S. way back in 1969. For today: How many states have had a lawmaker serve as president pro tempore of the Senate? Send your tips, energy gossip and comments to

aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

CONGRATS! ME's warmest wishes go out to our own Annie Snider and her husband, Joel, as they welcomed Henry Terhune Kirkland into the world in the wee hours of Tuesday morning. "He is passing all his tests with flying colors and we are quite certain he is the most incredible little guy ever!" Annie writes.

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GOTTA GET RIGHT BACK TO WHERE WE WEHRUM: Pros learned it was coming in July, but Bill Wehrum, a George W. Bush-era EPA official who has represented a variety of energy industry interests at law firm Hunton & Williams, received President Donald Trump's formal nod Thursday to run EPA's powerful air office, Pro's Alex Guillén reports . He's been critical of EPA's authority to regulate greenhouse gases, even after the Supreme Court's 2007 ruling saying the agency did have such authority. Democrats blocked his nomination from proceeding in the Senate during the Bush administration, though the threshold has since been lowered to just a majority level to clear the chamber.

FLORIDA PREPS FOR IRMA: EPA Administrator Scott Pruitt, seeking to ensure there's enough fuel for Florida as Hurricane Irma bears down on it, on Thursday extended a fuel waiver for summer reformulated fuel requirements for 38 states through Sept. 30, Pro's Ben Lefebvre and Bruce Ritchie report . "It was important to send a message I think to the citizens of Florida but also those producing gasoline they would have certainty to the end of September with respect to these issues," Pruitt said in an interview. "And we'll do it beyond that obviously if necessary. We have the authority to do that." That comes as Florida Gov. Rick Scott told reporters the state was working to mitigate any potential fuel shortages. "While we are making progress, you will see lines and outages, unfortunately," he added. "I know this is frustrating. We are laser-focused on how we get as much fuel as possible to our ports while they remain open."

Getting Superfund sites ready: Perhaps learning a lesson from Hurricane Harvey, EPA said Thursday evening it's assessing 80 Superfund sites from Miami to North Carolina for potential vulnerabilities to the impending storm. The agency also said it has 43 Region 2 personnel and 34 from Region 4 responding to the storm.

Pruitt: 'Not now': Pruitt also told CNN Thursday now is not the time to discuss whether climate change has exacerbated these hurricanes. "To have any kind of focus on the cause and effect of the storm; versus helping people, or actually facing the effect of the storm, is misplaced," he said. Instead, the focus should be on ensuring access to clean water and protecting Superfund sites, among other issues, he said. His comments echo those made by Energy Secretary Rick Perry last week.

Cornyn won't go there either: Texas' John Cornyn, the Senate's No. 2 Republican, told ME he wasn't sure if climate change exacerbated the storm that slammed his state last week. "Beats the heck out of me," he said. "I've never read anything on [that] point." Asked if it people should be

debating the link right now, he said: "It's a free country."

** **A message from Chevron:** When an endangered butterfly was found near a Chevron refinery, we protected the habitat and still plant the only thing they eat—buckwheat. Watch the video: http://politi.co/2xaoDCa **

IF I WAS A RICH MAN, YEAH I'D HAVE ALL THE ARPA-E: Microsoft co-founder Bill Gates lauded DOE's ARPA-E program and urged strong congressional support for what he called the potential "key" to major energy breakthroughs. "Private companies depend on public research," he wrote on his personal blog. "ARPA-E is bringing private investors to the table, and it is delivering results." Gates' strong endorsement comes as a bipartisan group of House lawmakers, including top Science ranking member Eddie Bernice Johnson , introduced legislation H.R. 3681 (115) authorizing reasonable growth in funding for ARPA-E through 2022.

A WARNING ON GRID HACKS: Senior cybersecurity officials warned Thursday that hackers are growing more audacious in exploiting dangerous links between critical infrastructure systems and the business networks of their operators. "We have control systems that are connected to business systems," said John Felker, the director of the Department of Homeland Security's cyber watch center, during a panel at the Intelligence and National Security Summit. "The biggest thing we see is that vulnerability of that connection." Some sectors, he said, "have done a good job of segregating that, but others have not." His comments came one day after Symantec said that suspected Russian hackers may have begun a new phase of power company hacking. Scott Smith, head of the FBI's Cyber Division, said, "This is an area that there's no easy solutions to."

STEPPING UP FOR HARVEY RELIEF: Texas oil and gas companies have contributed $27.3 million toward Hurricane Harvey relief efforts, according to the Texas Oil and Gas Association. Contributions include: $1 million from Anadarko; $1 million from Chevron; $5 million from ConocoPhillips; up to $10.3 million from Exxon Mobil; $1 million from Koch; $1 million from Shell and $1 million from Valero. The funding will go to various charities and other relief organizations.

HOEVEN PRAISES TRUMP'S REFINERY SPEECH: Count Sen. John Hoeven among the fans of Trump's Wednesday speech at a North Dakota refinery. "I thought it was a good message and it's helpful for what we're trying to do," Hoeven told ME, adding he wasn't disappointed by the lack of energy-specific chatter. But the North Dakota Republican didn't take ME's bait on how he felt about Trump calling his Democratic colleague Heidi Heitkamp a "good woman" during the speech.

SENATE SAVES SOME CLIMATE FUNDING: The Senate Appropriations Committee added $10 million for the Intergovernmental Panel on Climate Change and U.N. Framework Convention on Climate Change after Republican Sens. Lamar Alexander and Susan Collins bucked their party to support an amendment to the panel's State and Foreign Operations bill Thursday. But the committee did not restore any funds to the Green Climate Fund, which aims to help developing countries adapt to the effects of climate change.

CLEAN POWER PLAN REPEAL EXPECTED THIS FALL: Pruitt expects to sign a proposed repeal of the Obama administration's Clean Power Plan "in the fall of 2017," Pro's Alex Guillén reports, citing a new court filing. The agency offered no additional details on its repeal effort, which has been under review by OMB since June 8.

WYOMING TRESPASS LAW VIOLATED FIRST AMENDMENT, COURT RULES: Collecting environmental information on public lands is a protected form of First Amendment speech, the 10th Circuit Court of Appeals ruled Thursday. A three-judge panel struck down a Wyoming law setting strong punishments for anyone who crossed private lands in order to get to public lands to collect information, which includes taking water or soil samples, making observational notes or snapping photos. "Although trespassing does not enjoy First Amendment protection, the statutes at issue target the 'creation' of speech by imposing heightened penalties on those who collect resource data," the court ruled. Trespassers on private land can still be prosecuted under the state's weaker general trespassing law, but a special law targeting trespassers who gather environmental information is unconstitutional, the court noted.

STICKING AROUND: Legal challenges to the delay of an Obama-era BLM methane rule will stay in California rather than moving to Wyoming, as Interior requested, Pro's Alex Guillén reports. Litigation over the original underlying regulation, known as the venting and flaring rule, are still playing out in Wyoming but Magistrate Judge Elizabeth Laporte of the U.S. District Court for Northern California said the two issues are rather different and likely would not be combined anyway.

Speaking of methane, eight Senate Democrats led by Sheldon Whitehouse sent a letter to Pruitt asking for information on his reported plans to enforce EPA's separate methane emissions standards for new oil and gas wells on a "case by case" basis.

INDUSTRY PONDERING BREAKING 15B GALLON ETHANOL BARRIER: Pruitt has set off an ethanol industry debate about lifting the volume requirement beyond the 15 billion gallon conventional biofuel limit established under the Renewable Fuel Standard. "We're all just starting to talk about it as a broad industry," Growth Energy's Emily Skor tell ME. "You've got the head of the EPA saying well you could consider a reset beyond 15 billion gallons." Pruitt told Radio Iowa last month that he would consider going beyond the limit set by Congress if biofuel volumes are reset in two years' time. Skor said it was the second time the administrator made a such a remark. "The first time you don't know, did he mean to say that?" she said. "The second time well, he did mean to say that."

It's all about demand: EPA told ME in a statement, "Administrator Pruitt believes that RFS volume obligations should be reflective of actual demand. As Administrator Pruitt told Radio Iowa, if demand exceeds current statutory limits, then the reset volumes will be reflective of that fact. However, much work remains to be done before we can come to this type of conclusion."

ETHANOL WANTS FEDS TO RESPOND TO BRAZIL ETHANOL DUTIES : Growth Energy, the Renewable Fuels Association and the U.S. Grains Council are collaborating on letters to U.S. Trade Representative Robert Lighthizer and Agriculture Secretary Sonny Perdue asking them to respond to ethanol quotas imposed by Brazil last month. The groups have not

released the letters to the media, but Skor told ME, "What we're saying to the government is, here's the impact and we need your help." Brazil set a 20 percent tariff on ethanol imported beyond 600 billion liters (158 million gallons), and the groups would like to see the tariff removed or the quota raised. The U.S. exported 277 million gallons of ethanol to Brazil in 2016, a sharp rise from the previous year, according to EIA. Skor said they make no specific ask of the administration, saying, "We don't want to be prescriptive right now with the U.S. government."

REPORT ROUNDUP! CLEAN ENERGY BOOMING OUT WEST: The Clean Energy Trust and Environmental Entrepreneurs released an analysis Thursday finding nearly 600,000 people are employed in clean energy jobs throughout the Midwest, up five percent since 2015 alone. That's more than double the number of computer programmers in the region, according to the groups.

FIXING INFRASTRUCTURE YIELDS BIG ENVIRONMENTAL BENEFITS: Investing in significant infrastructure improvements over the next decade could fuel huge environmental benefits, according a report from the BlueGreen Alliance. Among them: 4.4 billion gallons of saved fuel; reducing leaked drinking water by 6 billion gallons and reducing overall carbon dioxide emissions by 12 percent. More here.

INTERIOR RELEASES RECREATION SURVEY: The Interior Department released a preliminary report Thursday that shows 40 percent of the U.S. population ages 16 and older partook in at least one wildlife recreation activity last year. While there were more wildlife watchers and anglers than in the last survey the Census Bureau conducted for the agency in 2011, hunting was down by 16 percent. The data from these reports is often used by agencies and companies to gauge business opportunities and for wildlife management decisions. Interior's Fish and Wildlife Service expects to issue the full data in early 2018.

DAINES PUSHES WILDFIRE REFORMS: Montana Republican Sen. Steve Daines urged new U.S. Forest Service Chief Tony Tooke to pursue immediate wildfire policy reforms as his state deals with ongoing devastating fires. "Fire season always reminds us that either we manage our forests, or our forests manage us," he wrote in a Thursday letter. "We need to focus our time and energy on pursuing reforms that better equip the U.S. Forest Service with the tools and resources needed to accomplish its goals."

GOT YOUR BACK! Kansas Sen. Pat Roberts ran interference to save Senate Energy Chairman Lisa Murkowski from a pack of energy reporters. Asked by the self-proclaimed newest Dodge City Globe reporter what she'd done for Kansas, the affable Alaskan replied: "I grew a sunflower this summer."

QUICK HITS

— Texas Chemical Plant Sued For Millions, First Responders Charge Gross Negligence. International Business Times.

— Climate Change Speeds Beach Erosion With Huge Storms. Bloomberg.

— As Hurricane Irma approaches, BP evacuates Gulf platform and drilling rig. Houston Chronicle.

— Florida cites complaints over Chevron gas prices as shortages mount. Reuters.

— Shailene Woodley says she was strip searched after Dakota pipeline arrest. ABC News.

— Former Wagoner County sheriff receives deferred sentence on reduced charge related to cash seizure during 2014 traffic stop. Tulsa World.

— Record-setting smoke haunts Seeley Lake. Missoulian.

HAPPENING TODAY

crickets

THAT'S ALL FOR ME!

** **A message from Chevron:** This is a story about DOERS, butterflies, and buckwheat. In '75, the endangered El Segundo Blue butterfly was found near a Chevron refinery. We protected the habitat and planted the only thing they eat—buckwheat. We're still planting and keeping an eye on our littlest neighbor. Watch the video: http://politi.co/2xaoDCa **

To view online:
https://www.politicopro.com/tipsheets/morning-energy/2017/09/house-muddles-through-epa-interior-amendments-024495

Stories from POLITICO Pro

Trump expected to pick Bush EPA official turned industry lawyer for agency's air office
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By Alex Guillén | 07/24/2017 10:03 AM EDT

President Donald Trump is expected to nominate Bill Wehrum, a former George W. Bush-era EPA official, to run the agency's powerful air office, according to two sources outside the administration familiar with the plans.

While Wehrum would bring critical knowledge of EPA's workings and environmental law, he also represents several high-profile industry groups in lawsuits challenging numerous Obama-era EPA regulations, meaning he may face recusal and conflict issues similar to EPA Administrator Scott Pruitt.

Wehrum served as acting assistant administrator for the Office of Air and Radiation from 2005 to 2007. Bush pulled Wehrum's formal nomination to that post after Democrats blocked him as too industry-friendly, though the new simple majority threshold on nominees likely will prevent

that from happening again. Wehrum spent 2001-2005 as counsel to Jeff Holmstead, Bush's first air administrator. Holmstead emerged last month as a possible Trump pick to be EPA deputy administrator, though coal lobbyist Andrew Wheeler remains the frontrunner for that job.

In a 2013 interview with Law360, Wehrum said that despite the Supreme Court's 2007 ruling that said EPA has the authority to regulate greenhouse gases, he believes "Congress never intended the EPA to address an issue such as climate change under the Clean Air Act."

He also called for lengthening the review cycle for National Ambient Air Quality Standards beyond five years — House Republicans recently passed a bill that would stretch that to ten years — and said the Obama administration tried to shift power away from the states and toward EPA, comments since echoed by Pruitt.

And in a 2015 Wall Street Journal editorial, Wehrum said the EPA-caused Gold King mine spill highlighted how the agency "often criminalizes actions that are nothing more than accidents, many far less damaging to the environment than the Animas River disaster." That spill fouled Colorado's Animas River and downstream areas for several weeks before water quality returned to normal and the river was reopened to recreational activities.

Wehrum pointed to the 2014 chemical spill that fouled drinking water for hundreds of thousands of West Virginia residents, which led to an EPA investigation and the company's bankruptcy, as an example of "unjust" treatment.

For the last decade Wehrum has been a partner at the high-powered D.C. law firm Hunton & Williams, where he currently represents high-profile clients, including two leading oil and gas industry lobbying groups, in a number of ongoing lawsuits against EPA.

Wehrum represents the American Petroleum Institute in a challenge to EPA's methane rule for new oil and gas wells, as well as the separate legal battle over EPA Administrator Scott Pruitt's decision to stay that rule while under review, where API has defended Pruitt's stay.

He also represents either API or American Fuel & Petrochemical Manufacturers, a refinery sector group, in lawsuits over a 2015 rule limiting pollution from oil refineries; a "regional consistency" rule that governs how court rulings apply to nationwide EPA regulations; and permitting rules for Indian lands.

He represents the Utility Air Regulatory Group, a coalition that challenges EPA air regulations, in a legal challenge over an Obama-era rule meant to decrease explosions at chemical plants and other facilities. Pruitt has put that rule on hold while it is under review.

Wehrum helped the Gas Processors Association challenge two greenhouse gas reporting rules. He took an EPA boiler regulation to court on behalf of a coalition of industry groups, including the American Chemistry Council, the National Association of Manufacturers and the American Forest & Paper Association. He is challenging an EPA emissions rule for brick manufacturers on behalf of an industry group. And he represented construction interests in various lawsuits against the Labor Department, including an ongoing challenge to the Occupational Safety and Health

Administration's 2016 silica exposure rule.

Wehrum did not immediately reply to a request for comment on Monday. EPA and White House spokespeople did not immediately respond to a request for comment.

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Trump picks Bush-era EPA official for air chief Back

By Alex Guillén | 09/07/2017 07:16 PM EDT

Pesident Donald Trump has nominated Bill Wehrum, a George W. Bush-era EPA official who since has represented a variety of energy industry interests, to run EPA's powerful air office.

POLITICO reported in July that Wehrum was expected to receive the nod.

As head of EPA's Office of Air and Radiation, Wehrum will play a key role in undoing many of the Obama-era regulations most opposed by Republicans, including the Clean Power Plan, the 2015 ozone standard and forthcoming vehicle emissions rules. Wehrum has been critical of EPA's authority to regulate greenhouse gases, even after the Supreme Court's 2007 ruling saying EPA did have such authority.

He served as a counsel to Jeff Holmstead, Bush's first-term air chief, before replacing Holmstead in an acting capacity from 2005 to 2007. Bush nominated Wehrum to the job permanently, but Democrats blocked his nomination from proceeding in the Senate.

Wehrum spent the past decade as a partner at the Washington, D.C., law firm Hunton & Williams. His clients have included the American Petroleum Industry, American Fuel & Petrochemical Manufacturers, the Utility Air Regulatory Group, the American Chemistry Council, the National Association of Manufacturers and the American Forest & Paper Association.

WHAT'S NEXT: The Senate Environment and Public Works Committee will review Wehrum's nomination in what is certain to be a contentious process.

To view online click here.

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EPA extends fuel waivers to help Florida prep for Irma Back

By Ben Lefebvre and Bruce Ritchie | 09/07/2017 07:09 PM EDT

Florida is racing to stock up on gasoline before Hurricane Irma slams into its ports this weekend.

EPA on Thursday extended a fuel waiver for summer reformulated fuel requirements for 38 states through Sept. 30 to ensure gasoline is available in Florida in advance of Hurricane Irma. The move extends by 15 days a waiver EPA issued Aug. 31 in response to Hurricane Harvey, which badly damaged pipelines and refineries when it struck Texas.

EPA Administrator Scott Pruitt told POLITICO he was responding to requests from Florida Gov. Rick Scott and the oil industry because of shortages in Florida.

"It was important to send a message I think to the citizens of Florida but also those producing gasoline they would have certainty to the end of September with respect to these issues," Pruitt said in an interview Thursday. "And we'll do it beyond that obviously if necessary. We have the authority to do that."

A day earlier, EPA approved the Florida Department of Environmental Protection's request for a fuel dye waiver. That allows off-road diesel fuel to be used in on-road vehicles.

Florida Petroleum Council Executive Director David Mica applauded both moves.

"I think that [Administrator] Pruitt was deliberative and expeditious in historic fashion," Mica said. "They really jumped on it doing all they can to assist out there on several waiver requests."

Irma is currently expected to hit southeastern Florida early Sunday.

The storm will be a one-two punch for the region, coming mere weeks after Hurricane Harvey slammed into Texas and forced many of the refineries dotting the Gulf Coast to shut down. At one point last week, Harvey had forced 4 million barrels a day of Gulf Coast refining capacity offline.

"We know fuel is very important," Scott said earlier Thursday as he addressed Florida residents on the dangers of the storm. "We are devoting every state resource to address this.

"While we are making progress, you will see lines and outages, unfortunately," he added. "I know this is frustrating. We are laser-focused on how we get as much fuel as possible to our ports while they remain open."

Refinery outages and damaged pipelines in Harvey's wake forced fuel sellers to dip into inventories to meet demand. Between Aug. 25, the day Harvey made landfall in Texas, and Sept. 1, gasoline inventories on the East Coast fell 3.5 percent to 60.5 million barrels, according to the latest EIA data.

State-by-state figures are only available up to June, at which point Florida had about 34 million gallons of gasoline stored. At the time, wholesale gasoline consumption averaged 15.5 million gallons per day, according to EIA.

Emergency contractors for Florida secured 1.5 million gallons of fuel for immediate delivery and identified additional supply for the future, Scott's office said in a press release.

Florida is also searching for other fuel barges that can be diverted to Florida ports. Scott told the state's emergency response team to provide a military escort for a ship delivering fuel from a refinery in Mississippi to the Port of Tampa, the governor's office said. The governor said he also asked state police to escort gasoline trucks through traffic so they could quickly shuttle between fuel terminals and gas stations.

A gallon of regular gasoline now costs an average of $2.72 in Florida, 5 cents higher than the national average and 30 cents above where it was a week ago, according to AAA.

"Supplies are tight. Everyone is looking for fuel," said Ned Bowman, executive director for the Florida Petroleum Marketers and Convenience Stores Association, which represents gas stations in the Sunshine State. "Everyone is putting five gallons into their tanks, so that's stretching things."

But now that the Texas refineries are coming back up, Irma is threatening the more than two-dozen ports that receive the fuel they deliver across the Gulf. Florida's main fuel barge receiving centers are in Miami, Fort Lauderdale, Tampa and Jacksonville, according to EIA. The former two sites are on the southeastern tip of the peninsula, smack dab where Irma is forecast to make landfall.

"When you have back-to-back storms, it exacerbates logistics for distribution," said Mica, of the Florida Petroleum Council. "As [refineries] come up, that will help supply, but as the storm approaches, it does not allow vessel traffic, it does not allow fuel in."

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EPA projects fall proposal to repeal Clean Power Plan Back

By Alex Guillén | 09/07/2017 02:59 PM EDT

EPA Administrator Scott Pruitt expects to sign the proposal to repeal the Clean Power Plan "in the fall of 2017," the agency said in a court filing today.

The filing offered no other details on the Trump administration's plan to repeal the rule, which has been under review at the White House Office of Management and Budget since June 8.

EPA added that the CPP repeal's classification as a "long term action" in the July update to the Unified Agenda was inadvertent. Environmental groups had seized on that classification, which indicates rules will not progress within the following 12 months, to argue that the D.C. Circuit

Court of Appeals should issue its ruling on the Clean Power Plan rather than keep the lawsuit suspended indefinitely.

EPA said it will correct the classification error in the next edition of the Unified Agenda.

WHAT'S NEXT: The repeal proposal will most likely be released within the next few months.

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Judge keeps methane waste rule delay lawsuit in California federal court Back

By Alex Guillén | 09/07/2017 04:35 PM EDT

A federal judge said today that legal challenges to the Interior Department's delay of an Obama-era methane waste rule will remain in a California court rather than be moved to Wyoming.

Interior had asked for the lawsuits to be transferred to a federal court in Wyoming where cases over the original regulation, also known as the venting and flaring rule, are still playing out.

But Magistrate Judge Elizabeth Laporte of the U.S. District Court for Northern California said she's keeping the case on her docket because, legally speaking, the two matters are rather distinct. Interior's delay relied on Section 705 of the Administrative Procedure Act, but the underlying rule does not, meaning the two cases likely would not be combined anyway, she concluded.

In addition, the lead challenger in the suit over the delay is the state of California, adding weight to the arguments to keep it in a California court.

Laporte noted she is "already familiar with the legal issues in this lawsuit" because it is very similar to the challenge to Interior's delay of its royalty valuation rule — which Laporte last week said violated Section 705 of the APA by not seeking public input first.

However, she stopped short of issuing a ruling in the methane case today.

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Subject: POLITICO's Morning Energy: High-stake solar trade fight gets public spotlight — Trump to sign environmental permitting EO today — Court tells PHMSA to revisit Exxon fine

By Anthony Adragna | 08/15/2017 10:00 AM EDT

With help from Darius Dixon and Annie Snider

SOLAR FLARE UPS? Witnesses step before the International Trade Commission this morning for a public hearing to offer their perspectives on whether President Donald Trump should slap tariffs on solar imports in a case with massive implications for the thriving U.S. industry. Two troubled solar manufacturers - Suniva Inc. and SolarWorld Americas - want the commission to declare imports of cheap foreign parts from Asia have caused "serious injury" to their domestic business. The companies want the U.S. to impose duties on imported equipment in order to revive domestic manufacturing facilities - moves they claim would create thousands of jobs across the industry. "Despite herculean efforts to compete against this onslaught, the imports, which are directly competitive with domestic product, have ground the domestic industry down to a mere shell of its former self," Suniva argued in its pre-hearing brief. And Matt Card, an executive vice president for commercial operations with the company, plans to say the U.S. will "have no control of its own destiny when it comes to power generation from the sun" without tariffs put in place.

Opponents of the petitions argue the two companies' woes stem from bad business calls and that increasing the price of imports would be bad for the industry as a whole, a move that risks destroying jobs at companies that install solar panels on rooftops or develop utility-scale projects, for example. "This is not a case in which the facts support the findings necessary to justify imposition of any relief," the Solar Energy Industry Association and SunPower Corp. wrote in their own brief. Other opponents of the petitions include utilities, union officials, bipartisan groups of senators and House members, venture capital groups and conservative organizations like ALEC and the Heritage Foundation, among others. State elected officials from Minnesota, North Carolina, Georgia, Maryland and Virginia, as well as trade officials from South Carolina, Indonesia, the European Union, Brazil Mexico, Canada and Taiwan are all expected to testify as well.

If you go: The public hearing kicks off today at 9:30 a.m. at the ITC's main hearing room at 500 E Street SW. A full list of scheduled witnesses is available here.

What happens afterward? If the four-member commission ties or votes in favor of the petition, it will hold another public hearing on what to do about the injury to U.S. companies. The final call about what to do would then be left to Trump where it's not clear how the ever-unpredictable White House might handle the matter given the administration's highly-publicized efforts to protect U.S. manufacturing jobs. A vote against the petition by the ITC would kill the effort.

WELCOME TO TUESDAY! I'm your host Anthony Adragna, and DOE's Diane Meck was first up to identify "The Mousetrap" as the play with the longest initial run. (It's awesome, too,

says this Agatha Christie fan.) For today: What entire country did rapper Snoop Dogg try to rent out in 2010 to film a music video? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

ANOTHER EXECUTIVE ORDER COMING: Trump will sign an executive order today at 3 p.m. at Trump Tower "establishing discipline and accountability in the environmental review and permitting process for infrastructure projects," according to the White House. A spokesperson told ME it would set a two-year goal for the federal government to complete the permitting process for infrastructure projects. The president has repeatedly bemoaned what he describes as lengthy delays to new projects due to various federal regulatory requirements and signed an executive order expediting environmental reviews back in January. That one directed the Council on Environmental Quality chairman to identify high priority identify high-priority infrastructure projects and work with other agencies to expedite their approvals. Back in June, Trump announced a new office within CEQ that he said would "root out inefficiency, clarify lines of authority and streamline federal and state [and] local procedures so that communities can modernize their aging infrastructure without fear of outdated federal rules getting in their way." Despite those earlier announcements, Trump has still not yet nominated anyone to lead CEQ. More here.

COURT SAYS PHMSA WAS TOO TOUGH ON EXXON: The Obama administration over-penalized Exxon Mobil for its 2013 pipeline spill in Mayflower, Ark., a federal court ruled Monday. The U.S. Court of Appeals for the Fifth Circuit threw out a number of safety violations against Exxon, saying the company met its legal obligations to consider all risk factors associated with the Pegasus Pipeline. The Pipeline and Hazardous Materials Safety Administration's interpretation of its pipeline integrity regulations would leave entities unable to escape legal liability whenever a pipeline spill occurred, the court ruled. "The unfortunate fact of the matter is that, despite adherence to safety guidelines and regulations, oil spills still do occur," Judge Jennifer Walker Elrod, a George W. Bush appointee, wrote for the court. The decision gives the Trump administration (which lacks a permanent PHMSA chief or nominee to fill that slot) an opportunity to lower the $2.6 million fine levied against Exxon.

EYES AND EARS ON GEORGIA: So long as the Vogtle nuclear project remains on the financial and political rocks, regulators on the Georgia Public Service Commission are going to be getting a lot of attention. Commissioners are scheduled to meet this morning for what was probably going to be a routine "administrative session" where they may take up a motion related to the troubled two-reactor project. Last week, Georgia PSC Chairman Stan Wise introduced a 14-point motion he's hoping will be seen as something of a "test vote" on whether the agency is even open to continuing the project - a fairly low, but important, bar at the moment since Southern Co. hasn't given its latest cost estimates for completing (or partially completing) the project. Southern is expected to deliver a recommendation on the future of Vogtle later this month. The PSC meeting starts at 10 a.m. in Atlanta.

ZINKE HIT ON THE HOMEFRONT: The Western Values Project is out this morning with a $500,000 ad buy in Montana hitting Zinke for his ongoing review of several dozen national monuments and calling for him to protect public lands. It's part of a broader $2 million effort

from conservation and sportsman groups to hit the former Montana congressman as he prepares to issue his recommendations on the national monuments to Trump. "Secretary Zinke went to Washington, D.C., and left his Montana values at the door," Chris Saeger, executive director of the Western Values Project, said in a statement.

Side note: Can anyone remember a Cabinet official facing an ad campaign in their home state for their ongoing administration-specific work?

LAST CALL! Just 10 days are left before Zinke's much-anticipated monument recommendations are due to Trump, but today is the last opportunity for the public to comment on a separate - but related - examination of the status of 11 marine national monuments and sanctuaries. The Commerce Department has until late October to issue its own report on everything from the potential for offshore drilling in those areas, to the costs of managing the monuments and sanctuaries and the extent to which state, tribes and other agencies were consulted before those designations were made.

COLORADO RIVER PROGNOSIS COMING TODAY: The Bureau of Reclamation is due this morning to release a key study that will determine whether a water shortage will be declared in the lower basin next year. A year ago, water levels at Lake Mead, the massive reservoir supplying Nevada, southern California and Arizona, looked more likely than not to dip low enough to trigger the first round of mandatory water delivery cuts in 2018. But a wet winter and major water conservation efforts appear to have spared the basin this time. Still, the eyes of the West will be on just how much wiggle room is left above that trigger point, and how likely Reclamation thinks it is that a shortage declaration could come in 2019.

U.S.-Mexico deal moving forward: Meanwhile, a water-sharing agreement between the U.S. and its southern neighbor is making progress, with a number of state water agencies and major users preparing to give their formal sign-off to the deal in the coming weeks. The agreement, an amendment to the treaty governing cross-border water sharing, would replace a deal set to expire at the end of 2017 governing how shortages are shared between the two countries.

SETTLEMENT OFFERED IN DAKOTA ACCESS CASE: Energy Transfer Partners, the company behind the Dakota Access pipeline, would pay $15,000 to settle claims it failed to notify regulators about Native American cultural artifacts discovered the construction process under a settlement proposed Monday by the North Dakota Public Service Commission, the Bismarck Tribune reports. The company now has 10 days to consider the offer.

PENCE 'ABSOLUTELY DETERMINED' ON VENEZUELA: Vice President Mike Pence reiterated during a stop in Cartagena, Colombia, the U.S. was not seriously considering military action against Venezuela but said the "failed state" threatened regional stability. "We are absolutely determined to bring the full measure of American economic and diplomatic power to bear until we see democracy restored," he said, without further elaboration.

COMPLAINT FILED OVER DOE LEAK CRACKDOWN: The Project On Government Oversight has filed a complaint with the Office of Special Counsel over posters at DOE targeting leaks. The groups says those posters do not include legally required language to ensure that

employees are aware of their legally protected right to report wrongdoing. "DOE's management communications are likely to erroneously create the impression that government employees and contractors at DOE, and other agencies, have no legal avenue to blow the whistle on government waste, fraud, and abuse," Danielle Brian, the group's executive director, wrote. "This needs to be remedied, fast." Among the recommendations is a call for senior management at DOE to state whistleblowers disclosing non-classified material would be protected and the immediate removal of the posters in question.

FARMER'S WETLAND CASE HEADS TO PENALTY PHASE: John Duarte, the California nursery owner whose wetlands lawsuit has been held up by agricultural and property rights advocates as a prime example of government overreach, heads back to court this morning for the penalty phase of his case after being found guilty of violating the Clean Water Act by a federal judge in Sacramento. Duarte faces potentially millions of dollars in fines, but has asked the court to assess only a symbolic $1 fee.

At issue is Duarte's use of a plowing method, which the Army Corps of Engineers argues was "deep ripping" that can be damaging to a rare, ecologically important type of wetland called vernal pools. While the Clean Water Act exempts normal farming practices, including plowing, from permitting requirements, it does not exempt deep ripping. A motion to dismiss the case is also pending, with Duarte's legal team arguing that the Army Corps didn't have the authority to bring the lawsuit - only the EPA, which has ultimate authority over Clean Water Act wetlands issues.

PREVIEW OF FALL ACTION: Rep. John Shimkus, Energy and Commerce Environment Subcommittee chairman, told a local Illinois newspaper Monday nuclear waste and drinking water legislation that cleared the full committee could be part of a still-theoretical infrastructure package this fall. "They can be passed on their own, or they could be included in a bigger infrastructure package along with other transportation, energy and water infrastructure programs," he told the River Bender.

DISMISSED: A federal judge ruled Monday an EPA enforcement action against Putnam County Commissioner Ron Foster and two of his companies was not motivated because he made a political donation to Rep. David McKinley, the Charleston Gazette-Mail reports . "Plaintiffs have been unable to demonstrate any other retaliatory conduct by the EPA that is causally linked to the political research document or any other evidence related to political animus on the part of the EPA," U.S. District Judge John T. Copenhaver Jr. wrote in an 83-page opinion.

LIGHTER SIDE OF PRUITT: An Iowa television interview offered a glimpse at the softer side of EPA Administrator Scott Pruitt through a series of rapid-fire questions. The politician he admires most? Former Oklahoma Sen. Don Nickles. How he passes long hours traveling? "We always have a good time as far as good food and fellowship." How baseball can get even better? "I think we need to do more to export the product internationally." A bold prediction? The Chicago Cubs will win the World Series again within five years, noting the Ricketts family that owns the team "are good friends of mine."

THAT'S SOME 24K MAGIC: Singer Bruno Mars will donate $1 million from a concert in

Auburn Hills, Mich. to benefit those affected by the Flint water crisis, the Associated Press reports. Mars and tour promoter Live Nation will give the money to the Community Foundation of Greater Flint. "Ongoing challenges remain years later for Flint residents, and it's important that we don't forget our brothers and sisters affected by this disaster," the singer said in a statement.

QUICK HITS

- Oilfield sand miners encroaching on threatened West Texas lizard. Texas Tribune.

- Billionaire hedge-fund manager Tepper adds contrarian energy stocks. Reuters.

- Without Oil, North Korea Sanctions Won't Stop Kim. Bloomberg.

- Federal government halts drilling at North Dakota well site. AP.

- Security company denies providing illegal services during DAPL protests. Bismarck Tribune.

- California Republicans face backlash for backing climate change program. Los Angeles Times.

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Daily Environment Report

August 31, 2017 - Number 168

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Leading the News

Air Pollution
Flooded Houston Facing Threat From Air, Too, With Toxic Gas Releases
Houston residents face a less obvious threat from the air as they deal with historic flooding: The Hurricane Harvey-caused shutdown of the region's massive petrochemical industry released more than 2 million pounds of harmful pollutants into the air as of Aug. 29, according to initial reports to Texas regulators.

Chesapeake Bay
Maryland Wants to Muck Out Exelon Dam to Save Chesapeake Bay
One "big and dirty flush" from a Maryland dam could wipe out decades of efforts to clean up the Chesapeake Bay.

Special Report

Pesticides
As Dicamba Dust Settles, Scientists and Industry Spar
Arkansan soybean farmers are wrapping up a summer of harvesting bumper crops alongside the crippling devastation of their neighbors' fields. The same herbicide is causing both optimism and bitterness in the region, and discussions over its future use is dividing farmers, scientists, and industry.

News

Energy

Enbridge Pipeline Coating Damage Needs Fix, Michigan Says

Enbridge's Line 5 gas and oil pipeline needs immediate repairs after the company reported that several sections had damaged coating, Michigan state officials said.

Energy

Xcel Proposes Closing Coal-Fired Units at Colorado Power Plant

Xcel Energy Inc. is proposing an early retirement for two of its three coal-burning units at the Comanche Generation Station in Pueblo, Colo., and replacing them with new, cleaner energy sources as part of an agreement with a coalition of companies and energy, labor, and consumer groups.

Oil & Gas

Interior Delay of Oil and Gas Royalty Rule Rebuked by Court

The Trump administration failed to abide by administrative procedures when it delayed an Obama-era regulation for calculating royalties on energy resources extracted from federal lands, a federal judge ruled Aug. 30 (Becerra v. Interior, N.D. Cal., No. 3:17-cv-2376, 8/30/17).

Risk Assessment

EPA Chemical Analysis Program's Science Focus of Sept. 6 Hearing

EPA's chemical toxicity program will be at the forefront of a House Science Committee hearing Sept. 6.

Risk Assessment

EPA Rapidly Revamping Chemical Risk Reviews to Dodge Cuts

The EPA's chemical toxicity assessment program is sprinting toward innovation to avoid the administrator's chopping block.

Toxic Substances

EU Construction Companies Face New Workplace Carcinogen Standards

Infrastructure contractors, construction companies, and other industries in the European Union face new limits on workplace exposure to carcinogens after a European Parliament committee advanced new standards.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 8/11/2017 8:05:22 PM
Subject: Aug. 11 -- Daily Environment Report - Afternoon Briefing

Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

Massachusetts Moves to Curb Power Plant Carbon, Methane

Posted August 11, 2017, 11:52 A.M. ET

By Adrianne Appel

Massachusetts power generators and gas companies will be required to lower their carbon dioxide, methane, and sulfur emissions by 2020 under new rules released today.

The six new rules are designed to curb the state's contribution to climate change and require the industries to reduce their greenhouse gas emissions 25 percent from 1990 levels by 2020.

The Massachusetts Department of Environmental Protection issued the rules to bring the state into compliance with a 2008 climate change law. An environmental organization, the Conservation Law Foundation, successfully sued the state in 2016 for falling behind in meeting the emissions targets required in the law. The environmental group backs the rules, it said in a joint statement with the governor.

"These rules re-establish the Commonwealth as a national leader in developing sensible, enforceable standards to transition our economy to a low-carbon future," Conservation Law Foundation President Brad Campbell said in the statement.

Troubled Georgia Nuclear Project Is Said to Seek Aid from Trump

Posted August 11, 2017, 7:33 A.M. ET

By Ari Natter and Mark Chediak

President Donald Trump has vowed to revive America's dying nuclear industry. Backers of a troubled Georgia nuclear project want him to prove it.

They have asked the administration to come to the aid of a project to build two reactors to the Southern Co.'s Vogtle power plant, according to people familiar with the talks. That could include

increasing or speeding up disbursements of $8.3 billion in loan guarantees to the companies behind the nuclear plant, the people said. They asked not to be identified discussing ongoing negotiations.

A Georgia public service regulator was in Washington to make a case for the project, the last nuclear plant under construction in the U.S., and Southern has hosted congressional staff members at the construction site.

“We have asked anybody that would help us achieve the best commercial outcome possible,” Southern chief executive officer Tom Fanning said in an interview Aug. 2.

With Southern set to tell regulators in Georgia by the end of this month whether it plans to continue with construction plans for the plant, federal support could be crucial. Last week, Southern said it estimated its portion of the cost to complete the reactors was at least $11.5 billion, excluding $1.7 billion in guaranteed payments from Toshiba. Given Southern’s 46 percent stake in the project, that would put the total cost estimate at $25 billion.

After Energy Secretary Rick Perry turned down a request for $3 billion in aid for Scana Corp.’s nuclear plant in South Carolina, it’s not clear how much the federal government will help. Scana abandoned its V.C. Summer nuclear projects last month after it concluded the two reactors would end up costing it more than $20 billion to build.

“This thing is in our national security interest,” Fanning said. “That’s why we’ve preserved the option to go forward. That’s why government has been helpful.“

In general, the Trump administration has said it’s studying the nuclear issue.

“A complete review of U.S. nuclear energy policy will help us find new ways to revitalize this crucial energy resource,” Trump said during a visit to the Energy Department earlier this summer.

The Energy Department is close to issuing a study on how to help baseload power, which is primarily coal and nuclear power. Plants using those fuels are struggling as cheap natural gas and renewable energy has kept wholesale power prices largely flat.

The request for help could be in addition to, or part of, the $8.3 billion loan guarantee provided by the Energy Department under the Obama administration. As of June 30, Southern has borrowed $2.6 billion through the loan guarantee pact, but disbursements from that financing agreement were put on hold until it decides if construction will continue, according to a company filing.

Both the Summer and Vogtle projects hit additional delays and cost overruns after Westinghouse Electric Co., the U.S. unit of Toshiba Corp., went bankrupt in March. Westinghouse was building both plants.

Instead of giving Scana a grant, Perry suggested the company apply for a loan guarantee, according to an Energy Department official. Kevin Marsh, Scana’s CEO, told state regulators he got “no response” on the company’s grant request.

“When Scana showed up on Perry’s doorstep dragging the carcass of Westinghouse behind it, it’s understandable the administration blanched and turned away,” Peter Bradford, a former member of the Nuclear Regulatory Commission, said in an interview.

An Energy Department spokeswoman didn’t respond to a request for comment. Southern continues

to talk with the administration and Congress and has found support from Washington to be "critical to the project," spokesman Schuyler Baehman said in an emailed statement.

"On Vogtle and nukes in general the Trump administration is what the Texans call 'Big Hat and No Cattle,'" said James Lucier, an energy analyst and managing director at Capital Alpha Partners. "They don't have any ammo in the gun."

Good Game

"You hear them talking such a good game about nuclear power and base load power, but the reality is there isn't a lot they can do," he added. Beyond rejiggering or expanding the loan guarantee, direct aid for Southern would literally require an act of Congress, and getting that done is uncertain.

Tim Echols, the vice chairman of the Georgia Public Service Commission, was in Washington this week to brief lawmakers about the project. If Westinghouse comes through with the payment of $3.68 billion it has promised toward the project, it should be in good shape, he predicted.

"We are not going to throw in the towel like South Carolina," he said in an interview.

—With assistance from Jennifer A. Dlouhy, Billy House and Jim Polson.

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Week Ahead: Integrating Energy, Water Use to Be Explored at Forum

Posted August 11, 2017, 03:25 P.M. ET

By Chuck McCutcheon

A hydropower and tidal power executive will outline the importance of assessing water and energy issues in an integrated fashion at a Tuesday forum, one of several energy and environment events—including numerous webinars—the week of Aug. 14.

Trey Taylor, president of Verdant Power International Inc. of New York, will speak at the U.S. Energy Association about the company's research and development efforts at its Roosevelt Island Tidal Energy (RITE) Project in New York City's East River. USEA is a group of public and private energy-related organizations, corporations, and government agencies.

The Federal Energy Regulatory Commission (FERC) in 2012 issued a pilot commercial license for the Roosevelt Island project, in which a system of underwater turbines, similar to those used for wind power, continuously make use of tidal power to generate electricity.

A 2014 Department of Energy report said several trends underscore the need to address the water and energy in an integrated and proactive way. Those trends include climate change; increasing population growth and regional migration that each complicate managing energy and water systems; and new technologies in energy and water that shift demands in those areas.

"Because energy and water are interdependent, the availability and predictability of water resources can directly affect energy systems," then-Energy Secretary Ernest Moniz said in the report. "We cannot assume the future is like the past in terms of climate, technology, and the evolving decision landscape. These issues present important challenges to address." David Schultz will cover the

event.

In Other News

Mercury convention: A long-awaited United Nations treaty to phase out and limit mercury use becomes legally binding on Wednesday. The European Union and seven of its member countries in May ratified the Minamata Convention on Mercury, signed in 2013, taking the pact beyond a 50-country threshold for entry into force. The Minamata Convention is intended to prevent environmental contamination by highly hazardous mercury by requiring the phaseout of mercury extraction; limiting its use in products and processes; and implementing measures to reduce mercury emissions into air, soil or water. It is the first international environmental convention adopted in about a decade. Bloomberg BNA staff will monitor.

Inorganic Byproducts: The Environmental Protection Agency will hold its second meeting on Wednesday and Thursday to negotiate strategies to ease the chemical reporting burden faced by electronic equipment, metal, petroleum, power plant, and other companies when they produce inorganic chemicals—mostly metals—as byproducts of their regular manufacturing. A committee of EPA, company, state and environmental organization officials will discuss simplifying reporting requirements, expanding reporting exemptions, improving data collected and other strategies. Pat Rizzuto will cover.

Gasoline additives: EPA science advisers will meet Tuesday through Thursday to evaluate agency risk reviews for two gasoline additives. Sylvia Carignan will track.

Pipeline project: Minnesota's Commerce Department is scheduled Thursday to release its final environmental impact statement regarding a fuel pipeline replacement project proposed by Enbridge Inc. The project is expected to ship light, medium and crude oil from northern Canada to Wisconsin, transiting through Minnesota. Stephen Joyce will follow.

Webinars Offered

Lead rule: EPA's Office of Water on Thursday will host its final webinar series on its rule regarding lead in drinking water. The agency is updating its set of lead standards, known as the Lead and Copper Rule, with a goal of releasing a draft version of the update later this year.

Water emergency preparedness: The Water Research Foundation will hold a Thursday webinar discussing the findings of its recent report on preparedness and response practices. Participants will learn about practices in other sectors that could be used in the water sector.

Climate and agriculture: Agriculture is responsible for one-third of global greenhouse gas emissions. The Environmental Defense Fund's Jenny Ahlen will lead a Wednesday webinar on best practices for agriculture in reducing greenhouse gas emissions. The Food and Agriculture Organization of the United Nations will hold a separate Thursday webinar on how climate information services—the packaging and dissemination of climate information to specific users—can help with planning for climate adaptation in agriculture.

Renewable fuels: The Renewable Fuels Foundation and Pinnacle Engineering Inc. will hold the first in a series of webinars on Wednesday to educate the renewable fuels industry about oil release planning, prevention, and impact mitigation.

Wildlife-Killing Cyanide 'Bombs' Ban Sought by Environmentalists

Posted August 11, 2017, 03:54 P.M. ET

By Tiffany Stecker

A coalition of environmental groups wants the EPA to ban chemicals that kill coyotes, wolves and other predators in farming and ranching communities, as part of a growing effort to ban devices that accidentally kill hundreds of wild and domestic animals annually.

Eighteen groups have filed a petition to cancel the registrations of sodium cyanide capsules, following up on a similar petition in January to stop allowing the use of sodium fluoroacetate, known as Compound 1080. The Environmental Protection Agency approval allows the Agriculture Department's Wildlife Services office to use the chemicals in M-44 ejector devices, traps that detonate when an animal or person touches it.

More than 300 animals were accidentally killed by the devices last year, according to Wildlife Services. In March, a teenage boy walking his dog set off a device, spewing cyanide dust on him and killing his dog. In the same month, two dogs near Casper, Wyo., died from the traps.

The petition to the EPA is part of a multi-pronged approach across several agencies and Congress to end the use of the devices, Collette Adkins, an attorney with the Center for Biological Diversity, told Bloomberg BNA. The center and three other groups sued the Fish and Wildlife Service in April for failing to protect species listed under the Endangered Species Act from the devices. Rep. Peter DeFazio (D-Ore.) also introduced in March a bill (H.R. 1817) to ban the cyanide "bombs."

"All of this is coming from this groundswell of public outrage over these devices," Adkins said.

Registering Since 1970s

The EPA started registering cyanide capsules in the 1970s for the Agriculture Department and state agriculture offices. At least two facilities in Brighton, Colo., and Pocatello, Idaho, manufacture the ejector devices for USDA's use.

USDA's Wildlife Services said June 15 it would review the standards proper use of the M-44 ejector devices, and requiring that program staff place signs within 15 feet of each device, rather than the 25 feet established by the EPA.

Wildlife Services spokesman Andre Bell told Bloomberg BNA in a statement that the agency understands the concern regarding the use of the devices, and works to ensure the safe and responsible use of M-44s.

"Wildlife Services has a long track record of safe and effective use of M-44s. Reviews by the [EPA] and USDA Office of the Inspector General affirm that [Wildlife Services] uses these devices, along with other predator management tools, safely and responsibly," he said.

EPA will review the petition, an agency spokeswoman said.

London Solar Auctions Aim to Make City Greenest on Earth

Posted August 11, 2017, 01:42 P.M. ET

By Jessica Shankleman

London Mayor Sadiq Khan said he wanted to try city-wide auctions as part of an environment strategy proposed to more than double the capital's solar energy generation capacity by 2030.

The reverse auctions would be similar to the Solarize NYC model already used in New York, where multiple buyers pool together and panel sellers compete for one single contract, according to a draft solar action plan.

The plan includes a new interactive map of the city to show potential hotspots for sun power as well as a change in planning guidance to favor photovoltaics on new developments. It also envisions a grant program for community solar and pilot programs to test how batteries can be delivered alongside photovoltaics. Those steps could help double London's capacity for the technology to about 200 megawatts over the next 13 years, the mayor's office said in the strategy document.

"I've set out my plans to improve London's environment by fighting pollution, tackling waste and promoting cleaner energy so we can make London a healthier city that adapts to the impacts of climate change," Khan said in a statement.

The mayor's forecast "seems pretty trivial to achieve and may well happen anyway as a result of businesses and homeowners installing solar panels to save on electricity bills," said Jenny Chase, head of solar analysis at Bloomberg New Energy Finance. Similar reverse auctions in the Netherlands have successfully brought down costs, she said.

Khan also urged the national government to develop a solar strategy applying to the whole country, saying the step could help increase capacity to 2 gigawatts by 2050. A gigawatt is about as much as a new nuclear reactor produces.

The solar proposals were announced as part of an Environment Strategy Consultation, which includes a new 9 million-pound ($11.66 million) Greener City Fund to boost tree planting and green infrastructure. The mayor's office said the changes could make London "one of the greenest cities on Earth."

Khan said he wanted London to become the first "National Park City" in 2019, which would protect and increase the amount of green space in the capital. Those include using planning regulations to protect undeveloped land and encouraging the installation of so-called "green roofs" that are covered with plants.

The plan could help reduce London's air pollution, which is some of the worst in Europe and causes almost 10,000 premature deaths a year, according to research by the Environmental Research Group at King's College London.

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Threat of Venezuelan Oil Ban Pits Oil Boss Against Refiners

Posted August 11, 2017, 02:40 P.M. ET

By Jennifer A. Dlouhy, Bill Allison and Meenal Vamburkar

The prospect of a U.S. blockade of crude oil imports from Venezuela has ignited fierce lobbying in Washington pitting domestic energy producers such as oil tycoon Harold Hamm, who favor a get-

tough approach, against refiners that depend on those supplies.

Hamm said hitting Venezuelan President Nicolas Maduro where it counts would deter the socialist leader's moves to undermine democracy and consolidate power. In an interview, the Continental Resources, Inc. chief executive officer urged President Donald Trump to block the oil, a vital source of revenue for Venezuela.

"If the president wants to make an immediate impact on Venezuela to stop these human rights abuses and restore the situation, he's got the ability to," said Hamm, speaking as head of the Domestic Energy Producers Alliance, whose members include producers, oilfield service companies, and independent oil and gas associations.

Opposing the ban are refiners such as Chevron Corp., Phillips 66, and Valero Energy Corp., which have warned that choking off shipments of Venezuelan crude would starve refineries designed to process the country's heavy oil, leaving them searching for alternative supplies and driving up gasoline prices.

The stakes are high for both countries. Venezuela is the third-biggest supplier of oil imports to the U.S.—more than 270 million barrels worth about $10 billion last year—and that trade is a major source of revenue for the South American country.

Hamm was a vocal supporter of Trump's presidential bid, eventually agreeing to advise him on energy policy. Trump, in turn, repeatedly lavished praise on Hamm, during campaign stops in front of industry-heavy audiences in North Dakota and Pennsylvania.

When it is unified, the oil industry is a lobbying powerhouse in Washington, leaning on allies in the top ranks of the Trump administration as well as on Capitol Hill to advance its policy priorities. Oil and gas interests rank fourth among industry lobbying, with $64 million spent through the first six months of 2017, according to the not-for-profit Center for Responsive Politics, which analyzes lobbying and campaign finance data.

U.S. Pressures Maduro

Refiners have been pressing their case with the Trump administration since June, as the White House considers ways to pressure Maduro and discourage a rewrite of Venezuela's constitution. On Aug. 9, the Trump administration froze the assets of eight Venezuelans, building on previous sanctions against 13 people associated with the Maduro regime.

White House officials have prepared a menu of possible additional sanctions against Venezuela but are divided over whether—and when—to take actions that could exacerbate the country's deteriorating humanitarian and economic situation. The progressive approach envisioned by administration officials includes blocking exports of U.S. oil to Venezuela followed by limits on oilfield service firms doing business in the country and, finally, restricting imports of Venezuelan crude to the U.S. Those restrictions could be phased in gradually.

The prospect has inspired frantic appeals by companies that spent billions optimizing at least 20 different refineries to process heavy crude from the country. The leading refining trade group, the American Fuel and Petrochemical Manufacturers, sent two letters to Trump last month warning that a blockade would destabilize crude markets, causing an increase in oil prices as refiners scramble to replace Venezuelan supplies with ill-fitting, higher-cost substitutes and leading to bigger gasoline bills for consumers.

Sanctions may not even work as intended, as Venezuela finds other outlets for its crude beyond the U.S., said AFPM President Chet Thompson.

"We think that the United States could take this action, and it won't have the desired effect, but it will have the unintended consequences of hurting consumers and refiners," Thompson said in an interview. "This is more than just a passing concern."

"Folks have spent many billions of dollars over the last several years to really optimize around Venezuelan crude, so any disruption of it could be a really big deal," Thompson said.

Refiners Fear Ban

Besides Venezuelan-owned Citgo Petroleum Corp., the refiners most dependent on Venezuelan crude are Valero, Phillips 66, Chevron and PBF Energy Inc. They are also the most active in lobbying against a crude import ban, according to accounts by four people familiar with the activity.

Last year, Valero took in roughly 54 million barrels from Venezuela while Phillips 66 and Chevron imported 46 million barrels and 33 million barrels, respectively. And while companies are already working to pare their dependence on Venezuelan crude, that is a heavier lift at some refineries. For instance, Venezuelan oil accounted for 43 percent of Chevron's Pascagoula refinery's capacity last month, according to U.S. Customs data compiled by Bloomberg. It represented 62 percent at Valero's St. Charles facility.

Refiners have made direct appeals to administration officials and are courting Gulf Coast lawmakers, asking them to amplify their concerns with the White House. Those efforts paid off Aug. 10 when the U.S. senators from Texas and Louisiana sent a letter to Trump arguing crude sanctions would be self defeating.

Sanctions targeting the oil sector would increase the likelihood of a disorderly default, hastening Russian consolidation of Venezuelan and Citgo oil assets, while diverting Venezuelan crude to China, harming the global competitiveness of U.S. businesses and raising costs for consumers, they said.

Asked about Chevron's lobbying on the issue, a spokesman said the company "engages with the administration and Congress to provide our perspectives on complex energy issues to help shape an effective and responsible U.S. energy policy."

Phillips 66 declined to comment. Representatives of PBF and Valero didn't respond to requests for comment.

Oilfield service providers also have been discouraging the Trump administration from imposing sanctions that limit their business in the country, including contracts with the state-owned oil company Petroleos de Venezuela SA, or PDVSA. That option had been presented by some refiners as an alternative to throttling down Venezuelan crude imports.

Ban Won't Further Democracy

Excluding U.S. companies from working in Venezuela doesn't help further democracy there, the oilfield service firms argue; instead, it blocks their ability to recoup debt and gives competitors a chance to gain a foothold in the market.

The world's four biggest oil service providers—Schlumberger Ltd.; GE's Baker Hughes; Halliburton Co., and Weatherford International Plc—have kept a presence in Venezuela in order to work for some large, integrated oil companies, James West, an analyst at Evercore-ISI, said in an email. None of the companies give specifics for how many wells they are drilling or the size of their crews there.

Hamm is advocating that the Trump administration also cut off Venezuela's access to light sweet, U.S. oil—like the kind flowing from Texas and North Dakota, where his Continental Resources is pulling crude from the Bakken formation. Venezuela blends U.S. light oil with its heavy crude before shipping the mixture to foreign refiners.

Hamm said his recommendation has been conveyed to the White House, though he did not elaborate on how.

Sector-Based Sanctions a Concern

Oil companies are still reeling from their last lobbying fight—a battle to weaken possible sanctions in legislation targeting Russia. The industry scored a partial win, when lawmakers agreed to set a threshold for Russian involvement high enough to remove the threat to some U.S. oil company projects around the world.

The threat of more sector-based regional sanctions is a disturbing trend, lobbyists said.

Citgo has made overtures to the Trump administration. It contributed $500,000 in December to the incoming president's inaugural committee, according to Federal Election Commission records. The company didn't contribute to inaugurations in 2005, 2009 or 2013.

Citgo has hired three lobbying shops, including Avenue Strategiescq, the firm co-founded by former Trump campaign manager Corey Lewandowski, paying it $80,000 from April to June. Lewandowski, who was not a registered lobbyist for Citgo, left Avenue Strategies in May. Two other veterans of the Trump campaign, senior adviser Barry Bennett and Arkansas state chairman Bud Cummins, represent the company.

They list the potential impact of "energy and foreign policy restrictions" on its client as a specific issue, and are lobbying the Treasury Department and the White House. Neither Bennett nor Cummins returned phone calls seeking comment.

—With assistance from David Wethe.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
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Sent: Thur 9/14/2017 9:16:10 PM
Subject: Today on Climate Beat

September 14, 2017

Today on Climate Beat . . .

. . . we took shelter, noting that President Donald Trump told reporters that the catastrophic flooding and other damage in Houston and other parts of the Southeast from two major hurricanes over the past month hasn't changed his views about climate change.

In Congress, Senate Democrats are pressing EPA officials to explain their efforts to reorganize the agency and implement staff buyouts, including whether they conducted "any analysis" of how ongoing staff reductions would affect agency activities and public health before implementing the staff cuts.

Staying in the Senate, two Democrats are blocking the Senate from voting on the nomination of Susan Bodine, the Trump administration's nominee to lead EPA's enforcement office, because of concerns over the special counsel role she is serving at the agency prior to her confirmation.

And speaking of nominees, our daily news roundup noted that the Senate environment committee is poised to hold nomination hearings to consider Trump administration picks to lead the air, water, toxics and general counsel's offices.

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EHS Federal Regulatory Alert

August 23, 2017 - Number 162

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Light-Duty Vehicle Greenhouse Gas Emission Standards
AIR

Notice of the EPA announces a hearing on the reconsideration of the EPA's final determination that the light-duty vehicle greenhouse gas emission standards for model years (MYs) 2022-2025 are appropriate and should not be amended, announced in a March 22, 2017, notice (82 FR 14671). The EPA is required to conduct a midterm evaluation and determine by April 1, 2018, whether the MY 2022-2025 standards are appropriate under an Oct. 15, 2012, final rule (77 FR 62623). An Aug. 21, 2017, notice (82 FR 39551) requested comments, data, and information relevant to the reconsideration. Comments were requested on whether standards established for MY 2021 remain appropriate, on the use of alternative methodologies and modeling systems, and on harmonization of the greenhouse gas and the Corporate Average Fuel Economy standards programs. The hearing is scheduled for Sept. 6, 2017, in Washington, D.C. Contact: Christopher Lieske; EPA, Office of Transportation and Air Quality; 734-214-4584; lieske.christopher@epa.gov. Citations: 40 CFR 86; 49 CFR 523, 531, 533, 536, 537

82 FR 39976 (08/23/2017)

Regulatory Update

AIR
Voluntary Criteria for Radon Credentialing Organizations
AIR

Notice announces the intention of the EPA to establish voluntary criteria specifying a standard of competence for organizations that credential radon service providers under the Indoor Radon Abatement Act. The EPA intends to establish an ongoing and open evaluation process of the National Radon Proficiency Program, the National Radon Safety Board, and state-run certification programs. The EPA also intends to require the organizations to meet the specified standards of the International Organization of Standardization and the International Electrotechnical Commission, and to incorporate device requirements. The EPA seeks comments regarding three

separate scenarios, including the agency's development of a basic framework for credentialing organizations, the agency's support for the development of the initial certification scheme, and the agency's support for the development and maintenance of a certification scheme. Comments are due Oct. 23, 2017. Contact: Katrin Kral; EPA, Indoor Environments Division; 202-343-9454; kral.katrin@epa.gov

82 FR 39993 (08/23/2017)

Regulatory Update

FOOD SAFETY

Evaluating the Safety of Veterinary Drug Residues in Human Food

FOOD SAFETY

Notice of the FDA announces the availability of final guidance for industry (#232) on a general approach to establish an acute reference dose in studies to evaluate the safety of residues of veterinary drugs in human food (VICH GL54). The guidance was developed for veterinary use by the International Cooperation on Harmonization of Technical Requirements for Registration of Veterinary Medicinal Products (VICH). The guidance addresses the nature and types of data that can be useful in determining an acute reference dose for residues of veterinary drugs, the studies that may generate such data, and how the acute reference dose may be calculated based on such data. Comments may be submitted at any time. Contact: Tong Zhou; FDA, Center for Veterinary Medicine; 240-402-0826; Tong.Zhou@fda.hhs.gov

82 FR 40010 (08/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Advancing the Development of Pediatric Therapeutics Workshop

GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA, Office of Pediatric Therapeutics, announces a workshop on the application of "big data" to pediatric safety studies. The workshop will address national and international uses of "big data" in health care and the utility of "big data" in the pediatric setting, including specific challenges associated with pediatric data. The workshop is scheduled for Sept. 18-19, 2017, in Silver Spring, Md., and via webcast. Contact: Renan Bonnel; FDA, Office of Pediatric Therapeutics; 301-796-8654; renan.bonnel@fda.hhs.gov

82 FR 40005 (08/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

California/Northern Spotted Owl and California Spotted Owl Incidental Take Permit

GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the U.S. Fish and Wildlife Service to prepare an environmental impact statement concerning a habitat conservation plan and proposed incidental take permit requested by Sierra Pacific Industries, of Anderson, Calif. The permit would provide for incidental take of the threatened Northern spotted owl and the California spotted owl, the later of which was

recently petitioned for listing under the Endangered Species Act. Covered activities would include timber harvest and management activities on 1.6 million acres in the Cascade, Klamath, and Sierra Nevada mountains in northern California. Meetings are scheduled for Sept. 13 and 14, 2017, in Redding and Sacramento, respectively, and Sept. 14, 2017, via webinar. Comments are due Sept. 22, 2017. Contact: Kim Turner; USFWS; 916-414-6606; Kim_S_Turner@fws.gov

82 FR 40015 (08/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Drug Supply Chain Security Act/Trading Partners
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the withdrawal of an Aug. 21, 2017, notice (82 FR 39589) regarding the availability of a draft guidance for industry and state and local governments on categorization of entities in the drug supply chain as trading partners under the Drug Supply Chain Security Act. The guidance was published in error and is being removed. Contact: Melissa Mannion; FDA, Center for Drug Evaluation and Research; 301-796-3130; drugtrackandtrace@fda.hhs.gov

82 FR 40011 (08/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
FDA Approved Information Collection Requests
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces OMB approval of 10 information collection requests. The collections address medical device premarket notifications, recordkeeping requirements for institutional review boards, and patent term restoration standards on due diligence petitions for regulatory review period revision. The collections also address the Adverse Event Program for Medical Devices; eligibility determinations for donors of human cells, tissues, and cellular and tissue-based products; and citizen petitions and petitions for stay of agency action subject to Section 505(q) of the Food, Drug, and Cosmetic Act. In addition, the collections address a guidance for industry concerning the use of seriological tests to reduce the risk of transmission of Trypanosoma cruzi infection in whole blood and blood components for transfusion and a guidance for industry on providing information about pediatric uses of medical devices. Finally, the collections address the certification of identity for Freedom of Information Act and Privacy Act requests and the nominations process for FDA advisory committees. Contact: Ila Mizrachi; FDA, Office of Operations; 301-796-7726; PRAStaff@fda.hhs.gov. Citations: 21 CFR 14; 56.115; 60.40; 807, Subpart E; 1271

82 FR 40009 (08/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Medical Devices and Radiological Products/Health Risk Allegations
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the submission of a continuing information collection request to the OMB regarding allegations of actual or potential health risk concerns about a medical device or radiological product or its use. The collection addresses the process for voluntary electronic submission of such allegations to the Center for Devices and Radiological Health. Comments are due Sept. 22, 2017. Contact: Amber Sanford; FDA, Office of Operations; 301-796-8867; PRAStaff@fda.hhs.gov

82 FR 40006 (08/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
North Dakota/Center Mine Coal Lease-by-Application
GENERAL ENVIRONMENT AND SAFETY

Notice of the Bureau of Land Management announces the availability of and a hearing on an environmental assessment for BNI Coal Ltd., of Bismark, N.D., for a proposed lease-by-application of a 160-acre tract of federal coal at the Center Mine in Oliver County, N.D. The lease tract contains 2.43 million tons of in-place coal resources, and the applicant intends to mine approximately 1.69 million tons due to adverse geologic conditions. The agency seeks feedback on the EA, fair market value, and maximum economic recovery of the coal resources located in the proposed tract. The hearing is scheduled for Sept. 12, 2017, in Center, N.D. Comments are due Oct. 12, 2017. Contact: Irma Nansel; BLM, North Dakota Field Office; 406-233-3653; BLM_MT_North_Dakota_BNI_LBA@blm.gov

82 FR 40018 (08/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oncology Drugs for Companion Animals
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the availability of a final guidance for industry (#237) regarding oncology drugs for use in companion animals. The guidance provides recommendations for sponsors of investigational oncology drugs for use in companion animals and specifies the contents of a new animal drug application (NADA) for certain oncology drugs, including the target animal safety, effectiveness, and labeling technical sections of an NADA for oncology drugs administered as single agents. The guidance also includes recommendations on how to address human user safety concerns. Comments may be submitted at any time. Contact: Christopher Loss; FDA, Center for Veterinary Medicine; 240-402-0619; christopher.loss@fda.hhs.gov

82 FR 40008 (08/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Over-the-Counter Drugs/Safety and Effectiveness
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the submission of a revised information collection request to the OMB regarding the evaluation of over-the-counter (OTC) drugs introduced into the U.S. market after OTC drug review began and OTC drug products without any marketing experience in the U.S. under the monograph process. The collection addresses the time and extent application for demonstrating that OTC drug conditions are eligible for inclusion in the monograph system. The collection also addresses safety and effectiveness data submission requirements, sponsor completeness statements, and sponsor withdrawal requests. The revisions incorporate new requirements from a Nov. 23, 2016, final rule (81 FR 84465) regarding content and format of data submissions and informal conference requests. Comments are due Sept. 22, 2017. Contact: Domini Bean; FDA, Office of Operations; 301-796-5733; PRAStaff@fda.hhs.gov. Citations: 21 CFR 330.14

82 FR 40006 (08/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Peripheral and Central Nervous System Drugs Advisory Committee Meeting
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a meeting of the Peripheral and Central Nervous System Drugs Advisory Committee. The agenda includes discussion of new drug application (NDA 200896) submitted by PTC Therapeutics Inc., of South Plainfield, N.J., for ataluren for oral suspension. The product is indicated for the treatment of patients with dystrophinopathy due to a nonsense mutation in the dystrophin gene. The meeting is scheduled for Sept. 28, 2017, in Silver Spring, Md. Comments are due Sept. 27, 2017. Contact: Moon Hee Choi; FDA, Center for Drug Evaluation and Research; 301-796-9001; PCNS@fda.hhs.gov

82 FR 40003 (08/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Texas/South Texas Expansion Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the schedule of environmental review for the proposed Pomelo Connector Pipeline and South Texas Expansion Project, which involves the construction and operation of facilities in Brazoria, Chambers, Matagorda, Nueces, and Orange counties in Texas. The project, proposed by Pomelo Connector LLC, of Pomelo, Texas, and Texas Eastern Transmission LP, of Houston, includes the modification and operation of pipeline and compression facilities to provide up to 400,000 dekatherms per day of firm transportation service from an interconnection with Texas Eastern at the proposed Pomelo Petronila Compressor Station to an intrastate header system. The issuance of the environmental assessment is scheduled for Sept. 18, 2017, and the 90-day federal authorization decision is due Dec. 17, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOnlinesupport@ferc.gov

82 FR 39992 (08/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Wyoming/Billy Creek Storage Field Abandonment Project
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of FERC to prepare an environmental assessment for the Billy Creek Storage Field Abandonment Project, in Johnson County, Wyo. The project, proposed by WBI Energy Transmission Inc., of Bismarck, N.D., involves withdrawing an estimated 2.4 billion cubic feet of cushion gas from the Billy Creek Storage Field and then abandoning the storage field and related facilities either in-place or by removal. Comments are due Sept. 18, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FercOnlineSupport@ferc.gov

82 FR 39989 (08/23/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Unified Carrier Registration Plan Board of Directors Meeting
HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Federal Motor Carrier Safety Administration announces a meeting of the Unified Carrier Registration Plan Board of Directors to continue the development and implementation of the unified carrier registration plan and agreement. The meeting is scheduled for Aug. 24, 2017, in Dana Point, Calif., and via teleconference. Contact: Avelino Gutierrez; FMCSA, Unified Carrier Registration Board of Directors; 505-827-4565

82 FR 40058 (08/23/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
New York/Port Refinery Superfund Site
HAZARDOUS WASTE CLEANUP

Notice of the Justice Department announces a proposed consent decree in United States v. Monroe Iron & Metal Co. (Civil Action No. 17-6217), lodged on Aug. 16, 2017, with the District Court of the Southern District of New York. The consent decree resolves claims under CERCLA for the recovery of response costs incurred at the Port Refinery Superfund Site in Rye Brook, N.Y. The consent decree requires the defendants to pay $151,503 in reimbursement of past response costs at the site. Comments are due Sept. 23, 2017. Contact: DOJ, Environment and Natural Resources Division; 202-514-2701

82 FR 40020 (08/23/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Chronic Beryllium Disease Prevention Program
OCCUPATIONAL SAFETY AND HEALTH

Notice of the Energy Department announces the submission of a continuing information collection request to the OMB regarding the Chronic Beryllium Disease Prevention Program. The

collection allows the department to reduce the number of workers currently exposed to beryllium in the course of their work at DOE facilities, to minimize the levels and potential exposure, to provide relevant information to employees, to facilitate medical surveillance, and to conduct oversight. Comments are due Sept. 22, 2017. Contact: Bill McArthur; DOE, Office of Health, Safety, and Security; 301-903-9674; bill.mcarthur@hq.doe.gov. Citations: 10 CFR 850

82 FR 39986 (08/23/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
National Occupational Research Agenda/Manufacturing Sector
OCCUPATIONAL SAFETY AND HEALTH

Notice of the National Institute for Occupational Safety and Health announces the availability of the draft National Occupational Research Agenda for manufacturing. The agenda identifies the most important occupational safety and health research, information, and required actions needed to prevent occupational injuries and illness in the manufacturing sector from 2016 to 2026 and provides a national strategic plan for government, higher education, and industry research and development entities. Comments are due Oct. 23, 2017. Contact: Emily Novicki; NIOSH; 404-498-2581; NORACoordinator@cdc.gov

82 FR 40003 (08/23/2017)

Regulatory Update

PESTICIDES
Pesticide Data Call-in Program
PESTICIDES

Notice announces the intention of the EPA to seek OMB approval for a continuing information collection request regarding the pesticide data call-in program. The collection addresses activities associated with the issuance of data-call-ins under FIFRA Section 3(c)(2)(B) to pesticide registrants identified by the "pesticide and other agricultural chemical manufacturing" code 325320 of the North American Industrial Classification System. Comments are due Oct. 23, 2017. Contact: Cameo Smoot; EPA, Office of Pesticide Programs; 703-305-5454; smoot.cameo@epa.gov

82 FR 39997 (08/23/2017)

Regulatory Update

RADIATION
List of Quantities of Licensed Materials Requiring Labeling/Rulemaking Petition
RADIATION

Notice of the NRC announces the receipt of a petition for rulemaking (PRM-30-66) requesting revisions to add radionuclides and their corresponding activities to the list of quantities of licensed materials requiring labeling. The petitioner, Matthew McKinley on behalf of the Organization of Agreement States, maintains that the list is outdated and does not include conforming updates from the 2005 amendment to the Energy Policy Act that included discrete

naturally occurring and accelerator-produced radioactive materials in the definition of byproduct material. Comments are due Nov. 6, 2017. Contact: Robert MacDougall; NRC, Office of Nuclear Material Safety and Safeguards; 301-415-5175; Robert.MacDougall@nrc.gov. Citations: 10 CFR 30, Appendix B

82 FR 39971 (08/23/2017)

Regulatory Update

TOXIC SUBSTANCES
New York/TSCA Consent Decree
TOXIC SUBSTANCES

Notice of the Justice Department announces a proposed consent decree in United States v. Accolade Construction Group Inc. (Civil Action No. 15 Civ. 5855, JCF), lodged Aug. 17, 2017, in the U.S. District Court for the Southern District of New York. The consent decree resolves claims under TSCA for alleged violations of the lead renovation, repair, and painting regulations under 40 CFR 475, Subpart E, resulting from renovation work in 2013 and 2014 at six residential buildings in New York City. The consent decree requires the settling parties to pay $58,000 in disgorgement, representing profits gained as a result of the alleged conduct. The consent decree also requires the settling parties to propose a compliance plan prior to doing any renovation work, to provide the EPA notice of each proposed renovation project before starting work, to comply with the applicable regulations, and to maintain necessary records. Comments are due Sept. 22, 2017. Contact: DOJ, Environment and Natural Resources Division; 202-514-2701

82 FR 40021 (08/23/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Thur 9/28/2017 11:15:11 PM
Subject: BREAKING NEWS: Price took military jets to Europe, Asia for over $500K

The White House approved the use of military aircraft for multi-national trips by Health and Human Services Secretary Tom Price to Africa and Europe this spring, and to Asia in the summer, at a cost of more than $500,000 to taxpayers.

The overseas trips bring the total cost to taxpayers of Price's travels to more than $1 million since May, according to a POLITICO review.

Price pledged on Thursday to reimburse the government for the cost of his own seat on his domestic trips using private aircraft - reportedly around $52,000 -- but that would not include the cost of the military flights.

Price's wife, Betty, accompanied him on the military flights, while other members of the secretary's delegation flew commercially to Europe.

Full story: http://www.politico.com/story/2017/09/28/tom-price-military-jets-europe-asia-hhs-243276

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Mon 12/4/2017 5:53:08 PM
Subject: BREAKING NEWS: Trump called Roy Moore to endorse him, White House says

President Donald Trump on Monday called and endorsed Alabama candidate Roy Moore, the Republican Senate hopeful who is facing accusations of sexual misconduct, the White House said.

"The President had a positive call with Judge Roy Moore during which they discussed the state of the Alabama Senate race and the President endorsed Judge Moore's campaign," principal deputy press secretary Raj Shah said in a statement.

Moore has been accused by multiple women of seeking inappropriate relationships with them decades ago when they were teenagers and he was in his 30s. One woman said he assaulted her when she was 14 years old. Moore has denied engaging in any misconduct.

Read more here: http://politi.co/2AtxiPS

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Wed 8/2/2017 2:06:43 PM
Subject: POLITICO's Morning Score: Obama alumni pour into House races — Brownback ambassadorship upends Kansas governor's race — Kelly out in Pennsylvania Senate race

By Daniel Strauss | 08/02/2017 10:00 AM EDT

With Zach Montellaro, Elena Schneider and Kevin Robillard

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

ALUMNI NETWORK - "Obama alumni dive into battle for the House," by Campaign Pro's Elena Schneider: "About a dozen Obama administration alumni have found a new calling in the early days of the Trump era: running for Congress. Shaken by President Donald Trump's surprising victory last November and motivated by his actions to undo parts of former President Barack Obama's legacy, former White House and agency staffers have moved home and jumped into crowded suburban House primaries, leaning on advice, endorsements and donations from former bosses and colleagues in Obama's campaigns and two terms in the White House." **Full story.**

THE AMBASSADOR - "Brownback appointment could upend Kobach's gubernatorial run," by Campaign Pro's Daniel Strauss: "President Donald Trump's decision to nominate Kansas Gov. Sam Brownback for an ambassadorship has triggered a domino effect in the race to replace Brownback, one that could set back the ambitions of one of Trump's key allies on immigration ... Kobach's campaign has not put out a definitive statement about whether he intends to stay in the race, though it did send out an email Monday asking supporters to volunteer for the campaign. The White House is also staying mum on the possibility of Kobach becoming DHS secretary. "I'm not aware of any movements for him, but as always, when we have a personnel announcement, I'll be happy to share it with you," White House press secretary Sarah Huckabee Sanders said Tuesday ... Kobach's gubernatorial prospects hinge on whether he can expand his pool of support beyond his established conservative base. He may be the best-known (and most infamous) secretary of state in the country, known for speaking about voter fraud and, more recently, for serving as the vice-chair of Trump's voter integrity commission." **Full story.**

FIRST IN SCORE - Planned Parenthood of Virginia to endorse Ralph Northam. Per Planned Parenthood Federation of America: "On Thursday, Planned Parenthood Advocates of Virginia will endorse Dr. Ralph Northam for governor of Virginia and Planned Parenthood Virginia PAC will be announcing it's $3M campaign that reach hundreds of thousands of voters at their doors, online, on the phones, and through the mail."

NOT RUNNING - "Rep. Mike Kelly nixes run for Senate," by the Sharon Herald's T.L. Miller: "U.S. Rep. Mike Kelly has decided not to challenge U.S. Sen. Bob Casey in 2018. Kelly,

of Butler, R-3rd District, issued a press release Tuesday announcing his plans to seek a fifth term in the House of Representatives, but he 'will not be pursuing a run for the Senate next year.'" **Full story.**

Days until the 2017 election: 97.

Days until the 2018 election: 461.

Thanks for joining us. You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4and @maggieseverns.

DAILY ROLL TIDE - "Brooks ad calls Strange the real 'never Trumper,'" by Campaign Pro's Daniel Strauss: "Rep. Mo Brooks accuses Sen. Luther Strange of being the real "never Trumper" in a new campaign ad released today, two weeks before Alabama's special Senate primaries. In the ad, Brooks claims that he did support President Donald Trump during the 2016 presidential campaign and donated to support Trump's campaign ... Strange, throughout the Republican primary for Attorney General Jeff Sessions' former Senate seat, has made a point of closely tying himself to Trump. He's also enjoyed the support of super PACs allied with Senate Majority Leader Mitch McConnell. The ad is set to air statewide on cable and regular broadcast TV. Watch the new ad here ." **Full story**.

HEALTH CARE HAVOC - Democrats try to keep focus on issue as GOP pivots to taxes: Health care is the top issue for 2018 midterm voters in public polling, and Democrats plan to do their best to keep it that way. The DSCC plans to send out press releases today noting every GOP candidate in Pennsylvania, Michigan, Montana, Indiana, West Virginia, Ohio, Missouri and Wisconsin either voted for or is on record supporting the GOP plan to repeal and replace Obamacare. "Every potential GOP candidate backs a toxic health care agenda that will spike premiums by 20 percent, impose an age tax on older Americans and strip away coverage for pre-existing conditions - all to give more tax breaks to big insurance companies and the wealthiest few," DSCC spokesman David Bergstein wrote. "As this race develops we're sure to hear exactly what these Republicans don't like about each other - but they all agree on an expensive, unpopular health care agenda that will force working families to pay more for less care."

- PPP survey finds Heller and GOP health care plan deeply unpopular in Nevada: A new survey from Democratic firm Public Policy Polling, paid for by Save My Care, finds GOP Sen. Dean Heller's approval rating at 22 percent, with 55 percent disapproval and 23 percent unsure. The GOP health care bill's approval rating is 35 percent, with 54 percent disapproval. **Full poll here.** (Reminder: A recent poll for Democratic Rep. Dina Titus showed Heller at 47 percent approval and running close in a matchup with her.)

CANDIDATE WATCH - Millionaire Democrat jumps into CA-39: Another Democrat has jumped into GOP Rep. Ed Royce's district, a new battleground after swinging to Hillary Clinton

in the 2016 election. Andy Thorburn, whose campaign announcement touted him as a businessman, nonprofit founder and former classroom teacher, loaned his campaign $2 million for his launch. Democrats Sam Jammal, a former Obama administration official, Mai-Khanh Tran, a physician, Phil Janowicz, a businessman, and Gil Cisneros, a veteran and lottery winner, are already in the race.

- Curbelo draws first major challenger in FL-26: Democrat Debbie Mucarsel-Powell, "who ran a stronger-than-expected state Senate campaign in 2016, will run for Congress. She plans to hold a news conference announcing her candidacy Wednesday," the Miami Herald reported. " ... She claimed Curbelo 'has voted more than 86 percent of the time with Trump,' but also insisted: 'I don't want to focus my entire energy on what's happening with the president.' The bilingual Mucarsel-Powell, 46, was born in Ecuador, where she lived until she was 14. ... Last month, Mucarsel-Powell discussed her likely candidacy in private Washington meetings with Emily's List, which promotes progressive women candidates; the Democratic Congressional Campaign Committee, and Democratic members of Congress, including Florida Reps. Ted Deutch, Lois Frankel and Stephanie Murphy." **Full story.**

- IN THE SENATE - "Republican Indiana lawmaker launching bid for Senate," via the Associated Press: "Indiana state Rep. Mike Braun plans to join the increasingly crowded Republican primary for U.S. Senate. The Jasper lawmaker said Tuesday that he intends to 'move forward' with a bid, which he will formally announce soon. Braun was elected to the Legislature in 2014 and also owns an auto parts distribution company. He says his business background and experience grappling with federal regulations make him an ideal candidate. U.S. Rep. Luke Messer is already running. Fellow Republican U.S. Rep. Todd Rokita is also preparing a bid and hiring campaign staff." Full story.

- IN THE STATES - "Donna Lynne: I'm (mostly) in for governor's race," by the Denver Post's Mark K. Matthews: "Lt. Gov. Donna Lynne took a big step this week toward running for governor, telling The Denver Post that she would file the necessary paperwork Tuesday to campaign and raise money even though she still hasn't committed 100 percent toward pursuing Colorado's top job. It's an unusual maneuver - and one that could complicate her plans to succeed her boss, Democratic Gov. John Hickenlooper. ... Lynne said she's taking this route for two principal reasons: to be upfront about her intentions as she continues her job as lieutenant governor and to ensure she can consolidate the necessary support to mount a competitive campaign." Full story.

NEW THIS A.M. - NARAL endorses Ryan challenger: NARAL Pro-Choice America is endorsing Randy Bryce, the ironworker challenging House Speaker Paul Ryan in Wisconsin's 1st District. "As Paul Ryan and Donald Trump have carried out endless cruel and careless attempts to torpedo healthcare, women and families have been the ones who have suffered," NARAL President Ilyse Hogue said in a statement. "But Randy has a plan to counter the GOP's out-of-touch fringe agenda. The momentum Randy is building with his progressive and pro-choice message is proof that people are ready for new leadership." School board member Cathy Myers is also running for the Democratic nomination.

- NARAL also endorsed Democratic Rep. Jacky Rosen for Senate in Nevada, calling her "a

true champion for Nevada families."

- Rosen attacks Heller with 60-second digital ad: Rosen is out with a digital ad attacking Republican Sen. Dean Heller for supporting the Senate GOP's "skinny repeal" plan to replace Obamacare. "Senator Dean Heller promised to vote no on the Republican health care plan," the ad says. "Then he betrayed us." **Watch the ad here.**

2020 FORESIGHT - "Cuomo Is Not Running for President, but a PAC Is Already Campaigning Against Him," by The New York Times' Shane Goldmacher: "A national Republican group that specializes in opposition research targeting prominent Democratic candidates is starting a new initiative on Wednesday to undercut Gov. Andrew M. Cuomo of New York ahead of his 2018 re-election bid - and sully his image should he run for president in 2020. Mr. Cuomo is the second possible Democratic presidential contender that the Republican group America Rising PAC has singled out for scrutiny. The other is Senator Elizabeth Warren of Massachusetts, who is also up for re-election next year and considered a possible 2020 contender ... For now, America Rising is mostly building up its research file on the governor and has filed more than 50 requests of public records so far this year. The group plans to eventually deploy a so-called campaign tracker to film Mr. Cuomo at all his public events, capturing any flubs he makes for future political ads. "That's to come," Ms. Smith said." **Full story.**

CODA - QUOTE OF THE DAY: "You know, I won the state by nine or 10 or something, by nine or 10 points, without any governor support, OK?" - President Donald Trump discussing winning Ohio in the 2016 presidential race during an interview with The Wall Street Journal.

To view online:
http://www.politico.com/tipsheets/morning-score/2017/08/02/obama-alumni-pour-into-house-races-221644

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Wed 9/13/2017 2:06:27 PM
Subject: POLITICO's Morning Energy: EPA plans carbon rule replacement — Clinton's big energy idea that wasn't — Carper won't back Trump's EPA air pick

By Anthony Adragna | 09/13/2017 10:00 AM EDT

With help from Eric Wolff, Alex Guillén, Esther Whieldon and Darius Dixon

EPA PLANS FOR CLEAN POWER PLAN REPLACEMENT: EPA plans to take the first step toward replacing the Clean Power Plan by the first week of October as it publishes its plan to rescind the Obama administration's carbon limits for power plants, Pro's Emily Holden reports.

EPA Administrator Scott Pruitt had been averse to replacing the rule, and sources tell Emily that when OMB first began reviewing the Clean Power Plan withdrawal in June the agency did not have plans to replace it. The decision to signal the agency will write a replacement comes after months of lobbying from electric company executives and suggests Pruitt may not challenge the legal finding that EPA must regulate greenhouse gases. One likely approach to a new emissions regulation would focus on improving coal-plant efficiency, so generators make more power while burning less coal.

The repeal-and-replace proposals come as patience was wearing thin at the D.C. Circuit, which has avoided issuing an opinion on the Clean Power Plan itself while EPA reconsidered the rule. In an August warning shot to EPA, judges said failing to propose a replacement meant the agency was avoiding a "statutory duty" to regulate carbon emissions, though it agreed to keep the case on ice through Oct. 7. EPA spokeswoman Liz Bowman said she "would not comment on proposals going through interagency review."

TRUMP OFFICIAL TO HOST CLIMATE MEETING: National Economic Council Director Gary Cohn will host a breakfast meeting to discuss "international energy and climate issues" the day before the opening of the U.N. General Assembly next week, POLITICO's Andrew Restuccia reports. The invitation obtained by POLITICO says the huddle is an "opportunity for key ministers with responsibility for these issues to engage in an informal exchange of views and discuss how we can move forward most productively." But an administration official stressed the meeting will not focus solely on climate change.

WELCOME TO WEDNESDAY! I'm your host Anthony Adragna, and the Analysis Group's Sue Tierney was first up to identify Massachusetts as the home of eight previous House speakers. For today: Two speakers have gone on to serve as vice president. Name them. Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

New! Legislative Compass: A powerful, easy-to-use tool that simplifies federal and state legislative tracking. Learn More.

HILLARY'S CAMPAIGN IDEA THAT ALMOST WAS BUT THEN WASN'T: Among other revelations contained in her new book, Hillary Clinton said she was intrigued by Peter Barnes' proposal to create a sort of Alaska Permanent Fund for the whole country. The idea, dubbed by her campaign "Alaska for America," would have taken royalties from oil and gas production - plus receipts from a carbon tax, financial transactions taxes, fees on airwaves used by cell phones and broadcasters, and other resources - and used them to give Americans a guaranteed minimum income. But, alas, as she and Bill worked the calculator, they found the math didn't work.

"We decided it was exciting but not realistic, and left it on the shelf. That was the responsible decision," she wrote in "What Happened." "I wonder whether we should have thrown caution to the wind and embraced 'Alaska for America' as a long-term goal and figured out the details later."

About that carbon tax: Clinton says her campaign also looked more specifically at the idea of a carbon tax dividend, but once again could not get math to work out without new costs for the middle class, which she had vowed against. "Still," she added, "it's tantalizing."

Canary was the coal mine: Clinton argues the Obama team's slow efforts to counter the emerging Republican narrative that his administration began a "war on coal" hurt Democrats in 2016, Pro's Alex Guillén reports. "The Obama administration was slow to take on this false narrative," she wrote. Clinton encouraged Obama to roll out the Clean Power Plan in 2015 in coal country, and pair it with a major initiative to bring new investments and jobs to the region as a way of softening the blow.

Interior Secretary Ryan Zinke also makes a cameo: Clinton recounts an awkward encounter at the inauguration when she said she was surprised Zinke came over to greet her because in 2014 he had called her the "Antichrist." "Maybe he'd forgotten, because he didn't come equipped with any garlic or wooden stakes, or whatever one uses to ward off the Antichrist. But I hadn't forgotten," Clinton writes, adding that she absolutely reminded Zinke of his remark. "He was taken aback and mumbled something about not having meant it. One thing I've learned over the years is how easy it is for some people to say horrible things about me when I'm not around, but how hard it is for them to look me in the eye and say it to my face." (Zinke's wife, Lola, disputed the story.)

CARPER WON'T BACK WEHRUM: Top EPW Democrat Tom Carper told reporters Tuesday he won't back Trump's nominee to run the EPA's air office, Bill Wehrum. "This nominee is troubling," he said. "I don't say that about all of this administration's nominees, but this one is troubling." Chairman John Barrasso told reporters the committee would have "four or five" confirmation hearings next week, though he wouldn't specify which nominees that includes. He separately said EPW was "working on a time" for EPA Administrator Scott Pruitt to come testify before it.

NELSON: GOP 'DENYING REALITY' ON CLIMATE CHANGE: Even as he said he didn't want to play partisan politics in the aftermath of Hurricane Irma, Florida Sen. Bill Nelson knocked Republicans - including his likely 2018 opponent Gov. Rick Scott - for opposing action

to address manmade climate change, POLITICO's Michael Grunwald reports . "It's denying reality," Nelson said. "You can call it politics or whatever, but the Earth is getting hotter. This storm is another reminder of what we're going to have to deal with in the future." He added it would be a crucial issue during his reelection contest.

EPA-INTERIOR VOTES EXPECTED: You'd be forgiven for forgetting the House is still working through its mega-spending package H.R. 3354 (115), but five outstanding EPA and Interior-related amendments should get votes today. The amendments would bar EPA from enforcing its methane rule, block the social cost of carbon from future rule makings, prohibit the closure of EPA regional offices and slash the agency's budget by an additional $1.87 billion, among others. Full list of all pending amendments to the bill here.

CCS WEEK KICKS OFF IN EARNEST: Senate EPW today holds a hearing on how to accelerate deployment of carbon capture and sequestration technologies around the country. Look for lots of discussion of the FUTURE Act, S. 1535 (115), one of the few pieces of legislation ME can remember that boasts the support of both Barrasso and Sheldon Whitehouse . Witnesses include Matthew Fry, a policy adviser to Wyoming Gov. Matt Mead and former DOE senior official Julio Friedmann.

HELPING OUT THE LITTLE GUYS? The House Energy and Commerce Committee's environment panel will hold a hearing today on a quartet of bills aimed at postponing or loosening various emissions regulations. H.R. 1917 (115) would delay the brick MACT until legal challenges have played out (coincidentally, the D.C. Circuit revealed Tuesday that oral arguments over that rule will take place Nov. 9). H.R. 1119 (115) would expand Cross-State Air Pollution Rule compliance options for 19 plants, mostly in Pennsylvania, that burn coal waste for electricity. H.R. 453 (115) would extend some deadlines for a residential wood heater emissions rule. And H.R. 350 (115) aims to clarify that anti-tampering provisions in vehicle emissions rules do not apply to vehicles used only for racing, an issue that flared up last year under EPA's Phase 2 heavy-duty truck rule. Some of these bills passed the House in previous years, but failed to gain traction in the Senate. If you go: The hearing kicks off at 10 a.m. in Rayburn 2123.

ENDANGERED SPECIES MEASURES GETTING MARKED UP: A litany of controversial measures get marked up today at the House Natural Resources Committee, including H.R. 3668 (115) a sportsmen's package that Democrats have condemned as enabling the deregulation of gun silencers and five bills taking bites at the Endangered Species Act. They are: H.R. 424 (115), which would redo Interior rules delisting the gray wolf; H.R. 2603 (115), which would bar non-native species from being listed as endangered or threatened under the statute; H.R. 3131 (115), which would lower attorney fees that could be awarded in ESA litigation; H.R. 717 (115), which would allow federal agencies to factor cost into listing decisions and prioritize listing petitions rather than decide them in the order they're received; and H.R. 1274 (115), which would require the availability of all data used in listing decisions to impacted states. The fun kicks off at 10 a.m. in Longworth 1334.

BLAST FROM THE PAST: ME got to briefly chat with former EPA Administrator Gina McCarthy after she met with Senate climate caucus members to "catch up" on various environmental issues. She declined to weigh in on Pruitt's comment that it's "insensitive" to

discuss climate change in the aftermath of hurricanes Harvey and Irma, but said, "I think we all know that storms like that get as intense as those storms were because of an impact on climate. If you want safe and healthy communities, you're going to have to address the issue of climate change. Period."

ICAHN'T BELIEVE EPA: Sen. Sheldon Whitehouse cast a jaundiced eye over Pruitt's letter denying email communication with billionaire Carl Icahn. "On its face, this letter suggests Mr. Icahn had far less control over RFS policymaking than he had suggested publicly," Whitehouse spokesman Rich Davidson told ME. "On the other hand, Pruitt has a long-established skill in obscuring his contacts with the industry that pulls his strings." Pruitt said the agency searched the inboxes of 39 agency officials and came up empty on Icahn emails.

RESHUFFLED ELECTRICITY BOARD REVS UP TODAY: DOE's newly configured Electricity Advisory Committee assembles this afternoon to kick off a meeting with a half dozen fresh faces and a two-day agenda that will cover the agency's much-discussed electric grid study, include a two-hour panel on cybersecurity and a rundown of a National Academies report on grid resiliency. Perry let the membership of 14 EAC members lapse recently and installed six new members, effectively shrinking the board's overall size. But the person Perry tapped as the new EAC chairman, Michael Heyeck of American Electric Power, isn't apparently able to attend, according to the agenda, which describes ERCOT engineer John Adams as acting chairman this week. Most of the cybersecurity talk - including panel discussion and a presentation on a draft DOE multiyear energy sector cybersecurity plan - is slated for Thursday morning. The meeting starts at 1:30 p.m. at the offices of the National Rural Electric Cooperative Association in Arlington, Va.

GAO TO PROBE PERRY'S HEALTHCARE TWEETS: GAO has agreed to a request from Rep. Frank Pallone, top Energy and Commerce Democrat, to issue a legal opinion on whether DOE's use of its Twitter account to promote an op-ed by Secretary Rick Perry on health care violated the Antideficiency Act, the Anti-Lobbying Act and the Consolidated Appropriations Act of 2017. Pallone first made the request in late July.

ZINKE TELL STAFF TO UP GAME ON FIRE PREVENTION: Zinke directed staff on Tuesday to be much more proactive on fire prevention, including by hiring contractors if necessary to clear dead trees, removing vegetation away from roads and buildings that could prove quick fire fodder and to include fire prevention in resource management planning. The move comes as wildfires rage in the West. "It makes little sense to be thinning to protect structures when we see flames on the ridge and smoke in the air-fuel management is more effective when undertaken before fires break out," Zinke said in the memorandum.

ITC VOTE ON SOLAR TRADE CASE COMING NEXT WEEK: The U.S. International Trade Commission will vote Sept. 22 on whether the U.S. solar industry has been injured by low-cost imports, according to an ITC website announcement. The case has the solar industry on tenterhooks, as domestic companies that install cheap foreign-made panels believe raising equipment costs will harm business. A Trump administration official has already signaled the administration would likely impose tariffs if the ITC determines there has been injury.

MAIL CALL! HOUSE SCIENCE PROBES OBAMA APPOINTEE: After DOE's inspector general found the government spent $138,000 on an employee's graduate degree unrelated to his job, House Science Chairman Lamar Smith sent a letter requesting documents on what the agency is doing to prevent something similar from happening again. "The Committee is concerned this could be an indication of a more widespread occurrence of inappropriate training authorizations and expenditures within DOE," Smith wrote.

McCOLLUM HITS PRUITT OVER ATTACK ON JOURNALIST: Rep. Betty McCollum, who oversees the Appropriations Interior and EPA Subcommittee, sent a letter to Pruitt Tuesday condemning the agency's personal attacks on an AP reporter as an "inappropriate use of taxpayer resources" and urging the agency to "act in a more professional manner and refrain from such unacceptable personal attacks."

WEIGHING IN ON TAX REFORM: Citizens For Responsible Energy Solutions Forum sent letters to House and Senate tax writers outlining their priorities as tax reform efforts get off the ground in earnest. Atop their wish-list? Maintaining existing energy investment and production tax credits, sunsetting tax credits for mature energy industries and reducing the corporate tax rate to at least 25 percent.

PRIORITIES OUTLINED FOR STATE ENVIRONMENTAL REGULATORS: Wyoming's Todd Parfitt became president of the Environmental Council of the States on Tuesday and said in a welcome note a key priority would be "reorienting the state-U.S. Environmental Protection Agency relationship." He's also a rumored candidate for regional EPA administrator.

MOVER, SHAKER: Sam Hirsch, former principal deputy at DOJ's Environment and Natural Resources Division, has rejoined Jenner & Block as a partner in its Washington office.

FREE FOOD ALERT! Stop by 406 First Street SE today between 11 a.m. and 1 p.m. for some Old Bay, Parmesan garlic and sea salt french fries courtesy of the National Biodiesel Board and some of the city's best food trucks. You'll also learn how the oil used to cook the fries can be turned into clean-burning biodiesel.

QUICK HITS

- OPEC Discusses Extending Oil Cuts by More Than Three Months. Bloomberg.

- Pompton Lakes DuPont site needs Superfund status, advocates say. NorthJersey.com.

- EPA long-term plans to manage Hanford office in limbo. Tri-City Herald.

- Harvey toppled storage tanks in the oil patch, spilled nearly 2,000 barrels. Houston Chronicle.

- Florida Power & Light Co. nuclear reactors still down, but unharmed by Hurricane Irma. TC Palm.

THAT'S ALL FOR ME!

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http://www.politico.com/tipsheets/morning-energy/2017/09/13/epa-plans-carbon-rule-replacement-222260

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Media
Sent: Fri 9/8/2017 9:42:00 AM
Subject: Morning Media, presented by Service Year Alliance: End of an era at Vanity Fair -- Spicer to late night -- Local media teams up for Irma

By Alex Weprin | 09/08/2017 05:40 AM EDT

With Cristiano Lima

END OF AN ERA: Graydon Carter, the longtime editor of *Vanity Fair* , and longtime nemesis of President Donald Trump, is retiring at the end of the year. Carter, who has led the Condé Nast magazine for 25 years, said in an official announcement that he intends to pursue a "third act." He'll stick around long enough to oversee the magazine's 2018 Hollywood issue. His influence on popular culture is hard to overstate. Between revealing the identity of "Deep Throat," and iconic covers featuring Demi Moore and Caitlyn Jenner, among many other accomplishments Carter's journalistic legacy is secure. Carter also understood the value of hospitality. His New York restaurants The Waverly Inn and The Monkey Bar remain hotspots, and *Vanity Fair* 's Oscars party and White House Correspondents' Association Dinner afterparty have long been the hottest tickets in Los Angeles and D.C.

-The New York Times has an interview with Carter, including more on this "third act." "He has 'the rough architecture' of a future project in mind, perhaps involving new forms of storytelling, but he demurred on the details. 'I'm not a big announcer,' Mr. Carter said, tortoiseshell glasses in hand. 'Best to fail quietly at the beginning of something rather than make grand pronouncements.'"

-So who could replace him? There are a few names that have long been mentioned, most notably Janice Min, who is currently co-president of The Hollywood Reporter-Billboard Media Group, and who previously led *US Weekly*. *New York* magazine's Adam Moss and former *Cosmopolitan* editor-in-chief Joanna Coles have also been mentioned.

-Then there is President Donald Trump. Carter has antagonized Trump since the 1980s, when, at *Spy* magazine, he referred to the then-real estate developer as a "short-fingered vulgarian." That line remained a sore spot for Trump, who made Carter a regular target of his tweets over the years. *Spy* also memorably pranked Trump by sending checks with smaller and smaller donations to New York's wealthiest, to see who would bother cashing them. Trump cashed a check for 13 cents. After his election, Trump traveled to One World Trade Center, where he held court with Condé Nast executives, including Carter, who did not sound thrilled to be there.

-Carter and *Vanity Fair* even squeezed in one final joke, at Trump's expense. In the press release announcing his retirement, his biography included this line: "In 1986, he founded, with Kurt Andersen and Tom Phillips, Spy magazine, the satirical monthly whose voice, style, and design remain influential to this day, and whose articles played a large hand in fingering the era's villains and their shortcomings."

**** A message from Service Year Alliance:** Hundreds of dinosaurs rallied at the Capitol to tell

Congress to stop national service extinction. President Trump's budget proposes the elimination of national service programs like AmeriCorps. These dinosaurs have a clear message for Congress: Stop National Service Extinction and Let Us Serve. Learn more at LetUsServe.org. **

Good morning and welcome back to Morning Media. I always want to improve Morning Media and make it more useful to you, so please send me tips, ideas and feedback! I'm on Twitter **@alexweprin** and on email at **alexweprin@gmail.com**. Morning Media is produced with help from **Cristiano Lima (clima@politico.com / @ludacristiano)**. **Archives**. **Subscribe.**

INTERVIEW SEASON: Keep your eyes glued to your TV sets, as a number of high-profile interviews will be happening over the next few weeks.

-Sean Spicer is hitting his first late night couch since departing the White House. Spicer will appear on ABC's "Jimmy Kimmel Live" next Wednesday, the show announced Thursday. (Related: Fox News says it won't be offering Spicer a contributor contract, meaning that he won't be striking a deal with them or CNN).

-President Trump appears to be willing to grant an interview to a cable news journalist, rather than a pundit on a program like "Fox & Friends." Fox News anchor Bret Baier told The Hollywood Reporter's Jeremy Barr the White House is "trying to find a date that works, and we're obviously amicable to whatever they come up with... So hopefully it's going to come together here in the next couple of weeks."

-The Hillary Clinton book tour continues. After "CBS Sunday Morning" this weekend, and ABC's "The View" next Wednesday, Clinton will appear on CBS' "Late Show with Stephen Colbert" Sept. 19.

-The first excerpts from Steve Bannon's "60 Minutes" interview are online. Bannon accused the Catholic church of being pro-immigration for purely economic reasons, and declares the he is going to war with the Republican establishment.

THE NEXT DAY FACEBOOK-RUSSIA BACKLASH: After self-reporting that Russian-tied accounts spent some $150,000 on more than 5,200 political ads last year on their network, Facebook is facing increased scrutiny for its handling of misleading and targeted information online. "I think we may just be seeing the tip of the iceberg," said Mark Warner, the vice chairman of the Senate Intelligence Committee, of their disclosure.

-As the Washington Post's Matea Gold points out, the matter is quickly raising questions of whether increased regulation may be needed to monitor how the private social media giants handle such political advertising money, and whether Facebook's actions in selling the ads may have breached elections laws. And as new POLITICO media reporter Jason Schwartz highlights, the controversy is doing little to quell concerns over their internal efforts to combat fake news.

MUST READS:

-On a happy note, this touching profile of Harvey and Irma Schluter, a couple married 75 years

who happen to share names with two massive hurricanes.

-On an unsettling note, this dispatch from Pyongyang, North Korea, filed ny The New Yorker's Evan Osnos.

LOCAL MEDIA TEAMS UP TO TACKLE IRMA. As Hurricane Irma approaches Florida, local media outlets are stepping up to the challenge to cover the historic storm. In South Florida, public radio affiliate WLRN and news site The New Tropic are pooling resources to provide readers information on where to find shelter, and how to assess damage after Irma's landfall, in a timely merger of new media and legacy media. Meanwhile, venerable print publications like The Miami Herald, The Orlando Sentinel and others are lowering their paywalls to provide its readers with temporary access to all its coverage of the storm, following in the footsteps of national outlets like The New York Times, The Washington Post and the Wall Street Journal during their Hurricane Harvey coverage.

STUDY: INTERNET CLOSING IN ON TV AS MAIN NEWS SOURCE: A new Pew study suggests that TV's long stranglehold on news consumers continues to deteriorate, as online news sources take up more and more of the consumer's time. "As of August, 43% of Americans report often getting news online, just 7 percentage points lower than the 50% who often get news on television, according to a Pew Research Center survey conducted in August. This gap between the two news platforms was 19 points in early 2016, more than twice as large."

REVOLVING DOOR:

-Morning Media has learned that Brian Flood, most recently a media reporter for The Wrap, will be joining Foxnews.com to cover the media beat as part of the site's digital expansion. He'll start next week.

-USA Today has named Wendy Benjaminson managing editor for government and politics. Benjaminson was most recently national editor at the AP. She succeeds Lee Horwich who becomes managing editor for national enterprise.

-The New York Times has named Deborah Solomon economics editor in its D.C. bureau. Solomon previously worked at The Wall Street Journal, where she oversaw the financial regulatory and law enforcement teams.

-The Atlantic's Molly Ball is now a CNN political analyst. Bloomberg White House correspondent Margaret Talev is also now a CNN political analyst.

THE GLOBAL POLICY LAB: POLITICO Europe is launching Global Policy Lab, a first-of-its kind experiment in collaborative journalism that is expected to produce new policy solutions and inform the public debate on key issues. POLITICO readers are among the most engaged and educated in the world, and the Global Policy Lab will tap into their experience and knowledge to develop solutions to pressing challenges. POLITICO is partnering with GE on the first installment, titled Engineering Growth, to look at the rise of digital manufacturing in Germany, Europe's largest economy, and explore ways to improve the economies of France and the United

Kingdom. **GET INVOLVED:** *Sign up to the weekly newsletter HERE.*

SOUNDBITE: "There's a connection, people, between those polls about trust in the media reaching new lows and online disinformation campaigns succeeding." -NYU journalism professor Jay Rosen.

EXTRAS:

-The first promo for Megyn Kelly's new morning show debuted on NBC's "Thursday Night Football."

-AT&T executive John Stankey reiterated on Thursday that the company does not plan to sell CNN once it closes its acquisition of Time Warner. "They've got wonderful content that's time and place specific, that's time-of-day specific, that can engage audiences in real time," he said.

-Charles Harder, the lawyer who sued Gawker into bankruptcy, is now targeting Gawker's former sister site Jezebel.

-Movie studios blame the website Rotten Tomatoes for the poor performance of this summer's box office.

-U.S. media stocks, including Disney, collapsed as concerns over digital disruption spread.

-Rich Lowry's message to President Trump: please turn off the TV.

-The student government association at Duquesne University tried to block the school paper from reporting budget information.

** **A message from Service Year Alliance:** 80,000 young people serve every year with AmeriCorps, the Peace Corps, and YouthBuild. They're fighting the opioid epidemic, supporting our veterans, teaching in underperforming schools, and responding to natural disasters. In fact, hundreds of AmeriCorps members are already on the ground in Texas helping respond after Hurricane Harvey. If President Trump's budget becomes reality, national service programs like AmeriCorps will go extinct. Service Year Alliance and hundreds of national service supporters dressed as dinosaurs rallied at the Capitol to stop national service extinction and tell Congress to Let Us Serve. Learn more at LetUsServe.org. **

To view online:
http://www.politico.com/media/tipsheets/morning-media/2017/09/08/end-of-an-era-at-vanity-fair-spicer-to-late-night-local-media-teams-up-for-irma-001344

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Tue 8/15/2017 2:07:03 PM
Subject: POLITICO's Morning Transportation: Sleep apnea's long road? — Trump talks infrastructure (again) — TSA on the come up

By Stephanie Beasley | 08/15/2017 10:00 AM EDT

DAYSLEEPER: Both current and former federal safety officials say they were disappointed when President Donald Trump last week halted an early-stage rulemaking dealing with sleep apnea among transportation workers, our Lauren Gardner writes. The NTSB is among the critics, noting that its investigators have found clear and repeated links between obstructive sleep apnea and fatal highway and rail accidents.

There's the rub: In withdrawing the notice, the administration argued that the issue could be appropriately handled through existing programs and a pending rule from the Federal Railroad Administration. And there will certainly be some labor unions and industry groups that won't object to its withdrawal. Many have for years opposed the idea of federal requirements for sleep apnea testing and treatment, citing cost concerns and the possibility of missed work hours. A DOT spokeswoman said that FRA and the Federal Motor Carrier Safety Administration simply did not have sufficient data to support future rulemaking at this time.

Worth noting: Whether and how to deal with sleep apnea among transportation workers isn't a new issue, and though the Obama administration issued an advanced notice of proposed rulemaking, which is the farthest any administration has gotten to addressing the issue, these kinds of early-stage rulemakings can drag on for years with no real progress.

HAPPY TUESDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Don't forget to send tips, feedback, and lyrics to sbeasley@politico.com or @Steph_Beasley and bgurciullo@politico.com or @brigurciullo.

"Out on the road today I saw a Deadhead sticker on a Cadillac. / A little voice inside my head said: "Don't look back, you can never look back." / I thought I knew what love was. / What did I know?" (h/t to Kara Macek at Governors Highway Safety Association)

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) that are all about flying, driving, commuting and sailing?

TODAY'S THE DAY: President Donald Trump will host a meeting to discuss his plans for developing an infrastructure package that he wants added to the congressional agenda this fall. And, MT readers, we're just as curious as you are to hear more details. Rumor is it will include another executive order related to environmental reviews and permitting. Stay tuned!

WHILE WE'RE ON THE SUBJECT: A Boeing spokesman said CEO Dennis Muilenburg will remain on the White House's manufacturing advisory council, quashing speculation that he could be among the growing numbers of executives to resign from boards over Trump's politics.

Merck CEO Kenneth Frazier announced Monday that he'd resigned from the manufacturing council because he felt the president failed to reject "hatred, bigotry and group supremacy" in response to violence in Charlottesville, Virginia last Saturday. Intel CEO Brian Krzanich followed suit later in the evening. And AFL-CIO President Richard Trumka hinted that he might resign over the issue, POLITICO's Ian Kullgren reports. Tesla CEO Elon Musk also very publicly departed the manufacturing council in June after Trump backed out of the Paris Climate agreement.

ON THE COME UP: TSA said it screened more than 70 million people in July, breaking its previous record high of 69.9 million passengers set in June. At least 2 million of those passengers were screened at Ronald Reagan Washington National Airport and Washington Dulles International Airport, TSA said. The agency's record-breaking summer is a marked contrast from this time last year when airports nationwide were beset by long security screening lines. The tide change also comes as TSA continues to add steps to its screening procedures to thwart emerging threats domestically and internationally. The agency announced last month that it would require passengers on domestic flights to remove any electronic larger than a cell phone from carry-on bags and place them in separate bins.

BUT THERE'S MORE: While TSA seems to be getting a good handle on aviation security, the agency is also keeping an eye on terrorist threats to the surface transportation system, particularly railways. As MT reported on Monday, the latest version of Al Qaeda's Inspire Magazine is essentially a "how-to" guide for terrorists seeking to attack passenger and freight trains in the United States. A TSA spokeswoman told your MT host that the agency warned rail operators last Friday about the then upcoming Aug. 13 release of Al Qaeda's propaganda magazine as well as that of a related instructional video. TSA is not aware of any current, credible threats but continues to work closely with law enforcement and intelligence agencies to review the magazine and monitor terrorist groups that could be plotting such attacks, she said.

NTSB UPDATE ON CHARLOTTESVILLE CRASH: The NTSB expects to publish a preliminary factual report on the Virginia State Police helicopter that crashed near Charlottesville, Virginia on Saturday within the next two to three weeks. But the agency believes it will take a year to 18 months to complete the investigation, NTSB spokesman Peter Knudson said. Two policeman died in the crash. NTSB said that a fire occurred after the helicopter went down in a wooded area, but there was no distress call.

I'LL BE WATCHING YOU: NTSB launched a new blog series highlighting its general aviation investigative process. The posts will be written by NTSA staff and "will explore how medical, mechanical, and general safety issues are examined," the agency said. NTSB member Earl Weener wrote the first post published Monday.

TRUCKING STUDENTS LEFT HOLDING THE BAG: Some people are going to trucking schools with "blue-collar dreams" but leaving with a load of debt and poor job prospects, Bloomberg reports. The outlet said it interviewed dozens of truck drivers, instructors and industry insiders that say some companies are offering accredited truck driver training but are instead taking advantage of enrollees with promises that they could make as much as $500 per week, when their chances of getting a steady job in the industry are actually slim.

What's going on?: Don Lefeve, president of the Commercial Vehicle Training Association, told Bloomberg that the organization is trying to make sure that its members are educating people "early and often" about the costs associated with training programs. The problem is perplexing given the American Trucking Associations has noted that there is currently a shortage of drivers. The industry was short 48,000 drivers in 2015, according to an ATA report.

DON'T HOLD MY BEER: Ryanair is trying to pull the plug on pre-flight alcohol sales at airports in the United Kingdom. The Dublin-based airline on Monday urged airports to ban alcohol sales at bars and restaurants before 10 a.m. and to also limit sales otherwise in an effort to reduce drunken shenanigans on flights. The airline said the announcement was spurred by a U.K. Civil Aviation Authority report that found a sevenfold increase in drunken, disruptive passenger incidents between 2012 and 2016. Other airlines operating in the U.K. have also called for alcohol limits. (h/t POLITICO Europe).

SHIFTING GEARS: Cynthia Earhart becomes executive vice president and chief financial officer for Norfolk Southern today. She previously served as the company's executive vice president and chief information officer. Jason Levine is the new executive director of the Center for Auto Safety. Levine is a consumer protection attorney and formerly chief of staff at the Consumer Product Safety Commission and director of the Office of Congressional, Legislative, and Intergovernmental Affairs at the Office of Personnel Management.

THE AUTOBAHN:

- "Suited for danger: what it's like to be high behind the wheel." NBC Boston.

- "SpaceX lands another one of its Falcon 9 rockets on solid ground." The Verge.

- "NJ transit delays mount after agency stalls projects to pay bills." Bloomberg.

- "The plan to put a 3-D printer with robot arms into orbit." Wired.

- "Uber service is being suspended in yet another country." Fortune.

- "Target is buying a company that facilitates quick local deliveries." Los Angeles Times.

THE COUNTDOWN: DOT appropriations run out in 46 days. The FAA reauthorization expires in 46 days. Highway and transit policy is up for renewal in 1,142 days.

To view online:
http://www.politico.com/tipsheets/morning-transportation/2017/08/15/is-dot-falling-asleep-at-the-wheel-221886

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Sent: Wed 8/30/2017 11:44:33 PM
Subject: Aug. 30 -- Energy and Climate Report



Energy and Climate Report

August 30, 2017 - Number 168

News

Air Pollution
Flooded Houston Facing Threat From Air, Too, With Toxic Gas Releases
Houston residents face a less obvious threat from the air as they deal with historic flooding: The Hurricane Harvey-caused shutdown of the region's massive petrochemical industry released more than 2 million pounds of harmful pollutants into the air as of Aug. 29, according to initial reports to Texas regulators.

Energy
Enbridge Pipeline Coating Damage Needs Fix, Michigan Says
Enbridge's Line 5 gas and oil pipeline needs immediate repairs after the company reported that several sections had damaged coating, Michigan state officials said.

Energy
Xcel Proposes Closing Coal-Fired Units at Colorado Power Plant
Xcel Energy Inc. is proposing an early retirement for two of its three coal-burning units at the Comanche Generation Station in Pueblo, Colo., and replacing them with new, cleaner energy sources as part of an agreement with a coalition of companies and energy, labor, and consumer groups.

Oil & Gas
Interior Delay of Oil and Gas Royalty Rule Rebuked by Court
The Trump administration failed to abide by administrative procedures when it delayed an Obama-era regulation for calculating royalties on energy resources extracted from federal lands, a federal judge ruled Aug. 30 (Becerra v. Interior, N.D. Cal., No. 3:17-cv-2376, 8/30/17).

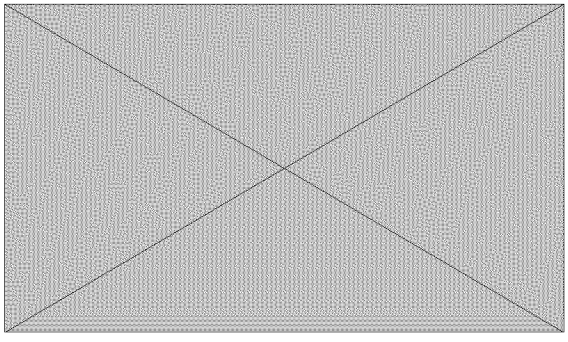
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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
Sent: Thur 11/30/2017 11:05:54 AM
Subject: AEI Today: How to improve the bleak long-run outlook for US fiscal policy

The US is headed toward a federal debt crisis certain to inflict serious economic hardship on future generations.

AEI's daily publication of independent research, insightful analysis, and scholarly debate



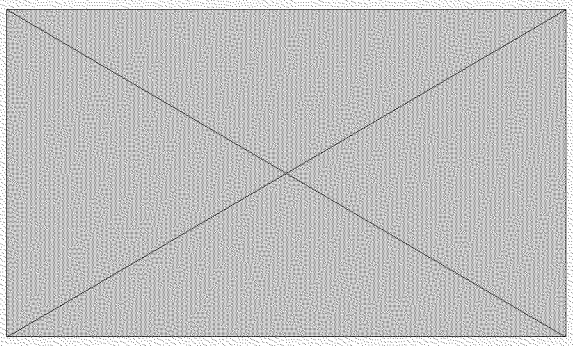
Reuters

How to improve the long-run outlook for US fiscal policy

Alex Brill | Macdonald-Laurier Institute

The US is headed toward a federal debt crisis certain to inflict serious economic hardship on future generations. Over the next 30 years, the US economy is expected to grow 76 percent, but the debt burden will increase by more than 240 percent. Returning to a sustainable fiscal outlook will require hard choices and a clear understanding of both what led us to this

point and the economic consequences of inaction.

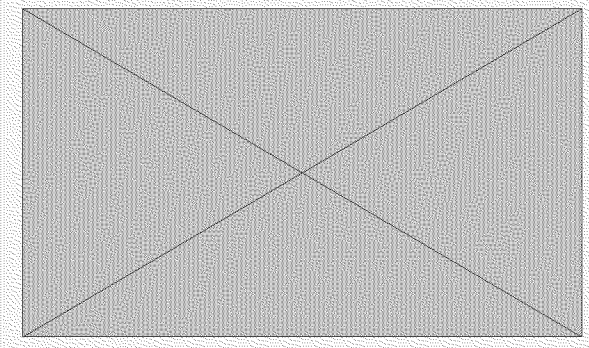


Reuters

The Equals Act would improve the federal workforce

Andrew G. Biggs | Forbes

According to the Government Accountability Office, in 2013 the federal government dismissed 3,489 employees for poor performance, a dismissal rate of 0.18 percent. The Equals Act would provide the federal government with greater time and flexibility to examine the performance of newly hired federal employees before those employees receive job protections that effectively entitle them to a "job for life."

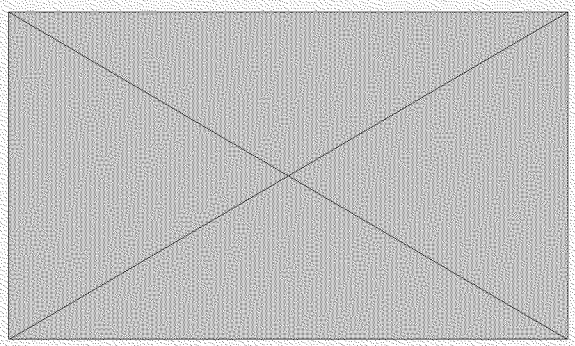


Reuters

Digital trade rules in NAFTA should follow proposed rules in TPP

Claude Barfield | AEIdeas

Early in 2018, NAFTA negotiations among the US, Canada, and Mexico will enter a final make-or-break phase. If the negotiations proceed to a successful conclusion, it is imperative for the US to achieve a precedent-setting baseline set of rules governing digital trade. Here's why the US should seek an agreement on digital trade that closely matches the proposals found in the Trans-Pacific Partnership's e-commerce chapter.



AEI/Aaron Clamage

'In Venezuela, to have an opinion is a crime, not a right'

Roger F. Noriega | AEI event video

Thirty million Venezuelans are struggling to survive in a nation looted and crushed by President Nicolás Maduro's regime. Many opposition leaders have been co-opted, jailed, or forced into exile. For the first time since recently escaping house arrest in Venezuela, Antonio Ledezma, the democratically elected mayor of Caracas, sheds new light on a society in collapse and suggests new recipes for action.

MORE FROM AEI

Would a tax bill failure be good for the GOP?
James Pethokoukis | The Week

Report: Waters of the US rule and Clean Water Act fail to provide cost-effective improvements in water quality
Nathan P. Hendricks | American Enterprise Institute

Testimony: From 'engagement' to threat reduction: Moving toward a North Korea policy that works (January 2017)
Nicholas Eberstadt | Testimony before the Senate Committee on Foreign Relations

Congress needs a pro-work agenda for Americans' financial security
Angela Rachidi | The Hill

Report: Foreign Intelligence Surveillance Act Section 702: Mend it, don't end it
Claude Barfield | American Enterprise Institute

Brazil's threat to the global economic recovery
Desmond Lachman | RealClearMarkets

Why Reza Zarrab's guilty plea matters to Turkey — and to the world
Michael Rubin | Washington Examiner

Be realistic about the limitations of standardized tests
Michael Q. McShane | US News & World Report

Q&A: The end of traffic, with David Levinson
James Pethokoukis | AEIdeas

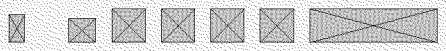
Pens for hire? Dictators and their dupes
Clay R. Fuller | AEIdeas

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Thur 9/14/2017 9:11:13 PM
Subject: EPA TO RECONSIDER CERTAIN COAL ASH RULE PROVISIONS

CONTACT: press@epa.gov

EPA TO RECONSIDER CERTAIN COAL ASH RULE PROVISIONS

WASHINGTON (September 14, 2017) The United States Environmental Protection Agency (EPA) has granted two petitions to reconsider substantive provisions of the final rule regulating coal combustion residuals (CCR) as nonhazardous waste under subtitle D of the Resource Conservation and Recovery Act (RCRA).

"In light of EPA's new statutory authority, it is important that we give the existing rule a hard look and consider improvements that may help states tailor their permit programs to the needs of their states, in a way that provides greater regulatory certainty, while also ensuring that human health and the environment remain protected," said **EPA Administrator Scott Pruitt**.

In granting the petitions, EPA determined that it was appropriate, and in the public's interest to reconsider specific provisions of the final CCR rule based in part on the authority provided through the Water Infrastructure for Improvements to the Nation (WIIN) Act. EPA is not committing to changing any part of the rule, or agreeing with the merits of the petition – the Agency is simply granting petitions to reconsider specific provisions. Should EPA decide to revise specific provisions of the final CCR rule, it will go through notice and comment period.

The petition from the Utility Solid Waste Activities Group (USWAG) was submitted May 12, 2017, and seeks reconsideration of 11 specific provisions of the final CCR rule, including provisions prohibiting the use of alternative points of compliance for ground water contamination, regulating inactive surface impoundments, and defining what activities constitute beneficial use of CCR. The petition from AES Puerto Rico LLP was submitted May 31, 2017, and seeks reconsideration of certain on-site storage practices.

The current rule went into effect on October 19, 2015 and regulates how CCR generated from electric utilities and independent power producers is managed and disposed of in surface impoundments and landfills. The rule also defines what constitutes beneficial use of CCR; and, therefore, is excluded from the rule's requirements.

In December 2016, the WIIN Act was enacted into law. Section 2301 of the WIIN Act provides authority for states to operate permit programs under subtitle D of RCRA, as long as the EPA determines that the state's requirements are as protective as the standards in the 2015 final rule or successor regulations. Should EPA decide to revise specific provisions of the final CCR rule, it will go through a notice and comment process.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 11/8/2017 10:32:12 PM
Subject: Wehrum clears cloture hurdle

By Anthony Adragna

11/08/2017 05:30 PM EDT

The Senate invoked cloture on William Wehrum's nomination to run EPA's air office, leaving just one final vote until Administrator Scott Pruitt lands his first lieutenant.

The vote was 49-46 along party lines.

It's been an arduous process for Wehrum, a veteran of the George W. Bush Office of Air and Radiation in EPA. A vote in the Senate Environment and Public Works Committee was briefly delayed due to Republican concerns over the agency's plans for the Renewable Fuel Standard.

Democrats and environmental groups oppose his selection. During his confirmation hearing, Wehrum said the degree that human activity drives climate change remains an "open question," contradicting mainstream science.

What's next: A final vote on the nomination is likely sometime on Thursday.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/11/wehrum-clears-cloture-hurdle-095417

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 8/23/2017 12:08:27 PM
Subject: Aug. 23 -- EHS State Regulatory Alert



EHS State Regulatory Alert

August 23, 2017 - Number 162

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

California Regions

AIR
Emissions Standard for Lead
California Regions AIR

Proposed rule of the South Coast Air Quality Management District amends regulations under Rule 1420 regarding lead emissions from stationary sources. The rule includes an initial ambient lead air concentration limit of 0.150 micrograms per cubic meter (µg/m3) that will be lowered to 0.100 µg/m3 averaged over 30 consecutive days. The rule also establishes provisions concerning lead point source emission control requirements, total enclosures where lead processing occurs, periodic source testing, air pollution control device monitoring, recordkeeping requirements, and conditional ambient air monitoring. A workshop is scheduled for Sept. 7, 2017, in Diamond Bar. Comments are due Sept. 19, 2017. Contact: Kennard Ellis; South Coast AQMD; 909-396-2457; kellis@aqmd.gov

—California RegionsRegulations (08/18/2017)

Regulatory Update

AIR
Organic Liquid Loading
California Regions AIR

Notice of the Antelope Valley Air Quality Management District announces changes to and an additional hearing on a July 7, 2017, proposed rule to amend regulations under Rule 462 regarding the control of emissions of volatile organic compounds from facilities that load organic liquids with a vapor pressure of 1.5 pounds per square inch absolute or greater under actual loading conditions into tank trucks, trailers, or railroad tank cars. The rule adds a backpressure requirement for vapor recovery and disposal systems to satisfy the reasonably available control technology requirement for sources that are subject to control technique guidelines. The rule also updates definitions for "exempt compounds," "facility vapor leak," "submerged fill loading," and "transport vessel vapor leak"; requires a request for certification be submitted to California Air Resources Board within 30 days after construction or modification of vapor recovery and

disposal systems; and removes compliance dates that are no longer applicable. The changes add annual inspection using EPA Method 21 for leak detection. If adopted, the rule will be submitted to CARB and the U.S. EPA for inclusion in the state implementation plan. The hearing is scheduled for Sept. 19, 2017, in Lancaster. A comment due date is not specified. Contact: Bret Banks; Antelope Valley AQMD; 661-723-8070; bbanks@avaqmd.ca.gov

—California RegionsRegulations (08/15/2017)

Regulatory Update

Louisiana

ENDANGERED SPECIES
Domesticated Aquatic Organisms/Sterlet Sturgeon
Louisiana ENDANGERED SPECIES

Proposed rule of the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, amends regulations under 76 LAC VII.905 and adopts regulations under 76 LAC VII.909 to add the sterlet sturgeon as a species of domesticated aquatic organisms approved for use in aquaculture. Comments are due Sept. 29, 2017. Contact: Robert Bourgeois; DWF, Office of Fisheries; 225-765-2800; rbourgeois@wlf.la.gov

—Louisiana Register (08/20/2017)

Regulatory Update

ENDANGERED SPECIES
Experimental Fisheries Program
Louisiana ENDANGERED SPECIES

Final rule of the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, amends regulations under 76 LAC VII.701 regarding experimental gear permits under the Experimental Fisheries Program. The rule authorizes the secretary of the department to issue experimental gear permits for gear types other than those permitted under current regulation. The rule also revises the application procedures for gear used in saltwater and freshwater areas and allows for the mandatory $50 permit fee to be paid at the same time as the issuance of the experimental gear permit instead of at the time of application. The rule is effective Aug. 20, 2017. Contact: Robert Bourgeois; DWF, Office of Fisheries; 225-765-0765; rbourgeois@wlf.la.gov

—Louisiana Register (08/20/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Natural Resource Damage Assessment/Oil Spill Compensation Schedule
Louisiana GENERAL ENVIRONMENT AND SAFETY

Final rule of the Office of the Governor, Coastal Protection and Restoration Authority, amends

regulations under 43 LAC XXIX.109, 121, 125, and 129 regarding oil spill natural resource damage assessment. The rule establishes an oil spill compensation schedule for the Natural Resource Damage Restoration Banking Program, which was established in a July 20, 2017, final rule. The rule also allows state trustees to purchase credits from certified restoration banks to restore natural resource injuries from oil spills in coastal areas. The rule is effective Aug. 20, 2017. Contact: Liz Williams; CPRA; 225-342-7308; mitigation.banking@la.gov

—Louisiana Register (08/20/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Office of Environmental Assessment
Louisiana GENERAL ENVIRONMENT AND SAFETY

Proposed rule of the Department of Environmental Quality, Office of the Secretary, amends regulations under 33 LAC I.1203 through I.5707 (nonconsecutive); III.919 through III.2132 (nonconsecutive); V.1907, V.2271, and V.4999; IX.7313; and XI.301 through XI.1309 (nonconsecutive) to reflect the establishment of the Office of Environmental Assessment. The rule also requires the submission of notifications and documentation to the office by various regulated entities. A hearing is scheduled for Sept. 27, 2017, in Baton Rouge. Comments are due Oct. 4, 2017. Contact: Deidra Johnson; DEQ, Legal Division; 225-219-3985; deidra.johnson@la.gov

—Louisiana Register (08/20/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Secondary Hazardous Materials
Louisiana HAZARDOUS WASTE MANAGEMENT

Notice of the Department of Environmental Quality, Office of the Secretary, announces corrections to a June 20, 2017, final rule that amended regulations under 33 LAC V.105, .109, and .322 regarding secondary hazardous materials, defined as materials that are recycled or re-used in industrial processes. The rule required secondary hazardous materials to be managed as if they were already hazardous wastes that have been discarded. The rule also required that the uses of secondary hazardous materials as ingredients and the products created with the materials be evaluated for legitimacy. In addition, the rule required facilities that use hazardous secondary materials to conduct evaluations of their industrial uses and practices for managing such materials. The corrections revise citation errors. Contact: Deidra Johnson; DEQ, Legal Division; 225-219-3985; deidra.johnson@la.gov

—Louisiana Register (08/20/2017)

Regulatory Update

OIL AND GAS INDUSTRY
Office of Conservation/Fees
Louisiana OIL AND GAS INDUSTRY

Proposed rule of the Department of Natural Resources, Office of Conservation, amends regulations under 43 LAC XIX.701, .703, and .707 to revise the annual fee schedule for application, production, and regulatory fees under Statewide Order No. 29-R. The rule revises the calculation for annual barrels oil equivalent and revises the definition of "Class V permit waiver/exemption/area permit request." The rule also revises certain annual production tier fees and adds monthly commercial waste disposal fees per barrel of exploration and production waste delivered. Comments are due Sept. 11, 2017. Contact: Todd Keating; DNR, Office of Conservation; 225-342-5507

—Louisiana Register (08/20/2017)

Regulatory Update

WATER
LPDES/Incorporation of Federal Standards
Louisiana WATER

Proposed rule of Department of Environmental Quality, Office of the Secretary, amends regulations under 33 LAC IX.4901 and .4903 regarding the Louisiana Pollutant Discharge Elimination System Program. The rule incorporates by reference EPA standards as of July 1, 2016, regarding guidelines for test procedures for the analysis of pollutants (40 CFR 136) and effluent guidelines and standards (40 CFR Chapter I, Subchapter N). A hearing is scheduled for Sept. 27, 2017, in Baton Rouge. Comments are due Sept. 27, 2017. Contact: Deidra Johnson; DEQ, Legal Division; 225-219-3985; deidra.johnson@la.gov

—Louisiana Register (08/20/2017)

Regulatory Update

Minnesota

GENERAL ENVIRONMENT AND SAFETY
Environmental Review Program
Minnesota GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the Environmental Quality Board to amend regulations under MNR 4410 regarding the Environmental Review Program. The rule addresses procedures for preparing, reviewing, and modifying draft environmental impact statements and updates definitions and abbreviations. Comments are due Sept. 29, 2017. Contact: Erik Dahl; EQB; 651-757-2364; erik.dahl@state.mn.us

—Minnesota State Register (08/21/2017)

Regulatory Update

Montana

HAZARDOUS MATERIALS TRANSPORTATION

HAZARDOUS MATERIALS TRANSPORTATION
Motor Carrier Safety/Farm Vehicles
Montana HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Department of Transportation amends regulations under ARM 18.8.1501 and .1502 regarding motor carrier safety requirements. The rule clarifies the incorporated federal definitions of "farm vehicle," "covered farm vehicle," and "farmer" under 49 CFR 390.5. The rule is effective Aug. 19, 2017. Contact: Dennis Hult; DOT, Motor Carrier Services Division; 406-444-9237; dhult@mt.gov

—Montana Administrative Register (08/18/2017)

Regulatory Update

PESTICIDES
Pesticides/Registration Fees
Montana PESTICIDES

Proposed rule of the Department of Agriculture adopts regulations under Rule I to establish an annual pesticide registration fee of $130 and a pesticide registration special needs fee of $8. A hearing is scheduled for Sept. 7, 2017, in Helena. Comments are due Sept. 15, 2017. Contact: Cort Jensen; Department of Agriculture; 406-444-3144; agr@mt.gov

—Montana Administrative Register (08/18/2017)

Regulatory Update

RADIATION
TENORM Waste Management
Montana RADIATION

Proposed rule of the Department of Environmental Quality adopts regulations under Rules I through XII to establish requirements for the management of technologically enhanced naturally occurring radioactive material (TENORM) waste at licensed solid waste managed systems. The rule establishes requirements concerning licensing, acceptance criteria, prohibitions, design and siting criteria, operation and maintenance plans, groundwater monitoring, liquid restrictions, closure and post-closure care requirements, financial assurance, and spill reporting. Meetings and hearings are scheduled for Sept. 7 and 20, 2017, in Helena and Sidney, respectively. Comments are due Oct. 18, 2017. Contact: Sandy Scherer; DEQ; 406-444-2544; sscherer@mt.gov

—Montana Administrative Register (08/18/2017)

Regulatory Update

New Jersey

HAZARDOUS WASTE CLEANUP
Proposed Consent Order/BP America Inc.
New Jersey HAZARDOUS WASTE CLEANUP

Notice of the Department of Environmental Protection, Office of Natural Resource Restoration, announces a proposed consent decree in New Jersey Department of Environmental Protection v. Atlantic Richfield Co. (No. 08-CIV-00312) concerning alleged contamination of state waters with the gasoline additive methyl tertiary butyl ether. The consent decree requires BP America Inc. and related entities to pay approximately $64 million to settle alleged liability for damages, past cleanup, and removal costs at over 6,000 sites. Comments are due Oct. 20, 2017. Contact: DEP, Office of Natural Resource Restoration; 609-984-5475; MTBESettlement@dep.nj.gov

—New Jersey Register (08/21/2017)

Regulatory Update

Virginia

WATER
City of Waverly/State Water Control Law Consent Order
Virginia WATER

Notice of the Department of Environmental Quality, State Water Control Board, announces a proposed consent order with the Sussex Service Authority for alleged State Water Control Law violations associated with discharges from 2007 to 2011 that exceeded the total phosphorus waste load allocation of 145.82 kilograms per year authorized by the Virginia Pollutant Discharge Elimination System permit at the settling party's Spring Branch Wastewater Treatment Plant in Waverly. The order requires the settling party to implement the long-term phosphorus control plan incorporated into the order. Comments are due Sept. 22, 2017. Contact: Kyle Winter; DEQ, Piedmont Regional Office; 804-527-5020; kyle.winter@deq.virginia.gov

—Virginia Register (08/21/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Wed 8/16/2017 5:25:25 PM
Subject: BREAKING NEWS: Trump disbands business advisory councils after CEOs quit

President Donald Trump said on Wednesday he was disbanding two business advisory councils after a flood of criticism led some chief executives to quit over the president's response to violence in Charlottesville, Va., over the weekend.

The heads of manufacturers 3M and Campbell's Soup both announced Wednesday they were quitting the manufacturing council, and the other group, led by Blackstone Chief Executive Steven Schwarzman, was said to be on the verge of disbanding.

"Rather than putting pressure on the businesspeople of the Manufacturing Council & Strategy & Policy Forum, I am ending both. Thank you all!" Trump wrote on Twitter.

Read more here: http://politi.co/2uIVfTz

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From: POLITICO Pro Energy Whiteboard
Sent: Thur 9/28/2017 10:51:52 PM
Subject: Pruitt won't cover costs for private flights

By Emily Holden

09/28/2017 06:48 PM EDT

EPA Administrator Scott Pruitt doesn't plan to pay out of pocket for the $58,000 worth of non-commercial flights he and his staff have taken on four occasions, according to an agency spokeswoman.

Pruitt has taken three private government flights and one chartered plane. EPA has said those flights represented the only travel options for reaching scheduled events in time, including taking an Air Force plane to New York at a cost of $36,068.50 to travel to events ahead of an international energy ministers' meeting in Italy. The agency received ethics approvals from EPA's acting general counsel for three of the four trips.

"If a reimbursement was necessary, we would have been told during the approval process and acted accordingly," agency spokeswoman Liz Bowman said.

HHS Secretary Tom Price today said he would write a personal check to the federal government to cover the cost of his seat on private jet flights that cost more than $400,000 since May.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/09/pruitt-wont-cover-costs-for-private-flights-093673

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Wed 8/2/2017 2:02:34 PM
Subject: POLITICO's Morning Energy: Pruitt cleared by scientific integrity panel — New front in RFS battle — What will Southern have to say about Vogtle today?

By Annie Snider | 08/02/2017 10:00 AM EDT

With help from Esther Whieldon, Alex Guillén and Darius Dixon.

PRUITT'S CLIMATE COMMENTS CLEARED BY SCIENTIFIC INTEGRITY PANEL: A panel of EPA employees has concluded that Administrator Scott Pruitt's controversial assertion that carbon dioxide is not the primary driver of climate change during a television interview in March did not violate the agency's scientific integrity policy. That policy "specifically encourages employees to express their opinion should the employee disagree with scientific data, scientific interpretations, or scientific conclusions," the panel of high-ranking EPA officials wrote, noting that Pruitt "did not suppress or alter Agency scientific findings."

Lost in the mail? The panel's conclusion was included in a letter from Thomas Sinks, director of EPA's Office of the Science Advisor, addressed to the Sierra Club, which had formally complained about Pruitt's climate comments. But the green group said Monday evening that it had not received that letter, which first appeared in conservative media outlets. For its part, EPA's press office circulated an article from the Washington Free Beacon to publicize the letter.

Elena Saxonhouse, a senior attorney with Sierra Club, said in a statement that her group was told by EPA staff that the proper process is for the complaining party to be informed first. Moreover, she added: "Pruitt's 'opinions' can have especially weighty consequences for the many scientists working below him, yet the letter treats him like any other employee."

HAPPY WEDNESDAY. I'm your guest host, Annie Snider, and I've got you for the rest of the week. The NRDC's Joan Matthews is the competition to beat, being the first to send in the correct trivia answer for a second day in a row. Benjamin Harrison, Herbert Hoover, Lyndon B. Johnson, Bill Clinton and Barack Obama were the five presidents born in August, and Warren G. Harding was the one to die this month. For today: On this day in 1939, Albert Einstein and Leo Szilard wrote to President Franklin D. Roosevelt; what did they ask him to do? Send your answers - and your tips, energy gossip and comments to asnider@politico.com or follow us on Twitter @AnnElizabeth18, @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

POLITICO Pro Policy Summit, Sept. 14: An all-day summit featuring deep-dive conversations and incisive interviews that explore policy trends inside and outside government. Space is limited to current Pro customers at the director level or above. Learn More.

NUCLEAR EYES TURN TO GEORGIA: Now that the V.C. Summer nuclear project in South Carolina appears to be on its last legs after the two owners announced plans to ditch the effort, the nuclear policy universe turns its attention to Southern Co., which holds its quarterly earnings call today. Southern, through its Georgia Power unit, is the lead owner of the two-reactor Vogtle plant expansion facing a lot of the same struggles Summer did: cheap natural gas,

cost overruns, anxious investors, and the bankruptcy of their primary contractor, Westinghouse. Taxpayers also have a stake in Vogtle. The Energy Department has provided loan guarantees for $3.4 billion to Georgia Power, $3.1 billion to Oglethorpe Power Co., and $1.8 billion to the Municipal Electric Authority of Georgia. More than $5.3 billion of that money has been advanced to the firms since Feb. 2014, according to Treasury Department records. SCANA, the majority owner of the Summer project, saw its stock rise 5 percent each day since announcing plans to abandon the reactors.

But many came to Vogtle's pre-defense since Monday, including two top members of Georgia's utility regulator (its vice chairman, Tim Echols, has tweeted on the subject more than a dozen times). It goes something like this: Georgia Power has more than three times as many customers (making the cost impacts of the project lower), Vogtle is getting a $3.7 billion payout from Westinghouse parent company Toshiba ($1.5 billion more than Summer is getting), and the Georgia project has been seen as being better managed. Still, every month of indecision costs the Vogtle co-owners about $100 million. Rather than steal Southern's thunder, an Oglethorpe spokesman told ME the Vogtle co-owners are still working "to develop a detailed schedule and cost-to-complete for the project." Southern CEO Tom Fanning will hold court with investors starting at 1 p.m.

Meanwhile, in the Sunshine state nuclear critics see the South Carolina shut down as a signal that the supposed "nuclear renaissance is over, Politico Florida's Bruce Ritchie reports. Florida Power & Light Co. told the state's Public Service Commission regulators in May planning to continue its "pause" of two new nuclear units at its Turkey Point power plant south of Miami while it seeks to learn from efforts further north.

FAREWELL, DREAMS OF SUMMER RECESS: August got a whole lot sweatier when John Cornyn told reporters Tuesday that the upper chamber will, indeed, stay in session through next week, cutting its precious August recess time in half.

Minibus idling in the driveway: Majority Leader Mitch McConnell started the process to fast-track the House-passed appropriations measure funding the Defense and Energy Departments, as well as the Army Corps of Engineers, Veterans Administration and Legislative branch. But don't get your hopes up yet - leaders use the "Rule 14" process, which allows a measure to bypass committees and head straight to the floor, for dozens of bills each month that go exactly nowhere. Moreover, both McConnell spokesman Don Stewart and a Senate appropriations aide warned not to read too much into the majority leader's gesture (h/t Budget & Appropriations Brief).

But what about the noms? Odds aren't looking good for most (any?) of the energy nominees awaiting confirmation moving during that extra time either. ME caught up with Sen. Dean Heller about his hold on deputy Energy secretary nominee Dan Brouillette and the Nevada Republican said there's no deal, "just conversations and discussions." The two Republican FERC nominees also don't look like they'll be gaining any momentum before recess, in part because the White House still hasn't coughed up the Democratic nominee Trump announced in June.

When asked about the two GOP picks for the Nuclear Regulatory Commission, EPW Chairman

John Barrasso said he generally wants "every one" of the Senate's pending nominees confirmed. But Barrasso also said he hasn't talked to his ranking member, Sen. Tom Carper - which is a big red flag. Carper has been saying for months that he wants NRC Commissioner Jeff Baran, a Democrat, to get reconfirmed alongside the new commissioners, both of whom he supports. Without Carper's blessing, it's hard to see how they get into a big package that needs unanimous support.

BUT SOMEONE IS CONFIRMED: The Senate approved Lucian Niemeyer to be an Assistant Secretary of Defense for Energy, Installations and Environment Tuesday. Niemeyer, a retired Air Force lieutenant colonel, previously oversaw military installations and federal energy and environmental programs as a staffer on the Senate Armed Services Committee.

OLD PROBLEM, NEW HEADACHES: Another battle in the long-running war over the Renewable Fuel Standard may be ready to break out in the wake of last week's D.C. Circuit Court of Appeals decision voiding EPA's use of a waiver to lower the amount of ethanol that refiners had to blend into the gasoline supply in 2016, as compared with targets set by Congress more than a decade earlier.

The issue, Eric Wolff reports, is that the court offered little guidance on how to correct that problem for a year that is already in the history books, leaving EPA to decide whether to force refiners to spend up to a half a billion dollars on additional compliance credits for fuel that they've already sold, or find a way to let refiners off the hook.

The obvious solution - requiring additional Renewable Identification Numbers - has drawn protests from refiners. Instead, they argue the agency could simply rewrite the rule to reflect the actual amount of biofuels used in 2016, just as it did in previous years. But ethanol producers argue the agency should not be able to simply paper over its mistake. Here's Eric with more.

DEEPWATER, TESLA TEAM UP ON OFFSHORE WIND PROJECT: Tesla and Deepwater Wind are proposing an offshore wind project that would be paired with battery storage. The 144-megawatt "Revolution Wind" project Deepwater wants to build offshore Massachusetts would be paired with a 40 megawatt-hour battery storage system from Tesla. The companies were among dozens of wind, solar, hydropower and even high-voltage transmission line developers that last week bid for 15-year to 20-year "clean energy" contracts with utilities in Massachusetts. The commonwealth posted the bids online Tuesday. Deepwater Wind in December brought the nation's first offshore wind project online offshore of Rhode Island.

WEDNESDAY IS FOR WATER: Get ready for some Senate Energy and Natural Resources water wonkery this morning, when Arizona Republican Jeff Flake 's Water and Power subcommittee will look at how infrastructure, management and innovation can improve water security in the arid West. The hearing will set the stage for the inclusion of Western water issues in the infrastructure package some lawmakers are still holding out hope for. With Arizona's top water official testifying, the hearing could also shed light on an emerging deal between the U.S. and Mexico to share in shortage along the over-allocated Colorado River.

If you go: The hearing is at 10 a.m. in 366 Dirksen.

DEMS QUESTION ZINKE'S REVENUE GOALS: Senate Energy and Natural Resources Committee ranking Democrat Maria Cantwell and House Natural Resources Committee top Democrat Raul Grijalva in a Tuesday letter to Interior Secretary Zinke questioned whether he is keeping his pledge to ensure the American people receive their fair share when companies use public land to extract oil, gas and coal resources. The agency's "actions so far this year have served to do the exact opposite, reducing the return that taxpayers receive instead of increasing it," they wrote. Cantwell and Grijalva asked Zinke to answer a number of questions, including how his reinstated and expanded royalty policy committee would address these fiscal issues.

EPA APPROVES FLINT LOAN FORGIVENESS: The city of Flint is off the hook for $21 million in federal drinking water loans, EPA said Tuesday. The move, requested by GOP Michigan Gov. Rick Snyder, frees up more money for the city's efforts to replace lead service lines and upgrade its infrastructure in the wake of a major lead contamination crisis. "Rebuilding our nation's infrastructure is one of the President's top priorities, and EPA is especially focused on those communities, like Flint, that need it the most," EPA Administrator Scott Pruitt said in a statement.

LEGAL FILING OF THE DAY: The American Civil Liberties Union's West Virginia chapter wants to defend TV comedian John Oliver in the lawsuit over his recent segment on coal magnate Bob Murray. The ACLU's "friend of the court" brief filed on Tuesday argues that Oliver had various constitutional rights to air the segment, which among other things referred to Murray as a "geriatric Dr. Evil." Murray's suit is an attempt "to chill protected speech and silence the marketplace of ideas," the ACLU told a federal court in a brief which includes sections titled "Anyone Can Legally Say 'Eat S---, Bob!'" and "You Can't Sue People for Being Mean to You, Bob."

The group notes that while its brief "pokes fun at the absurdity of this case, the legal issues raised by it are anything but comical." (Still, the ACLU included a photo comparison between Murray and the fictional Dr. Evil on page 14.) Murray and his company are currently trying to get the case sent to a state court and secure an order stopping HBO from sharing the segment further.

GREENS CALL FOR SCRUTINY OF ENHANCED OIL RECOVERY: In a report out this morning, Clean Water Action is calling for increased environmental protections around the common practice that uses fluids or gasses to push oil to the surface. Enhanced oil recovery is regulated under a Safe Drinking Water Act program that hasn't seen its regulations updated in decades, requires little monitoring and data collection, and is targeted for a 30 percent cut under Trump's budget proposal, the report finds. It argues that it's difficult for state and federal agencies to push for stricter oversight without evidence of violations or proven cases of drinking water contamination, but that with meek budgets, these are almost impossible to collect.

MAINE LEGISLATURE VOTING ON VETOED SOLAR BILL: The Maine Legislature is slated to vote today on an override of Gov. Paul LePage's veto of L.D. 1504, a measure that would have utility regulators formulate new recommendations on the future of net metering in 2019. The bill does not stop the state from starting to phase out its net-metering program in the

meantime. The Legislature passed the measure in June with a veto-proof majority but it remains unclear whether lawmakers will hold their ground.

MOVER, SHAKER: Jamie Nolan leaves her post as communications director for DOE's SunShot Initiative today to launch her own communications consultancy focused on energy, clean tech, climate and transportation.

QUICK HITS

- Islamic State and climate change seen as world's greatest threats, poll says. New York Times.

- Tesla's longtime battery technology director leaves company. Bloomberg.

- 59,000 farmer suicides in India over 30 years may be linked to climate change, study says. Washington Post.

- Big Oil Bites the Low-Price Bullet, Wall Street Journal.

THAT'S ALL FOR ME!

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http://www.politico.com/tipsheets/morning-energy/2017/08/02/pruitt-cleared-by-scientific-integrity-panel-221655

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Wed 9/13/2017 2:05:43 PM
Subject: POLITICO's Morning Transportation: Self-driving car guidelines a plus for industry — No floor time for House FAA bill this week — 'Autopilot' a piece of the probable cause puzzle

By Brianna Gurciullo | 09/13/2017 10:00 AM EDT

With help from Stephanie Beasley, Lauren Gardner, Tanya Snyder and Theodoric Meyer

NO GIFTS, PLEASE: DOT released the long-awaited revision to NHTSA's policy guidance on self-driving cars Tuesday. As Tanya reports, the new document is a big plus for industry, including significant changes to the previous guidance's voluntary 15-point safety assessment. It's been replaced by a 12-point plan that's not dissimilar, though planks on privacy, data sharing and ethics no longer exist. It also trades in the previous document's "model state policy" for a list of best practices.

Slim-fast: As before, the guidance includes all motor vehicles. And, all in all, the federal guidance on self-driving cars has shrunk from 112 pages to 27. NHTSA officials called the new guidelines "much cleaner and more streamlined," and said they were designed to clarify that the safety letter is truly voluntary.

NOT THIS WEEK: The House's FAA bill won't come to the floor this week, Rep. Bill Shuster (R-Pa.) told Lauren on Tuesday. Hurricanes "Irma and Harvey kind of blew us off schedule, so to speak," the Transportation Committee chairman said. But Shuster said he feels "pretty good" about the vote count for his bill, H.R. 2997 (115) . As for the length of an extension? "We're working through the process, trying to figure out what makes the most sense," Shuster said.

Buying time: Meanwhile, Senate Commerce Chairman John Thune (R-S.D.) is hoping that an extension will give his colleagues additional time to work out the kinks on their version of the FAA bill. He told reporters again Tuesday that he wants an extension that lasts six months "or perhaps maybe longer." As Lauren reports for Pros, the upper chamber "has run into issues of its own with the Commerce Committee-reported legislation, S. 1405 (115), which includes language to loosen constraints on pathways for pilots to gain credit for flight time."

IT'S WEDNESDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Be sure to send tips, feedback and lyrics to bgurciullo@politico.com or @brigurciullo.

"But I can't see the road / If I'm looking at the signs / I'm carrying a load / And stepping out of line."

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) that are all about flying, driving, commuting and sailing?

A PIECE OF THE PROBABLE CAUSE PUZZLE: NTSB determined Tuesday that driver error and an over-reliance on automated technology were the primary facotrs that led to a deadly

crash last year of a Tesla being driven with the "Autopilot" function engaged. While the crash may not have happened if the driver of a tractor-trailer had yielded to the Tesla - and if the Tesla driver had been paying more attention to surrounding traffic - a significant contributing factor was the "operational design" of Autopilot, which allowed the driver a "prolonged disengagement" from operating the vehicle "in ways inconsistent with guidance and warnings from the manufacturer," NTSB said.

What now? The board sent seven recommendations to federal regulators and automakers, urging them to do more to improve data collection from automated vehicles involved in crashes and to promote greater safety around automated control systems being deployed in cars. NTSB implored manufacturers to do more to ensure that cars with advanced automated systems aren't being driven in conditions for which they weren't designed. (For example, ensuring software won't allow a car to be driven with automated controls engaged if it's on a local road with cross-traffic). The board also called on automakers to develop technology that better senses when a driver isn't paying attention, since the driver either didn't notice or ignored several visual and auditory warnings to put his hands back on the steering wheel before he crashed.

Theoretical dustbin: Two things NTSB staff debunked: a rumor that the driver had been watching a movie before the crash and a theory, suggested by Tesla officials, that the software couldn't detect the turning truck because of the glare of sunlight off its white trailer.

LOADING ZONE: The Senate Commerce Committee this morning is set to examine self-driving trucks and their potential impact on jobs and transportation systems - an issue that's held up the introduction of their bill. "Including trucks in the conversation about automated vehicles is important as we seek to improve safety; it also puts our economy on a level playing field as other countries around the world deploy automated freight trucks," Thune plans to say, according to excerpts of his opening statement provided by committee staff.

'Fundamentally different': One witness, Ken Hall, the general secretary-treasurer of the Teamsters, will say that "the issues facing autonomous commercial trucks are fundamentally different, and potentially more calamitous than those facing passenger cars, and warrant their own careful consideration" - both because of the workers they could displace and the safety concerns inherent to large trucks.

Hold on now: Another witness, American Trucking Associations President and CEO Chris Spear, will try to calm those fears. "Some may predict the elimination of all driving jobs, including both drivers of passenger vehicles and commercial vehicles, but that future, if it exists at all, is too far into the future to see," Spear will say. He'll look to assure drivers that there remains a role for them, even in a world of self-driving trucks.

MT MAILBAG: The Owner-Operator Independent Drivers Association argues that the Senate bill "should be limited to motor vehicles weighing less than 10,000 pounds." The group sent a letter Tuesday to Thune, Commerce Committee ranking member Bill Nelson (D-Fla.) and Sen. Gary Peters (D-Mich.).

YEAH, ABOUT THAT ... TSA may have vowed to keep a closer eye on rail and transit

security after Al Qaeda provided detailed instructions on attacking U.S. railways, but New Jersey Democrats said the agency needs to take more concrete actions. The group of lawmakers that included Sen. Cory Booker and Rep. Bonnie Watson Coleman sent a letter to TSA Administrator David Pekoske on Tuesday urging him to develop a plan to ramp up security for passenger rail and transit, Steph writes. The lawmakers also invited Pekoske to visit an Amtrak station in New Jersey, where terrorists plotted to bomb a train station last year.

DHS REAUTHORIZATION NOT FORGOTTEN: Steph also briefly caught up with Senate Homeland Security Committee Chairman Ron Johnson (R-Wis.) on Tuesday as he was on his way to Mitch McConnell's office. Johnson said the committee is working on a DHS reauthorization bill, but wouldn't give up the goods on a timeline. Johnson previously said he hoped to put out legislation similar to a House-passed DHS bill (H.R. 2825 (115)) this fall.

CHARGES DROPPED AGAINST AMTRAK ENGINEER: A judge dismissed charges Tuesday against the engineer who was behind the controls of the Amtrak train that derailed in Philadelphia in 2015, killing eight. The Associated Press reports that the judge determined it was "more likely an accident than criminal negligence."

CUOMO'S IMAGE PROBLEM: With an eye on the 2020 presidential election, New York Gov. Andrew Cuomo has attempted to "introduce himself to a national audience as a master-builder of infrastructure," our colleagues at POLITICO New York report, but the state of New York City's ailing subways is hurting his rep. Check out the story here.

FOR YOUR CALENDAR: NTSB announced Tuesday that it will hold a meeting Dec. 12 on the probable cause of the El Faro sinking. The cargo vessel was close to the eye of Hurricane Joaquin two years ago when it sank, killing the almost three dozen members of the crew.

A THUMBS UP FOR SHUSTER: The American Action Forum published a report Tuesday essentially endorsing Shuster's air traffic control plan. The nonprofit group is the "sister organization" of the American Action Network, whose executive director also heads the Congressional Leadership Fund, a super PAC tied to House Speaker Paul Ryan. American Action Forum's president is Doug Holtz-Eakin, who advised Sen. John McCain (R-Ariz.) on economic issues when he ran for president.

TWEET DU JOUR: @SenJohnMcCain: "The decision to suspend #JonesAct for #Harvey & #Irma relief shows why we must repeal. Let's make this permanent!"

SPEAKING OF HURRICANES: While Florida's seaports, airports and toll roads will face losses in the short term because of Hurricane Irma, their credit over time shouldn't change much, according to Moody's Investors Service.

SHIFTING GEARS: Diana Birkett Rakow has a new gig at Alaska Airlines as vice president of external relations after doing public affairs for Kaiser Permanente Washington, our friends at POLITICO Influence report. Caeli Mahon left the office of Rep. Jeff Denham (R-Calif.), the chairman of the House Transportation Railroads Subcommittee, where she served as press secretary, to be an associate at Targeted Victory. And Seth Coppe, formerly of the National

Governors Association, starts later this month as external affairs liaison for the American Bus Association.

An extra slice of PI: Adam Nordstrom, a former lobbyist at Chambers, Conlon & Hartwell, has set up a firm called Viking Navigation to lobby on rail and intergovernmental issues, PI reports. So far, he is registered to lobby for Anacostia Rail Holdings Company, OmniTRAX and the Kansas Department of Commerce. Nordstrom is still advising CC&H with respect to a big client, the American Short Line and Regional Railroad Association.

A NEW PREZ FOR IBTTA: The head of the E-470 Public Highway Authority in Colorado, Tim Stewart, will be the International Bridge, Tunnel and Turnpike Association's president for next year. Samuel Johnson, Transportation Corridor Agencies' chief tolling officer, will be second vice president.

THE AUTOBAHN:

- "Supreme Court lets Trump ban on most refugees stand." The Associated Press.

- "Former Melgen girlfriend fumes at prosecutors during Menendez trial." POLITICO New Jersey.

- "American Airlines marks down third quarter guidance." The Wall Street Journal.

- "Maryland Gov. Larry Hogan wants to sue the FAA over airport noise." The Washington Post.

- "Amtrak chairman doesn't rule out future 'summer of hell.'" POLITICO New York.

- "Washington lawmakers oppose plan for highway tolls in Oregon." FOX 12 Portland.

THE COUNTDOWN: DOT appropriations run out in 87 days. The FAA reauthorization expires in 18 days. Highway and transit policy is up for renewal in 1,114 days.

To view online:
http://www.politico.com/tipsheets/morning-transportation/2017/09/13/self-driving-car-guidelines-go-easier-on-industry-222256

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From: Bloomberg BNA
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Subject: Sep. 06 -- Energy and Climate Report

Energy and Climate Report

September 06, 2017 - Number 173

News

Climate Policy
EU Firm on Climate Pledges Despite U.S. Withdrawal From Pact
Full implementation of the 2015 Paris climate accord should be advocated by the European Union at the forthcoming UN climate summit despite U.S. President Donald Trump's decision to pull out of the agreement, the European Parliament's environment committee decided Sept. 7.

Climate Regulation
Clean Power Plan Repeal Proposal Coming This Fall, EPA Says
The long-awaited proposal to repeal the Clean Power Plan is coming this fall, according to the EPA.

Energy
Correction
The article "Rule Expediting Small Natural Gas Exports May Have Limited Impacts" dated Sept. 5 has been corrected to say that applicants cannot export more than 0.14 billion cubic feet per day of natural gas in order to qualify for the expedited approval process offered to small-scale natural gas exporters.

Energy
Energy Regulator Nominees Back Technology-Neutral Stance
Republican and Democratic nominees for the Federal Energy Regulatory Commission agreed that the agency should be technology neutral when it comes to regulating electric power generation, differing from a pro-coal stance of the current FERC chairman.

Energy
Trump's Trade Barrier Push Threatens U.S. Energy Profits, Critics Say
Trade expansion poses the biggest potential boon to U.S. energy companies, yet the Trump administration's rhetoric threatens that prospect, said several speakers at an event to discuss NAFTA renegotiations.

International Climate
Democrats' Last-Ditch Effort to Aid Climate Fund Falls Short
A last-ditch Democratic effort to restore U.S. spending for a United Nations climate fund was narrowly repelled by Republican Senate appropriators Sept. 7 in a major step for President Donald Trump's campaign to zero out international aid to address climate change.

Mining

Chilean Court Order on Wetlands Impacts May Shut Kinross Mine

The future of Kinross Gold's mining operations in northern Chile could depend on whether the Canadian company successfully appeals a court decision limiting the amount of water it can extract from wells near sensitive wetlands.

Motor Vehicles

Ontario to Pick Up Tab for Low-Carbon Commercial Trucks

Ontario businesses that lease or buy vehicles with low carbon dioxide emissions are eligible for rebates of up to 50 percent as part of the province's C$170 million ($140 million) incentives package.

Renewable Energy

Brazil's Rattled Wind Power Supply Chain Looks Ahead

Suppliers in Brazil are hoping the upcoming energy auctions will kick-start a jittery wind-power sector that's trying to deal with the country's worst recession in decades, officials from several companies told Bloomberg BNA.

Renewable Energy

China Eyes 707 Megawatts of Pilot Wind Farms Free of Subsidies

China, the world's biggest clean-energy investor, selected 707 megawatts of wind power pilot projects that will receive the same subsidy-free payment for electricity as coal plants.

Renewable Energy

South Korea Pours Millions Into Building Solar Panels on Landfills

Landfills are not just for garbage anymore. At least not in South Korea where the government and a landfill operator are coordinating to place solar power facilities at four disposal sites.

Trade Policy

Buoyed by WTO Ruling, Argentina Seeks U.S. Biodiesel Duties Deal

Argentina is negotiating a "price-volume" deal with the U.S. that could suspend preliminary antidumping duties, a Foreign Ministry official said Sept. 7.

Vehicle Fuels

U.S. Ethanol Industry Asks Trump to Intervene in Brazil Dispute

U.S. ethanol producers will ask the Trump administration to intervene in a trade dispute with Brazil as tensions between the industry and foreign competitors continue to escalate.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 8/15/2017 12:32:56 PM
Subject: Aug. 15 -- EHS State Regulatory Alert

EHS State Regulatory Alert

August 15, 2017 - Number 156

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

California

AIR
Aftermarket Catalytic Converters
California AIR

Proposed rule of the Air Resources Board amends regulations under 13 CCR 2222 regarding evaluation procedures for new aftermarket catalytic converters. The rule incorporates low-emission vehicle (LEV) III standards and test procedures to allow for anti-tampering exemption of aftermarket catalytic converters for sale and installation on LEV III vehicles. A hearing is scheduled for Sept. 28-29, 2017, in Sacramento. Comments are due Sept. 25, 2017. Contact: Tony Martino, ARB, Aftermarket Parts Section; 626-575-6848

—California Regulatory Notice Register (08/11/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Child Safety Alert Systems
California HAZARDOUS MATERIALS TRANSPORTATION

Proposed rule of the California Highway Patrol adopts regulations under 13 CCR 1294 to establish provisions concerning specifications, installation, and use of child safety alert systems (CSAS). The rule specifies the circumstances under which all school buses, school pupil activity buses, youth buses, and child care vehicles must be equipped with a CSAS to provide the basis for the determination of compliance with 2018-19 school year implementation date requirements. The rule also specifies the circumstances under which the CSAS must be activated and prohibits any method of deactivation except as provided. In addition, the rule provides warning requirements for the CSAS, specifies interior lighting requirements and alternatives, and clarifies CSAS operational requirements. Hearing requests are due Sept. 11, 2017. Comments are due Sept. 25, 2017. Contact: Joseph Mosinski; CHP, Commercial Vehicle Section; 916-843-3400; cvsregs@chp.ca.gov

—California Regulatory Notice Register (08/11/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Hazardous Materials/Explosives Routes and Stopping Places
California HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the California Highway Patrol amends regulations under 13 CCR 1151 concerning commercial vehicle routes and stopping places for transportation of explosives. The rule updates explosives routes to extend 2.2 miles and remove 8.2 miles of currently designated routes in the San Francisco region. The rule is effective July 27, 2017. Contact: Tian-Ting Shih; CHP, Commercial Vehicle Section; 916-843-3400; cvsregs@chp.ca.gov

—California Regulatory Notice Register (08/11/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
General Industry Safety Orders/Process Safety Management for Petroleum Refineries
California OCCUPATIONAL SAFETY AND HEALTH

Final rule of Department of Industrial Relations, Occupational Safety and Health Standards Board, adopts regulations under 8 CCR 5189.1 regarding general industry safety orders related to process safety management for petroleum refineries. The rule establishes safety performance standards for refinery employers, including applying safeguard protection analyses, integrating human factors and safety culture assessments into safety planning, involving front-line employees in decision-making, conducting root-cause analysis following significant incidents, and performing comprehensive process hazard analyses. The rule is effective Oct. 1, 2017. Contact: Marley Hart; DIR, Cal-OSHA Standards Board; 916-274-5721; oshsb@dir.ca.gov

—California Regulatory Notice Register (08/11/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Industry Safety Orders/General Mobile Equipment and Auxiliaries
California OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Industrial Relations, Occupational Safety and Health Standards Board, amends regulations under 8 CCR 3650 regarding design and construction standards for powered industrial trucks (PITs). The rule specifies that PIT forks may be in the raised position for loading and unloading by operators if the forks are raised no more than 42 inches above the same level on which the PIT is located, rather than where the operators are standing. The rule requires operators to be in the driver's seat of the PIT when not involved in loading and unloading operations. The rule is effective Oct. 1, 2017. Contact: Marley Hart; DIR, Cal-OSHA Standards Board; 916-274-5721; mhart@dir.ca.gov

—California Regulatory Notice Register (08/11/2017)

Regulatory Update

PESTICIDES

Pesticides and Pest Control Operations

California PESTICIDES

Proposed rule of the Department of Pesticide Regulation amends regulations under 3 CCR 6000 through 6776 (nonconsecutive) to revise pesticide worker safety standards to conform to Nov. 2, 2015, amendments to federal worker protection standards under 40 CFR 170. The rule removes the application exclusion zone definition and revises requirements for notice of completed applications, fieldworker training, fieldworker decontamination supplies, and field posting when a pesticide is used for the commercial or research production of an agricultural commodity. The rule also revises training program requirements for pesticide handlers working in several agriculture settings. Hearing requests are due Sept. 11, 2017. Comments are due Sept. 25, 2017. Contact: Linda Irokawa-Otani; DPR; 916-445-3991

—California Regulatory Notice Register (08/11/2017)

Regulatory Update

SOLID WASTE

Covered Electronic Waste Program

California SOLID WASTE

Proposed rule of the Department of Resources Recycling and Recovery amends regulations under 14 CCR 18660.5 through 18660.46 (nonconsecutive) to clarify provisions concerning the implementation and administration of the Covered Electronic Waste program. The rule addresses eligibility, documentation, compliance, and accountability under the program. The rule also addresses provisions concerning applicability and limitations, recordkeeping and information tracking, reporting requirements, compliance requirements, procedures for the dismantling of covered electronic waste, program appeals, cancellation methods, manufacturer payments, civil penalties, and definitions. A hearing is scheduled for Oct. 11, 2017, in Sacramento. Comments are due Oct. 10, 2017. Contact: Andrew Hurst; DRRR; 916-323-2872; ewaste@calrecycle.ca.gov

—California Regulatory Notice Register (08/11/2017)

Regulatory Update

TOXIC SUBSTANCES

Safe Drinking Water and Toxic Enforcement Act/Glyphosate, Pentabromodiphenyl Ether Mixture

California TOXIC SUBSTANCES

Final rule of the Office of Environmental Health Hazard Assessment amends regulations under 27 CCR 27001 to add glyphosate and pentabromodiphenyl ether mixture (DE-71; technical grade) to the list of chemicals known to the state to cause cancer under the Safe Drinking Water and Toxic Enforcement Act (Proposition 65). The rule is effective Aug. 2, 2017. Contact: Michelle Ramirez; OEHHA; 916-327-3015; Michelle.Ramirez@oehha.ca.gov

—California Regulatory Notice Register (08/11/2017)

Regulatory Update

Colorado

WATER
Basic Standards and Methodologies for Surface Water
Colorado WATER

Proposed rule of the Department of Public Health and Environment, Water Quality Control Commission, amends regulations under 5 CCR 1002-31 regarding basic standards and methodologies for surface water. The rule corrects the spelling of a species listed in a footnote to Table I regarding physical and biological parameters. A hearing is scheduled for Dec. 11, 2017, in Denver. Comments are due Nov. 29, 2017. Contact: Blake Beyea; DPHE; 303-692-3656; blake.beyea@state.co.us

—Colorado Register (08/09/2017)

Regulatory Update

WATER
Classifications and Numeric Standards/Rio Grande River Basin
Colorado WATER

Proposed rule of the Department of Public Health and Environment, Water Quality Control Commission, amends regulations under 5 CCR 1002-36 regarding classifications and numeric standards for the Rio Grande Basin. The rule revises lead values erroneously written as acute/chromium to acute/chronic. The rule also corrects the descriptions of Alamosa segments 28 and 29 and adds Alamosa segments 8 and 30 as exceptions. In addition, the rule corrects the descriptions of Closed Basin segments 3 and 9a and adds Closed Basin segment 1 as an exception. A hearing is scheduled for Dec. 11, 2017, in Denver. Comments are due Nov. 29, 2017. Contact: Blake Beyea; DPHE; 303-692-3656; blake.beyea@state.co.us

—Colorado Register (08/09/2017)

Regulatory Update

WATER
Classifications and Numeric Standards/South Platte, Laramie, Republican and Smoky Hill River Basins
Colorado WATER

Proposed rule of the Department of Public Health and Environment, Water Quality Control Commission, amends regulations under 5 CCR 1002-36 regarding classifications and numeric standards for the South Platte, Laramie, Republican, and Smoky Hill river basins. The rule corrects standards applied to Upper South Platte Segment 16i, including removing the water supply-based standards for cadmium, chromium III, lead, and nickel and replacing the existing agriculture-based chronic arsenic standard of 100 total recoverable micrograms per liter with the fish ingestion-based chronic standard of 7.6 total recoverable µg/L. The rule also revises the qualifier for the Upper South Platte Segment 22a to a water and fish standards qualifier. In addition, the rule revises standards applied to Clear Creek Segment 3b by removing the acute arsenic standard of 50 total recoverable µg/L and retaining the arsenic standards to protect

aquatic life and water supply uses. Finally, the rule corrects the descriptions of Clear Creek segments 6 and 21 and includes the segments as exceptions to segments 7a and 7b, respectively. A hearing is scheduled for Dec. 11, 2017, in Denver. Comments are due Nov. 29, 2017. Contact: Blake Beyea; DPHE; 303-692-3656; blake.beyea@state.co.us

—Colorado Register (08/09/2017)

Regulatory Update

District of Columbia

SOLID WASTE
Solid Waste Control/Mayor's List of Recyclables and Compostables
District of Columbia SOLID WASTE

Proposed rule of the Department of Public Works amends regulations under 21 DCMR 700 through 799 (nonconsecutive); adopts regulations under 21 DCMR 722 and 723; and repeals regulations under 21 DCMR 714 regarding solid waste control. The rule establishes the Mayor's List of Recyclables and Compostables, effective Jan. 1, 2018, to define new items that are recyclable and compostable and provide associated source separation requirements for all district premises. The rule also establishes registration and annual reporting requirements for solid waste collectors. In addition, the rule updates the definition of solid waste to mean all waste including refuse, recyclable materials, compostable materials, and reusable materials to align with statute. Comments are due Sept. 11, 2017. Contact: Evann Sawyers-Rouse; DPW, Office of Waste Diversion; 202-640-1427; Evann.Sawyers-Rouse@DC.Gov

—District of Columbia Register (08/11/2017)

Regulatory Update

Florida

OCCUPATIONAL SAFETY AND HEALTH
Firefighter Employment Standards
Florida OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Financial Services, Division of State Fire Marshal, amends regulations under FAC 69A-62.0001, .021 and .030 regarding firefighter employment standards. The rule clarifies the definitions of "fatality," "hazard," and "illness" and removes the definition of "multiple injury event." The rule also revises statutory citations and removes references to the firefighter safety and health webpage, which is no longer available. A hearing is scheduled for Sept. 5, 2017, in Ocala. Comments are due Sept. 1, 2017. Contact: Mike Tucker; DFS, Division of State Fire Marshal; 352-369-2829; Mike.Tucker@myfloridacfo.com

—Florida Administrative Weekly (08/11/2017)

Regulatory Update

Massachusetts

AIR

Air Pollution Control for Mobile Sources

Massachusetts AIR

Final rule of the Department of Environment Protection amends regulations under 310 CMR 7.71, 7.72, and 60.05 and adopts regulations under 310 CMR 7.73, 7.74, 7.75, and 60.06 regarding air pollution control for mobile sources to reduce greenhouse gas (GHG) emissions. The rule establishes standards for sulfur hexafluoride emissions from gas-insulated switchgear, methane emissions from the natural gas distribution network, GHG emissions from electricity generating units, and carbon dioxide emissions from fleet passenger vehicles. The rule also revises the GHG Reporting Program to align with changes to the retail seller GHG emission reporting requirements under the clean energy standard. The rule is effective Aug. 11, 2017. Contact: Jay Eberle; DEP; 617-556-1067

—Massachusetts Register (08/11/2017)

Regulatory Update

Pennsylvania

AIR

SIP Revision/Indiana Nonattainment Area

Pennsylvania AIR

Notice of the Department of Environmental Protection announces a proposed revision to the state implementation plan for the Indiana nonattainment area to demonstrate attainment and maintenance of the 2010 sulfur dioxide national ambient air quality standards. The revision consists of a base year emission inventory and a demonstration of reasonable further progress towards attainment and installation of reasonably available control measures and technology. The revision also consists of dispersion modeling that demonstrates attainment in 2018, an approved new source review program, and contingency measures. The SIP revision will be submitted to the EPA for approval. A hearing is scheduled for Sept. 13, 2017, in Pittsburgh. Comments are due Sept. 15, 2017. Contact: Amanda Rodriguez; DEP; 717-787-9702; amarodrigu@pa.gov

—Pennsylvania Bulletin (08/12/2017)

Regulatory Update

Rhode Island

SOLID WASTE
Ocean State Cleanup and Recycling Program
Rhode Island SOLID WASTE

Proposed direct final rule of the Department of Environmental Management repeals regulations regarding recycling and litter control grants. The rule removes provisions concerning the Ocean State Cleanup and Recycling Program, because the program was discontinued and all such recycling programs were transferred to the Rhode Island Resource Recovery Corp. Comments are due Sept. 10, 2017. Contact: Leo Hellested; DEM, Office of Waste Management; 401-222-2797; leo.hellested@dem.ri.gov

—Rhode Island Regulations (08/13/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Wed 8/30/2017 10:26:04 PM
Subject: Administrator Pruitt Meets With Hurricane Harvey Responders and Officials in Texas

Contact Information: press@epa.gov

Administrator Pruitt Meets With Hurricane Harvey Responders and Officials in Texas

Corpus Christi, Texas (August 30, 2017)— U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt traveled to Corpus Christi today to assess EPA relief efforts and thank responders. Administrator Pruitt also met with local and state leaders to discuss continued relief measures in the aftermath of Hurricane Harvey.

"The devastation endured by Texas this week is unfathomable. As I saw firsthand today, the Lone Star State has shown commendable perseverance in helping their fellow neighbors through this crisis," **said Administrator Pruitt**. "EPA is committed to working with our federal, state, and local partners to provide relief to the affected regions."

EPA has an organized emergency response program and is positioned to support FEMA, state, local and tribal partners. EPA Headquarters' Emergency Operations Center (EOC) has been activated and Administrator Pruitt is in regular contact with EPA staff across the Agency who are part of the hurricane response effort. Helping manage response efforts and focusing on the safety of those affected are the Agency's highest priorities.

EPA supports hurricane preparedness and response in a number of ways, including:

- **Addressing Fuel Shortages:** The Clear Air Act allows EPA Administrator Pruitt, in consultation with Energy Secretary Perry, to waive certain fuel requirements to address shortages that occur as a result of the storm. If Administrator Pruitt determines that extreme and unusual fuel supply circumstances exist in a state or region as a result of the hurricane, a temporary waiver can help ensure an adequate supply of gasoline is available in the affected area, particularly for emergency vehicles. EPA has an experienced team standing by to expedite handling of fuel waiver requests by the states.

- **Monitoring Public Water Systems:** Water systems can be severely impacted during hurricanes due to storm surge, flooding, or loss of power. EPA Region 6 has developed a tracking system for us to identify systems in the storm's pathway. Over 4,000 public drinking water systems have been potentially impacted by hurricane Harvey and flooding in Texas. Both Texas Commission on Environmental Quality (TCEQ) and Louisiana Department of Hospitals have uploaded their potentially impacted systems into Response Manager, which enables planning for rapid assessments to restore water systems after the flood waters recede. EPA and TCEQ are conducting damage assessments of both drinking water and wastewater systems to identify impacts to critical assets and assist in the recovery.

- **Securing Superfund Sites:** EPA assesses conditions at the NPL Superfund sites in the storm's impact area and tasks each Superfund National Priorities List (NPL) remedial site manager to assess conditions and make on-site preparations for high winds and heavy rainfall.

Any on-site activities at sites located in the storm's path are ceased until the all clear is given and on-site equipment is secured. In addition, freeboard for lagoons or ponds is increased to accommodate forecasted rainfall if possible. Today, EPA began rapid assessments at two sites that are accessible after floodwaters have receded and this work will continue.

- **Assessing Conditions at Major Industrial Facilities:** EPA assesses conditions at the major industrial facilities in the affected area to identify potential impacts and countermeasures. Following the storm and receding floodwaters, spills and releases are reported to the National Response Center. NRC notifies U.S. Coast Guard or EPA based on preapproved jurisdiction boundaries. EPA conducts follow up inspections and damage assessments in response to reports within EPA jurisdiction.

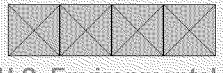
Photos from Administrator Pruitt's visit to Corpus Christi today:

EPA Administrator Scott Pruitt meets with officials from Corpus Christi and neighboring towns to discuss Hurricane Harvey recovery efforts.

EPA Administrator Scott Pruitt visits with cleanup staff at a debris action station in Corpus Christi.

EPA Administrator Scott Pruitt is debriefed on recovery efforts at the Port of Corpus Christi Emergency Operations Center.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Thur 11/30/2017 10:44:13 AM
Subject: Morning Energy: Senate close to resolving ANWR issues — EPA set to keep biofuel volumes steady — Troubled Arizona plant to stay open through 2019

By Anthony Adragna | 11/30/2017 05:42 AM EDT

With help from Darius Dixon, Eric Wolff and Ben Lefebvre

ANWR ISSUES COMPLICATE TAX FIGHT: Complications from language in the Senate's tax package related to ANWR drilling that ran afoul of budget reconciliation rules appeared on the verge of being resolved by late Wednesday. "We are finishing up the last of that and expect to have a curative amendment if you will as part of the process going forward," Senate Energy Chairman Lisa Murkowski (and major ANWR backer) told Roll Call. The changes came after an anticipated ruling from chamber's parliamentarian that language easing environmental rules for ANWR drilling would need 60 votes to be kept in. Though final text of the legislation was not yet available, multiple aides said the concerns would be easily resolved.

Murkowski backed a procedural motion on the bill (along with the rest of the Republican caucus) on Wednesday evening and seemed upbeat about getting one of her top legislative priorities included in the mammoth package. She touted the ANWR section in a statement announcing her support, though she noted: "We still have work to do on this legislation and I look forward to the debate on the Senate floor and my colleagues' ideas to further improve it."

Democrats rally against: Six Senate Democrats, including Minority Leader Chuck Schumer and top Energy Committee Democrat Maria Cantwell, are holding a press conference today at 12:30 p.m. in the Senate Swamp to rally against opening ANWR drilling as part of the tax package. That comes as a groups of religious leaders and scholars sent a letter to members of Congress also opposing the drilling push.

Another issue to watch: Money for wind and solar power projects could dry up if Congress doesn't alter language in the tax bill aimed at preventing banks from moving their profits abroad, Pro's Eric Wolff reports . That's because renewable energy companies typically sell the federal tax incentives attached to their green energy projects to banks, but provisions in the Senate tax bill would make it difficult for banks with overseas subsidiaries to buy the credits. "To me it feels like a drive-by shooting," said Mike Garland, CEO of wind developer Pattern Energy. "Clearly the provision is aimed at corporations who are sending work overseas, but the result is that the investment in U.S. activities is penalized."

IT'S THE END OF THE MONTH AS WE KNOW IT! I'm your host Anthony Adragna, and LCV's Gene Karpinski was the first to identify Sen. Richard Shelby as a member of the boll weevils. For today: Which former Interior secretary's niece is currently running for governor next year as a member of the opposite political party? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

STICKING TO THE SCRIPT: EPA plans today to set final 2018 biofuel volume requirements conforming closely to what Administrator Scott Pruitt promised Midwestern senators earlier this year, Pro's Eric Wolff reports. The final rule will require blending of 15 billion gallons of conventional biofuels — typically corn ethanol — as well as 288 million gallons of cellulosic ethanol. Advanced biofuel volumes will rise slightly from the July proposal to 4.29 billion gallons overall, and the regulation will require 2.1 billion gallons of biomass-based biodiesel for 2019. Bloomberg first reported the volumes. But look for lawsuits to follow regardless.

Iowa Sen. Chuck Grassley called the decision "disappointing" in a statement. "I'm glad that EPA backed off a later proposal, which would have represented an abandonment of President Trump's stated commitment to biofuels and the integrity of the RFS," he said. "I plan to continue working to impress upon the Administration the capability to grow domestic energy production by unlocking the full potential of biofuels."

MARKING ON UP: House Natural Resources gavels in today at 10 a.m. to mark up seven bills on various topics, but two jump out to ME. One measure H.R. 1778 (115), offered by Liz Cheney, would require specific congressional authorization for Interior to impose any moratorium on federal coal leasing. (Remember, the Trump administration overturned an Obama-era ban earlier this year.) The other, H.R. 3117 (115) from Evan Jenkins, would bar EPA, DOE or Interior from using the social cost of carbon (or similar metrics) that are used to estimate monetary damage the country faces from climate change events linked to greenhouse gas emissions.

Interior motives: Deputy Interior Secretary David Bernhardt returns today to Capitol Hill for the second time in two days at 9:30 a.m. before a House Appropriations subpanel for oversight. What'll be on the mind of Betty McCollum , top Democrat on the subcommittee, according to a spokesman? "Congresswoman McCollum will ask whether the supplemental includes sufficient funds for recovery from the recent natural disasters, including whether the department anticipates another supplemental request to address additional needs. She'll also ask about the backlog from damage caused by previous storms that has not yet been repaired, and about what the department can do to rebuild stronger and mitigate the effects of future disasters." More here.

No rush from Bishop for more nominees: Natural Resources Chairman Rob Bishop said Wednesday he's not in any particular hurry for President Donald Trump to name additional people to permanently fill Interior slots. "I have to admit some of the acting directors right now are Utahns that I know, and I'm very comfortable with them," he said, highlighting acting BLM chief Brian Steed and acting Fish and Wildlife Director Greg Sheehan.

STAYING OPEN: The Navajo Generating Station will remain open through December 2019 after receiving the necessary federal approvals, Salt River Project announced Wednesday. "We are grateful for their effort as this agreement provides meaningful benefits for all involved and creates a path forward during this challenging transition," Mike Hummel, deputy general manager of Salt River Project, the plant's operator, said. A Navajo Nation task force and Salt River Project negotiated the new lease over a period of several months, as well as related agreements.

TRIPPIN': Energy Secretary Rick Perry leaves today for a trip to Saudi Arabia, Qatar and United Arab Emirates, Axios reports, citing a department official. He's expected to speak next Wednesday at the Carbon Sequestration Leadership Forum in Abu Dhabi.

MORE HEARINGS? West Virginia GOP Senate candidate Patrick Morrisey appeared to endorse additional public hearings on the EPA's proposed repeal of the Clean Power Plan in a tweet late Wednesday. "Just as WV was harmed by not holding a public EPA hearing in our state during the Obama Administration, it would be wrong to exclude other parts of the United States from this EPA hearing process now," the state's attorney general wrote. "Certainly wouldn't oppose other hearings. As someone who believes Obama Power Plan is wrong & illegal, I think it's important to hear from multiple places." The agency completed its lone scheduled public hearing on Wednesday.

Meanwhile, former coal executive Don Blankenship, who is reportedly planning a run for Senate, promised some news today: "We will be putting out a new ad tomorrow morning on TV, Facebook, and more. It will be a shocker. Government corruption is pandemic and obvious," he wrote on Twitter. Blankenship, who was convicted of conspiracy to violate mine safety standards after the 2010 Upper Big Branch disaster that killed 29 of his workers, would face Morrisey and Rep. Evan Jenkins in a GOP primary to challenge Sen.Joe Manchin.

TEXAS HOLD 'EM: The relationship between the U.S., Venezuela and CITGO may about to get tenser. Venezuela has detained six CITGO executives from Texas, Senators John Cornyn and Ted Cruz said in a press release. The news comes after Venezuelan President Nicolas Maduro placed a loyalist general in charg e of the state-controlled oil company Petroleos de Venezuela S.A., which controls the U.S-based refining company. The Treasury Department has already been slapping sanctions right and left on Venezuela government officials, including PdVSA execs, for several months as the country's human rights violations pile up. There's no indication yet what response the Trump administration may have to the detention of the Texans — a White House spokeswoman referred questions to the State Department, which did not immediately offer comment.

TRUMP ENERGY INFLUENCERS GATHER: Bigwigs with sway in the Trump administration's energy policy realm gather for a Heritage Foundation and Texas Public Policy Foundation conference today beginning at 8 a.m. There's a "very special" guest speaking at 8:45 a.m. (ME would put money on Pruitt, Perry or Zinke). Other speakers include: former Senate EPW Chairman Jim Inhofe, outgoing House Science Chairman Lamar Smith and Sen. Mike Lee. ME also hears coal magnate Robert Murray will be in the building. Heritage is also hosting an event on Perry's grid resiliency proposal at 12 p.m. if you want to make it a longer day on Mass Ave.

BROWNFIELDS IN THE HOUSE! Lawmakers today consider legislation H.R. 3017 (115) that would extend EPA's popular Brownfields program through 2022 at current funding levels and allow the agency to award more funding grants (up to $500,000) to each site slated to be cleaned up. E&C Environment Chairman John Shimkus told ME he expected the measure would pass by a wide margin. It received bipartisan support during committee consideration.

DEJA VU ALL OVER AGAIN: Republican congressional leaders and the White House have hatched a plan that would dare Democrats to shut down the government by not including a fix for so-called DREAMers in a short-term funding measure that would keep the lights on into January, POLITICO's Rachael Bade, John Bresnahan and Sarah Ferris reports. Democratic leadership sources suggest they could be open to a one- or two-week CR, but would be unlikely to move the deadline beyond Jan. 1.

DOE REAUTHORIZATION BILL TEXT PUSHED TO 2018: Embattled Rep. Joe Barton said his efforts to pull together a DOE reauthorization bill had fallen further behind after a meeting between Energy and Commerce Republicans and Democrats failed to materialize this week. "It's been postponed, I think, 'til maybe next week," he told ME, of the effort first floated in January. "We're getting ready to really get to work." When asked about when he expected to have legislative text pulled together, Barton said he had aimed to have some draft text by the end of the year for lawmakers and their staffs. "I was hoping to use this meeting this week to get agreement on the general framework so that we could begin to have the staffs put that together on a bipartisan basis," he said, but the latest delay likely drags that milestone into early next year.

And ICYMI, Barton said he plans to remain vice chairman of the powerful House Energy and Commerce "for the time being" but acknowledged a "private conversation" with Chairman Greg Walden about the matter, Pro's Darius Dixon reports. That comes as another woman came forward to share a series of private messages, some with sexual overtones, traded with Barton in the Star-Telegram.

FOR YOUR LUNCH PLANS: FERC Chairman Neil Chatterjee, fresh off gaining a new colleague, addresses the Natural Gas Roundtable today at 12:30 (in perhaps one of his final appearances as chairman). On Wednesday, he tweeted of his new colleague Rich Glick: "I had the pleasure of working with Rich in the Senate and look forward to working with him in this new capacity," he said.

LET ME SPEAK: House Natural Resources ranking member Raúl Grijalva has asked the attorney of a former staffer to release him from confidentiality rules so he can discuss details of the workplace misconduct claim that's ensnared him this week, POLITICO's Elana Schor reports. Until the former aide's counsel agrees to the release of the agreement, he added, "I can't unilaterally do it without exposing myself to getting sued on a personal level."

THROW IT OUT: Greenpeace asked a federal district court in North Dakota to dismiss a lawsuit filed on behalf of Energy Transfer Partners alleging the green group and others committed racketeering and other crimes. "It is incumbent upon every court that faces these baseless claims to ensure a robust arena for political speech and weed out efforts to suppress critical speech masquerading as [racketeering] claims," the group wrote in its motion. "It appears clear that Greenpeace is being targeted by repeated lawsuits for the precise purpose of chilling its speech."

TAKE A GLANCE! Resources for the Future released a new issue brief Wednesday looking at the impacts of the shale revolution on the oil and gas industry. It concludes: "The shale

revolution has dramatically changed the position of the United States as an energy producer, allowing the oil and gas sectors to more easily ramp up production in response to price changes."

QUICK HITS

— Climate Scientists Watch Their Words, Hoping To Stave Off Funding Cuts. NPR.

— Judge: East Chicago residents, EPA can argue case on role in cleanup process. Chicago Tribune.

— Russia, Saudi Arabia Clash Ahead of OPEC Meeting. Wall Street Journal.

— How to Fix Global Warming: We Talk to Tech Innovators, Entrepreneurs and Political Leaders. New York Times.

— Snyder Proposes Draft Plan to Remove All Lead Service Lines in Michigan. WDET.

— Atlantic Coast Pipeline faces another delay as NC officials push for more details. News & Observer.

HAPPENING TODAY

8:00 a.m. — "At the Crossroads IV: Energy & Climate Policy Summit," Heritage Foundation and Texas Public Policy Foundation, Allison Auditorium, 214 Massachusetts Ave NE

9:30 a.m. — "Supplemental Oversight - Department of the Interior," House Appropriations Interior, EPA and Related Agencies Subcommittee, Rayburn 2007

12:00 p.m. — "Clean Energy Choices," R St. Institute, Cannon 122

12:00 p.m. — "The Department of Energy's Grid Resilience Proposal: Examining Impacts on Consumers and Energy Markets," Heritage Foundation, Lehrman Auditorium, 214 Massachusetts Ave NE

12:30 p.m. — Natural Gas Roundtable hosts FERC Chairman Neil Chatterjee, University Club, 1135 16th Street, NW

12:30 p.m. — Senate Democrats and environmental groups rally against ANWR drilling in tax legislation, Senate Swamp

12:45 p.m. — "New Realities for US Energy Security," Resources for the Future, 1616 P St NW

2:00 p.m. — "Legislative Hearing on Bill Streamlining Water Projects," House Natural Resources Subcommittee on Water, Power and Oceans, Longworth 1324

2:30 p.m. — "Legislative Hearing on Geothermal Exploration, 3 Other Bills," House Natural

Resources Energy and Mineral Resources Subcommittee, Longworth 1334

THAT'S ALL FOR ME!

To view online:
https://www.politicopro.com/newsletters/morning-energy/2017/11/senate-close-to-resolving-anwr-issues-036181

Stories from POLITICO Pro

ANWR language complicates tax bill Back

By Seung Min Kim | 11/29/2017 04:20 PM EDT

A Republican effort to tie Arctic drilling to the tax bill hit a snag in the Senate today.

The Senate parliamentarian has told Democrats and Republicans that parts of the tax bill authorizing drilling in the Arctic National Wildlife Refuge would not be able to pass under budget reconciliation rules that prevents a filibuster, a Senate aide told POLITICO. Language easing environmental rules for ANWR drilling would need 60 votes to be kept in, which Republicans would not have.

The aide said provisions may have to be stripped from the bill before it could proceed, make drilling in the refuge virtually impossible, although multiple other sources said the issue was easily resolved.

The ANWR language had been a priority for Sen. Lisa Murkowski (R-Alaska), who is seen as a key swing vote on the bill.

To view online click here.

Back

Senate GOP clears key hurdle on taxes Back

By Seung Min Kim, Colin Wilhelm and Bernie Becker | 11/29/2017 09:15 AM EDT

The Senate set the stage Wednesday for possible passage of its tax bill later this week, voting to begin formal debate after a day of wheeling and dealing for enough Republican votes.

On a party line 52-48 vote, the Senate moved to formal debate on the GOP legislation, which Republicans are hoping to pass before the end of the year so they can take a key legislative victory into the 2018 elections after a year of disappointments on other major bills. The House passed its own version of tax reform earlier this month.

Senate GOP holdouts began lining up behind their party's tax overhaul earlier in the day. But Republican leaders still have a litany of issues to resolve before the bill gets across the finish line, which they hope will be by week's end. Those issues include an expected ruling from the Senate parliamentarian that could rule out a companion measure to allow drilling in the Arctic National Wildlife Refuge, one Senate aide said, although other sources downplayed how problematic that issue is.

Another factor, which would rile the White House, is a proposal to cut the corporate tax rate to 22 percent instead of 20 percent to free up money for a more generous child tax credit.

In a key concession, Senate Republicans agreed to increase the tax deduction offered to businesses that don't pay corporate taxes, called "pass-throughs," according to two GOP senators, a move meant to win over Sens. Steve Daines of Montana and Ron Johnson of Wisconsin.

Another GOP holdout, Sen. Susan Collins of Maine, voted to move the bill forward after assurances that other legislation would be passed to stabilize the health insurance market if Obamacare's individual insurance mandate is abolished in the tax bill as planned. And GOP senators said they had made progress on a "trigger" mechanism to raise taxes or cut spending that would kick in if the bill fell short of economic growth projections, a change sought by Sens. Bob Corker of Tennessee, Jeff Flake of Arizona and James Lankford of Oklahoma.

Collins also told reporters that both President Donald Trump and Senate Republican leaders support her request to include a deduction for up to $10,000 in property taxes — paralleling a House provision — although they've yet to agree on how to pay for it.

She would pay for it by setting the corporate tax rate at 21 percent and keeping the top rate for individual earners at 39.6 percent, though Collins added, "They're not crazy about my pay-fors, I will admit."

At the same time, more than a few House Republicans, especially conservatives, gave poor reviews to the trigger proposal, potentially making it more difficult for the two chambers to reach a final compromise on a tax bill.

A negative decision on ANWR could also complicate matters in the Senate. But while one Senate aide said the parliamentarian found that the bill's ANWR provisions ran afoul of strict budget rules, other aides said the issue could be worked around without much trouble.

And Sen. Lisa Murkowski (R-Alaska), a perennial swing vote who scored the language that expands drilling in the refuge, said in a statement Wednesday that she would support the overall package.

Sen. John McCain of Arizona, who has kept his views on the tax bill muted this week, also voted to push it forward.

Other balking GOP senators also fell into line, including Jerry Moran of Kansas, who also has expressed concerns about the amount of red ink caused by the bill.

GOP senators earlier Wednesday said they were still working through the trigger sought by the three Republican deficit hawks, which experts say could violate Senate budget rules. Options for a trigger now include automatic spending cuts if the tax bill didn't spur the economy as much as Republicans want, according to Sen. John Kennedy (R-La.).

Senate Republicans had also been discussing automatic tax increases as a trigger, while Sen. Ted Cruz (R-Texas) is among those pushing the idea of guaranteed tax cuts if the economy exceeds expectations in the future.

An earlier proposal that was floated would boost the corporate tax rate — currently set at 20 percent in the bill — by 1 percent to make up revenue if GDP did not grow an average of 0.4 percent during a five-year period. Another trigger proposal could prompt tax increases worth as much as $350 billion in additional revenue over a decade, starting in 2022, according to a source familiar with the negotiations.

Several GOP senators who said they didn't like a trigger also voted for the motion to proceed to ensure the tax bill's passage.

"We're not talking about a large tax increase," Lankford said. "We're talking about small things around the edges to be able to guard against future increases in deficits."

On the pass-through sticking point, the Senate bill would be changed to give the businesses a tax deduction of up to 20 percent of their income, an increase from the 17.4 percent currently in the measure.

But increasing the deduction would also give even more benefits to higher earners, feeding into Democrats' criticism of a measure that most polls find unpopular. Daines said the proposal also would cost around $60 billion over a decade - which would take up most of the breathing room Senate Republicans have for their bill, which can cut taxes by no more than $1.5 trillion over a decade.

"There has been some good progress for Main Street businesses in the tax cut bill," Daines said.

Johnson, along with Daines, wants to eliminate the ability of corporations to deduct their state and local taxes, which would free up about $140 billion in revenue, Johnson said Wednesday. That could increase the deductibility for pass-throughs as high as 27 percent, according to the senator.

Collins previously had outlined a series of objections to the bill, including that it totally eliminated the deduction for state and local taxes. The Maine Republican said she decided to vote to proceed to the tax bill after securing assurances from GOP leaders that proposals to stabilize Obamacare insurance markets and protect pre-existing conditions would be included on must-pass legislation this year.

But Keith Hall, the director of the Congressional Budget Office, told lawmakers Wednesday that

his office did not expect one of those proposals, cosponsored by Sens. Lamar Alexander (R-Tenn.) and Patty Murray, to prevent increases in health care premiums.

Meanwhile, a number of House Republicans unloaded on the trigger idea. The Republican Study Committee, a conservative group of more than 150 House Republicans, won't take an official position on the trigger until it holds a formal vote of all members.

But Rep. Mark Walker of North Carolina, the group's chairman, said: "We don't want it," adding that not a single member of the group said they'd be willing to vote for the Senate tax reform package without further changes. The House passed its own tax bill this month, and GOP leaders there have repeatedly said the two chambers will go to a conference committee to resolve the differences in their bills.

At the same time, a pair of prominent Senate Republicans are pushing to raise the corporate tax rate from its current proposed 20 percent, in exchange for a larger benefit to families with children.

Sens. Mike Lee of Utah and Marco Rubio of Florida announced Wednesday they would introduce an amendment to do just that. It would take the corporate rate to 22 percent while making the child credit partially refundable and tie the changes to inflation. Trump has called the 20 percent corporate rate a red line, and the White House said Wednesday it would oppose increasing it to pay for a more robust child credit.

"We have a chance to do better by working families in this tax bill," Lee and Rubio said in a statement, adding that "this amendment would level the playing field for families, while still kick-starting national investment and growth."

Some other senators were amenable to the idea. "I wouldn't be opposed to going up to do a number of things," said Flake.

Rachael Bade and Sarah Ferris contributed to this report.

To view online click here.

Back

Tax change would create havoc for renewable energy financing Back

By Eric Wolff | 11/29/2017 05:56 PM EDT

Renewable energy advocates are warning that money for wind and solar power projects could dry up if Congress doesn't alter language in the tax bill that's designed to prevent banks from moving their profits abroad.

Companies that develop wind and solar projects typically sell the federal tax incentives attached

to their green energy projects to banks, who can use them to reduce their own tax burdens. Those "tax equity" deals provide the renewable energy developers with the cash they need to build their projects.

But provisions in the Senate tax bill would make it difficult for banks with overseas subsidiaries to buy the credits, which are also accrued by low-income housing and infrastructure projects.

"To me it feels like a drive-by shooting," said Mike Garland, CEO of wind developer Pattern Energy. "Clearly the provision is aimed at corporations who are sending work overseas, but the result is that the investment in U.S. activities is penalized."

Under measures in the tax proposal aimed at reducing "base erosion," Congress would create a kind of minimum tax on profits earned in the U.S. to prevent companies from shifting that income onto the books of their subsidiaries in countries with lower taxes. But the current language would require energy project developers and their bank partners to recalculate their tax credits every year — creating uncertainty that would push many of the financial institutions out of the tax equity business.

"It takes us out of the market," said a source at one bank that does this kind of financing. "The best case scenario is it significantly reduces our involvement in the market, but it would be so difficult to plan in the near term at least, it would take us out. And we're talking about hundreds of millions of dollars of investment every year."

Renewable energy developers don't have the large profits that banks tend to generate, so they don't pay enough taxes to benefit directly from the Investment Tax Credit for solar or the Production Tax Credit for wind that Congress created.

So they have relied on the tax equity financing to drive their rapid growth. In a blog post, Keith Martin, an attorney who is co-head of U.S. projects for Norton Rose Fulbright, said nearly half the financing for a typical solar project and more than half the money for a typical wind project comes from tax equity deals — and four financial institutions have already told him they would leave the market if the law is changed.

There are nearly three dozen financial institutions doing these kinds of deals presently, but about 40 percent of the total funding comes from just three of them: JPMorgan Chase, Bank of America and US Bank.

"Without tax equity financing, most of these projects don't go forward, solar or wind," said one renewables industry source who's lobbying on the issue.

The Senate bill has renewable energy industry groups up in arms. The Solar Energy Industries Association, the American Wind Energy Association, Citizens for Responsible Energy Solutions and the American Council on Renewable Energy sent a joint letter today to every senator asking for a fix. The lobbying source said the groups are pushing hard for changes, and they have several legislative proposals they hope to get attached to the bill during the vote-a-rama amendment process expected later this week. The person declined to describe the proposals

because "things are at a delicate stage."

Financial institutions might be amenable to a provision that allowed banks to carry over unused tax credits to future years, according to the banking source. That would lower the returns on their investments, but it would keep them in the market.

Peter Kelley, vice president for public affairs for AWEA, said Sens. Rob Portman (R-Ohio), Chuck Grassley (R-Iowa), Maria Cantwell (D-Wash.) and Ron Wyden (D-Ore.) are "working to fix the problem before the bill is considered by the full Senate."

"We continue to advocate for a tax reform package that does not threaten the $85 billion in economic activity and the projected 50,000 new American jobs from wind farm development through 2020," he said in a statement.

Grassley, who is already playing defense to keep cuts to the wind tax credit included in the House bill out of the final bill, and a spokeswoman said, "Sen. Grassley is aware of the concerns raised and is looking into the issue."

To view online click here.

Back

Advanced biofuels set for slight bump in final RFS rule Back

By Eric Wolff | 11/29/2017 09:16 PM EDT

EPA today will provide a slight bump for advanced biofuel volumes requirements in 2018 as part of a final Renewable Fuel Standard rule set to be released Thursday, oil and ethanol sources tell POLITICO.

The rule, which is largely in line with a proposal EPA released in July, also requires blending of 15 billion gallons of conventional biofuels — typically corn ethanol — the maximum allowed by law and the same as what the Obama administration required for 2017.

It sets the overall advanced biofuels target at 4.29 billion, 10 million gallons more than were required this year and a 50 million gallon increase compared to its July proposal. The rule requires 288 million gallons of cellulosic ethanol, a reduction from the 311 million gallons required this year, but up from the 238 million gallons proposed in July.

Biodiesel producers are likely to be upset by the rule's targets. It requires 2.1 billion gallons of biomass-based biodiesel for 2019, the same as what is required in 2018, despite the industry saying it could easily produce more. The agency did not change the already final 2.1 billion gallon biodiesel requirement for 2018, as it had suggested it might in a notice released last month.

EPA Administrator Scott Pruitt had promised Midwestern senators earlier this year that he would not set levels any lower than the July proposed rule.

Bloomberg first reported the volumes earlier today.

The rule's Thursday release would mark the second year in a row EPA has released the volumes by the Nov. 30 deadline required by law, and it will fulfill Pruitt's promises to industry to produce a rule on time.

WHAT'S NEXT: EPA likely will face legal challenges to the numbers from oil interests, biofuel interests or others.

To view online click here.

Back

Zinke to end coal leasing moratorium, reinstate royalty advisory committee Back

By Esther Whieldon | 03/28/2017 08:15 PM EDT

Interior Secretary Ryan Zinke on Wednesday will revive an internal advisory committee on energy leasing and royalties, and he will rescind the Obama administration's coal leasing moratorium, according to sources familiar with the plans.

Zinke's move will follow President Donald Trump's executive order today directing his administration to review or eliminate a suite of Obama-era climate and energy policies, including the leasing moratorium. Former Secretary Sally Jewell put Interior's coal leasing program on hold while the agency reviewed how much it should be charging for the leases.

Zinke will also reinstate Royalty Policy Committee that the Obama administration terminated in 2014, sources say. The committee advises the secretary on managing federal and tribal mineral leases and revenues and members have typically included federal representatives as well as state, tribes, industry and public interest groups.

As a congressman Zinke sponsored a bill that would have had Interior reinstate the committee. Sen. Steve Daines, who has said he will attend the signing, sponsored a similar bill.

WHAT'S NEXT: Zinke will sign orders reinstating the royalty committee and ending the coal leasing moratorium at 10 a.m. Wednesday at Interior Department headquarters.

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Back

GOP looks to jam Democrats in shutdown fight Back

By Rachael Bade, John Bresnahan and Sarah Ferris | 11/29/2017 01:06 PM EDT

President Donald Trump and congressional GOP leaders are daring Democrats to shut down the government over immigration rather than back a plan to extend funding into January.

After Democratic leaders Rep. Nancy Pelosi and Sen. Chuck Schumer boycotted a Tuesday afternoon White House negotiating session on government funding, Speaker Paul Ryan and Senate Majority Leader Mitch McConnell began hashing out a plan to pass a short-term spending bill to fund the government into January. The measure would not include a fix for so-called Dreamers, something Democrats have demanded be part of any spending bill.

Trump was open to the idea of a short-term continuing resolution during a White House meeting with GOP leaders, according to multiple Hill and White House sources familiar with the meeting.

While the plan hasn't been finalized, the House would move first under this scenario, passing a bill with only Republican votes. The Senate would then try to follow suit, but it would need to pick off at least eight Senate Democrats to clear the chamber's higher 60-vote threshold. Republicans believe that Schumer would come under heavy pressure from his own colleagues to avoid being blamed for a shutdown, GOP aides said.

Delaying a broader debate on government funding into 2018 would cheer conservatives, who have been dreading a massive year-end spending package that includes a fix for the Obama-era Deferred Action for Childhood Arrivals program. Republicans also want to complete work on a massive $5 trillion tax bill before taking on another fight.

But it also raises the likelihood of an ugly shutdown battle just before the holiday season.

Many Democrats have vowed to withhold their votes from any spending agreement that does not include a fix for the young undocumented immigrants brought to the country as minors. Democratic leadership sources have suggested that Pelosi and Schumer could back a one- or two-week CR. But they're loath to move the deadline past Jan. 1.

Still, Democrats may come under pressure to avoid a government shutdown over DACA, which does not fully expire until March. One House Appropriations Committee Democratic source said there could be some wiggle room in the party's stance on DACA that could help avert a shutdown. The source speculated that while many Democrats are dead-set against a full-year spending package without an immigration deal, there may be fewer who would object to a CR into January.

"There are a lot of questions that would determine how Democrats vote," the source said. "DACA is one, but there's also the question of the supplemental. There's the question of a [spending] caps deal."

At the same time, Ryan and other GOP leaders have for weeks resisted the idea of a stopgap bill through January.

"This is something the speaker feels strong about," leadership ally Rep. Tom Cole (R-Okla.) told POLITICO on Monday night. "A CR and sequester for the military is not a way to begin the New Year."

But that stance is shifting as Dec. 8 — when the government runs out of money — approaches and the GOP remains laser-focused on its tax bill.

Democratic leaders' refusal to show up at the White House for spending talks Tuesday, after Trump insulted them on Twitter, has also solidified a GOP desire to consider a more hard-line strategy.

"I'm very disappointed that Democrats abandoned the field with a shutdown looming. I think that's irresponsible," said Rep. Hal Rogers (R-Ky.), a longtime spending panel member who often works with Democrats on funding matters. "If the Democrats won't even talk, they're the ones who are going to cause a shutdown."

Asked about the new strategy, Ryan's office downplayed the notion that it has settled on a new GOP-only approach, arguing that everything is still in flux.

"No plan has been decided on," said Ryan spokeswoman AshLee Strong. "Assuming Democrats are interested in talking with congressional leadership and the White House, talks will continue."

The left is far from alone in its resistance to a CR through January. GOP defense hawks such as House Armed Services Chairman Mac Thornberry of Texas abhor the idea of funding the military on a temporary basis and often complain that the lack of budget certainty cripples the nation's readiness.

However, Defense Secretary James Mattis, who also attended the White House meeting Tuesday, plans to talk to defense hawks to try to make them more comfortable with the plan. GOP leadership is also going to try to win over defense hawks by promising more spending for the military if they wait until January, perhaps even higher than the nearly $603 billion currently being considered, according to one House GOP source.

GOP leaders could also encounter resistance from moderate Republicans representing Hispanic-heavy districts. Rep. Carlos Curbelo (R-Fla.) on Tuesday said he would vote against any government funding bill past December that doesn't include a solution for Dreamers.

"I'm announcing today that I will not support any appropriations bill that funds the government beyond Dec. 31 unless we get this DACA issue resolved," Curbelo said at a panel on immigration reform in Florida held by the pro-immigrant business group IMPAC Fund and the University of Miami.

At the same time, a longer stopgap spending bill would be applauded by conservatives. Members

of the House Freedom Caucus and Republican Study Committee have been urging Ryan not to create a new deadline right before Christmas, fearful that it would cripple the GOP's leverage and lead to the right getting steamrolled on immigration.

"If we have to do a CR, we prefer January rather than Christmas," Freedom Caucus leader Mark Meadows (R-N.C.) said Wednesday morning.

The lawmakers who actually have to write spending bills would also prefer a stopgap that stretches into January, as it would give them more time to work on a bigger appropriations package to fund the government.

Eliana Johnson contributed to this report.

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Barton to remain E&C vice chair Back

By Darius Dixon | 11/29/2017 03:22 PM EDT

Rep. Joe Barton said today he had discussed his role as vice chairman of the powerful House Energy and Commerce Committee with Chairman Greg Walden, but he has no plans to relinquish his spot following the embarrassing episode last week when an explicit photograph of him circulated online.

"For the time being," he told POLITICO. "I guess I can answer that."

A spokesman for the longtime Texas Republican has already said Barton had no plans to leave Congress, but he acknowledged discussing his position on the committee with Walden.

"I've had a private discussion with Chairman Walden, but it is private," Barton said. Whatever happens with his position as vice chairman would "be a mutual decision," he added.

Barton apologized over the picture last week and said that the Capitol Police are investigating the incident.

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Grijalva asks to end confidentiality of workplace misconduct settlement Back

By Elana Schor | 11/29/2017 03:29 PM EDT

Rep. Raul Grijalva (D-Ariz.) said Wednesday that he has asked the attorney for a former aide he paid to resolve a workplace misconduct claim to release him from confidentiality rules so he can share the details of their settlement.

Grijalva became the second sitting House member embroiled in controversy over Congress' secretive system for settling workplace misconduct claims after the Washington Times reported Tuesday he paid more than $48,000 to a staffer over a hostile work environment claim stemming from his alcohol use. The Arizona Democrat slammed the newspaper's report but did not dispute that a settlement was reached on his behalf.

Recalling the negotiation of the settlement, Grijalva told POLITICO on Wednesday that at times he thought he "should have insisted on" handling the complaint through litigation or through Capitol Hill's Office of Compliance, which requires the leaders of the House Administration Committee to approve any settlement.

Those options "would have not handcuffed me" when it comes to discussing the terms of the settlement, Grijalva said. Until the former aide's counsel agrees to the release of the agreement, he added, "I can't unilaterally do it without exposing myself to getting sued on a personal level."

Grijalva said his office has yet to receive a reply to a verbal request that the former aide's attorney agree to release the terms of the 2015 settlement, which was paid through his committee operating budget rather than the Office of Compliance's fund for settling workplace disputes on Capitol Hill.

Rep. John Conyers (D-Mich.) is facing a political firestorm over three sexual misconduct complaints from former aides, one of whom settled a claim against him that was paid using his personal office's budget rather than the Office of Compliance's fund.

Reps. Jackie Speier (D-Calif.) and Barbara Comstock (R-Va.) have introduced bipartisan legislation that would publicly identify the offices on the receiving end of misconduct complaints and allow alleged victims to discuss their claims without being bound by confidentiality. Grijalva noted that "a plus" to that legislation is the transparency it brings to the settlement process.

"Because, otherwise, what are you hiding?" he said. "And then you leave it up to supposition, which is never good."

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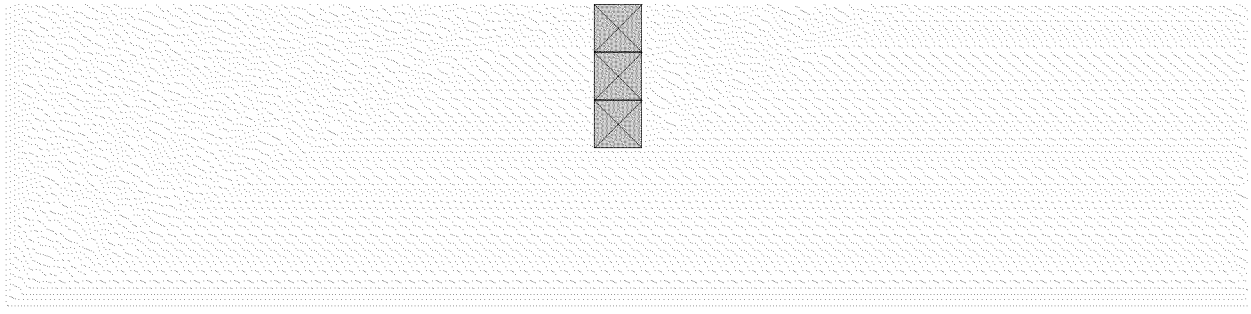
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Subject: Playbook Power Briefing, presented by the Coalition for Affordable Prescription Drugs (CAPD): TRUMP to hold rally in PHOENIX next week -- No W.H. aides have threatened to quit over Charlottesville -- HOPE HICKS named interim comms director

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Today's Playbook Power Briefing presented by the Coalition for Affordable Prescription Drugs (CAPD)

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman), DANIEL LIPPMAN (daniel@politico.com; @dlippman) and ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

NEW -- NYT's **DAVID GELLES, LANDON THOMAS JR.** and **KATE KELLY: "Trump's Council of C.E.O.s in Disarray Following Remarks on Protest"** : President Trump's main council of top corporate leaders appeared on the verge of disbanding on Wednesday, said people briefed on the matter, following controversial remarks from Mr. Trump on Tuesday when he equated white nationalist hate groups with the protesters opposing them.

"Late Wednesday morning, Stephen A. Schwarzman, the chief executive of the Blackstone Group and one of Mr. Trump's closest confidants in the business community, organized a conference call for members of the president's Strategic and Policy Forum.

"On the call, the chief executives of some of the largest companies in the country were debating how to proceed. One option under serious consideration was disbanding the forum altogether. If the forum does survive, several C.E.O.s were expected to resign from it....

"Inge Thulin, the chief executive of 3M, said in a statement Wednesday that he would resign from the manufacturing council, joining a wave of defections since Monday, including the C.E.O.s of Merck, Under Armour and Intel." http://nyti.ms/2waRkiW

-- @SaraElisen: "Campbell Soup CEO Denise Morrison now resigns from manufacturing Council @realDonaldTrump" http://bit.ly/2v1X0GI

Good Wednesday afternoon and happy hump day. **THE PRESIDENT** will go to Camp David this week. From pooler SV Date of the HuffPo: "POTUS will travel to Camp David Friday: The President along with the Vice President will meet with the National Security Team on Friday at Camp David to discuss the South Asia strategy."

ATTN. SENS. JOHN MCCAIN AND JEFF FLAKE -- TRUMP will rally in Phoenix next week. Two paths the president can take: Trump can be conciliatory to McCain and Flake, which would likely give the White House more of a chance of getting things done on Capitol Hill. Or continue to poke them in the eye, inflaming two key votes in the Senate.

-- ARIZONA REPUBLIC: "Trump will take the stage at the Phoenix Convention Center on Tuesday at 7 pm., according to an announcement Wednesday morning. Attendees must register to obtain tickets." http://bit.ly/2w1CI4N

JOSH DAWSEY'S LATEST, which he filed during vacation from his "beloved" South Carolina -- **"White House aides wrestle with their own futures after Trump's race comments":** "White House aides are wrestling with how to respond to President Donald Trump's defiant press conference on Tuesday in which he doubled down on his statement that 'both sides' are to blame for the Charlottesville violence and offered what some perceived to be overtures to white supremacists. No aides had yet threatened to resign as of Wednesday morning, according to White House officials and advisers, but a number of White House staffers had private conversations on Tuesday night about how terribly the day went. ...

"Trump, however, was in 'good spirits' on Tuesday night, according to a White House adviser who spoke to him, who said that the president felt the news conference went much better than his statement on Monday ... The president was not alone in his pleasure at the news conference. Chief strategist Steve Bannon, whose nationalistic views helped shape Trump's presidential campaign, was thrilled with the remarks, according to a friend of Bannon. Even though Trump on Tuesday failed to offer full-throated confidence in Bannon, saying, 'We'll see what happens with Mr. Bannon,' the controversy has brought some additional job security for the strategist, who has been on the outs with Trump and other White House aides. In an attempt to shore up support for Trump, White House senior adviser Stephen Miller was planning to hold a call with surrogates later on Wednesday." http://politi.co/2v1ITCt

-- @GlennThrush: "A reminder: For all the personnel churn, no WH staffer has yet resigned in protest of Trump's conduct, Tweets and racial/ethnic attitudes."

QUOTE OF THE DAY -- Susan Bro, the mother of Heather Heyer, the protester killed in Charlottesville: "They tried to kill my child to shut her up. Well, guess what? You just magnified her." *Video* http://bit.ly/2uIA9VL

MITCH MCCONNELL'S STATEMENT ON HATE GROUPS -- "We can have no tolerance for an ideology of racial hatred. There are no good neo-nazis, and those who espouse their views are not supporters of American ideals and freedoms. We all have a responsibility to stand against hate and violence wherever it it raises its evil head."

FROM 41 AND 43 -- Former Presidents George W. Bush and George H. W. Bush: "America must always reject racial bigotry, anti-Semitism, and hatred in all forms. As we

pray for Charlottesville, we are reminded of the fundamental truths recorded by that city's most prominent citizen in the Declaration of Independence: we are all created equal and endowed by our Creator with unalienable rights. We know these truths to be everlasting because we have seen the decency and greatness of our country."

A REPUBLICAN THAT DOES EXPLICITLY MENTION TRUMP? Sen. Lindsey Graham (R-S.C.), a longtime thorn in the president's side. Graham's statement: "Mr. President, I encourage you to try to bring us together as a nation after this horrific event in Charlottesville. Your words are diving Americans, not healing them.

"Through his statements yesterday, President Trump took a step backward by again suggesting there is a moral equivalency between the white supremacist neo-Nazis and KKK members who attended the Charlottesville rally and people like Ms. Heyer. I, along with many others, do not endorse this moral equivalency."

IN NAME AND NOW IN TITLE -- HOPE HICKS will be the interim White House communications director, via pooler S.V. Date of HuffPost. From the White House: "Hope Hicks will work with White House Press Secretary Sarah Sanders and all of the communications team and serve as the Interim White House Communications Director. We will make an announcement on a permanent communications director at the appropriate time."

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : If you know only one fact about rising drug costs, know this one: drug makers set prices for prescription drugs. To help manage nearly double-digit price increases, employers, unions and government programs use PBMs to negotiate lower net prices to help curb costs for employers and patients. Learn more at affordableprescriptiondrugs.org ******

AFTERNOON READ -- "Angry White Boys : What do the white nationalists actually want?," by National Review's Kevin Williamson: "The angry white boys do not have a serious political agenda. They don't have any straightforward demands like the Teamsters or PETA [groups Williamson uses as an example of protests he's witnessed before] do, and they do not have a well-developed ideological position like the Communists do, though it would be inaccurate to say that they lack an ideology entirely. Their agenda is their anger, an anger that is difficult to understand. Middle-class white men in the United States of America in anno Domini 2017 have their problems, to be sure. Life is full of little disappointments. But their motive is not to be found in their exterior circumstances, which are pretty good. ...

"What does an angry white boy want? The fact that they get together to play dress-up - to engage in a large and sometimes murderous game of cowboys and Indians - may give us our answer. They want to be someone other than who they are. That's the great irony of identity politics: They seek identity in the tribe because they are failed individuals. They are a chain composed exclusively of weak links. What they are engaged in isn't politics, but theater: play-acting in the hopes of achieving catharsis."

http://bit.ly/2uILRPQ

PLAYBOOK METRO SECTION -- "The Trump Administration Removed the White House's Capital Bikeshare Station: The 'secret' dock was only available to people who could get inside the White House perimeter," by Washingtonian's Benjamin Freed: "The station was removed earlier this week at the Trump Administration's request, District Department of Transportation spokesperson Terry Owens tells Washingtonian....Owens referred all other questions about the Bikeshare station's fate to the White House, which did not respond to questions about why it had the dock removed."

ALL IN THE FAMILY -- "Could There Soon Be Another Pence in Washington?," by Roll Call's Simone Pathe: "Greg Pence starred in a recent candidate announcement video, but it wasn't for his own campaign -- at least not yet.

"The older brother of Vice President Mike Pence is the finance chairman of Indiana Rep. Luke Messer's Senate campaign, and on the day Messer tweeted he was getting in the race, Greg Pence was the one who addressed the camera. The eldest of the six Pence siblings has political ambitions of his own. He's widely expected to run for Messer's seat, in Indiana's now-open 6th District, though he won't yet talk publicly about those intentions. ...

"'I am the brother of the vice president of the United States,' Greg said at Messer's annual family barbecue on Saturday, where the congressman officially launched his Senate bid. 'And no, I do not look like him, he looks like me. I'm the oldest.'" http://bit.ly/2uIHMvi

COMING DOWN -- "Confederate monuments taken down in Baltimore overnight," by The Baltimore Sun's Sean Welsh and Colin Campbell: "Confederate statues in Baltimore were removed from their bases overnight by city contractors, who used heavy machinery to load them onto flat bed trucks and haul them away -- an abrupt end to more than a year of indecision on what to do with the memorials. Mayor Catherine Pugh, who made the decision, watched in person as the four statues linked to the Confederacy were torn from their pedestals. The Baltimore City Council unanimously passed a resolution to remove them, amid a renewed national conversation following a deadly terrorist attack by a white supremacist at a rally in Charlottesville, Va. on Saturday." http://bsun.md/2uIYjiH

ELENA SCHNEIDER -- "DCCC raised $6.2M in July" : "The DCCC raised $6.2 million last month, the committee's best off-year July total, according to an announcement from the House Democratic group. The DCCC has nearly $23 million in cash on hand at the close of the month, compared to July 2015, when the committee had $16 million in the bank. Since the start of Trump's presidency, the DCCC has raised $66 million in their effort to retake the House. The committee said 40 percent of its July contributions originated online." ***For Pros*** http://politico.pro/2uIymzS

TODAY'S BEYOND THE BELTWAY -- San Diego mayor charts future of California GOP -- New Jersey Democratic gubernatorial candidate compares Trump's statements to Nazi Germany http://politi.co/2uluwqt

NEW WOMEN RULE PODCAST -- In the latest Women Rule podcast, Ambassador of Rwanda Mathilde Mukantabana and Ambassador of Kosovo Vlora Çitaku provide deeply emotional, first-hand accounts of the genocide and ethnic cleansing that tore apart their homelands during their formative years. Having overcome violence and brutal oppression, the ambassadors tell POLITICO's Luiza Savage that women played a major role in the rebuilding and rebirth of their respective nations, each of which now mandate that 30 percent of government officials be women. http://politi.co/2uIQsBK

WEEKEND WEDDING - OBAMA ALUMNI -- Amanda DeGroff, senior account executive at Melwood Global and an Obama DHS and Interior alum, married **Kristopher Munger** , a research analyst at American Crossroads. "We met in 2010 through a program called The Fund for American Studies. We met the day we moved in for the summer (he was staying across the hall from me) and we've been together ever since. Our wedding was in Connecticut at the house I grew up in - it is a 300-year-old tavern. ... We got married in the gardens (thankfully it stopped raining in time for the ceremony!)" ***Instapic*** http://bit.ly/2uO9T84 ... ***Pic*** http://politi.co/2x3trpZ

-- SPOTTED: Bridesmaids Marsha Catron and Erin Waters (former fellow Obama DHS appointees), Scott Shepard, Sharon McCoy, Leah Duran and Rebecca Matulka.

WELCOME TO THE WORLD -- Alex Marston on the House Homeland Security Committee Democratic staff and a TSA alum, and **Dana Harlan,** who teaches fourth grade at Wolftrap Elementary in Fairfax County, have welcomed Norah Rose Marston, who was born at 7:14 p.m. last Wednesday at 6 lbs. 11 oz. and 19 inches. *Pics* http://bit.ly/2vHdarb ... http://bit.ly/2vCG7pD

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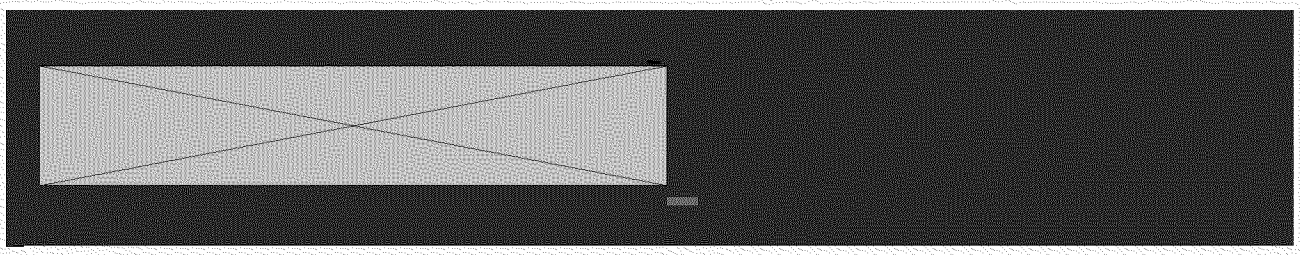
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Mostly white male tech sector needs government help on diversity

By Joe Davidson

Rep. Robert C. "Bobby" Scott (D-Va.) in 2016. (Linda Davidson/The Washington Post)

The technology sector is the vanguard of innovation, but it still looks like a good ol' boys network.

Not only is it made up overwhelmingly of white men, but the percentage of tech workers who are black decreased in recent years, while the portion of women in the industry was stagnant and the level of Hispanic workers was nearly flat.

A new report by Washington's chief watchdog says federal agencies can help change that by doing more to diversify the technology sector.

That sector, like many others, clearly needs help.

Using employment data from 2007, 2011 and 2015, a Government Accountability Office (GAO) study found that the percentage of black workers declined from 9 to 7.7 over that period

Movement of women stood still at 22 percent. Hispanic percentages were down and up, but not significantly, hovering around 7.5.

Asian workers were the only group making significant progress, moving from 11.5 percent of the technology workforce in 2007 to 15 percent eight years later. White workers, as always, maintained an overwhelming advantage with about 7 in 10 technology jobs, although decreasing from 71.2 percent to 67.7 percent during the 2007-2015 period. Compared to their portion of the general population, about 31 percent, white men are vastly overrepresented in the tech sector, with 53.5 percent of the jobs.

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The report released Thursday was requested two years ago after "reviewing the startling lack of racial and gender diversity and the many documented reports of the hostile racial and gender environment in the tech sector," said a statement from Rep. Robert C. "Bobby" Scott (Va.), the ranking Democrat on the House Education and the Workforce Committee. "The fact is there is bias in the recruitment, hiring and retention of Black, Hispanic and women workers in the tech sector. Decades of research show diversity is good for innovation and for the economic bottom line. Diversity and inclusion must not be treated as an aspiration; it is the law."

Both the Equal Employment Opportunity Commission (EEOC) and the Labor Department's Office of Federal Contract Compliance Programs (OFCCP) have a "mission … to combat discrimination and support equal employment opportunity for U.S. workers," GAO said.

Here's the but: "Weaknesses in their processes impact the effectiveness of their efforts."

That's government blather for they're not getting the job done.

Both agencies "have taken steps to enforce equal employment and affirmative action requirements in the technology sector, but face limitations," according to GAO. "While EEOC has identified barriers to recruitment and hiring in the technology sector as a strategic priority, when EEOC conducts investigations, it does not systematically record the type of industry" and other information "that could be used to more effectively focus its limited enforcement resources and outreach activities."

Federal contract compliance regulations allow companies to lump together people who are not white for reporting purposes. I think that's pretending everyone who is not white is just one other color, the "of color" race.

"Regulations do not require federal contractors to disaggregate data for the purpose of determining placement goals for hiring," in GAO's words. This could hinder contractor "efforts to implement effective AAPs (affirmative action programs), which are designed to assist the company in achieving a workforce that reflects the gender, racial and ethnic profile of the labor pools from which the contractor recruits and selects."

There are several reasons for the low representation of blacks, Hispanics and women in the tech sector. "These include the lower diversity of degree earners in technology-related fields, and company-based factors such as hiring practices and retention of women and underrepresented minorities," GAO said.

"Two researchers told us that women often have the academic preparation to enter into technology-related degree programs, but they may choose not to pursue such degrees because of instances of gender bias within technology

GAO's findings are "disappointing but unsurprising," said Rep. Eva Bertha Garcia Moreno (D-Texas), co-chairman of the Congressional Black Caucus Task Force. "STEM and tech companies must do more than simply issue statements to diversify and include women and people of color in their workforce. We must hold them accountable for real progress."

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A statement from Scott's office said the report "confirms that the glass ceiling for women and people of color has yet to be cracked within the leading technology companies. … Moreover, in the past decade, within the leading technology companies, Black workers have actually *lost ground* across the spectrum of jobs from senior management to mid-level management to professionals to technicians."

Rep. Barbara Lee (D-Calif.), co-chairman of the Congressional Black Caucus Diversity Task Force, sounded pessimistic, but determined, when she warned: "By 2020, 1.4 million new jobs will be available in the tech industry. If current trends persist, communities of color will continue to be locked out of these opportunities.

"That simply must change."

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Wed 8/2/2017 2:02:33 PM
Subject: POLITICO's Morning Transportation: Thune: Senate FAA bill is 'in a holding pattern' — Senate Commerce expected to move nominations — With skies wide open

By Brianna Gurciullo and Stephanie Beasley | 08/02/2017 10:00 AM EDT

With help from Lauren Gardner

'A HOLDING PATTERN': Sen. John Thune (R-S.D.) confirmed for us Tuesday what we've pretty much already known for a while: The upper chamber won't consider its FAA bill on the floor until September, when lawmakers come back from recess. Thune saidthe Senate will either pass the legislation, which would reauthorize the agency for four years, or a shorter term extension. The latter is looking more and more likely. "It's in a holding pattern at the moment," Thune said about the bill, S. 1405 (115). "But, one way or the other, we'll get on it. We'll get it done."

The sticking point: As for that controversial provision to change up training requirements for co-pilots, Thune said there's been no resolution yet. "But there will be obviously before we get to the floor with it," he said. When asked about the issue Tuesday, Senate Minority Leader Chuck Schumer (D-N.Y.) said: "Well, we're not gonna sacrifice people's safety."

NOM NOM NOMS: Later this morning, the Senate Commerce Committee is slated to move a handful of DOT nominees (and one NTSB member) to the floor, which means there will be even more names in play for a potential nominations package senators are hoping to clear before the August recess begins next week. "I'm hoping that a number of these that we're going to report out [Wednesday] will get included in a unanimous consent package," Thune told MT on Tuesday, adding that lawmakers are "trying to get as many on the cleared list as we can."

Nom-aste: To refresh Pros' memory, Derek Kan, President Donald Trump's pick to be undersecretary for transportation policy, has been waiting in the wings for more than a month since his committee approval. On deck today in committee are Ron Batory for FRA administrator, Mark Buzby to head the Maritime Administration, Steven Bradbury to be general counsel and Robert Sumwalt to serve another term at NTSB. (The nomination of Adam Sullivan for assistant Transportation secretary for governmental affairs is privileged and therefore doesn't require the panel's sign-off before a floor vote.) We'd hazard a guess that all of those names - with the exception of Bradbury, the vote for whom is expected to break along party lines - would be ripe for consideration for a noncontroversial package.

IT'S WEDNESDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Steph and Brianna are driving the MT train, so please send along tips, feedback and lyrics to sbeasley@politico.com or @Steph_Beasley and bgurciullo@politico.com or @brigurciullo.

"Yeah, that's him again, the sound that engine in is like a bird. You see fireworks and Corvette tire skrrt the boulevard."

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with tunes (picked by us and readers) that are all about flying, driving, commuting and sailing?

WITH SKIES WIDE OPEN: Secretary of State Rex Tillerson met up Tuesday with air carrier and travel industry officials to chat about Open Skies. The attendees: David Bronczek, FedEx's president and COO; Robin Hayes, JetBlue's president and CEO; William Flynn, Atlas' president and CEO; Kevin Burke, Airports Council International-North America's president and CEO; and Roger Dow, the U.S. Travel Association's president and CEO.

Let's break this down: When it comes to Open Skies, FedEx, JetBlue and Atlas stand in opposition to United, American and Delta. The latter accuse Qatar and the United Arab Emirates of flying in the face of their Open Skies agreements with the United States by subsidizing their airlines. In the White House, officials have been talking about the controversy for months, as POLITICO's Andrew Restuccia and Michael Grunwald reported. But the continuing strain between Qatar and Saudi Arabia decreases the chances that the U.S. government will make a decision anytime soon.

Where it stands: A State Department official told MT in a statement that the agency "remains in contact with all U.S. industry stakeholders who have expressed their differing views on a range of issues, including on the issues of Open Skies and subsidies to the Gulf Carriers." Burke told POLITICO that Tillerson "did not give a position" during the meeting. Tillerson "said that it really is an intergovernmental process they're going through. They've made no decision. Obviously, it includes the White House, it includes the Commerce Department, the Justice Department and maybe even DOD," Burke said. "I think they're keeping things very close to the vest," he added.

THE SENATORS BEHIND THE PROPOSED PFC CAP INCREASE: Airports are closer than they've ever been to the federal government raising the cap on Passenger Facility Charges, with a provision to do just that included in the Senate's DOT spending bill for fiscal 2018 that was favorably reported out of committee last week. Burke told us that a group of senators "banded together" to put the provision in the bill, including Sens. Roy Blunt (R-Mo.), the vice chairman of the Senate Republican Conference; Patrick Leahy (D-Vt.), the ranking member of the Senate Appropriations Committee; Susan Collins (R-Maine), the chairwoman of the THUD appropriations subcommittee; and Jack Reed (D-R.I.), the subcommittee's top Democrat.

Why not the FAA bill? Burke said senators who supported increasing the cap ruled out trying to do so through the Senate Commerce Committee's FAA reauthorization bill, which became controversial when the panel adopted an amendment during its markup to change co-pilot training standards. "There were a number of senators who knew that they couldn't help us on the Commerce Committee because Sen. Thune had some concerns on flight hours and some other issues and PFCs were not going to be put in the equation," Burke said. The future of the Senate measure to raise the PFC cap is uncertain and, of course, tied to the rest of the government funding process.

Enough about MT, tell MT about you: After the Washington Post wrote about American

Association of Airport Executives President and CEO Todd Hauptli's passion for cooking, we asked Burke if he had any secret talents. "I'm a carpenter. I make cabinets and moldings and stuff like that," Burke said. "I have not had one of Todd's meals yet and I'm going to threaten to come over to his house to have a meal with him. ... I'll make him a dining room table if he supplies me some gourmet meals."

LIVE YOUR LIFE WITH NO REGRETS: Trump doesn't seem to regret his decision to tackle health care first after his inauguration. "You know, a lot of people said you should have started with taxes or you should have started with infrastructure," Trump said in an interview with The Wall Street Journal. "Well, infrastructure I'll actually have bipartisan support, and I can use infrastructure to carry other things along. So I don't want to waste it at the beginning, if that makes sense." Check out the full transcript of the interview here.

DHS DUO: Sen. Ron Johnson (R-Wis.) said he hopes to travel to the White House soon to meet with ex-DHS Secretary John Kelly and discuss the future of the department under the Trump administration. With Kelly as the face of the agency and now-Acting Secretary Elaine Duke behind the scenes overseeing management of the agency, the two created "the perfect structure," Johnson told Steph. The question now is how will the agency be managed with Duke in the driver's seat and Kelly there to assist from the White House, he said.

Step up: Kelly's position in the White House certainly seems like it would work to Duke's benefit as she continues with many of the efforts that he started, former DHS Chief of Staff Christian Marrone told MT. "Having Gen. Kelly there, who has an appreciation for the mission, and the breadth of the mission, the capability of the department, I think only enhances the department's standing, both in this administration, and I think bodes well for the future," Marrone said.

Moving along: Marrone added that we shouldn't expect to see Elaine Duke make any drastic changes to DHS' approach to overseeing security updates at all international airports with flights to the United States. Marrone, who is now senior vice president of external relations and chief of staff at CRSA, worked with Duke both at DHS and when she served as a member of the Homeland Security Advisory Council. He said Duke might have a different style from Kelly, but he believes the two were on the same page when it came to preventing terrorist attacks on airplanes. "I don't see a big drop off from any of the things that Secretary Kelly was attempting to do," Marrone said. "She's been working on the issues with him, and so I think she'll just continue to make improvements to aviation security that they think are necessary."

In the air: Trump still hasn't given any signals (or sent out any tweets) about who he plans to nominate to permanently fill the DHS vacancy. Duke, who has worked for both Republican and Democrat administrations, could be seen as a non-partisan choice. Marrone said that House Homeland Security Committee Chairman Michael McCaul (R-Texas) could also easily win confirmation since he is a "well-known entity" with deep knowledge of the department. Whomever the administration nominates, it needs to be someone who isn't surrounded by controversy, he said. "You can't have someone who is going to be a lightning rod because it won't happen. So I think that disqualifies a number of folks who you hear mentioned," Marrone said.

Don't forget about us: Just a reminder that the other potential picks for DHS chief include Thomas Homan, acting director of U.S. Immigration and Customs Enforcement, and Kansas Secretary of State Kris Kobach, who is helping to lead Trump's controversial commission on alleged voter fraud.

GOTTA HAVE FAITH: Elsewhere within DHS, Coast Guard Commandant Paul Zukunft said he would try to shield his service members from a possible ban on transgender individuals serving in the military, POLITICO's Gregory Hellman reports. The president has yet to issue a formal order that would prevent people who are transgender from serving in the military. If it is formalized, the ban could apply to the Coast Guard, which the president can transfer to the Navy during wartime. Zukunft said he has reached out to the secretaries of DHS and DOD to discuss the possible implications of a ban and has told transgender Coast Guard personnel that he "will not break faith" with them.

CAN WE TALK? Top officials from DHS and CBP met with privacy groups on Tuesday to discuss the roll out of CBP's biometric exit program to airports and other ports of entry throughout the United States. John Wagner, deputy executive assistant commissioner of CBP's field operations, used the meeting as an opportunity to "reiterate CBP's commitment to protecting traveler's privacy," the agency said in a press release.

Down to the nitty, gritty: The meeting comes less than two weeks after the Electronic Privacy Information Center asked a D.C. federal judge to order CBP to disclose how it uses biometric information collected at entry and exit points. CBP currently uses facial recognition technology at five U.S. airports, including Washington Dulles International and Hartsfield-Jackson Atlanta International. "CBP has and will continue to engage our privacy office at every step in the process to add biometric to the departure process from the United States," Wagner said.

SHIFTING GEARS: D.C. Mayor Muriel Bowser named Jeff Marootian interim director of the District Department of Transportation, effective Aug. 11. Marootian, now DDOT's deputy director, was assistant secretary for administration at DOT from 2015 to 2017. (h/t former FRA Administrator Sarah Feinberg)

THE AUTOBAHN:

- "Kelly eyes DHS spokesman for communications director, sources say." CNN Money.

- "Comments are in on Coast Guard's proposed Mar-a-Lago security zones." Palm Beach Post.

- Sen. Ron Wyden "unveils bill to lift embargo on Cuba." POLITICO Pro Trade.

- "CSX chief executive attributes service disruptions to employee push-back." Reuters.

- "Big leadership shake-up rocks Port Authority." NJ.com.

- "The same company that pushed Uber out of China is now backing its rival in Europe and

Africa." Quartz.

- "Schumer to Trump: Block Chinese investment in U.S. to force action on North Korea." POLITICO Pro Trade.

- "PSA moves swiftly to stamp authority on Opel/Vauxhall." Reuters.

- "Auto giants help make Angela Merkel's conservatives Germany's top fundraisers." POLITICO Europe.

THE COUNTDOWN: DOT appropriations run out in 59 days. The FAA reauthorization expires in 59 days. Highway and transit policy is up for renewal in 1,155 days.

To view online:
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Mon 9/25/2017 2:03:36 PM
Subject: POLITICO's Morning Energy, presented by the U.S. Chamber's Global Energy Institute: Climate skeptics find new favorite talking point — Solar world fears gloomy 2018 amid potential tariffs — Cuomo's pipeline rejection raises eyebrows nationally

By Anthony Adragna | 09/25/2017 10:00 AM EDT

With help from Alex Guillén

NEW FUEL FOR THE CLIMATE SKEPTIC FIRES: The small group of climate change skeptics, led by the Heartland Institute, has seized upon a recent peer-reviewed study to vindicate their calls for a debate on the fundamentals of climate change, Pro's Emily Holden reports. The paper concluded the planet can tolerate more greenhouse gas emissions in the near future than previously thought, a finding its authors said does not undercut the basic consensus that human activity is causing temperatures to rise faster than normal. But Heartland Institute President Tim Huelskamp, whose group has submitted nominees for EPA Administrator Scott Pruitt's red team, blue team exercise and EPA's Science Advisory Board, says the report raises more questions. "This is exactly the type of debate discussion scientists need to be having," said Huelskamp, a former Republican congressman from Kansas. "If they were wrong 10 years ago, what makes their new modeling correct?"

Scientists bash mischaracterizations: Authors of the study said their work has been willfully misinterpreted for political purposes. While they expected their conclusions to be mischaracterized, they said they hadn't expected such an intense reaction. "We are not trained in PR.... Our job is to do solid science and communicate that. It's not really our job to guard against every possible critique, especially when they're not real critiques," said Damon Matthews, a study author and Concordia University Research Chair in Climate Science and Sustainability. "[T]here is no scientific result in our story that questions the basics of climate change and the imperatives for mitigation action."

What did the report find? The study found Earth has 20 years at the current rate of carbon dioxide emissions - 10 years more than the Intergovernmental Panel on Climate Change had estimated in its 2013 report - before average global temperatures grow 1.5 degrees Celsius. While previous research suggested countries had a "carbon budget" between 200 billion to 400 billion metric ton of carbon emissions before temperature increases exceeded 1.5 C, their paper pegged the figure above 700 billion metric tons. Some respected scientists have disagreed with the methodology the authors used to come to their conclusions.

WELCOME TO MONDAY! I'm your host Anthony Adragna, and the Glover Park Group's Hayley Moller was first to identify Tip O'Neil as the famous politician appearing in a 1983 episode of *Cheers* (clip here). For today: Which senator made a brief cameo in *Wedding Crashers*? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

FEARS OF A SOLAR SUNSET IN 2018: Experts point to the last time the U.S. slapped steep

tariffs on imported goods as a cautionary tale for President Donald Trump as he ponders whether to erect harsh trade barriers sought by Suniva and SolarWorld USA on imported solar panels, Pro's Eric Wolff reports . Back in 2002, President George W. Bush put a 30 percent tariff on several types of steel imports, but the move led directly to a supply shortfall in the U.S., causing wild fluctuations in prices, according to Tom Werner, CEO of SunPower Corp and a tariff opponent. "There's a very good chance it could end up the same way," said Tori Whiting, a research associate at the Center for International Trade and Economics at the conservative Heritage Foundation. A reminder that we're at this point due to Friday's International Trade Commission ruling that opens the door for Trump to penalize cheap Chinese solar imports through tariffs.

Suniva and SolarWorld USA have both promised to restart production at shuttered factories if they get trade protections, and they reject the notion that tariffs would cost jobs. But getting factories back into operation will take years and attracting capital may prove difficult since tariffs are limited to four years under the law.

RAISING EYEBROWS, NOT PIPELINES, IN THE EMPIRE STATE: Amid speculation he's positioning himself for a possible 2020 presidential bid, New York Gov. Andrew Cuomo has blocked three pipelines in the last 16 months, drawing national attention as his environmental policy has grown decidedly more progressive, POLITICO New York's Marie J. French reports. Cuomo most recently denied a permit for Millennium Pipeline's 7.8 mile project - including a novel legal argument involving concerns about the greenhouse gas emissions from the power plant it would serve - after previously denying two other major pipelines permits over fears of how they'd affect water quality. "I think environmentalists have no choice but to pay some respect to Gov. Cuomo's moves - banning fracking was a big step, and he's followed it up with some other courageous decisions," 350.org co-founder Bill McKibben said. "We hope very much that he'll support the call for 100% renewable energy that's becoming the basic test for politicians going forward."

** **A message from the U.S. Chamber's Global Energy Institute:** American energy is changing our economy. And now, it is changing the world. The U.S. Chamber of Commerce's Global Energy Institute is at the forefront of the policy discussions in Washington and around the nation that will help fuel the global energy revolution. Learn more at www.globalenergyinstitute.org **

GUESSING GAMES: Trump's penchant for leaving himself wiggle room on contentious policy decisions like trade, taxes, immigration, health care and climate change is inducing whiplash in many of the political insiders, business leaders and even foreign governments with a stake in the outcomes, POLITICO's Emily Holden, Andrew Restuccia, Aaron Lorenzo and Ted Hesson report . On the international climate front, diplomats have been left in the dark about what precisely the United States wants since June, when Trump announced his intention to exit the Paris agreement but "begin negotiations" to either reenter the nearly 200-nation accord or join an entirely new deal.

White House spokeswoman Kelly Love said: "President Trump was put into office precisely because he isn't beholden to lobbyists and special interests. If they're upset that they can't stroll

into the White House and drive administration policy anymore, that's a badge of honor for a president who was elected to drain the swamp."

BONN BONN BONNNNN: Trump's decision to leave the Paris climate accord have raised the stakes for international climate negotiations in Bonn, Germany for nations around the world to reiterate their commitment to the accord, Pro's Eric Wolff reports , citing an interview with the top climate negotiator for Fiji who's leading the meeting. "Our aim was changed by President Trump's announcement," Ambassador Nazhat Khan said. "Now we must deliver a visionary [conference]. Every work item for COP 23 is measured for the enhancing and restating of the overall vision."

RELIEF FINALLY BEGINS TO FLOW IN PUERTO RICO: A ship carrying 1.6 million gallons of water, 23,000 cots, dozens of generators and food arrived Sunday in Puerto Rico - the first of many expected in the coming days - as millions of Americans brace themselves for potentially months without electricity and damaged drinking water infrastructure, the Associated Press reports. Rep. Nydia Velazquez plans to request a one-year waiver from the Jones Act, a federal law requiring domestic cargo shipments to move only on U.S. vessels. "We will use all our resources," Velazquez said. "We need to make Puerto Rico whole again. These are American citizens."

Dam worries linger: There were mixed reports on the status of the Guajataca Dam in Northwest Puerto Rico. Some suggested the structure remained in danger of collapse Sunday after authorities previously evacuated 70,000 residents in that area, while others quoted local officials saying the risks were overblown.

Congress plots relief efforts: Lawmakers are beginning to plot potential relief options for the island, which may include tax breaks and more Medicaid funding, POLITICO Financial Services' Colin Wilhelm reports. "This is a natural disaster in Puerto Rico like we haven't seen ever," said Carlos Mercader, executive director of the commonwealth's Federal Affairs Administration. "Think about Katrina but even worse because this is the whole island." In an interview with Colin on Sunday, Puerto Rico Gov. Ricardo Rossello called for Congress to treat Puerto Rico like a state in any comprehensive emergency aid package. Remember Puerto Rico was already dealing with a massive government debt crisis, crumbling infrastructure and a bankrupt electric utility before the storm.

Relief not fast enough for many: Cuomo, who visited Puerto Rico on Friday, jabbed Trump for his focus on the NFL instead of the emerging humanitarian crisis over the weekend: "Instead of arguing with football players, instead of obsessing about how to take health care from the poor, why don't we put the politics aside and focus on helping Americans in desperate need?" he said, according to the Albany Times-Union. Hillary Clinton tweeted : "President Trump, Sec. Mattis, and DOD should send the Navy, including the USNS Comfort, to Puerto Rico now. These are American citizens.

Toxic waste removed in Texas: Tucked away in a Friday press release was the disclosure EPA recovered 517 containers of "unidentified, potentially hazardous material" from Superfund sites in Texas affected by Hurricane Harvey but the agency isn't providing any additional information

about the waste, the Associated Press reports. EPA won't say what sites the material came from, whether they've been identified or if there's a human health threat.

QUID PRO QUO? EPA staff directed staff to take the first toward reversing the proposed veto of Alaska's Pebble Mine in July shortly after Pruitt met with Tom Collier, CEO of Pebble Limited Partnership, CNN reports , citing interviews and government emails. "This is a process issue," Collier told CNN in an interview. "[Pruitt] is not saying he's not going to veto this project. He's just saying that the rule of law says that you do an environmental impact statement first, right? That's Mr. Pruitt's position." Collier said Pebble plans to file mining permit applications in December. Pruitt's move allows the company to submit a permit application but does not guarantee it would be approved.

NATIONAL CLEAN ENERGY WEEK KICKS OFF: A veritable who's who and VIPs of the clean energy world are in town this week to tout the benefits of clean energy technologies and try to rally support in Congress and the administration for the sector's continued growth. Interior Secretary Ryan Zinke and Energy Secretary Rick Perry launch the festivities in earnest on Tuesday at 8 a.m. A full schedule is available here.

LET'S MAKE A DEAL?: California may go along with some changes the Trump administration and automakers would like to see to vehicle emissions rules in the near future, as long as the White House and industry agree to tougher rules that would kick in later. Mary Nichols, chair of the California Air Resources Board, told Bloomberg that she has spoken with White House energy adviser Mike Catanzaro about the administration's review of EPA emissions standards through model year 2025.

If EPA weakens those rules, California would still be able to enforce its own, more stringent standards, which 13 other states also have adopted. That would create a complex regulatory patchwork - or a protracted court fight over California's authority - that all parties would prefer to avoid, if possible. "The price of getting us to the table is talking about post-2025," Nichols told Bloomberg. California would be "willing to talk about specific areas if there were legitimate concerns the companies raised" as part of a larger discussion.

MAIL CALL! REMEMBER THAT TALK WE HAD? Six senators, led by Sheldon Whitehouse, sent a letter to FERC Chairman Neil Chatterjee on Friday requesting the commission move "as quickly as possible" to complete a rule on better integrating energy storage and small renewable energy installation, which Whitehouse and Sen. Ed Markey discussed with Chatterjee prior to his confirmation. At the time of meeting, Whitehouse said he received a commitment the rule would not be "unduly delayed."

CHINA MOVES TO CUT OFF OIL FOR NORTH KOREA: Moving to implement the latest round of U.N. sanctions, China announced Saturday it would ban exports of condensates and liquefied natural gas immediately, Reuters reports. The country also said it would limit exports of refined petroleum products from Oct. 1.

GREENS APPEAL HFC DECISION: ME readers previously learned it was coming, but the Natural Resources Defense Council on Friday formally asked a federal appeals court for an en

banc rehearing of last month's decision striking down an EPA rule limiting use of hydrofluorocarbons, potent greenhouse gases, Pro's Alex Guillén reports in Energy Regulation Watch. The group feels the D.C. Circuit erred in its 2-1 decision and are likely to be joined in their appeal by Honeywell, a U.S. manufacturer.

GREENS OPPOSE FOUR EPA NOMINEES: Ten environmental organizations, including the Sierra Club, League of Conservation Voters and Waterkeeper Alliance, sent a letter to senators Friday urging them to oppose the four nominees expected to shortly come before the Environment and Public Works Committee for confirmation hearings. "Each of these individuals have demonstrated a willingness to advance the agenda of polluters and industry before health protections and safeguards for clean air and clean water," they wrote of the nominations of Matthew Leopold to be general counsel, William Wehrum to run the air office, Michael Dourson to run the Office of Chemical Safety and Pollution Prevention and David Ross to run the water office

MORE CONCERN OVER CADIZ PROJECT: California Sen. Dianne Feinstein released a letter Friday from the Metropolitan Water District questioning of safety and viability of the controversial California water project. David Bernhardt, Interior's number two, previously did legal work on behalf of the Cadiz project while in the private sector and the issue came up repeatedly during his confirmation process. Feinstein, a vocal opponent of the project, accused the Trump administration of trying to "muscle the Cadiz water project through" back in April.

BILL NYE THE BACHELORETTE GUY: A bunch of women dancing in an elevator ahead of a night out and in walks... Bill Nye. Watch here.

QUICK HITS

- Environmental advocates sue the EPA to implement stormwater plan. Boston Globe.

- Tioga oil pipeline spill cleanup nearing milestone after 4 years, but work continues. Bismarck Tribune.

- Interior Secretary Ryan Zinke says Hurricane Harvey recovery at 20%. Austin American-Statesman.

- Failed pressure test may have caused the Valdez oil spill. KTUU.

- Duke Changes Mind; Will Post Coal Ash Disaster Maps. AP.

- Democratic Megadonor Tom Steyer Still Isn't Ruling Out a 2020 Run. The Atlantic.

THAT'S ALL FOR ME!

**** A message from the U.S. Chamber's Global Energy Institute:** Ten years ago, gasoline prices were at an all-time high, American dependence on foreign oil and natural gas was growing, and our energy future and security was at risk. The U.S. Chamber of Commerce and

leaders in American business came together to form an institute to tackle these challenges head on. Now, 10 years later, we're excited to begin our second decade by transitioning to the U.S. Chamber's Global Energy Institute, reflecting America's new role as a global energy superpower. We'll still provide insight and analysis on the big energy issues of our day, along with our unique ability to bring together the entire energy industry and reach thousands in our local and state Chamber network. Learn more about our Institute and the last decade of progress in this video: http://bit.ly/2yeil2S **

To view online:
http://www.politico.com/tipsheets/morning-energy/2017/09/25/climate-skeptics-find-new-favorite-talking-point-222460

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Subject: BREAKING NEWS: Trump agrees to raise debt ceiling, keep government funded through mid-December

President Donald Trump agreed to a request from congressional Democrats to raise the debt ceiling and extend government funding through Dec. 15, according to sources familiar with a meeting he held Wednesday with congressional leaders. The package would also include relief funding for victims of Hurricane Harvey.

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Subject: Playbook Power Briefing, presented by Koch Industries: TRUMP administration rolls back birth control mandate -- FIRST IN PLAYBOOK: BRUCE GATES retiring -- Economy loses 33K jobs after hurricanes -- ARNOLD'S next act

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Today's Playbook Power Briefing presented by Koch Industries

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman), ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

Good FRIDAY afternoon. FIRST IN PLAYBOOK -- REPUBLICAN POWER PLAYER BRUCE GATES, SVP of external affairs at Altria, is retiring Nov. 1. Todd Walker is assuming Gates' responsibilities for the government affairs portion of his portfolio. Gates will continue as a consultant with the company. "I've enjoyed a 35-year career in the political, policy and communications arenas that I wouldn't have traded for anything," the veteran Republican operative emailed. "I've had the opportunity to do so much more than any kid of modest means in SC would have dreamed possible, and I consider myself very fortunate. I've met some extraordinary people and made some seriously good friends along the way too!"

Gates has worked in multiple capacities downtown, including founding Washington Counsel, a partner at Washington Council, Ernst & Young and as the inaugural treasurer for the two first big GOP leadership PACs -- then-Speaker John Boehner's "The Freedom Project" and then-Rep. Jim McCrery (R-La.)'s "Committee for the Preservation of Capital PAC."

Gates said he is planning to spend more time on other business interests, including two new ventures -- Pearl Street Warehouse and Catina Bambina -- on the Southwest Waterfront. He also is invested in three tech businesses and said he wants to spend time helping with Hurricanes Irma and Maria recovery.

BIG CHANGES TO HEALTH CARE -- "Trump rolls back Obamacare birth control mandate," by Brianna Ehley: "The Trump administration will allow virtually any employer to claim a religious or moral objection to Obamacare's birth control coverage mandate under a sweeping rollback announced Friday.

"The new policy, which takes effect immediately, reignites a fierce battle over one of the health care law's most controversial provisions. The requirement to provide FDA-approved contraception at no cost was long opposed by religious groups that heavily favored Trump, and has been wrapped up in legal challenges for more than five years. 'The United States has a long history of providing conscience protections in the

regulation of health care for entities and individuals with objections based on religious beliefs or moral convictions,' the administration wrote in new rules." http://politi.co/2z3dkdl

JOBS REPORT -- "Economy lost 33,000 jobs in September," by Marianne LeVine: "The economy lost jobs in September for the first time in seven years, a consequence of late-summer hurricanes. The Labor Department reported Friday morning that the economy lost 33,000 jobs, down from 169,000 jobs added in August. ... The jobs report also included some positive news. September unemployment, the report showed, was 4.2 percent, down from August's 4.4 percent, and the lowest level since February 2001." http://politi.co/2y57sm7

-- @morningmoneyben: "Seriously if you see someone tweeting about how great the 0.5% jump in hourly earnings is, just unfollow them. Or how bad the -33K is. ... Anyway, absent all the hurricane noise this would likely be a pretty status quo jobs report. Enjoy the rest of the day!"

AT JUSTICE -- "Sessions calls for broad religious freedom protections," by Josh Gerstein: "Attorney General Jeff Sessions issued government-wide legal guidance Friday that urges sweeping protection for religious freedom and could impact a series of pending policy decisions involving health care, LGBT rights and even disaster relief. Sessions billed the 25-page memo directed to all federal agencies as a response to an executive order President Donald Trump signed in May, promoting efforts to promote 'religious liberty.'

"That order triggered a major showdown within the administration as religious and social conservatives pressed for treatment that could essentially allow them to ignore anti-discrimination requirements, particularly in the area of sexual orientation, while more moderate forces warned that upending existing protections would trigger an uproar that could derail other administration priorities. The new Justice Department guidance takes a muscular view of religious freedom rights, but officials insisted that the document is a neutral description of existing law and not an effort to weigh in on particular policy issues." http://politi.co/2fYqaW2

ARNOLD'S NEXT ACT -- ISAAC DOVERE in **POLITICO MAGAZINE -- "The Strange Political Afterlife of Arnold Schwarzenegger":** "Now, six years after leaving Sacramento, he's still reinventing himself-as a kind of globetrotting do-gooder, promoting a handful of causes like fighting climate change and gerrymandering. But mostly, he's having a hell of a good time. Wherever he goes, everybody knows him. Everybody loves him. With a net worth estimated at $300 million, he zips around the world in private jets and has restaurant owners pick up his tab because they're just so honored he chose to eat there. Constant selfies. He sounds off on whatever he wants, but has no actual responsibility. His perfect day is waking up and not knowing what country he'll eat dinner in.

"All of a sudden, a guy who just turned 70 -- in Barcelona, he celebrated the 50th

anniversary of winning Mr. Universe, which began his breakthrough -- and had seen politics pass him by is ... back. But why? Schwarzenegger is barred from another run for governor and has no interest in the Senate; a certain clause in the Constitution is keeping him out of the White House. He's making movies again, though nothing huge. ... Instead, Schwarzenegger is back in the public eye because of what he calls 'a disastrous situation' -- the Trump presidency." http://politi.co/2z2kNtz

PRUITT'S NEXT MOVE -- BREITBART -- "EPA Document Proposes to Eliminate Clean Power Plan 'in Its Entirety'," by Sean Moran: "The [EPA] plans to repeal the agency's Obama-era climate change program, the Clean Power Plan (CPP), 'in its entirety,' according to a document obtained by Breitbart News. The 43-page document, titled, 'Repeal of Carbon Pollution Emission Guidelines for Existing Stations Sources: Electric Utility Generating Units' details how the EPA plans to repeal CPP through a Notice of Proposed Rulemaking (NPRM). This version of the document obtained by Breitbart News remains subject to change through inter-agency review.

"The agency contends that the EPA, under former Administrator Gina McCarthy, exceeded its authority to regulate carbon emissions as stipulated by the Clean Air Act. The document proposes to eliminate the Clean Power Plan, and then suggested that they might release an Advanced Notice of Proposed Rulemaking (ANPRM) that will reflect a more thoughtful and modest approach to regulating air pollution given the EPA's limited statutory authority." http://bit.ly/2y5tG7H

****** **A message from Koch Industries:** At Koch Industries, we believe education opens avenues to opportunity for eager young minds. So we support organizations like the United Negro College Fund and Youth Entrepreneurs to help ensure all students have access to educational options best suited to their individual talents. Learn more at ChallengeAccepted.com. ******

CAMPAIGN STOP -- "Democrats look to wreak havoc in GOP primaries," by Gabe Debenedetti: "With Republican Senate primaries from West Virginia to Montana promising to pit Trump-inspired insurgents against more mainstream candidates, Democrats are considering ways to step in and wreak some havoc. The idea: Elevate the GOP's most extreme option in each race, easing Democrats' path to victory in a range of states tilted against them.

"At its most aggressive, the tactic could be a sequel to Democratic Sen. Claire McCaskill's 2012 campaign against then-GOP Rep. Akin in Missouri. She actively intervened in the Republican primary with ads designed to boost the conservative Akin to the front of the pack. Once he became the nominee, a series of gaffes -- led by his 'legitimate rape' comment -- and hard-line positions unraveled his campaign." http://politi.co/2z42Cn4

-- "Democrats have lost nearly 1,000 state legislative seats and can't agree on how to take them back," by Mic's Will Drabold: "New groups aimed at electing Democrats to statehouses are challenging the old guard, creating friction between the

party establishment and newcomers with the same goal: take back state legislatures." http://bit.ly/2y4FXJs

-- NEW HAMPSHIRE REP. CAROL SHEA-PORTER is not running for re-election http://bit.ly/2xWUya7

UH-OH -- "U.S. Intelligence Unit Accused Of Illegally Spying On Americans' Financial Records," by BuzzFeed's Jason Leopold and Jessica Garrison: "The intelligence division at the Treasury Department has repeatedly and systematically violated domestic surveillance laws by snooping on the private financial records of US citizens and companies, according to government sources.

"Over the past year, at least a dozen employees in another branch of the Treasury Department, the Financial Crimes Enforcement Network, have warned officials and Congress that US citizens' and residents' banking and financial data has been illegally searched and stored. And the breach, some sources said, extended to other intelligence agencies, such as the National Security Agency, whose officers used the Treasury's intelligence division as an illegal back door to gain access to American citizens' financial records. The NSA did not respond to requests for comment." http://bzfd.it/2z3EdOF

COMING ATTRACTIONS -- STEVE BANNON and Alabama Republican Senate candidate **ROY MOORE** are speaking at next week's Values Voter Summit, the first time Bannon has spoken at the forum. Sebastian Gorka will also appear, as well as House Majority Whip Steve Scalise (R-La.), Reps. Mark Meadows (R-N.C.), Vicky Hartzler (R-Mo.), and Mark Walker (R-N.C.). http://bit.ly/2fOW5Vd

-- BANNON TALKS WITH THE PROSPECT, AGAIN -- "Steve Bannon, Unleashed," by The American Prospect's Robert Kuttner: "Having written up an interview with Bannon in mid-August that helped push him out of the White House, I began thinking that maybe Bannon was happier out than in. A journalist friend confirmed that hunch. So I asked Bannon for a second interview. He was pleased to oblige. I made a date to come to the Breitbart townhouse, where we spoke for an hour on Thursday afternoon. This time, Bannon was careful to put the conversation on background, but he gave me permission to convey the essence of his views.

"Bannon's first conversation with me was animated by his belief that he and I might be allies on the issue of economic nationalism. He continues to look for left-right common ground. Bannon's current obsession is to blow up Senate Majority Leader Mitch McConnell and Republican Senate incumbents whom he regards as hostile to his brand of nationalism. Bannon believes that if Republicans will just embrace populist economic nationalism, they can become a workers' party and the majority party for decades to come. He's been on the road, recruiting primary challengers to knock off Republican incumbents -- and carry that populist message." http://bit.ly/2z2Rxmi

HUH? -- "Congressman suggests Charlottesville was George Soros-backed conspiracy," by Vice News' Elspeth Reeve: "Arizona Rep. Paul Gosar suggested the

participants in the white nationalist rally in Charlottesville in August may have been organized by an 'Obama sympathizer' and funded by George Soros, whom Gosar accused of having 'turned in his own people to the Nazis.'" http://bit.ly/2y4pHrT

LUNCHTIME READ -- "Supreme Court's newest justice has an elk as an office mate," by the AP's Jessica Gresko: "When Justice Neil Gorsuch joined the Supreme Court earlier this year he got Justice Antonin Scalia's seat, his office and his elk, Leroy. ... The story starts more than a decade ago when Scalia shot the elk on a hunting trip and had its head mounted and hung in his Supreme Court office.

"Gorsuch explained at an event in Washington last week that after Scalia died in 2016 it seemed that the elk was destined 'to become homeless.' That's because the elk head, part of an animal estimated to have weighed around 900 pounds, is 'much too much for anyone's living room wall,' Gorsuch said. 'And then someone got the idea that Leroy might make, well, a sort of unusual welcome-to-the-neighborhood gift for the new guy. What a gift,' Gorsuch said." http://cbsn.ws/2y4gz6t

SPORTS BLINK -- @ChadPergram: "Scalise to throw out first pitch at tonight's playoff game between the Nationals and the Cubs in Washington".

WOMEN RULE NEWSLETTER - POLITICO's Women Rule series, produced in partnership with founding partners Google and the Tory Burch Foundation, is dedicated to exploring women's leadership in politics, policy and within their communities. The monthly Women Rule Newsletter will keep you up to speed on the community-this month's edition features a podcast with Iranian-American actress and activist Nazanin Boniadi, a Q&A with the Wilson Center's Gwen Young, who is releasing a study on women's participation in public service and job updates from Women Rule community members making strides in their careers. A special thank you to the 2017 Women Rule presenting sponsor Chevron. ***Subscribe*** http://bit.ly/2y4pjcD

VALLEY TALK -- END OF AN ERA -- "AIM will shut down after 20 years," by The Verge's Jacob Kastrenakes http://bit.ly/2y5sxNg

OUT AND ABOUT -- Spotify hosted the premiere last night of its "I'm with the banned" documentary short, which paired musicians from countries in the early Trump travel ban with American artists to make music, at E Street Cinema last night. **SPOTTED:** Michelle Ballantyne, Sarah Rojas, Rayshon Payton, Beatrice Pollard, Jena Gross, Sofia Gross, Alexandra Veitch, Jen Olson, Jay Heimbach, Madigan Jones, Matt Wise and Sarah Gilmore. ***Trailer*** http://bit.ly/2z3Utzp

WELCOME TO THE WORLD - Kevin Johnson, an account supervisor with the Edelman crisis team in D.C., and **Sheila Johnson,** VP of Lockton Companies, on Tuesday welcomed Elizabeth Jean, who was 9 lbs and 1 oz, and 23 inches long. She joins big sister Paige. "I am one lucky, outnumbered guy," Johnson emailed family and friends. ***Pic*** http://bit.ly/2yMjYEj

****** **A message from Koch Industries:** By 2020, it's estimated that the U.S. will face a shortfall of as many as 10 million skilled workers. Filling these open roles is going to be a big challenge, but we've long believed in the value and importance of skilled trades - roles held by many of our more than 70,000 U.S. employees. To help meet this projected demand, we've partnered with SKILLS USA and the mikeroweWORKS Foundation to provide Work Ethic Scholarships to students pursuing training in skilled trades. We are committed to supporting educational initiatives that help more Americans make a living while improving their quality of life. Learn more at ChallengeAccepted.com. ******

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August 25, 2017

Today on Climate Beat . . .

. . . we got litigious, reporting that a developer of a failed carbon capture and sequestration project in Texas has launched a suit against the Department of Energy, charging that the department breached a contract with the developer when it pulled federal support for the project last summer.

Staying in court, environmentalists have filed suit trying to force a legally binding deadline for EPA to respond to their years-old petition asking the agency to issue rules to reduce greenhouse gas and conventional air emissions from concentrated animal feeding operations, after a previous similar deadline suit failed on procedural grounds.

We highlighted several must-read stories from the past week about GHG analysis for fossil infrastructure project reviews, as well as updates on methane regulation, new Northeast cap-and-trade targets and the Energy Department's grid study.

And our daily news roundup looked at an op-ed by a former Exxon-funded scientist, as well as updates on the social cost of carbon, the Clean Power Plan and Hurricane Harvey.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 8/15/2017 12:19:47 PM
Subject: Aug. 15 -- EHS Federal Regulatory Alert



EHS Federal Regulatory Alert

August 15, 2017 - Number 156

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Summaries

AIR
Alabama SIP/Prevention of Significant Deterioration Permitting Program
AIR

Proposed rule of the EPA would approve portions of revisions to the Alabama SIP regarding the prevention of significant deterioration (PSD) permitting program. The revisions address changes to plantwide applicability limits for greenhouse gases (GHGs) and the discontinuation of the regulation of GHGs as an air pollutant for determining whether a source is a major source in PSD. The revisions also address Title V permitting requirements for sources emitting lower levels of GHG emissions. The agency will act on the transportation conformity revisions in a separate action. Comments are due Sept. 14, 2017. Contact: Andres Febres; EPA Region 4, Air Planning and Implementation Branch; 404-562-8966; febres-martinez.andres@epa.gov. Citations: 40 CFR 52

82 FR 38660 (08/15/2017)

Regulatory Update

AIR
California SIP/Placer County APCD
AIR

Final rule of the EPA approves revisions to the Placer County Air Pollution Control District (APCD) portion of the California SIP. The revisions concern the district's demonstration regarding reasonably available control technology (RACT) requirements for the 1997 and 2008 eight-hour ozone NAAQS and negative declarations for the polyester resin control techniques guidelines for the 2008 eight-hour ozone standard. The rule is effective Sept. 14, 2017. Contact: Nicole Law; EPA Region 9; 415-947-4126; law.nicole@epa.gov. Citations: 40 CFR 52.220, 52.222

82 FR 38604 (08/15/2017)

Regulatory Update

AIR
Georgia SIP/New Source Review, Miscellaneous Permitting
AIR

Direct final rule of the EPA approves revisions to the Georgia SIP regarding new source review and miscellaneous permitting requirements. The revisions address prevention of significant deterioration of air quality requirements and general permitting program requirements applicable to the construction and modification of any major stationary source in areas designated as attainment or unclassifiable. The revisions also address general permitting program requirements that apply to the construction and modification of any major stationary sources in nonattainment areas. The EPA is not taking action on additional SIP submittals that were previously approved or that were withdrawn by the state. The rule is effective Oct. 16, 2017, unless adverse comments are received by Sept. 14, 2017. Contact: Brad Akers; EPA Region 4, Air Planning and Implementation Branch; 404-562-9089; akers.brad@epa.gov. Citations: 40 CFR 52.570

82 FR 38605 (08/15/2017)

Regulatory Update

AIR
Georgia SIP/New Source Review, Miscellaneous Permitting
AIR

Proposed rule of the EPA would approve revisions to the Georgia SIP regarding new source review and miscellaneous permitting requirements. The revisions address prevention of significant deterioration of air quality requirements and general permitting program requirements applicable to the construction and modification of any major stationary source in areas designated as attainment or unclassifiable. The revisions also address general permitting program requirements that apply to the construction and modification of any major stationary sources in nonattainment areas. The EPA is not proposing to take action on additional SIP submittals that were previously approved or that were withdrawn by the state. A concurrent direct final rule adopts the revisions, effective Oct. 16, 2017. Comments are due Sept. 14, 2017. Contact: Brad Akers; EPA Region 4, Air Planning and Implementation Branch; 404-562-9089; akers.brad@epa.gov. Citations: 40 CFR 52.570

82 FR 38646 (08/15/2017)

Regulatory Update

AIR
Georgia SIP/Regional Haze Progress Report
AIR

Proposed rule of the EPA would approve a revision to the Georgia SIP regarding the state's regional haze progress report. Under the rule, the agency would approve the state's determination that the regional haze plan is adequate to meet the reasonable progress goals for the first implementation period through 2018 and does not currently require substantive revisions. Comments are due Sept. 14, 2017. Contact: Michele Notarianni; EPA Region 4, Air Planning and Implementation Branch; 404-562-9031; notarianni.michele@epa.gov. Citations: 40

CFR 51.308, 40 CFR 52

82 FR 38654 (08/15/2017)

Regulatory Update

AIR
Incandescent Lamps Energy Conservation Standards
AIR

Notice of the Energy Department, Office of Energy Efficiency and Renewable Energy, requests information on annual domestic sales and shipment data to consider updates to standards for general service incandescent lamps and other incandescent lamps. The department also requests information regarding the energy use and end-user cost of incandescent lamps, including the percentage of each lamp category that uses standard or more efficient halogen technology and the average wattage, efficacy, lifetime, and operating hours in each lamp category for the standard technology product and more efficient version, if one is offered. The information is requested due to a statutory requirement that the department determine via rulemaking whether to revise energy conservation standards for general service lamps. Comments are due Oct. 16, 2017. Contact: Lucy deButts; Office of Energy Efficiency and Renewable Energy; 202-287-1604; ApplianceStandardsQuestions@ee.doe.gov. Citations: 10 CFR 430

82 FR 38613 (08/15/2017)

Regulatory Update

AIR
Michigan SIP/Minor New Source Review
AIR

Proposed rule of the EPA would approve portions of revisions to the Michigan SIP regarding the permit-to-install (PTI) minor new source review program. The revisions provide a waiver from the requirement to obtain a PTI prior to the start of construction for minor construction activities and activities not considered construction or reconstruction under NESHAP standards. The revisions also add several categories of exemptions from the requirement to obtain a PTI and address required application materials and the processing of applications. Revisions to the public notice requirements will be addressed in a separate action. Comments are due Sept. 14, 2017. Contact: Rachel Rineheart, EPA Region 5, Air Programs Branch; 312-886-7017; Rineheart.rachel@epa.gov. Citations: 40 CFR 52

82 FR 38651 (08/15/2017)

Regulatory Update

AIR
South Carolina SIP/Interstate Transport Prongs 1 and 2
AIR

Proposed rule of the EPA would approve a revision to the South Carolina SIP regarding the Clean Air Act interstate transport (prongs 1 and 2) infrastructure SIP requirements for the 2010 one-

hour nitrogen dioxide (NO2) NAAQS. The agency proposes to determine that the SIP contains adequate provisions to prohibit emissions within the state from contributing significantly to nonattainment or interfering with maintenance of the 2010 one-hour NO2 NAAQS in any other state and that the SIP meets the requirements of prongs 1 and 2. Comments are due Sept. 14, 2017. Contact: Andres Febres; EPA Region 4, Air Planning and Implementation Branch; 404-562-8966; febres-martinez.andres@epa.gov. Citations: 40 CFR 52

82 FR 38646 (08/15/2017)

Regulatory Update

ENDANGERED SPECIES
Alewife and Blueback Herring Status Review
ENDANGERED SPECIES

Notice of the National Marine Fisheries Service announces the initiation of a status review for the alewife and blueback herring, found along the Atlantic coast of North America, to determine whether either warrants listing as endangered or threatened. The agency is requesting scientific and commercial information available since the last review in 2013. Comments are due Oct. 16, 2017. Contact: Tara Trinko Lake; NMFS; 978-282-8477; tara.trinko@noaa.gov

82 FR 38672 (08/15/2017)

Regulatory Update

ENDANGERED SPECIES
California/Hollister Test Facility Incidental Take Permit
ENDANGERED SPECIES

Notice of the U.S. Fish and Wildlife Service announces the receipt of an application from BAE Systems Land and Armaments L.P., of Arlington, Va., for an incidental take permit for the endangered San Joaquin kit fox, threatened California red-legged frog, and the California tiger salamander, incidental to soil remediation activities at the Hollister Test Facility in San Benito County, Calif. The agency also has prepared a draft environmental action statement for its preliminary determination that the project is "low-effect" and is eligible for a categorical exclusion under the National Environmental Policy Act. Comments are due Sept. 14, 2017. Contact: Christopher Diel; USFWS; 805-644-1766

82 FR 38701 (08/15/2017)

Regulatory Update

FOOD SAFETY
Food Animal Biomass Denominator
FOOD SAFETY

Notice of the FDA announces the availability of a proposed method for applying a food animal biomass denominator to annual data on antimicrobials sold and distributed for use in food animals in the U.S. The method would provide the agency with estimates of annual antimicrobial drug sales adjusted for the size of the animal population, referred to as the animal biomass of each such species, potentially being treated with such drugs. Comments are due Nov. 13, 2017.

Contact: Sujaya Dessai; FDA, Center for Veterinary Medicine; 240-402-5671; sujaya.dessai@fda.hhs.gov. Citations: 21 CFR 514.87

82 FR 38695 (08/15/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Food Additive Petition/Gamma-Linolenic Acid Safflower Oil
GENERAL ENVIRONMENT AND SAFETY

Final rule of the FDA updates regulations for food additives allowed in feed and drinking water of animals to provide for the safe use of oil from a variety of bioengineered safflower as a source of omega-6 fatty acids in complete dry adult maintenance dog food. The rule is issued in response to a petition submitted by Arcadia Biosciences Inc., of Davis, Calif. The rule is effective Aug. 15, 2017. Objections and hearing requests are due Sept. 14, 2017. Contact: Chelsea Trull; FDA, Center for Veterinary Medicine; 240-402-6729; chelsea.trull@fda.hhs.gov. Citations: 21 CFR 573.492

82 FR 38595 (08/15/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Naval Air Station Oceana Fighter Squadrons Transition
GENERAL ENVIRONMENT AND SAFETY

Notice of the Navy Department announces the redesignation of a Sept. 10, 2015, notice of intent (80 FR 54556) to prepare a draft environmental impact statement for the transition of the remaining F/A-18A/C/D (Hornet) aircraft, based at Naval Air Station Oceana, to the F/A-18E/F (Super Hornet). The Navy is changing the impact statement to a draft environmental assessment because of the similarities between Hornet and Super Hornet flight training, analysis showing that the aircraft transition will only result in minor noise increases, and findings that no significant environmental impacts were identified. Meetings are scheduled for Aug. 29 and 30, 2017, in Virginia Beach and Chesapeake, Va., respectively. Comments are due Sept. 15, 2017. Contact: Navy Department, Naval Facilities Engineering Command Atlantic; 757-322-8005

82 FR 38674 (08/15/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Rhode Island/Surplus Property at Naval Station Newport
GENERAL ENVIRONMENT AND SAFETY

Notice of the Navy Department announces the availability of the record of decision for the final environmental impact statement regarding the disposal by the Navy of 158 acres of surplus property at Naval Station Newport in Rhode Island and the redevelopment of the property by local municipalities. The surplus properties to be redeveloped include a lodge, a hospital, tank farms, and a pier located in three separate municipalities on Aquidneck Island. The final EIS designates Alternative 1, which would make the property available to the island communities for economic

redevelopment, as the agency's preferred alternative. Contact: Gregory Preston; Navy Department, BRAC Program Management Office East; 215-897-4900; gregory.preston@navy.mil

82 FR 38674 (08/15/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Western Arctic Bowhead Whales Catch Limits
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the National Marine Fisheries Service to prepare an environmental impact statement for the establishment of annual catch limits for the subsistence harvest of Western Arctic bowhead whales by Alaska natives from 2019 onward. The catch limits are subject to those established by the International Whaling Commission. Subsistence hunts are managed by the Alaska Eskimo Whaling Commission (AEWC), and the catch limits are issued through annual amendments to a cooperative agreement between the AEWC and NOAA. The administration will consider the effects of proposals to grant the AEWC an annual strike limit of 67 bowhead whales and not to exceed a total take of 336 landed whales over any six-year period. Comments are due Sept. 14, 2017. Contact: Carolyn Doherty; NMFS, Office of International Affairs and Seafood Inspection; 301-427-8385; carolyn.doherty@noaa.gov. Citations: 50 CFR 230.6

82 FR 38671 (08/15/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Applications for Special Permits
HAZARDOUS MATERIALS TRANSPORTATION

Notice of the PHMSA announces an extension of the comment period for two special permit requests. The first request (81 FR 9075; 02/23/2016), from NEXUS Gas Transmission, seeks a waiver from federal odorization standards. The second request (81 FR 62796; 09/12/2016), from Magellan Midstream Partners LP, of Tulsa, Okla., seeks a waiver from federal standards concerning inspection of in-service breakout tanks to allow for a transitional staged breakout tank inspection schedule. Comments now are due Oct. 16, 2017. Contact: Steve Nanney; PHMSA; 713-628-7479; Steve.Nanney@dot.gov. Citations: 49 CFR 192.625, 195.432

82 FR 38758 (08/15/2017)

Regulatory Update

OIL AND GAS INDUSTRY
OCS Oil, Gas, and Sulfur Operations
OIL AND GAS INDUSTRY

Notice of the Bureau of Safety and Environmental Enforcement announces the submission of a continuing information collection request to the OMB regarding general requirements of oil, gas, and sulfur operations in the Outer Continental Shelf (OCS). The collection addresses requirements for respondents to correct incidents of noncompliance identified during an inspection (Form BSEE-1832), reporting of hurricane and tropical storm evacuation and

production curtailment statistics in the Gulf of Mexico OCS (Form BSEE-0132), and reporting of facility and equipment damages (Form BSEE-0143). Comments are due Sept. 14, 2017. Contact: Nicole Mason; BSEE; Regulations and Standards Branch; 703-787-1607. Citations: 30 CFR 250, Subpart A

82 FR 38702 (08/15/2017)

Regulatory Update

SOLID WASTE
Coal Combustion Residuals State Permit Program Guidance
SOLID WASTE

Notice of the EPA announces the availability of interim final guidance for states on developing and submitting state coal combustion residuals (CCR) permit programs for agency approval, as provided by the Water Infrastructure Improvements for the Nation (WIIN) Act. The guidance includes an overview of the WINN Act provisions and describes the process and procedures the EPA plans to use in reviewing and making determinations on state CCR permit programs. The guidance also provides checklists of requirements of the current CCR rule and of items the EPA generally expects a state would submit when seeking approval of its CCR program. Comments are due Sept. 14, 2017. Contact: Mary Jackson; EPA, Office of Resource Conservation and Recovery; 703-308-8453; jackson.mary@epa.gov. Citations: 40 CFR 257, Subpart D

82 FR 38685 (08/15/2017)

Regulatory Update

WATER
Rainy and Namakan Lakes/Review of Emergency Levels
WATER

Notice of the State Department, International Joint Commission, announces hearings regarding emergency levels for Rainy and Namakan Lakes (Rule Curve) in U.S. and Canadian boundaries. The commission is considering proposed changes to its Orders of Approval for the emergency regulation of Rainy and Namakan Lakes that have been recommended by the International Rainy and Namakan Lakes Rule Curves Study. The proposed changes focus on high flood-risk years for Rainy Lake, an expanded role for the Water Levels Committee of the International Rainy-Lake of the Woods Watershed Board, adaptive management, stakeholder concerns, and engagement with indigenous communities. Hearings are scheduled for Aug. 16, 2017, in Fort Frances, Ontario; Aug. 17, 2017, in Kabetogama and International Falls, Minn.; and Aug. 18, 2017, in Rainy River, Ontario. Comments are due Sept. 1, 2017. Contact: Frank Bevacqua; Department of State, International Joint Commission; 202-736-9024; bevacqauf@washington.ijc.org

82 FR 38755 (08/15/2017)

Regulatory Update

WATER
Texas/Galveston Area Anchorage
WATER

Proposed rule of the U.S. Coast Guard would establish a new 0.19 square mile anchorage area, known as Anchorage Area Alpha (A) East, in Bolivar Roads Channel near Galveston, Texas. The rule would provide for temporary use of the new anchorage by vessels of all types during conditions such as inclement weather and for purposes including transferring personnel. The Coast Guard specifies that the new anchorage would primarily be an overflow anchorage for vessels awaiting exam or inspection. Vessel anchoring would be restricted to prevent obstruction of the passage of other vessels proceeding to and from anchorage spaces in the area. Comments are due Oct. 16, 2017. Contact: Navin Griffin; USCG, Sector Houston-Galveston; 281-464-4736; Navin.L.Griffin@uscg.mil. Citations: 33 CFR 110.197

82 FR 38643 (08/15/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Wed 8/30/2017 9:58:38 PM
Subject: Interior IG ends investigation of Zinke's call to Murkowski

By Ben Lefebvre

08/30/2017 05:55 PM EDT

The Interior Department's inspector general ended the investigation into whether Interior Secretary Ryan Zinke broke ethics rules in calls to Alaska Republican senators last month over their votes to repeal Obamacare, calling the initial investigation "unproductive."

The IG's efforts foundered after Sens. Lisa Murkowski and Dan Sullivan declined to answer questions from the inspector general's office, Deputy Inspector General Mary Kendall said in an Aug. 29 letter to Reps. Raul Grijalva (D-Ariz.) and Frank Pallone Jr. (D-N.J.), who had called for the inquiry.

"Both Senators Murkowski and Sullivan declined to be interviewed or to provide statements regarding the matter," Kendall wrote.

Kendall also wrote that because the episode was "extensively covered" by news outlets, her office "does not believe that it could meaningfully investigate the matter further."

Zinke called Murkowski and Sullivan in July after Murkowski had voted against repealing Obamacare legislation. During the call, Zinke said Murkowski's vote could endanger President Donald Trump's support for energy projects important to Alaska.

Interior plays a big role in Alaska, where the federal government controls 61 percent of the land. Interior is reviewing a multitude of projects tied to Alaska energy development, including a possible opening of the Arctic National Wildlife Refuge for oil and gas drilling and allowing offshore oil drilling in currently off-limits Arctic waters.

A spokesman for the Democrat staff on the House Committee on Energy and Commerce, of which Pallone is ranking member, said the IG's decision to end the probe was "unfortunate."

WHAT'S NEXT: The GAO is also investigating Zinke's calls to the Alaska senators.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/interior-ig-ends-investigation-of-zinkes-call-to-murkowski-092299

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Yes, very	Somewhat	Neutral	Not really	Not at all

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Mon 10/23/2017 11:30:16 PM
Subject: Oct. 24 -- Daily Environment Report



Daily Environment Report

October 24, 2017 - Number 204

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Leading the News

Enforcement
China's Pollution Crackdown Sparks Company Closings, Protests
China's crackdown on polluters is reverberating throughout the country's supply chains as more companies are forced to shut or slow down for environmental violations and workers take to the streets to protest.

Motor Vehicles
EPA Plans To Repeal Parts of Truck Greenhouse Gas Limits
The regulatory load of truck manufacturers could get a little lighter as the EPA mulls dropping portions of the Obama administration's greenhouse gas standards in response to an industry request.

News

Air Pollution
Emission Fix for Volkswagen Diesel SUVs Backed by U.S. Regulators
U.S. regulators approved a technical fix for about 38,000 Volkswagen sport-utility vehicles with diesel V-6 engines, another milestone in the automaker's effort to remedy more than half a million U.S. vehicles that skirted clean-air rules.

Air Pollution
London Clamps Down on 'Toxic' Vehicles with New Daily Fee
Drivers of the most polluting diesel vehicles will pay a charge to enter central London starting Oct. 23 in the latest attempt by the city's mayor to crack down on air pollution.

Climate Change

Big Oil Should Boost Carbon Capture, U.K. Climate Adviser Says
Big oil companies including Royal Dutch Shell Plc. need to step up their efforts to tackle climate change, especially in making carbon capture and sequestration more economical, according to the U.K.'s chief greenhouse gas adviser.

Energy
Australia Energy Retailers Cautiously Welcome Emissions Plan
Major energy businesses are cautiously supporting Australia's latest climate and energy plan, but its emissions target could still be a stumbling block to long-sought bipartisanship on climate policy.

Energy
Largest U.S. Grid Operator Opposes Perry's Plan to Save Coal
The biggest U.S. grid operator is asking regulators to reject Energy Secretary Rick Perry's plan to prop up ailing coal-fired and nuclear plants.

Energy
PM Turnbull Seeks to Persuade States on Aussie Energy Plan
Prime Minister Malcolm Turnbull's government will provide modeling to the states in a bid to get them to back its proposed "national energy guarantee" to bolster reliability of Australia's faltering electricity grid.

Energy
Puerto Rico Lays Out Energy Future with Tesla, Privatization
A Puerto Rican official who has been in talks with Tesla Inc. said the island is serious about transforming its energy infrastructure after it was leveled by Category 4 Hurricane Maria, despite questions about how such an overhaul would be funded.

Enforcement
Companies Can Trade Enviro Fines for Discounted Eco Investment: Brazil
A Brazilian presidential decree that allows companies to convert fines for environmental violations into investments for ecosystem restoration projects—and at substantial discounts—is welcomed by a range of companies and industries in the country.

Environmental Taxes
Michigan Water Tax Could Drain $20 Million From Nestle
Nestlé Waters North America Inc. could lose $20 million annually in new taxes aimed at companies withdrawing large amounts of water from the Great Lakes State.

Oil & Gas
Rise in Texas Earthquakes Near Oilfields Prompts New Monitoring
Texas, home to two of the nation's busiest oilfields, now has a new way for the public to track in real time how many earthquakes are rattling the Lone Star State since the expanded use of new drilling techniques.

Renewable Energy
Asia's Oil Hub Going Green with Floating Solar, Storage Systems
Singapore plans to develop solar power and energy-storage technologies as the oil-trading hub of Asia pushes to generate more of its power from renewable sources.

Vehicle Fuels
Be It BMW or Tesla, Drivers Could Stay Hooked on Fossil Fuels
It's not that easy being green.

Vehicle Fuels

U.K. Pushes Electric Cars with Charging Requirement

The U.K. government is boosting its push to promote electric and driverless cars with a draft law requiring gasoline retailers across the country to install more charging points.

Practitioner Insights

Chemicals

Practitioner Insights: Protecting Stakeholders Under the New TSCA

The recent amendments to section 6 of the Toxic Substances Control Act (TSCA) mean that the Environmental Protection Agency (EPA) can regulate, is regulating, and will regulate chemical substances as never before. The amendments present challenges to stakeholders, but also opportunities to influence potential EPA decisions that may determine the future commercial viability of those substances.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Wed 11/8/2017 10:21:26 PM
Subject: Today on Climate Beat

November 8, 2017

Today on Climate Beat . . .

. . . we tallied up the votes, reporting that Democrats had a good night in many key state elections yesterday, securing governor's mansions in Virginia and New Jersey and flipping the Washington state Senate, victories that could provide a boost to cap-and-trade programs to control greenhouse gases.

Speaking of states, a coalition of governors and other state officials plan to emphasize their progress on climate policies next week at the United Nations climate conference, arguing their presence is more important than ever after the Trump administration's rejection of the Paris climate accord.

In personnel updates, veteran climate change and energy lawyers and advisers from both sides of the political aisle are joining forces to launch a new consulting firm, the Coefficient Group, which will focus on unique approaches to climate policy, regulations and politics.

Out in court, the Bureau of Land Management (BLM) is asking a federal appeals court to reject environmentalists' efforts to force it to conduct a National Environmental Policy Act (NEPA) review of the climate impacts of coal leasing on federal lands, arguing that there is nothing in existing law that requires it to update a 1970s-era NEPA review.

And speaking of coal, the Clean Air Task Force is blasting what it says are the negative health impacts that would occur if federal energy regulators adopt a Trump administration plan that would subsidize coal and nuclear electricity, warning it would keep high-emitting coal plants running longer and lead to much more air pollution.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA.com
Sent: Wed 8/23/2017 11:14:19 AM
Subject: The Morning Headlines from InsideEPA.com -- August 23, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

August 23, 2017

Latest News

D.C. Circuit Requires Downstream GHG Reviews In Gas Pipeline Cases

A split appellate court panel is requiring energy regulators to assess the downstream greenhouse gas (GHG) impacts of natural gas pipelines, bolstering environmentalists who are seeking to block the projects and undercutting Trump administration efforts to ease reviews of the projects under the National Environmental Policy Act (NEPA).

5th Circuit Grants EPA Bid To Split Utility ELG Suit Pending Review Of Rule

A federal appeals court has granted EPA's request to split litigation over the Obama-era utility effluent rule by severing out and staying power companies' challenge to various parts of the rule while the agency reconsiders them, but an environmentalist says the decision creates confusion about which aspects of the suit can still proceed.

EPA Urges 9th Circuit To Dismiss Suit Over Rejection Of Chlorpyrifos Ban

EPA is urging a federal appeals court to dismiss environmentalists' lawsuit challenging the agency's denial of a petition to ban the commonly used pesticide chlorpyrifos, arguing that considering the case now would be “premature and inappropriate” because the agency is still reviewing administrative objections to the denial.

Environmentalists Sidestep D.C. Circuit In First Suits Over EPA's TSCA Rules

Environmentalists that have brought the first legal challenges to new EPA rules issued under the recently revised Toxic Substances Control Act (TSCA) have filed separate suits that sidestep the U.S. Court of Appeals for the District of Columbia Circuit, likely due to concerns that the court, which hears most challenges to EPA rules, would be more receptive to agency arguments.

Industry Looks Beyond Stay To Urge EPA Focus On Methane NSPS Revision

Even as EPA develops proposals to delay Obama-era methane limits for new oil and gas drilling operations, industry groups are looking beyond the stay to the agency's later process to reconsider the rule's requirements, reiterating prior critiques that they

say justify not only a two-year delay but also substantial revision to or rescission of the rule.

CRA Opponents Argue 'Vague' Limits On New Rules Justify Scrapping Law

Environmentalists are amending their lawsuit challenging the Congressional Review Act (CRA) to add claims that it is unconstitutionally vague for the law to bar EPA and other agencies from crafting new rules that are "substantially the same" as those struck down through CRA disapproval resolutions.

Daily Feed

Sen. Schatz urges Pruitt to drop appointee from grant reviews

"I fail to understand the beneficial role a political appointee, without any meaningful scientific background, could have in the grant review process," the senator said in a letter to Pruitt.

Former EPA transport chief criticizes autos' call for softer GHG rules

Margo Oge attributes automakers' push for greater regulatory flexibility to "the age-old conflict between short-term and long-term profits."

EPA sends Oregon aluminum water criteria for OMB review

EPA is moving closer to proposing water quality criteria to protect aquatic life in Oregon from aluminum, as required by a consent decree with environmentalists.

D.C. Circuit agrees to continue stay of trailer GHG rule suit

The court also asked parties to file motions to govern future proceedings by Sept. 18.

Ewire: Drillers' study seeks to exempt marginal wells from methane NSPS

Energy industry launches study to exempt marginal wells from NSPS. Plus: environmentalists bolster VOC monitoring.

EPA opposes summary vacatur of landfill methane pause

EPA sidesteps the merits of environmentalists' arguments, charging instead that the petitioners lack standing and have not shown how the "fleeting" pause will harm them.

Read all the latest EPA news, analysis and documents →

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Fri 10/20/2017 1:38:05 AM
Subject: BREAKING NEWS: Senate Republicans pass budget measure, clearing route to tax overhaul

Senate Republicans on Thursday passed a budget measure that will unlock the route to a sweeping tax overhaul, giving the GOP a sorely-needed victory after other pieces of their legislative agenda collapsed earlier this year.

After a shortened vote-a-rama, the Senate passed the fiscal 2018 budget on a 51-49 vote.

Read more here.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Mon 10/2/2017 6:40:47 PM
Subject: Grassley talks to Trump, meeting with Pruitt being planned

By Eric Wolff

10/02/2017 02:37 PM EDT

Sen. Chuck Grassley is working to arrange a meeting with EPA Administrator Scott Pruitt at the behest of President Donald Trump to discuss the Renewable Fuel Standard, according to a Grassley spokeswoman.

The Iowa Republican spoke with Trump on Friday about the program, Grassley Spokeswoman Jill Gerber told POLITICO.

"President Trump has asked Administrator Pruitt to meet with Sen. Grassley to discuss the issue and we are working on scheduling a meeting," Gerber said in an email.

Grassley has been on the warpath over last week's EPA notice suggesting it may use waiver authority to cut the amount of biomass-based biodiesel that would be required to blend into the nation's fuel system in 2018, a year that was already finalized. The agency also asked for comment on setting biodiesel volumes as low as the legal minimum of 1 billion gallons for 2019, a steep reduction from the 2.1 billion gallons proposed in July.

Grassley issued a blistering statement and tweeted, "Trump promised 2b pro biofuels & pro rural America/Pruitt RFS proposal =anti biofuels &anti rural America / EPA not doing what @POTUS said." Biodiesel and ethanol producers also slammed the notice.

EPA spokeswoman Liz Bowman said Pruitt "has spoken with Senator Grassley about RFS at length" and that the two "will continue to work together on this issue going forward."

WHAT'S NEXT: EPA will soon publish the biomass-based biodiesel notice in the Federal Register, opening a 15-day comment period.

To view online:
https://www.politicopro.com/agriculture/whiteboard/2017/10/grassley-talks-to-trump-meeting-with-pruitt-being-planned-093772

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Thur 9/28/2017 9:46:28 PM
Subject: Today on Climate Beat

September 28, 2017

Today on Climate Beat . . .

. . . we focused on the courts, reporting that appellate judges have rejected environmentalists' request to quickly vacate EPA's implementation delay of its methane rule for new and existing landfills, suggesting it might dismiss the challenge entirely because the agency's delay expired last month.

Also in litigation, a coalition of 11 states led by California is supporting a bid by environmentalists and two chemical makers for the U.S. Court of Appeals for the District of Columbia Circuit to reverse a split panel ruling vacating EPA's rule to reduce hydrofluorocarbon refrigerants that act as potent greenhouse gases.

We previewed a speech by former EPA Administrator Gina McCarthy, who is slated to discuss the "present and future" of EPA at Columbia University, a speech in which she could defend Obama administration environmental steps while criticizing Trump officials' efforts to roll back climate and other rules.

And our daily news roundup looked at reports that EPA is proposing to slash payments to the Justice Department to aid in Superfund litigation, a move that could curb a range of environmental enforcement efforts.

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To: Maisano, Frank[frank.maisano@bracewell.com]
From: Maisano, Frank
Sent: Mon 11/6/2017 4:07:58 PM
Subject: Nov 6 PRG Energy Update: Tax Fax, ClearPath China Event, Climate Bonn-Bonn, More Energy Noms

Friends,

First off, our thoughts and prayers are with our friends in Texas as they deal with this weekend's terrible incident. It puts a damper on the earlier celebrations for our Houston/Texas colleagues' World Series Game 7 victory and parade last week for the Astros in what ended up being a thrilling World Series (that makes two-in-a-row.) And even with last week's New York terrorist's attack, the NYC Marathon went on without a hitch with Shalane Flanagan becoming the first American women to win in 40 years.

The tax bill has rolled out and is expected to see action this week. We have a bunch of good "Tax Fax" in the update below, but bottom-line, my colleague Liam Donovan has **ALL the bases** covered and will be happy to discuss "on-" or "off-the-record" as the action continues. You can reach him at 202-828-5847 or liam.donovan@bracewell.com. And, finally we have a full FERC, with final Senate approval of Rich Glick and Kevin McIntyre late Thursday and "Swearing-In" ceremonies expected this week.

The next UN climate change conference starts today (and runs through next Fri) in Bonn, Germany and there have been plenty of stories about Friday's climate report. While interesting and comprehensive, it really doesn't add much more than we've heard before, doesn't consider significant policy or political challenges and change that the US has been reducing emissions dramatically through market and technology advances. Something to remember.

As for the meeting, it is a working meeting so don't expect a big splash. The Business Council for Sustainable Energy (BCSE) industry members are sharing the progress of the rapid transformation that is occurring in the energy sector in the United States. It will also showcase how the suite of existing clean energy solutions can help take that transformation around the world, and help meet a country's nationally-determined contribution (NDC) under the Paris Agreement. The Chamber's Global Energy Institute and its climate expert Steve Eule participates in a side event on Wednesday sponsored by the international business community.

We starting the week off today with a ClearPath event focused on US-China Clean Energy issues at 11:30 a.m. in CVC Congressional Meeting Room North. Given the President's trip to China and upcoming trade issues in the news, this seems like a great time to hear some key experts, including Congressman Ryan Costello, ClearPath's Rich Powell and Christopher Guith of Chamber's Global Energy Institute. Amy Harder of Axios moderates. For those unable to attend this morning's event, there will be a livestream. Speaking of trade, check out the *WaPo* editorial today urging President Trump to reject strong solar tariffs.

Tomorrow, House Energy looks at ENERGY STAR and features AHRI Chairman Chris Drew testifying. Also, House Resources takes up broad offshore energy legislation that will attempt to define parameters for wind and oil/gas projects with a hearing tomorrow and mark up on Wednesday.

The next big nomination hearing is Wednesday for CEQ nominee Kathleen Harnett-White and EPA #2 Andy Wheeler. I don't even know what to say other than put your seatbelts on because of the expected turbulence. Dems will oppose both aggressively over views on climate while ethanol Republicans Deb Fisher and Joni Ernst are smarting over Harnett's positions on ethanol and the recent retaliatory hold on a USDA nominee they support. House Science also discusses geoengineering.

Then on Thursday at 9:30 a.m., our friends at SAFE host a forum and release their trucking industry trend report, "Heavy-Duty Innovation: Energy, automation, and technology in the trucking sector." SAFE's Jeff Gerlach, as well as a number of industry experts including the American Trucking Assn's Bill Sullivan will discuss how the trucking industry is changing, and the regulatory measures that should be taken to enable a safer and more efficient trucking future.

Finally, our friends at AGA launched the #CookingWithGas campaign recently with Chef Fitz Tallon from Eataly Flatiron in New York. AGA is traveling around the country meeting professional chefs and talking to them about why they prefer cooking with gas. Check out the video of Tallon talking about why he prefers #cookingwithgas.

Call with questions. Tomorrow is Election Day in many places including Virginia and New Jersey. Please vote…Best,

Frank Maisano

(202) 828-5864

c. (202) 997-5932

THIS WEEK'S LOBBY SHOP

The new episode of *The Lobby Shop* is live on iTunes, SoundCloud, and Google Play Music. This episode is very brief (14 minutes) and covers the House tax bill released Thursday morning. It's a great opportunity to subscribe to the podcast on whatever platform you prefer – this episode is pretty quick and not a deep dive, but we will be doing more nitty-gritty analysis in future episodes. Remember our address for listeners to reach out with topic suggestions, feedback, etc. – thelobbyshop@policyres.com.

FRANKLY SPOKEN

"Mr. Trump clearly believes that the government should restrict Americans' freedom to trade. But agreeing with the complainers in this case would obviously contradict his avowed motive — to support middle-class U.S. jobs. The risks of helping a narrow slice of the industry at the expense of the rest of it simply outweigh the benefits."

Washington Post Editorial Board on the upcoming solar tariff decision in front of President Trump.

"This proposal reneges on the tax reform deal that was already agreed to, and would impose a retroactive tax hike on an entire industry. The House proposal would pull the rug out from under 100,000 U.S. wind workers and 500 American factories, including some of the fastest growing jobs in the country. We expect members of the House and Senate to oppose any proposal that fails to honor that commitment, and we will fight hard to see that wind energy continues to work for America."

Tom Kiernan, CEO of the American Wind Energy Association (AWEA).

TAX FAX

Tax Reform Rolling – House Republicans released a tax-reform bill today that would cut the corporate tax rate to 20% from 35%. The plan also includes cuts to individual tax rates and increases the standard deduction for individuals and families. Retirement plans including 401(k)s appear to be untouched and the top tax rate for wealthy Americans would remain the same. My colleague Liam Donovan has **ALL the bases** covered and will be happy to discuss "on-" or "off-the-record." You can reach him at 202-828-5847 or liam.donovan@bracewell.com

Wind Has Concerns – The House tax bill raised the ire of the wind industry who said reneging on the previous deal would threaten American job growth and energy dominance. By derailing a bipartisan agreement to phase out the wind energy Production Tax Credit (PTC), the House proposal strips away the investment certainty Congress promised wind developers just two years ago. The proposal puts at risk over $50 billion in planned investment supporting manufacturing, rural jobs and homegrown energy growth. The wind industry worked with Congress in 2015, reaching a bipartisan agreement on tax reform that phased out the PTC over five years. Investors, taking Congress at their word, banked on stable investment policy and poured billions of dollars into the U.S. economy.

What's the PTC Controversy? – The wind energy PTC, which allows for a tax credit for each kilowatt hour (kWh) generated, was the tool Congress created for wind developers to access capital needed to grow wind power in the U.S. This successful policy has driven domestic infrastructure investment and manufacturing, delivering U.S. jobs and driving down the costs to produce electricity. Recognizing the policy was working and success was near, Congress passed a bipartisan five-year extension and phase out of the credit in 2015, which is proceeding on an 80%-60%-40% schedule, ending after 2019. The bill changes the terms of PTC qualification defining start of construction. Investors who put billions of dollars into factory orders and construction contracts cannot go back in time to meet the revised requirements. The House tax proposal would also terminate an inflation adjustment, cutting the value of the credit by half or more.

Navigant Study Says Roll Back Risks 50K Jobs – Navigant Consulting projects that maintaining stable investment policy through the five-year PTC phase out will create $85 billion in economic activity and help grow another 50,000 American jobs, including 8,000 jobs at U.S.

factories, through the end of President Trump's first term. Boosting production of U.S. wind energy helps increase American energy independence and security. The majority of the value of an American wind farm is made-in-the USA by 102,500 workers and 500 factories across all 50 states. View a map of every wind farm and factory in America.

CCS Says Include 45Q – A diverse, bipartisan group of carbon capture advocates today called on the Senate Finance Committee to include legislation to extend and reform the Section 45Q of the tax code to boost carbon capture in any tax plan considered by the committee. The letter specifically calls for inclusion of the FUTURE Act, legislation introduced in July by Senators Heidi Heitkamp, Shelley Moore Capito, Sheldon Whitehouse, John Barrasso and 21 other Senators from both parties, in the Senate Finance Committee Chairman's Mark. The letter was signed by companies, labor unions, NGOs and other advocates including Occidental, Peabody Energy, Utility Workers Union of America, IBEW, NRECA, Clean Air Task Force, C2ES, ClearPath and many others.

Orphans are Included – The "orphan" tax credits – credits left out of the 2015 wind/solar PTC deal – were also in the tax bill, mirroring language found in Rep. Tom Reed's H.R. 1090, which extends the residential and commercial tax credits until January 1, 2022 for geothermal heat pumps, fuel cells, microturbines, small wind and combined heat and power. The residential income tax credit would be retroactive back to January 1, 2017 at 30% and continue at that level until 2020 when it would drop to 26% and then at 22% for 2021 and end December 31, 2021. The 10% commercial investment tax credit would be extended until January 1, 2022 and change the language for placed in service to "property the construction of which begins before January 1, 2022." Thousands of jobs among geothermal and other "orphaned" clean energy industries are in jeopardy and GHP manufacturers alone saw a sales decline significantly this past year.

Advanced Nuclear Credit Included In Tax Reform – The tax reform plan also includes a modification to the 45J tax credit for production from advanced nuclear power facilities that is vital to the expansion of the U.S. fleet. It at least largely mirrors a bipartisan bill from Reps. Tom Rice and Earl Blumenauer lawmakers approved by voice vote in June modifying the credit to allow more time for the nation's new reactors under construction to utilize the credit and allow transferability of the credit to other partners of the utilities.

A GOOD READ on Winners, Losers – Energy Winners, Losers in House Tax Plan: **WASHINGTON EXAMINER**

IN THE NEWS

BCSE to Release Priorities Paper at COP23 – The Business Council for Sustainable Energy released a policy paper today that outlines its COP 23 priorities as the meeting launches in Bonn. The Council released the final version of the BCSE COP 23 policy position paper, Powering Ambition at COP 23. The BCSE at COP 23 website is also live: www.bcse.org/cop23. This page will include all of BCSE events, public statements, delegation information and case studies of clean energy in action.

Vistra Head on CNBC's *Mad Money* – Last Week, we mentioned the Vistra-Dynegy merger and later in the week on CNBC's *Mad Money*, Curt Morgan discussed the deal with Jim Cramer, who called the deal a "game-changer." Morgan highlighted the national focus and diverse fuel mix that the new company will have and said it will be strong in both low and high gas price environments.

Chamber Highlights Efforts to Restore Power After Hurricanes – Speaking of videos, the Chamber's Global Energy Institute released a series of videos last week looking at during and after Hurricanes Harvey and Irma, everyday Americans assumed the role of first responders as their family and friends faced sheets of rain, catastrophic flooding and destructive winds. In its new video series titled **"Energy Strong"** GEI highlights the many ways America's energy industry stepped up and responded.

GA Lawmakers Urge Nuclear Tax Credits – Georgia lawmakers are asking for an extension on tax credits for the Vogtle nuclear plant expansion project. All but two members of the state's House delegation sent a letter to the head of the House Ways and Means Committee last week.

They want the tax plan to include a measure that would lift the 2020 expiration date on a tax credit for new nuclear energy production. Two reactors at Vogtle now under construction won't be up and running until after that deadline.

Biotech Company to Protect Palm Trees, Dates – ISCA Tech and the University of California-Riverside scientists will work to develop environmentally-friendly pest controls to save California's iconic palm trees and protect the date palm industry from the invasive South American palm weevil. With a new grant from the Foundation for Food and Agriculture Research (FFAR). FFAR is a nonprofit established in the 2014 Farm Bill with bipartisan congressional support, today awarded $150,000 to fund research to combat this emerging pest. The FFAR grant is being matched by funds from UCR, ISCA, California Date Commission, and the Bard Valley Medjool Date Growers Association, for a total $300,000 investment in

addressing this pest. The South American palm weevil first spread from Mexico's Tijuana area into San Diego County in 2011, where it is now killing Canary Island date palm trees. Surveys also have detected the weevil in California's Imperial County, as well as in the Yuma, Ariz., and Alamo, Texas counties. At risk are several palm species, including commercial date trees that contribute about $89 million a year to California's and Arizona's economies. Other at-risk palms include Canary Islands date, coconut, African oil, sago and California fan palms. The national market for landscape, decorative and potted palm trees is valued at more than $280 million a year.

IAEA Head Says Speed Up Nuke Projects – The global nuclear power industry needs to accelerate growth to satisfy the world's energy demands and contribute to climate change goals, International Atomic Energy Agency Director General Yukiya Amano told the International Ministerial Conference on Nuclear Power in the 21st Century. "More use of nuclear power will be needed to provide the steady supply of baseload electricity to power modern economies if countries are to meet the goals for greenhouse gas emissions which they set for themselves in the Paris Agreement," he said

ON THE SCHEDULE THIS WEEK

Climate Change Meeting Set for Bonn – The next UN climate change conference is scheduled to be held starting today and run through November 17th in Bonn, Germany, which is home to the climate change secretariat and 18 other UN agencies that will be hosting the conference. Presided over by the government of Fiji, COP 23 is slated to be a "working COP", as negotiators continue to develop the Paris rulebook—the rules and working processes that will underpin the Paris Agreement's implementation. With respect to the rulebook, no major decisions are expected to be made before 2018. The Business Council for Sustainable Energy (BCSE) will lead a delegation of its industry members to COP 23. The Council will participate in COP 23 to share the progress of the rapid transformation that is occurring in the energy sector in the United States. It will also seek to showcase how the suite of existing clean energy solutions can help take that transformation around the world, and help meet a country's nationally-determined contribution (NDC) under the Paris Agreement. The Chamber with its Climate expert Steve Eule also participates in an event on Wednesday sponsored by

Forum to Look at Energy Trends –The German Marshall Fund of the United States hold a conference today that will examine energy trends through three different lenses. The first session will examine the recent efforts, supported by the U.S. and the EU, to reform energy sectors in Black Sea states, notably but not exclusively in Ukraine and Georgia. Second, a panel of experts will discuss the ever-shifting energy politics of the broader Eurasia region, from Central Asia to

the Black Sea and beyond. Finally, the conference will feature keynote remarks by Ambassador Mary Warlick, Acting Envoy and Coordinator for International Energy Affairs, Bureau of Energy Resources.

Women Renewable Energy Forum Set – The Women of Sustainable Energy and Renewable Industries (WRISE) Leadership Forum 2017 tomorrow and Wednesday in its inaugural year under the new brand (previously WoWE). Co-located with the AWEA Fall Symposium, this event will feature keynote speakers, professional development, networking, and expert panels on key issues in the industry.

Fuel Cell Expo Set – The Fuel Cell Seminar and Energy Expo will be held tomorrow through Thursday in Long Beach, CA. Hear from top names in industry and government, including Plug Power CEO Andy Marsh; NASEO Executive Director Dave Terry; California Energy Commissioner Janea Scott; NCSL Energy Director Glen Anderson; Division Chief, CARB Annette Hebert and more. There will be more than 180 Technical Sessions and more than 40 Posters on Wednesday and Thursday afternoons by our industry's top researchers, scientists, and speakers. Session tracks will cover a wide-range of topics including international, state, regional hydrogen infrastructure plans, technology advances, transportation deployment, hydrogen generation and energy storage

House Energy Panel to Look at ENERGY STAR – The House Energy Committee will look at ENERGY STAR and other efficiency programs tomorrow. Expects experts from enviro groups, AHRI and other sustainability groups to weigh in. AHRI Chairman Chris Drew will say there is a strong industry preference to retain both the product program and the buildings programs at EPA and that the program needs adequate funding preserved, among other items. Others testifying include ASE's Kateri Callahan, Doug Johnson of the Consumer Tech Association, AHAM's Joe McGuire and Greg Merritt of Cree.

GU Presenter to Discuss China, Wind – Georgetown's Mortara Center for International Studies will present at this Energy and Climate Policy Research Seminar tomorrow at 12:30 p.m. with Julia Kirch Kirkegaard, a postdoctoral researcher at Stanford Business School. She has studied the role of global innovation networks in China's wind turbine industry, the case of Chinese industrial upgrading within the green energy sector, the societal acceptability of wind power (in Denmark and China), and contestations over expertise and science communication. In her research at Stanford, she is investigating the role of expertise and experts in the emergence of R&D and innovation networks.

House Resources Looks OCS Drilling Draft – The House Natural Resources Energy and Mineral Resources Subcommittee holds a hearing tomorrow at 2:00 p.m. on Outer Continental Shelf Discussion Draft. The draft legislation aims to distribute revenues from oil and gas leasing on the Outer Continental Shelf to certain coastal States, to require sale of approved and scheduled offshore oil and gas leases, to establish offshore wind lease sale requirements, and to empower States to manage the development and production of oil and gas on available Federal lands. Witnesses will include Ray Brady of the Argonne National Lab, North Dakota Industrial Commission Director Lynn Helms, David Holt of the Consumer Energy Alliance and the Tulane Energy Institute's Eric Smith. Mark up will follow on tomorrow and Wednesday.

AWEA Fall Symposium Returns to New Mexico – AWEA hosts its annual Fall Wind Energy Fall Symposium tomorrow through Thursday at the Hyatt Regency Tamaya Resort**,** where key strategic decisions are made to build the future of wind energy. The event will feature new executive insights, and actionable strategic plans to power your business in the upcoming year.

NEI's Korsnick Headlines Stimson Forum – The Stimson Center hosts a forum tomorrow at 5:00 p.m. on re-energizing nuclear security. Nuclear security is out of the spotlight since the end of the Nuclear Security Summit series. This forum will look at the future of nuclear development and how can industry, civil society, and international organizations facilitate the outstanding Security Summit commitments. This event is an on-the-record discussion of trends in the nuclear industry and security and marks the official launch of a new Stimson publication: "*Re-energizing Nuclear Security: Trends and Potential Collaborations Post Security Summits.*" Panelists include NEI CEO Maria Korsnick, Canadian Nuclear Association CEO John Barrett and Frank Saunders, Vice President of Nuclear Oversight and Regulatory Affairs at Bruce Power.

Wheeler, Harnett-White Set to Go to Senate Environment – Senate Environment will hold a confirmation hearing on Wednesday for Kathleen Hartnett White's nomination to run the White House Council on Environmental Quality. It will also address the confirmation of Andy Wheeler to serve as EPA deputy administrator at the same time.

House Science Looks at GeoEngineering – The House Science Committee's Energy Subcommittee and Environment Subcommittee hold a joint hearing on geoengineering innovation, research and technology. discussion draft legislation to "Overhaul Federal Lands Energy Policy" to distribute revenues from oil and gas leasing on the Outer Continental Shelf to certain coastal States, to require sale of approved and scheduled offshore oil and gas leases, to establish offshore wind lease sale requirements, and to empower States to manage the

development and production of oil and gas on available Federal land, and for other purposes. Witnesses include Phil Rasch of the Pacific Northwest National Laboratory, Joseph Majkut of the Niskanen Center, Cornell's Douglas MacMartin, and Kelly Wanser of the University of Washington.

ITC to Look at Biodiesel Tariffs – The U.S. International Trade Commission holds a hearing Thursday at 9:30 a.m. on the final phase of countervailing duty and anti-dumping duty investigations regarding biodiesel from Argentina and Indonesia.

SAFE Forum to Highlight Release of Trucking Report – On Thursday at 9:30 a.m. at The Loft at 600 F, Securing America's Future Energy hosts a forum and releases its trucking industry trend report, "Heavy-Duty Innovation: Energy, automation, and technology in the trucking sector." The trucking sector is a backbone of the American economy. 70% of the nation's freight, representing more than $725 billion in annual revenue, are moved by the trucking industry. Freight levels are forecast to grow more than 40% by 2045, and energy and oil use are set to rise by 20% in the next 25 years. New technologies offer an opportunity to dramatically improve the safety and efficiency of the trucking sector. Connectivity and platooning, advanced driver assistance systems, and design modifications are already creating opportunities to save lives and fuel while reducing costs, but regulatory changes are necessary to enable the industry and American economy to benefit. SAFE's Jeff Gerlach, as well as a number of industry experts including the American Trucking Assn's Bill Sullivan will discuss how the trucking industry is changing, and the regulatory measures that should be taken to enable a safer and more efficient trucking future.

Chatterjee Hits Platts Presser – S&P Global Platts hosts its Energy Podium forum on Thursday at 11:00 a.m. with FERC Chairman Neil Chatterjee. Chatterjee will discuss a broad range of issues facing the Commission with Platts reporters and other press.

CSIS to Host Africa Power Panel – CSIS hosts a public panel discussion Thursday looking at the lessons that can be learned from Power Africa. The Obama Administration's Power Africa Initiative was arguably one of the more intriguing innovations in development in recent years. Described as an initiative that brings "together technical and legal experts, the private sector, and governments from around the world to work in partnership to increase the number of people with access to power", Power Africa has been an attempt to work more effectively between various government agencies. It also operated under the assumption that Africa presented both development challenges and business opportunities for American workers and companies. Following the welcome remarks from Daniel F. Runde, and the opening remarks from Jennifer G. Cooke, our expert panelists will assess Power Africa's progress and look for opportunities to

scale and replicate the initiative to other sectors and geographies.

GW to Hold Book Launches, Panels – George Washington University holds two book Launches on Thursday. At Noon, authors will discuss their findings and conclusions on energy security debates in China, India, Japan, Russia and the political economy and transit security of the region. Then at 5:00 p.m., the Brazil Initiative and the Institute for International Science and Technology Policy hold a book launch and guest lecture by Dr. Sergio Salles, with Dr. Nicholas Vonortas as discussant on bioethanol evolution, risks and uncertainties.

IN THE FUTURE

NARUC Annual Meeting to Dig Into Issues – Next week, the National Assn of Regulatory Utility Commissioners (NARUC) will hold its 129th annual meeting at the Hilton Baltimore and will feature panels on energy policy, telecommunications, and other utility topics are issues at the forefront of trade and mainstream news. The event will feature stakeholders, informed experts, representatives from industry, federal policymakers, and dedicated state regulators for robust, timely discussions. Key speakers include Montana PUC Commissioner Travis Kavulla, FERC Commissioner Robert Powelson, former Commissioners Marc Spitzer and Tony Clark, DOE's Travis Fisher and many others.

Solar Trade Breakfast at NARUC – The Solar Energy Industries Association and Cypress Creek Renewables holds a breakfast panel discussion next Monday morning on the Solar Section 201 trade petition on imported solar components. The event discussed the effect of the ITC ruling on the $23 billion U.S. solar industry, which employs 260,000 American workers in good-paying jobs including manufacturers, is unmistakable. It would decimate one of the least expensive energy sources in America by doubling the price of solar panels in the U.S., thereby crippling demand, diminishing local investment and costing up to 88,000 jobs across the country. The panel includes GA PSC Chair Lauren "Bubba" McDonald, utility representatives and exec and developers working with rural cooperatives.

Forum to Look at CAFE, High Octane Fuels – Next Monday, the Environmental and Energy Study Institute (EESI) will hold a briefing in 106 Dirksen examining how high-octane, low-carbon fuel can enable CAFE compliance. Research suggests that high-octane, low-carbon fuel is the lowest-cost compliance option for both consumers and the automotive industry. Speakers for this forum are NREL's Robert McCormick, Oak Ridge National Lab's Brian West, Dean Drake of the Defour Group and Andrew Varcoe of Boyden Gray & Associates. Higher-octane, low-carbon fuels enable greater engine efficiencies, thereby lowering GHG and toxic emissions and improving fuel economy. Automotive engineers have expressed interest in raising the octane

level of gasoline, which would enable the design and sale of these more efficient engines, but the administration must act to enable a viable pathway for these fuels to enter the marketplace.

USEA Forum to Discuss CURC Study – Next Monday at 2:00 p.m., the US Energy Association and the Carbon Utilization Research Council (CURC) hold a forum on CURC's recent CCS study analyzing options to overcome barriers to large-pilot projects for power plants equipped with CCS. The purpose of the report was to study innovative options for governments and industry to fund projects that test coal-based power generation and carbon capture, utilization and storage technologies at the large-pilot scale. The panel discussion will provide an overview of the key findings of the report and an illustration of current case study examples of international collaboration by industry stakeholders and governments. Panelists include CURC's Shannon Angielski, DOE's John Litynski, Frank Morton of the National Carbon Capture Center, Chris Romans of Mitsubishi Heavy Industries America and Don Stevenson of the Gas Technology Institute.

Forum to Look at Venezuela Oil – Next Tuesday at 9:00 a.m., the Atlantic Council's Adrienne Arsht Latin America Center and Global Energy Center holds a timely conversation on Venezuela's declining oil industry, the increasing presence of Russia and China in the country, and what lies ahead. Keynote remarks will be offered by House Energy & Commerce member Jeff Duncan.

JHU to Discuss Nuclear – The Johns Hopkins University holds a forum on Tuesday November 14th at 5:00 p.m. looking at the status and prospects for U.S. Nuclear Power. Westinghouse, a leader in the industry, entered bankruptcy and two reactors that were under construction in South Carolina have been abandoned because of cost overruns. The US still has not solved the problem of long term storage of high level nuclear waste. An interesting possibility for the future is the development of advanced nuclear reactors that would be smaller, safer and cheaper to build. These and other issues will be discussed by speaker, NEI's Matthew Crozat.

Forum to Look at Energy – On Wednesday Morning, *Roll Call* will host a forum on energy called Energy Decoded at the Newseum. Roll Call Live, in partnership with CQ News hosts a packed morning of expert analysis and bipartisan discussion to examine the many questions that energy stakeholders and policymakers will face in the new administration. Topics will include the future of climate policy, energy tax reform, coal and domestic oil production and renewable energy initiatives. Speakers will include FERC Chair Neal Chatterjee, Sen. Joe Manchin and our friend Jeanette Pablo, among others.

ITIF to Look at ARPA-E – The Information Technology and Innovation Foundation (ITIF) holds a discussion on Wednesday at 10:00 a.m. looking at ARPA-E's versatile role in clean energy innovation featuring a new study on the topic. Authors David Hart and Michael Kearney, along with an expert panel of energy innovators and thought leaders discuss.

WRI to Discuss Powering Cities – On Wednesday, November 15th at Noon, the World Resources Institute hosts Michael Westphal to present his paper on energy access - another chapter of the World Resources Report: Towards a More Equal City. Millions of residents in some of the fastest growing cities in the world don't have access to clean, reliable energy, and the challenge of reaching them is not getting easier. In 2012, only 58 percent of the urban population had access to electricity in low-income countries, and nearly 500 million urban residents worldwide used dirty and harmful cooking fuels like charcoal and wood.

Forum on European Gas Projects Set – On Wednesday afternoon November 15th, Carnegie Endowment for International Peace hosts the Jamestown conference on "Nord Stream and European Energy Security." It will provide a detailed and comprehensive analysis of the Russian objectives, European responses, and American policies related to this large project.

Forum to Discuss Brazil Oil, Gas – The Wilson Center's Brazil Institute hosts a forum on Thursday November 16th at 10:00 a.m. looking T pre-salt auctions in Brazil's oil and gas industry. The Director-General of ANP, Decio Fabrício Oddone da Costa, will discuss the objectives of Brazil's new regulatory framework for the oil & gas policy.

Webinar to Look at EVs – National Journal holds webinar on Thursday November 16th at 11:00 a.m. on the rise of electric vehicles. The webinar will examine the industry's history, development and future, and address the major players and policymakers and what policies have fostered the industry's growth so far, and which state and federal actions could help—or hinder—its development. It will also look at how the Trump administration's deregulatory drive impact the development of EVs in the US, as well as the feasibility of the ambitious goals laid out by countries like France and India.

Clark to Headline USAEE Lunch – On Friday, November 17th, the NCAC of the US Assn of Energy Economists host its November lunch with former FERC Commissioner Tony Clark at Chinatown Gardens. Clark will discuss the forces that are shaping electricity markets today, with an emphasis on the implications of the regulatory crossroads of federal jurisdiction and state

public policy choices.

USTR Comment Deadline on Solar Trade Case – November 20th

THANKSGIVING – November 26th

EPA to Hold CPP Public Hearing in WV – EPA will hold a public hearing regarding the withdrawal of the Clean Power Plan in West Virginia on Nov. 28th and 29th. EPA said it will convene two daylong sessions at the state capitol in Charleston. The agency said it "may also hold an additional hearing to be announced at a later date." EPA also extended the comment period on the proposal to Jan. 16, 2018.

CCS Report to be Released – The Global CCS Institute will release its annual *Global Status of CCS: 2017* report launch on November 28th, 2017. This year, the Institute is partnering with one of the top think tanks in the city, the Center for Strategic and International Studies, to promote and discuss the release of the Institute's signature report, the globally recognized annual guide to the current progress and prospects for carbon capture and storage.

NYT to host Climate Summit – On November 29th and 30th in San Francisco at the Metreon, *The New York Times* will hold ClimateTECH, a groundbreaking summit that brings together influential leaders from key industries to assess bold, cutting-edge technologies that could help keep global warming below the two-degree threshold. Hosted by top Times journalists, ClimateTECH's focus on innovation will also encompass the dramatic changes downstream (in finance, policy, consumer behavior, infrastructure) that are vital for these new technologies to gain adoption and succeed. The program will feature on-stage interviews with celebrated entrepreneurs and inventors along with policy makers, economists and subject-matter experts. Designed for an audience of decision-makers, ClimateTECH will also include an early-stage technology showcase of the newest innovations, along with other experiential activities. The Speaker list is long, but it includes California Gov. Jerry Brown, Statoil's Irene Rummelhoff, Chicago Mayor Rahm Emanuel, Tom Steyer and many others.

RFS RVO Deadline – November 30th

USTR Hearing on Solar Trade Tariff – December 6th

***The Last Jedi* Hits Theaters** – DECEMBER 15th

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Mon 9/25/2017 2:03:31 PM
Subject: POLITICO's Morning Score: War Eagle worries for Luther Strange — Pence PAC rakes in corporate money — Democratic AGs aim to spend $15M

By Kevin Robillard | 09/25/2017 10:00 AM EDT

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

WAR EAGLE - "Strange in trouble in Alabama, White House and GOP fear," by Alex Isenstadt in Birmingham: "Top administration officials and allies of Senate Majority Leader Mitch McConnell have spent days poring over public and private polling that shows Moore consistently leading Strange, though the race has tightened, say those familiar with the numbers. On his way to Huntsville on Air Force One Friday to campaign for Strange, President Donald Trump was joined by a small team of aides that included Rick Dearborn, a veteran of Alabama politics, and Bill Stepien, the White House political director. Both aides, as well as a number of other administration officials, have privately expressed apprehension about the state of the race. Stepien brought a sheaf of the latest polling data. ... Much of the assault [on Moore] has played out on the air. During the final week of the contest, a trifecta of pro-Strange GOP groups - the Senate Leadership Fund, U.S. Chamber of Commerce, and National Rifle Association - flooded the state with about $2.5 million in TV and radio ads. ... Moore was confronting a nearly five-to-one spending deficit on the airwaves, according to media buying totals provided to POLITICO. ... The McConnell-controlled National Republican Senatorial Committee, which has spent over $1 million on the race, dispatched more than two dozen staffers to Alabama to knock on doors and make calls to voters during the final two weeks of the contest. The NRA, which has a large constituency in the Deep South state, contacted its members and urged them to turn out for Strange while describing Moore as unreliable on gun rights. The group sent out fliers telling them not to 'waste' their vote on Moore." **Full story.**

- From the New York Times' Jonathan Martin: "'I think they'll go after that seat,' [Alabama Sen. Richard] Shelby said of the Democrats' approach should Mr. Moore win on Tuesday. That is less likely if Mr. Strange captures the nomination, he said. 'If Luther wins, he's in.' The Senate Democratic campaign arm has lined up a pollster to test Mr. [Doug] Jones's strengths and Mr. Moore's vulnerabilities. And Alabama Democrats are openly rooting for the former judge." Full story.

-For your radar: Vice President Mike Pence will hold a rally for Strange tonight in Birmingham. Steve Bannon and Phil Robertson of Duck Dynasty fame will appear at a rally for Moore.

- WHAT HAPPENED FRIDAY NIGHT: A Republican source said they distributed 21,437 tickets to the rally, and a fire marshal shut down the event when they reached capacity of 7,513. The crowd in Huntsville heard a lot of campaign punditry from Trump, in addition to the

president's now-famous call for football players who kneel during the National Anthem to protest racism to lose their jobs. Here are some of Trump's thoughts on Strange and Moore: "I might have made a mistake [endorsing Strange]. I'll be honest, I might have made a mistake. ...

I told Luther, and I have to say this, if his opponent wins, I'm going to be here campaigning like hell for him. ...

Luther will definitely win. ...

Roy has a very good chance of not winning in the general election. Luther's going to win easily and Roy's going to have a hard time winning, but I will be backing him if he wins."

- "They love Donald Trump in Alabama - but they still might not vote for his Senate candidate," by the Washington Post's Jenna Johnson in Huntsville: "Many of those who showed up to the president's rally in this northern Alabama city - home to NASA's Marshall Space Flight Center - said they firmly support the president and were excited to see him. But they did not plan to follow his recommendation to vote for Strange. ... 'To attend the rally, you had to confirm that you were voting for Luther Strange. . . . I'm not voting for Luther Strange, I can tell you that right now. I'm voting for Roy Moore,' said Adina Peyton, 55, an enthusiastic supporter of the president who lives in the area and teaches college students. 'I like that [Moore] stands on his principle, even though he had to pay the price for it.' ... The crowd was dotted with red Trump campaign hats but few, if any, T-shirts, stickers or signs promoting Strange." **Full story.**

SOMETHING CORPORATE CASH **- "Pence group rakes in corporate PAC money," by Maggie Severns and Matthew Nussbaum:** "As President Donald Trump pushed away CEOs this summer, Mike Pence quietly pulled big business closer. The vice president's new political group raised money from at least three dozen corporate PACs in July and August. Some, like General Motors and Merck, gave to Pence's Great America Committee just days or weeks before their CEOs moved to dissolve Trump's business advisory councils after his controversial remarks on the violence in Charlottesville. The companies - including giants like AT&T, Boeing, FedEx and General Electric - are eager for access to the vice president and have embraced his leadership PAC as a way to win favor with the White House, according to interviews with a dozen Republican fundraisers and lobbyists with ties to the business community. ... [I]n July, when more than 50 lobbyists and corporate clients huddled in the downtown offices of the lobbying firm BGR Group with Marty Obst, one of Pence's top advisers, to discuss plans for the PAC. The meeting took place just before the unofficial launch of Great America Committee, which Pence hosted on a rooftop steps from the Capitol. BGR clients Eli Lilly and the American Beverage Association are among the corporations whose PACs have since cut $5,000 checks to Pence's group, the maximum allowed under federal campaign finance laws. ... One lobbyist with corporate clients that have given to the Pence leadership PAC said the vice president has 'done a good job meeting with people, and being that savior in the administration.'" **Full story.**

BIG MONEY - "Dems launch $15M campaign for lawyers to take on Trump," by Edward Isaac-Dovere: "Democratic attorneys general, aiming to take on the Trump administration on a growing number of fronts, are planning to spend $10 million to $15 million to elect more of their

own next year. ... The hope, according to sources familiar with the effort, is to catch up to the Republican Attorneys General Association, which ramped up its legal and political work during the Obama years, notching major successes on both counts. RAGA put $23 million into races in the past two years, helping win and hold 29 of the country's attorneys general offices. In addition to protecting incumbents, Democrats have identified top targets they want to capture - including in Ohio, Wisconsin and Nevada. And, banking on presumed Democratic-friendly trends in 2018, they're eyeing other states that will be tougher to flip." **Full story.**

Days until the 2017 election: 43. (Updated for 9/22)

Days until the 2018 election: 407.

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

The Doctor-Patient [and Government] Relationship - Join POLITICO for a three-panel event looking at how doctors, patients, caregivers and advocates can navigate complex decision-making - and what policy changes can help make sure that doctors and their patients can decide the best course and get access to innovative and cost-effective therapies. Speakers include **Sen. Bill Cassidy (R-La.), Sen. Jeanne Shaheen (D-N.H.), American Medical Association President David Barbe, M.D.** and more. ***Tuesday, Sept. 26 - Doors open at 8:00am - The Newseum. RSVP: HERE.***

HOT TOPIC - Morrisey one of few candidates to weigh in on athlete protests: West Virginia Attorney General Patrick Morrisey was one of few 2018 candidates to issue a statement after President Donald Trump said players who kneel during the National Anthem to protest racism should lose their jobs. Morrisey, a Republican challenging Democratic Sen. Joe Manchin , wrote: "#NFL players should be down on both knees thanking god they live in country allowing them to make millions while showing such disrespect." Alabama Sen. Luther Strange, in an interview with Fox News, agreed: "I think it was well received, I couldn't agree with the president more."

THE MONEY CHASE - "NRSC raised $2.1M, spent $2.8M in August," by Campaign Pro's Kevin Robillard: "The NRSC spent more than it raised for the second month in a row in August, according to FEC records, bringing in $2.1 million while spending $2.8 million. The group now has $15 million on hand, down from $15.8 million at the end of July and $16.2 million at the end of June. The group did make a $250,000 payment on their debt, which is now down to $10.75 million."

- "Behind New Obamacare Repeal Vote: 'Furious' G.O.P. Donors," by the New York Times' Carl Hulse: "As more than 40 subdued Republican senators lunched on Chick-fil-A at a closed-door session last week, Senator Cory Gardner of Colorado painted a dire picture for his

colleagues. Campaign fund-raising was drying up, he said, because of widespread disappointment among donors over the inability of the Republican Senate to repeal the Affordable Care Act or do much of anything else. Mr. Gardner is in charge of his party's midterm re-election push, and he warned that donors of all stripes were refusing to contribute another penny until the struggling majority produced some concrete results. 'Donors are furious,' one person knowledgeable about the private meeting quoted Mr. Gardner as saying. 'We haven't kept our promise.'" **Full story.**

-THE COST: One Republican familiar with the committee's fundraising said $5 million worth of donation pledges went up in smoke because of the committee's failure to repeal Obamacare.

BAWITWOMPWOMP - "RNC chair, Michigan Republicans doubt Kid Rock run," by the Detroit News' Jonathan Oosting: "Kid Rock continues making noise about the U.S. Senate race but has not made any serious off-stage overtures about a run, Michigan GOP officials and activists said Friday at the Mackinac Republican Leadership Conference. ... 'I have not spoken with Kid Rock, and he has not reached out to me,' said Republican National Committee Chairwoman Ronna Romney McDaniel, who ran the Michigan GOP before President Donald Trump tapped her for the national post. 'I just don't think he's running.' ... Former Ingham County GOP co-chair Norm Shinkle was among a small band of Mackinac conference attendees wearing 'Kid Rock for US Senate' T-shirts Friday but agreed that the potential for a Sen. Kid Rock is highly unlikely. 'Can you see Kid Rock sitting through a three-hour Senate committee hearing?' Shinkle said." **Full story.**

HOW TO GET THE PRESIDENT'S ENDORSEMENT - "How Bill Schuette scored an endorsement from President Donald Trump in governor's race," by MLive's Lauren Gibbons: "Schuette said the conversation started in February, when he attended a National Association of Attorneys General meeting in Washington, D.C. He said he ended up walking into the Oval Office next to the president, and the subject came up. 'I shared with him some of my plans and how I fought to make sure the election was preserved and that Jill Stein didn't steal it, and that I didn't desert or jump ship. I stuck with our Republican team,' he said." **Full story.**

OL' VIRGINNY - "IMGE Insights poll gives Northam small lead in Virginia," by Campaign Pro's Kevin Robillard: "GOP firm IMGE Insights and Pfizer are out with a new poll of the Virginia governor's race, giving Democratic Lt. Gov. Ralph Northam 45 percent of the vote to Republican Ed Gillespie's 41 percent. Libertarian Cliff Hyra was earning 4 percent of the vote, and 10 percent were undecided. Northam's favorability is stronger: 42 percent have a favorable opinion of him and 22 percent have an unfavorable one. For Gillespie, those numbers are 40 percent and 28 percent. Gillespie has an advantage in dealing with jobs and the economy, illegal immigration and government spending. Northam's advantages are on education and health care, while neither candidate has an advantage on taxes or combating crime and drugs. ... The mixed telephone and online poll of 1,000 likely voters from Sept. 12 to Sept. 18 has a margin of error of plus or minus 3 percentage points." **Full results here.**

-Quick click: A visualization from the Virginia Public Access Project shows Northam gaining an advantage in television ads in recent weeks.

EARLY POLLING DATA - Hogan approval rating at 62 percent in Maryland: A new poll from Goucher College finds Maryland GOP Gov. Larry Hogan's approval rating remains strong at 62 percent, with just 16 percent disapproval. President Donald Trump's approval rating is just 25 percent, with 71 percent disapproving. The poll also found 43 percent of Marylanders said Hogan has distanced himself "about the right amount" from the president, while 27 percent said they thought the governor hadn't distanced himself enough. Similarly, 47 percent of Marylanders think Hogan is a moderate, 31 percent call him a conservative and 7 percent think he's liberal. Overall, 51 percent of registered voters interested in the 2018 elections said they are either leaning towards or will definitely vote for Hogan, while 42 percent said they are leaning toward or would definitely vote for another candidate. Goucher surveyed 671 Maryland residents from Sept. 14 to Sept. 17 with a margin of error of plus or minus 3.8 percent.

2018 WATCH - "Dino Rossi says he's running for Congress to replace Rep. Dave Reichert," by the Seattle Times' Jim Brunner: "Republican state Sen. Dino Rossi says he'll run for Congress in the Eighth District to replace retiring U.S. Rep. Dave Reichert. Rossi, whose entry into the race had been anticipated for weeks, announced his 2018 campaign at the Washington State Republican Party's annual dinner Thursday night in Bellevue. ... As a well-known politician who has run unsuccessfully three times for statewide office, Rossi's entry into the race could cheer Republicans hoping to retain the Eighth District seat and maintain the status quo in Washington, D.C., where the GOP controls the House, Senate and White House." **Full story.**

-Minneapolis Star-Tribune's J. Patrick Coolican reports former Minnesota Gov. Tim Pawlenty is considering a run for his old office: "The most consequential: former Gov. Tim Pawlenty, who is now a Washington lobbyist. When he is asked about returning to Minnesota for a run, the two-term Republican governor gives the same answer: that he's retired from public life. But GOP sources say we're beyond idle speculation, that all the buzz is real, and he's considering it, watching to see if the current field is locking down financial and political support." **Full story.**

2020 WATCH - "Biden rips Trump over race in South Carolina return," by Gabriel Debenedetti in Charleston, S.C.: "Former Vice President Joe Biden on Saturday evening urged Americans to stand up to hate groups - and took direct aim at President Donald Trump, who he said 'has publicly proclaimed the moral equivalency of Neo-Nazis, Klansmen and those who oppose their hate.' Speaking at the centennial fundraising dinner for the Charleston branch of the NAACP, Biden said, 'This is a moment for this nation to declare what this president can't with any clarity, consistency or vision: There is no place in America for hate groups.' The speech at the Gaillard Center - across the street from the Mother Emanuel AME church, at which nine African-American churchgoers were murdered in 2015 by a white supremacist hoping to incite a race war - was one of Biden's first since the fatal violence last month at a neo-Nazi march in Charlottesville, Virginia." **Full story.**

QUOTE OF THE DAY: "Walker! Welcome to the #cogov race. Please clap." - Colorado Republican George Brauchler, a district attorney running for governor, "welcoming" state Treasurer Walker Stapleton (a second cousin of Jeb Bush) into the GOP primary to be Colorado's next governor.

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Sent: Fri 9/8/2017 1:57:02 AM
Subject: House delays minibus votes until next week

By Sarah Ferris

09/07/2017 09:53 PM EDT

House Majority Leader Kevin McCarthy announced the postponement tonight of the GOP's eight-bill spending bundle, citing the impending landfall of Hurricane Irma.

Prolonging the spending debate into a second week, the House's only task Friday will be a 12:30 p.m. vote on the Senate-passed fiscal deal, H.R. 601 (115), which includes more than $15 billion in disaster aid. It would also raise the nation's borrowing limit and keep the government open through Dec. 8.

McCarthy said the House would halt work on its so-called "minibus," H.R. 3354 (115), until next week to accommodate lawmakers whose districts are in the path of Hurricane Irma. Lawmakers have roughly 200 amendments remaining to debate on four separate spending titles.

"As we continue to track Hurricane Irma, I know many of our members in the southeastern United States are anxious to get home to get their families and constituents," the majority leader said, adding that he wants to ensure members "can get home safely."

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Subject: The Morning Headlines from InsideEPA.com -- August 15, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

August 15, 2017

Latest News

Court's Vacatur Of HFC Rule Complicates U.S. Adoption Of Global Limits

The recent ruling vacating Obama EPA limits on hydrofluorocarbons (HFCs) could further hamper the United States' ability to implement an international deal struck last year to phase down the potent greenhouse gas refrigerants, a blow to environmentalist and industry supporters who already face a high bar convincing the Trump administration and the GOP Congress to back the deal.

EPA Critics Fight Agency's Request To Dismiss Ozone NAAQS Delay Suit

Public health and environmental groups are fighting EPA's request for a federal appeals court to dismiss the groups' legal challenge to the agency's now-withdrawn plan to delay by one year designations for which areas are meeting the 2015 ozone standard, with the groups saying dismissal risks EPA putting the plan “back into place.”

States Say EPA's Court Loss Proves Methane NSPS Delay Proposals Unlawful

A coalition of state attorneys general (AG) is charging EPA's proposed two-year delay of Obama-era methane limits for new oil and gas drilling operations is “blatantly unlawful” because it suffers from the same “fatal defect” as the agency's 90-day administrative stay of the standards recently vacated by a federal appellate court.

In Pending Suit, EPA, Environmentalists Spar Over Lead Dust Rule's Status

Environmental, community and health groups are citing EPA's recent move to reclassify a rulemaking to update lead dust hazard standards as "inactive" to bolster their legal argument that a federal appellate court should compel EPA to move forward on updating the standards -- but EPA says the change is “semantic” and does not affect the lawsuit.

District Court Urged To Keep Lawsuit Seeking Stricter Stormwater Permits

Environmentalists are urging a federal district court in Maryland to allow their suit seeking broader Clean Water Act (CWA) permit mandates for stormwater to move

forward, countering EPA's argument that only appellate judges can review the issue -- paralleling a Supreme Court fight on the correct venue for suits over EPA's CWA jurisdiction rule.

Environmentalists File First Suits Over TSCA Prioritization, Review Rules

Several environmental groups have filed multiple suits over two of EPA's initial rules for implementing the revised Toxic Substances Control Act (TSCA), pursuing challenges in several federal appellate courts claiming that the regulations violate the provisions of the updated toxics law and the Administrative Procedure Act.

Daily Feed

Washington's Monsanto PCB case remanded to state court

The federal court rejected all three of Monsanto's arguments for asserting jurisdiction.

D.C. Circuit sets argument in ozone NAAQS designation suit

The D.C. Circuit will hear oral argument Oct. 5 in a suit testing EPA's power to extend the time that states have to meet federal air standards.

EPA agrees to CSAPR suit delay but opposes status reports

The agency says it should not have to file status reports with a federal appeals court on its process for reviewing the Cross-State Air Pollution Rule update.

Ewire: Pruitt's secrecy draws criticism -- even from his friends

In today's Ewire: EPA Administrator Scott Pruitt appears to be doing much of his work under a cloak of secrecy. Plus: California Republicans take heat for backing cap-and-trade extension.

Lawsuits pose test for CWA 'declaratory' challenges

Competing Clean Water Act cases will again test the situations when the power industry can bring environmental groups to court over claims of illegal discharging.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 9/14/2017 8:29:04 PM
Subject: Sep. 14 -- Energy and Climate Report - Afternoon Briefing

Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Monster Storms Change Coastlines, Not Minds on Climate Change

Posted September 14, 2017, 8:49 A.M. ET

By Jennifer A. Dlouhy

Back-to-back hurricanes fueled by warm Atlantic waters may have altered the coasts of Texas and Florida, but there's no indication they are shifting the politics of climate change.

"We cannot ignore that carbon emissions are causing our ocean temperatures to get warmer, which is fueling more powerful hurricanes," said Sen. Kirsten Gillibrand (D-N.Y.) at a lightly attended hearing on carbon-capture technology.

Yet that is exactly what many are doing on an issue that increasingly breaks down along partisan lines. Republicans in charge of the House and Senate haven't scheduled hearings to examine the phenomenon. President Donald Trump has ignored shouted questions on the topic and administration officials have brushed the whole issue aside as a distraction.

Scott Pruitt, the head of the Environmental Protection Agency, told CNN it is "very, very insensitive" to storm victims to "have any kind of focus on the cause and effect of the storm versus helping people."

Research shows monster storms may only harden people's position, underscoring already entrenched beliefs about the role humans play in warming the planet.

"The climate movement can't depend on the weather to make its political case," said Robert Brulle, a sociologist at Drexel University who studies environmental activism. "We have a window of opportunity to draw attention to the issue—and then three weeks from now we'll be talking about something else."

Environmental disasters, including an oil spill off the California coast, toxic pollution emanating from New York's Love Canal and Ohio's Cuyahoga River bursting into flames, helped catalyze the modern-day ecological movement, shifting public views. But unlike climate change, the causes were clearer; there was no need for scientists to interpret data or model scenarios.

It's much harder to attack the science of an oil spill, Brulle said. "You can't have a tactic of denying the science when you can see it right there with your very eyes."

Some environmental activists say Hurricanes Harvey and Irma should be a wake-up call, vividly illustrating the potential consequences of extreme weather events made worse by climate change. Scientists haven't linked either hurricane directly to climate change—and they may never be able to—though they stress global warming is leading to more intense, more frequent storms.

Decades into the debate over climate change, people's views on the subject are tied up with their political ideology. And it takes more than 185-mile-per-hour winds to change their beliefs.

People in areas that have experienced extreme weather are only marginally more likely to support climate adaption policies such as elevation requirements and restrictions on coastal development, according to research published in the September issue of "Global Environmental Change." Instead, political party identification is a much bigger factor in how people viewed the issue, according to the study that examined public opinion data coupled with geographic information about extreme weather events.

And any changes in thinking after extreme weather are likely to be temporary.

"There was no discernible difference after a month between people who experienced more extreme weather and those who did not," Llewelyn Hughes, a professor at Australian National University, and David Konisky, a professor at Indiana University, said in a Washington Post essay describing their research. "Even though events like Hurricane Irma are tragic, it may very well be that people tend to forget about them quite quickly and get on with the rest of their lives."

Researchers also have found that living through a disaster changes the way people think—effectively making them more skeptical of leaders and less open-minded. A 2011 study of Honduran villages hit by Hurricane Mitch in 1998 found that severe damage reduces people's willingness to work together.

There are also parallels to the gun control debate, which didn't dramatically shift after shootings of schoolchildren in Connecticut and a congressman in Virginia.

In both cases, "there is a very powerful special interest influence group" that has effectively squelched debate, Sen. Sheldon Whitehouse (D-R.I.) said in an interview.

President Barack Obama made fighting climate change a signature policy of his administration. Trump and Republicans in Congress have sought to roll back those efforts.

Some environmental advocates may be wary of being seen as exploiting a natural disaster for long-term policy changes when homeowners are still ripping sodden carpet from their floors and utilities are still working to restore electricity. Whitehouse says there is plenty of time to talk about the issue as lawmakers debate hurricane-spending relief packages and storm-ravaged cities rebuild.

"We should be talking about this issue on a regular basis; I don't think there is a key moment in which we have to say it or we lose the opportunity," Whitehouse said. "Now is a good time to talk about it; later is a good time to talk about it; there will be plenty of opportunities to talk about it."

Congressional Debates

Climate change concerns could spill into congressional debates over how to rebuild cities battered by the storms.

"It's impossible to not discuss the incredible amount of money which the federal government is going to spend to clean up after supercharged hurricanes and to not then discuss what can we put in place now for ten cents on the dollar that will avoid the most catastrophic results," Sen. Ed Markey (D-Mass.)said in an interview.

Extreme weather events could provide an opening to GOP lawmakers—particularly those in affected states—to justify or explain a shift in how they approach the issue, said Joseph Majkut, director of climate science at the Niskanen Center, a libertarian think tank.

Instead of 180-degree pivots on the link between carbon dioxide and climate change, that may come in the form of supporting a resilient infrastructure or backing changes in the national flood insurance program to better incorporate what is known about rising sea levels and storm risks.

"I don't expect any one storm is going to change the debate on climate, which is now sort of sophisticated and entrenched," Majkut said. "I do think it can make a difference at the margins, so one thing to watch for will be individual members, individual districts and how much of a role it might play in 2018."

—With assistance from Christopher Flavelle.

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Federal Energy Regulatory Chairman Changes Tune on Coal

Posted September 14, 2017, 01:45 P.M. ET

By Rebecca Kern

Federal Energy Regulatory Commission Chairman Neil Chatterjee seemed to back away from previous pro-coal comments today in his first public testimony since taking office in August.

Chatterjee, during an August podcast interview, made comments that were in line with the Trump administration's efforts to help prop up coal plants. However, Chatterjee's responses during a Sept. 14 House Energy and Commerce Committee hearing reflected a change in tone to align with views expressed by other FERC nominees that the commission doesn't favor any fuel sources.

"The commission is fuel-neutral, and we will look to ensure that as our grid undergoes this transformation, that we ensure that we evaluate the attributes of fuel sources to see what values they provide," Chatterjee said during a response to a question from Rep. Kevin Cramer (R-N.D.) about what FERC could do make sure coal plants were compensated enough to keep them running.

"We will see if there's a demonstrated need for reliability, whether or not those things can be compensated," he added.

Chatterjee, a former energy staffer for Senate Majority Leader Mitch McConnell (R-Ky.), expressed a different view on coal during an Aug. 14 appearance on a FERC podcast.

"I believe baseload power should be recognized as an essential part of the fuel mix. I believe that generation, including our existing coal and nuclear fleet, need to be properly compensated to recognize the value they provide to the system," Chatterjee said on the podcast.

In his Sept. 14 testimony, Chatterjee echoed comments made by Richard Glick, nominated to be a Democratic commissioner. Chatterjee said that while there are no current reliability threats to the grid with the early retirement of baseload resources, such as coal and nuclear, FERC needs to closely monitor whether retirements could lead to reliability vulnerabilities later.

Glick and Kevin McIntyre, nominated to the Republican chairman of FERC if confirmed by the Senate, both stressed in their confirmation hearing that FERC was fuel-neutral. They are awaiting a Senate committee vote, which was postponed from Sept. 14 to Sept. 19.

New York City Targets Buildings for Greenhouse Gas Cuts

Posted September 14, 2017, 12:35 P.M. ET

By John Herzfeld

Buildings in New York City face sharp reductions in greenhouse gas emissions under a plan from Mayor Bill de Blasio (D) to target the city's top source of heat trapping emissions.

The proposed legislation, announced today, would require owners of all buildings in the city larger than 25,000 square feet to make improvements to boilers, heat distribution systems, hot water heaters, roofs, and windows. Deeper changes would be required during replacement or refinancing cycles over the next 12 to 17 years.

De Blasio said that the plan would make New York the first city to mandate cuts in emissions from fossil fuels burned for heat and hot water in buildings, which constitute the top source of greenhouse gases in the city, or 42 percent of the total. He cast it as part of a broader response by cities to inaction on climate issues at the federal level.

The new plan expands on previously announced city goals to cut carbon emissions by 80 percent from 2005 levels by 2050, as well as a long string of city code changes, programs, and voluntary agreements on building energy efficiency. In June, de Blasio issued an executive order backing climate change targets in the wake of President Donald Trump's withdrawal from the Paris climate change agreement.

Germany's Energy Transition Creates Costly Problems With Grid

Posted September 14, 2017, 6:15 A.M. ET

By Jabeen Bhatti

Bolstering Germany's renewable output and expanding its electricity grid will be among Chancellor Angela Merkel's priorities if she prevails in upcoming federal elections.

As Germany forges ahead with its green energy transition, grid operators are being forced to dramatically increase operating costs to stabilize a centralized grid that has become unsuited for fragmented renewable production.

"In the next legislative period, we will need a great deal of effort to overhaul our transmission networks," Merkel said at her Christian Democrats' Energy Policy Dialogue event in April.

A “speedier” legislative process will be a priority as will establishing a “community of responsibility” with those of Germany’s federal states that have lower transmission costs than others, she added.

Germans head to the polls Sept. 24 to decide whether Merkel, who has led Germany since 2005, will remain in power.

Even if so, to make Merkel’s vision a reality, “there’s a lot of investments that they have to make and this contributes to increased grid fees,” Matthias Lang, a partner at the Bird & Bird law firm in Düsseldorf, told Bloomberg BNA. “But even if tomorrow we have a beautiful idea for the grid, it will still need to be built. And we’ll be paying for it for the next 40 or 50 years.”

The energy transition, in full swing for more than a decade, has drawn attention across Europe and from other countries also looking to rely more on renewable energy.

Germany already has some of Europe’s highest energy costs, so analysts wonder whether more increases will curtail public support: Some 95 percent of Germans support continued investment and expansion of renewables, according to a representative survey by German research agency Kantar Emnid.

Transmission Snafu

Germany decided to cut ties with nuclear power in an ambitious energy transition known as the Energiewende. The move completely upended its energy production and transmission procedures. Since beginning the phaseout of nuclear energy in 2010, renewable energy output has doubled to 33 percent of total production in 2016, while fossil fuel and nuclear energy production significantly decreased, according to the Federal Ministry of Energy and the Economy. As of March, wind made up almost 12 percent of all electricity generation, while solar was almost 6 percent. Despite having succeeded in rapidly overhauling energy production, Germany’s electricity grid, originally optimized for a centralized approach to energy consumption and transmission of non-renewables, is still struggling to efficiently accommodate the flood of electricity from renewables, analysts said. Strategically placed power plants used to funnel energy in a harmonized system based on need, price of production, high-consumption areas, and energy availability. As such, grid infrastructure developed along centralized transmission routes. The Energiewende’s quick rollout changed that practice. As opposed to strategically erecting power plants in line with transmission networks, renewable energy centers began popping up wherever wind or solar was available. That created a distributed operation using mixed energy sources that has put increased strain on the existing grid, analysts said. “The factor is really commercial where you get the cheapest place to put your wind farms” and solar, said Lang. “It has nothing to do with where the power is consumed. So you have increased the amount of transportation that you need, because there’s a total disconnect between where generation and consumption takes place.”

New Infrastructure ’Urgent’

The German power grid is sectioned into transmission quadrants overseen by four operators: TenneT, Amprion Inc., 50Hertz Transmission GmbH, and EnBW Transportnetze AG. Hundreds of local and regional energy producers pay these operators to transmit electricity to consumers across Germany. Costs on producers then are passed on to the consumers themselves. Analysts and grid operators said the transmission costs largely stem from efforts to stabilize electricity flow on the grid, known as re-dispatch costs, during periods of particularly high renewable output. This involves turning on or shutting off traditional power plants either to stanch or ramp up output in line with need. As renewables have become more popular, increased output has clogged transmission on a grid that was optimized for fossil fuels. This January and February, instances of re-dispatch on the

grid increased by some 63 percent in comparison to the previous year, a spokeswoman from Germany's Federal Association of Energy and Water Management told Bloomberg BNA.

Meanwhile, in 2015, re-dispatch efforts cost operators some 412 million euros ($490 million), three times the cost from the previous year, according to the latest Monitoring Report from Germany's Federal Network Agency. The agency has warned that costs could jump to 1 billion euros ($1.2 billion) by 2020 as renewable output increases. As a result, TenneT, Germany's largest grid operator, whose transmission zone spans the entire middle passage of the country from north to south, was forced to raise operating fees in its zone by 80 percent in 2017, a company spokeswoman told Bloomberg BNA. That translates to a 27 euro ($32) increase a year in energy costs for a three-person household. Grid prices on average accounted for some 25.7 percent of energy costs for German households as of February, according to statistics from the the federal energy and water management association. "New infrastructure is becoming more and more urgent. Curtailment costs of renewables are increasing and we can't build the infrastructure so that the networks are faster," Andreas Jahn, a senior associate with the Regulatory Assistance Project, an energy think tank in Berlin, told Bloomberg BNA.

Infrastructure Needs

Grid operators must now rapidly build infrastructure from the ground up in areas lacking proper access, such as along Germany's coast with the North Sea, a major center of wind production. "They have an obligation to connect a particular wind farm to the grid," said Lang. "But if the grid behind the wind farm was never built to take on that type of power, they have to reinforce the grid. And this drives up grid costs."

This is particularly the case in rural areas in East Germany, where a lack of grid infrastructure has left consumers there footing the bill for updates to newly constructed renewable systems, in addition to transmission costs and stabilization measures. "The costs simply stay with this limited number of customers," said Jahn. "We need a common agreement on the cost: Urban customers should have to pay a part of the costs in rural areas as well." While updated transmission routes are supposed to be finished by 2022, when the last of Germany's nuclear plants are to go offline, the Federal Network Agency confirmed to Bloomberg BNA that new, high-traffic grid connections likely won't be finished until 2025.

Disputed Solutions

Numerous actions have been suggested to stymie rising costs—from efforts to rapidly increase grid expansion to legislation to equalize costs among consumers across the board, regardless of geographic location. A bill addressing the latter was completed in the Parliament in July and will clear the way for a harmonization of long-distance transmission costs across all regions by 2023. "There's differing positions from the states simply because many profit enormously from the current system: They have lower grid costs while others' bills are higher," Tobias Austrup, an adviser on energy policy with Greenpeace Germany, told Bloomberg BNA. "But it really comes down to a question of fairness," he added. Another proposal has been to decouple Germany's transmission network from Austria and Luxembourg to combat electricity bottlenecks at the border that contribute to skyrocketing redispatch costs. But analysts dispute whether decoupling would be financially and politically beneficial. While creating a domestic internal bidding zone for electricity could indeed drive down prices in the short term, it doesn't match the political objectives of the European Union and could increase congestion at national borders. And that could serve to exacerbate re-dispatch costs. "Electrons don't know national borders. They know copper," the Regulatory Assistance Project's Jahn said. "In the end, it will be more expensive if we have 27 energy transitions instead of a joint project."

'Antiquated Power Stations'

Greenpeace's Austrup views the grid in its current form—with its mix of traditional and renewable power plants—as the root of the problem. With an all-or-nothing approach replacing all traditional power stations with renewables immediately, instead of gradually, Germany could significantly reduce grid fees and energy costs, he said. "It's a myth that the problem is that there's too much renewable energy that can't be transported," Austrup told Bloomberg BNA. "The problem is these antiquated power stations that no longer belong in this world." Still, building up renewables to the point of energy independence is a waiting game, said attorney Lang. Technology and legislation have to reach the point where such a feat would be possible. "If we finish the buildup of renewables, then at some stage, the grid will have caught up," said Lang. "But I'm hesitant to say when exactly this is going to be, because we don't know what technology we will be able to use going forward." That means that high energy costs for consumers in Germany—already higher than most of its European counterparts—won't show any sign of stopping, he added. "It's costing money and costs are going to increase. It will get more expensive," he said. "If we want a higher percentage of renewables, then we have to upgrade the grid to do so. And that will cost what it costs."

Fastenal Canada Fined $218K for Import, Sale of Ozone Depleters

Posted September 14, 2017, 8:26 A.M. ET

By Peter Menyasz

Major industrial supply firm Fastenal Canada Ltd. will pay C$265,000 ($217,000) in fines for importing and selling in Canada aerosol products containing ozone-depleting substances.

The Ontario Court of Justice levied the fine Sept. 7 after the company pleaded guilty to two counts of violating the ozone-depleting substances regulations under the Canadian Environmental Protection Act, Environment and Climate Change Canada said Sept. 13.

Enforcement officers found that Fastenal imported and sold aerosol products containing hydrochlorofluorocarbons (HCFCs), a regulated ozone-depleting substance, between November 2012 and January 2015, the department said in a statement.

The company, based in Winona, Minn., didn't respond to Bloomberg BNA's request for comment.

The fine will go to the Environmental Damages Fund, which is used to support projects that benefit the environment, and the company's name will be added to Canada's Environmental Offenders Registry, the government said.

HCFCs are primarily used in foam blowing agents, refrigeration and air conditioning coolants, solvents, aerosols, and fire extinguishers.

Fastenal has 2,503 retail outlets and 401 on-site locations in the U.S., Canada, Mexico, and Europe, with net sales totaling $4.0 billion in 2016.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Fri 10/20/2017 1:16:03 AM
Subject: Democratic bid to block ANWR drilling in budget falls short

By Anthony Adragna

10/19/2017 09:12 PM EDT

The Senate narrowly shot down a bid today from Sens. Ed Markey, Michael Bennet and Maria Cantwell to remove language from the budget that could open the Arctic National Wildlife Refuge to oil drilling.

The amendment failed by a vote of 48 to 52, with Democrat Joe Manchin and Republican Susan Collins breaking with their parties.

Though the budget doesn't explicitly mention ANWR, it calls for the Senate Energy and Natural Resources Committee to identify ways of raising an additional $1 billion in revenue. Chairwoman Lisa Murkowski has long sought to open the area to drilling, and including the language in the budget reconciliation would allow Republicans to circumvent a filibuster.

Alaska Sen. Dan Sullivan slammed the Democratic amendment ahead of the vote. "To me, we've reached kind of a low point in politics if there's not bipartisan support for more energy," he told POLITICO.

Democrats and environmental groups have long opposed opening the pristine wilderness area to energy exploration, with Markey describing the budget language as "a Big Oil polar payout." More than 300 groups sent a letter to senators today opposing any ANWR language in the budget.

Senators also shot down two amendments from Utah Sen. Mike Lee. One to bar regulating species that exist in only one state under the Endangered Species Act failed 49-51. The other, which failed 50-50 with Vice President Mike Pence absent, would have made the federal government compensate local governments for the full value of the property taxes they are losing when much of their jurisdiction is covered by federal land.

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Today's POLITICO Playbook presented by Chevron

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Driving the Day

THE STEP BACK -- TRUMP'S FUNHOUSE MIRROR VIEW OF WASHINGTON -- He's publicly blasting away at critical Senate Republican votes. He's at war with the powerful Senate majority leader of his own party. And he is taking a staunch -- and some would say irreversible -- position on keeping the government open, threatening what top Republicans believe would be a politically perilous shutdown one month before funding runs dry.

Welcome to President Donald Trump's funhouse mirror view of Washington.

Trump has certainly changed the contours of the presidency: He doesn't conform to political norms, he brushes off drama in his ranks, and he rankles players on the world stage.

But in Washington, Trump seems to have a contorted view of a few key fundamental political realities that are out of his control. He is operating with an extraordinarily thin majority in the Senate and seems intent on poking key senators like Jeff Flake and John McCain of Arizona, Dean Heller of Nevada, Shelley Moore Capito of West Virginia and Susan Collins of Maine in the eyes. He is in a prolonged battle with Senate Majority Leader Mitch McConnell, whom he can't get rid of and whose support he needs to get anything done. He's threatening a government shutdown over a border wall he will likely not be able to build. He continues to push changes to the Senate rules -- he says he wants to get rid of the filibuster -- despite opposition by Senate Republicans and Democrats. He's been unrelenting in his criticism of Democrats and seems disinterested in doing anything to bring them into the fold.

Anyone who spent more than a minute observing or participating in our legislative

politics would describe Trump's moves as some combination of self-defeating, illogical and misguided. Behind the scenes, the White House is working despite the president's bluster: Top Trump aides are in touch with Hill leadership aides to ensure the government doesn't jump off the rails. And there still remains a glimmer of hope for some kind of tax reform effort to get off the ground. But the president's unconventional view of what it takes to govern is not helping, according to multiple aides and lawmakers involved in legislative strategy.

Good Wednesday morning and happy hump day. **ALEX ISENSTADT** in Phoenix: **"Trump sticks it to GOP in thundering Phoenix speech":** "President Donald Trump put the Republican Party on notice on Tuesday evening -- implicitly attacking two Republican senators on their home turf, threatening a government shutdown over his border wall, and demanding that senators kill the filibuster because it's impeding his agenda.

"In an often-angry speech here that stretched on for well over an hour, the president returned to many of the same targets he went after on the campaign trail. He spent more than a half-hour lambasting the media, which he accused of misrepresenting his comments after the Charlottesville violence. Yet he also turned his weaponry on fellow Republicans, going after Arizona's two GOP senators who've been a thorn in his side.

"Trump did not name Sen. John McCain or Sen. Jeff Flake by name in his remarks -- he joked that his aides pleaded with him not to mention the senators explicitly -- but it was unmistakable who he was talking about. Over and over, Trump noted that Senate Republicans were 'one vote away' from passing a bill to repeal Obamacare. The crowd at the Phoenix Convention Center immediately began jeering McCain, a longtime Trump critic who delivered the tie-breaking vote that sank the overhaul bill. ...

"Trump's anti-Flake offensive was a rebuke of McConnell, who's promised to protect the incumbent at all costs, and came as tensions between Trump and the congressional wing of the GOP are on the rise. When it comes to Flake or several big-ticket issues on Congress' to-do list this fall, the president made clear in his speech that he's in no mood to make nice.

"In a return to his top campaign theme, the president thrilled his conservative supporters with another full-throated promise to build a wall along the southern border. With a budget battle looming in September, Trump hinted that he'd be willing to veto any government funding bill that doesn't include funding for a wall, triggering a federal shutdown. 'If we have to close down our government, we're building that wall,' he said. 'We're going to have our wall. The American people voted for immigration control. We're going to get that wall.'" http://politi.co/2wmEr4Z

ABOUT THAT WALL ... JOSH DAWSEY: "Trump has told senior White House officials and advisers he would be willing to go to whatever means necessary to get money for the wall, a contentious claim even among his advisers. He hasn't given specific amounts of money that he wants, but 'enough to really start building it,' said one person who

spoke to him this weekend. 'He is animated about the wall,' the person said. 'He cares about that more than many other things. He knows his base cares and chants about it.'" http://politi.co/2vny2IG

-- THE KEY PART OF TRUMP THE QUOTE about the wall: "Now the obstructionist Democrats would like us not to do it, but believe me, if we have to close down our government we're building that wall. ... Let me be very clear to Democrats in Congress who oppose a border wall and stand in the way of border security. You are putting all of America's safety at risk." **BUT**, Democrats are a minor part of this equation. Trump's party has majorities in both chambers.

-- THAT BEING SAID ... There are ways for Congress to shuffle some more money to the border to appease Trump.

AND ... -- "Trump didn't pardon Joe Arpaio in Phoenix - but hints that he will," by the Arizona Republic's Megan Cassidy: "President Donald Trump did not pardon former Maricopa County Sheriff Joe Arpaio while Trump was in Phoenix, but he indicated support for the idea in his speech Tuesday night.

"The 85-year-old lawman is scheduled to be sentenced on Oct. 5 for a federal criminal-contempt conviction stemming from a racial-profiling case. Arpaio could face up to six months in jail. 'Was Sheriff Joe convicted for doing his job?' Trump asked the crowd inside the Phoenix Convention Center. He should have had a jury trial instead of having a verdict rendered by a federal judge, Trump said. 'But I'll make a prediction: I think he's going to be just fine.' Trump's comments suggested a pardon could be granted later. 'I won't do it tonight, because I don't want to cause any controversy. But Sheriff Joe can feel good,' he said." http://bit.ly/2vdT8n6

****** **A message from Chevron**: Advanced technology is helping us find safer ways to deliver energy. We're piloting a program that uses drones to monitor tanks and pipelines. Watch the video: http://politi.co/2vLsVyX ******

THIS IS A PROBLEM -- NYT A1, "McConnell, in Private, Doubts if Trump Can Save Presidency," by Alex Burns and Jonathan Martin: "The relationship between President Trump and Senator Mitch McConnell, the majority leader, has disintegrated to the point that they have not spoken to each other in weeks, and Mr. McConnell has privately expressed uncertainty that Mr. Trump will be able to salvage his administration after a series of summer crises.

"What was once an uneasy governing alliance has curdled into a feud of mutual resentment and sometimes outright hostility, complicated by the position of Mr. McConnell's wife, Elaine L. Chao, in Mr. Trump's cabinet, according to more than a dozen people briefed on their imperiled partnership. Angry phone calls and private badmouthing have devolved into open conflict, with the president threatening to oppose Republican senators who cross him, and Mr. McConnell mobilizing to their defense.

"The rupture between Mr. Trump and Mr. McConnell comes at a highly perilous moment for Republicans, who face a number of urgent deadlines when they return to Washington next month. Congress must approve new spending measures and raise the statutory limit on government borrowing within weeks of reconvening, and Republicans are hoping to push through an elaborate rewrite of the federal tax code. There is scant room for legislative error on any front.

"A protracted government shutdown or a default on sovereign debt could be disastrous - for the economy and for the party that controls the White House and both chambers of Congress. Yet Mr. Trump and Mr. McConnell are locked in a political cold war. Neither man would comment for this article. Don Stewart, a spokesman for Mr. McConnell, noted that the senator and the president had 'shared goals,' and pointed to 'tax reform, infrastructure, funding the government, not defaulting on the debt, passing the defense authorization bill.'" http://nyti.ms/2xql5J2

-- A GREAT DETAIL FROM JMART AND BURNS: "When Mr. Trump addressed a Boy Scouts jamboree last month in West Virginia, White House aides told Senator Shelley Moore Capito, a Republican from the state whose support was in doubt, that she could only accompany him on Air Force One if she committed to voting for the health care bill. She declined the invitation, noting that she could not commit to voting for a measure she had not seen, according to a Republican briefed on the conversation."

-- CNN: "Trump, McConnell haven't spoken since angry phone call, sources say," by Many Raju and Jeremy Diamond: "President Donald Trump and Senate Majority Leader Mitch McConnell have not spoken in nearly two weeks, since a phone call between the two men went awry and left the two men screaming at each other. Sources with knowledge of the August 9 call said the exchange quickly devolved into a shouting match as an irate Trump expressed his frustrations about the congressional investigation into Russian interference with the U.S. election last year and fumed about a Russia sanctions bill Congress passed that would tie Trump's hands on the matter." http://cnn.it/2wxilaR

NEW POLITICO/MORNING CONSULT POLL: "Poll: Trump hits new low after Charlottesville," by Steve Shepard: "President Donald Trump's approval rating has hit a new low following a week in which a majority of voters believe he did more to divide the country than unite it, a new POLITICO/Morning Consult poll shows. Only 39 percent of voters approve of the job Trump is doing in this week's poll - conducted entirely following the president's various scripted and impromptu reactions to the violence in Charlottesville, Virginia - down from 44 percent just a week ago. Fifty-six percent of voters disapprove in the new poll, up from 52 percent last week.

"Much of the decline in Trump's approval rating appears to have come from self-identified Republican voters - 73 percent, down from 81 percent last week. By contrast, the president's approval rating slid just a single point among Democrats and independents. Trump's previous overall low - a 40 percent rating - was two weeks ago. The poll was conducted last Thursday through Saturday, all following Trump's

comments on the violence that claimed the life of a woman protesting against white supremacists and neo-Nazis, but before his address Monday night outlining his strategy for the war in Afghanistan." http://politi.co/2iqnPUc

WHEN WILL TRUMP GO TO AFGHANISTAN? -- Barack Obama went to Baghdad on April 7, 2009 -- just a touch more than two months into his presidency. When will Trump go visit troops in what's now America's longest war?

WORTH THE CLICK - "16 Years of War in Afghanistan, in Pictures," by NYT's Rod Nordland -- ***20 pix on one page*** http://nyti.ms/2xrJr5l

TRUMP'S INNER CIRCLE -- "Military leaders consolidate power in Trump administration," by WaPo's Bob Costa and Phil Rucker: "High-ranking military officials have become an increasingly ubiquitous presence in American political life during Donald Trump's presidency, repeatedly winning arguments inside the West Wing, publicly contradicting the president and even balking at implementing one of his most controversial policies. Connected by their faith in order and global norms, these military leaders are rapidly consolidating power throughout the executive branch as they counsel a volatile president. Some establishment figures in both political parties view them as safeguards for the nation in a time of turbulence.

"Trump's elevation of a cadre of current and retired generals marks a striking departure for a country that for generations has positioned civilian leaders above and apart from the military. ... Inside the White House, meanwhile, generals manage Trump's hour-by-hour interactions and whisper in his ear - and those whispers, as with the decision this week to expand U.S. military operations in Afghanistan, often become policy. ... Critics of the president welcome their ascendancy, seeing them as a calming force amid the daily chaos of the White House." http://wapo.st/2v4DvT5

JARED UPDATE -- "CAIRO (AP) - Egypt: Trump adviser Kushner's meeting with Egyptian president still on; only meeting with foreign minister cancelled."

--"McMaster adds muscle to Kushner's Middle East peace effort, " by Annie Karni: "Jared Kushner has spent eight months as his father-in-law's point person in the Middle East, relying primarily on one envoy, former Trump Organization lawyer Jason Greenblatt, to do the diplomatic heavy lifting in the region. But just over a month ago, National Security Adviser H.R. McMaster held a meeting in his West Wing office with Greenblatt to discuss some changes to how the administration would conduct its Israel strategy going forward - including more input from the National Security Council.

"In the meeting - also attended by National Security Council officials Ricky Waddell, Michael Anton and Victoria Coates - the group discussed moving Coates, a former policy adviser to Sen. Ted Cruz, to work full-time under Greenblatt. ... Coates, an art historian and a longtime Republican foreign policy adviser, was promoted to senior director of international negotiations and moved offices to sit with Greenblatt's team in the Old Executive Office Building, across the street from the White House."

http://politi.co/2wDyKzj

PENTAGON FALLOUT -- "U.S. Navy to Relieve Admiral of Command After Collisions," by WSJ's Gordon Lubold: "The U.S. Navy plans to remove the commander of the fleet that has suffered four recent collisions in Asia and the deaths of several sailors, U.S. officials said Tuesday. Navy officials declined to comment. But two U.S. officials familiar with the matter said that Vice Adm. Joseph Aucoin, the three-star commander of the U.S. Seventh Fleet in Yokosuka, Japan, will be relieved of command on Wednesday in connection with four collisions since January, including two fatal ones. Vice Adm. Aucoin was expected to retire in coming weeks, but under the Navy's tradition of public accountability, commanders or ship captains are dismissed as soon as their superiors lose confidence in their leadership." http://on.wsj.com/2wDuDTL

FOR YOUR RADAR -- "North Korea photos suggest new solid-fuel missile designs," by AP's Eric Talmadge in Tokyo: "North Korea's state media released photos Wednesday that appear to show the designs of one or possibly two new missiles. Concept diagrams of the missiles were seen hanging on a wall behind leader Kim Jong Un while he visited a plant that makes solid-fuel engines for the country's ballistic-missile program. ... The photos [come] ... just two days after the United States and South Korea began annual military exercises that the North claims are a rehearsal for war. Tensions on the peninsula generally ratchet up during the maneuvers and a series of larger exercises held each spring." http://bit.ly/2vdVRgt

TRUMP'S WEDNESDAY -- THE PRESIDENT will be at the American Legion convention and then will return to Washington in the evening.

THE JUICE ...

-- SPOTTED : Secretary of Commerce Wilbur Ross and Secretary of State Rex Tillerson last night at Mirabelle along with a number of others, including Nina Totenberg, Chris Wallace and Marty Baron. They dined in a private room.

-- DENIS MCDONOUGH has been named an executive fellow of the Global Policy Initiative in the new Keough School of Global Affairs at the University of Notre Dame. He will be an instructor for 38 students in the new Master of Global Affairs program. http://ntrda.me/2v4Smgi

WHAT'S MAKING NEWS ON BANNON'S BREITBART - "Exclusive- Rick Santorum Crafting Different Obamacare Repeal Plan with Lawmakers: 'It Will Pass Through the House and the Senate,'" by Matt Boyle and Sean Moran: http://bit.ly/2wmCZzB ... "Dept of Homeland Security: Donald Trump Border Wall Prototypes Now Delayed Until Fall," by Charlie Spiering: http://bit.ly/2w2B6pj ... "Trump's Merkel Moment? West Wing Dems' Plan to Keep DACA Will Increase Illegal Immigration Pull Factors," by Raheem Kaseem: http://bit.ly/2vdxq2y ... "How Afghanistan Could Put Trump's Presidency at Risk," by John Carney http://bit.ly/2wDVW0t

--BREITBART has started selling the "Steve Bannon Fidget Spinner": "Leftists need comfort at times like these. Gift them this pacifying item that will give them something to do in between pulling down monuments. Or keep one for yourself! ... $21.46." http://bit.ly/2w2Cqbw

CLICKER -- PBS NEWSHOUR -- "Every moment in Donald Trump's long and complicated history with race," by Lisa DesJardins -- ***97 moments on one page*** http://to.pbs.org/2vWZLgo

THE FT'S "BIG READ" -- "With alumni in the White House, Goldman sees an opening: Investment bank now targeting Volcker rule in DC lobbying after Obama-era battering," by Barney Jopson. http://on.ft.com/2vnpoDF

Playbook Reads

PHOTO DU JOUR: A counter-protester shouts slogans amid tear gas fired by police following an August 22 campaign rally for President Donald Trump in Phoenix, Ariz. | M. Scott Mahaskey/POLITICO

PAGING DON JR. AND ERIC -- TRUMP INC. -- "17th charity cancels its event at President Trump's Mar-a-Lago Club, blaming 'political turbulence,'" by WaPo's David Fahrenthold and Drew Harwell: "A Florida charity for children announced Tuesday that it was canceling plans to hold a fundraiser luncheon at President Trump's Mar-a-Lago Club next winter - adding to an exodus of its high-paying charity clients in the days after his comments about violent protests in Charlottesville.

"The Unicorn Children's Foundation, based in Boca Raton, explained its decision with a statement saying 'We are not a political organization and do not condone hatred or bullying on any level.' 'Due to the political turbulence associated with this choice of venue it would be a disservice to our supporters and our children to hold our event at Mar-a-Lago,' said Sharon Alexander, the group's chief executive, in the statement. 'We prefer the conversations to be centered off the venue and instead focused on how we can help kids with special needs excel in their communities.' ...

"These departures have had a serious impact on a major line of business for the president's club: hosting the ritzy galas and luncheons that are the highlights of Palm Beach's winter social 'season.' The events can bring in significant amounts of revenue: Charities hosting large galas can pay Trump's club between $125,000 and $275,000 for a single night's revelry. Even lunchtime events can cost charities between $25,000 and $85,000." http://wapo.st/2xblJd3

SCOOP -- "Trump team goes to bat for NRA-backed bill, overruling Park Service," by McClatchy's Stuart Leavenworth: "The National Park Service has several big

problems with NRA-backed legislation that would restrict the agency from regulating hunting and fishing within park boundaries. But according to a leaked memo obtained by McClatchy, the Trump administration has so far prevented the parks from voicing such concerns. National Park Service Acting Director Michael Reynolds prepared a June 30 memo detailing his agency's objections to the draft legislation, the 'Sportsmen's Heritage and Recreational Enhancement Act.' ... Reynolds objected to ... parts of the bill in a memo sent to the U.S. Department of Interior's Legislative Counsel. The park service later received a response from Interior, with sections of Reynolds' concerns crossed out, next to the initials 'C.H.' Agency officials were told they could not repeat their concerns to Congress." http://bit.ly/2v50jBW

WHAT ED HILL IS READING -- "The feel-good Hallmark Channel is booming in the age of Trump," by WaPo's Heather Long: http://wapo.st/2v4pJQq

BUSINESS BURST - "Trains in Vain: Epic CSX Traffic Jam Snarls Deliveries, From Coal to Fries," by WSJ's Paul Ziobro: "The freight-train ride from Chicago to Colesburg, Tenn., usually takes a few days. Earlier this month, though, the ride was 18 days, 13 hours and 57 minutes, logs show. Congestion, delays and erratic service are hitting CSX, one of only two railroad operators that handle nearly all the shipments that move by train east of the Mississippi River. The problems began in May and became much worse this summer, according to customers and weekly performance data reported by the Jacksonville, Fla., company. It's a colossal mess for businesses that have spent years streamlining supply chains to run with just-in-time inventories." http://on.wsj.com/2v4YO6N

2018 WATCH -- "Obama administration alumni hope to build upon his legacy as they run for office," by L.A. Times' Seema Mehta: http://lat.ms/2v4W9Kk

PRETTY COOL -- GARRETT CAMP on Medium: **"The Beginning of Uber**: Since we just passed the ninth anniversary of the idea of Uber (originally UberCab, in Aug 2008), I thought it would be interesting to share the very first pitch deck we created in late 2008. Thank you to the entire Uber team for turning a simple idea into a platform that has improved so many people's lives :)" http://bit.ly/2ipzK4J

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MEDIAWATCH - "Emails: Breitbart editor pledges to do 'dirty work' for Bannon, smears Ivanka," by CNN's Oliver Darcy and Jake Tapper: "A self-described 'email prankster' seemingly fooled top editors at Breitbart over the weekend into believing he was Steve Bannon, the fired White House chief strategist who returned to the right-wing website as executive chairman on Friday. In the emails, Breitbart Editor-in-Chief Alex Marlow pledged that he and several other top editors would do Bannon's 'dirty work' against White House aides. The emails were shared with CNN by the prankster. ...

"The prankster, posing as Bannon, emailed Marlow a link to a Sunday Breitbart post that aggregated a Daily Mail report to suggest Ivanka Trump was instrumental in pushing Bannon from the White House. 'This was a fun read,' the fake Bannon account said. Marlow then shared a personal smear about the private life of Ivanka Trump, and her husband, Kushner. CNN has chosen not to repeat the smear because it is unfounded and unsubstantiated. 'Haha.. lovely stuff,' replied the fake Bannon account. 'So do you think you'll have them packed and shipping out before Christmas?' 'Let me see what I can do... hard to know given your description of them as evil,' Marlow replied." http://cnnmon.ie/2wmWVT0

--"BuzzFeed hires New York Times editor to head up its business section," by Business Insider's Maxwell Tani: "BuzzFeed News announced on Tuesday that it hired veteran New York Times business news editor Jennifer A. Kingson as it continues to build up its newsroom following President Donald Trump's election last year." http://read.bi/2vdRLEQ

--CARL CAMERON is retiring from Fox News. ***His memo to staff*** http://politi.co/2vXVKsg ... ***Bret Baier's tribute*** http://bit.ly/2xrVgsh

Playbookers

SPOTTED: Kenny Loggins, Jason and Yeganeh Rezaian, Erick Sanchez, Mikayla Bouchard, Jason and Jarred Zuccari and Phil Beshara at a private dinner at Sebastian Oveysi's Amoo's Restaurant in McLean after Loggins' show at Wolf Trap Tuesday night

FIRST IN PLAYBOOK -- THE INSTITUTE OF POLITICS AND PUBLIC SERVICE at Georgetown's McCourt School of Public Policy announces its fall fellows class: **Ron Bonjean**, former top spokesman for speaker of the House and Senate majority leader, now a partner at ROKK Solutions Public Affairs; **Mike Dubke**, former White House communications director and founding partner of the Black Rock Group; **Marie Harf** , Fox News contributor and former senior adviser to Secretary of State John Kerry; **Patrick Murphy**, former two-term congressman and U.S. Senate candidate from Florida; and **Liz Sidoti**, head of U.S. communications for BP, and former AP national political editor and correspondent. The institute is also naming its first visiting fellow, **José Díaz-Balart**, Telemundo News and NBC News anchor. http://bit.ly/2v384IE

WELCOME TO THE WORLD - Lindsey Dickinson, VP of federal government affairs at Comcast and **Ernest Baynard** , president of Meridian Hill Strategies, a public affairs firm in D.C., have welcomed Holden Henry Baynard, who was born at 9:30 a.m. Tuesday and is 8lbs 5oz. "Big brothers Owen and Brendan and Daddy, Ernest, are happy to add another Baynard boy to the mix! Mommy and Holden are doing great." ***Pic*** http://politi.co/2vnCu3A

TRANSITIONS -- The Center for the Study of the Presidency and Congress has named former **Rep. Glenn C. Nye** to succeed Maxmillian Angerholzer III as president and CEO. ... **Caitlin Legacki** and **Amalia Kontesi** have been named to the corporate comms team supporting corporate responsibility at JPMorgan Chase. Legacki was previously a director at Precision Strategies and Kontesi was at Brunswick Group.

BIRTHDAY OF THE DAY: BuzzFeed media editor **Craig Silverman** is 40. **A book he's been reading recently:** "I am finally reading 'Personal History' by Katharine Graham, the former publisher of The Washington Post. Aside from being a great read, it's been a reminder that while Trump has taken demonizing the media to a new level, it's by no means a new tactic. She writes that when former President Eisenhower spoke at the 1964 Republican convention he 'attacked newspaper columnists' and as a result 'convention-goers throughout the entire hall started booing the press.' Feels familiar, no?" **Read his Playbook Plus Q&A:** http://politi.co/2iobOP0

BIRTHDAYS: Stephen Miller is 32 ... Patti Solis Doyle ... NBC News' Mike Memoli is 35 ... Queen Noor of Jordan is 66 ... Chase Cushman ... Richard Chalkey, associate director of the National Economic Council at the White House (hat tips: Cameron Poursoltan and Hunter Hamrick) ... Roll Call's Niels Lesniewski is 32 ... Todd Van Etten, chief digital strategist at The Herald Group (h/t Taylor Gross) ... Mark Appleton ... Tenn. Gov. Bill Haslam is 59 ... Rob Bluey, VP of publishing at The Heritage Foundation and Daily Signal editor in chief, is 38 ... Annah Backstrom, news director at The Des Moines Register ... Emily David ... Politico's Caitlin Oprysko ... Ted Newton ... Ameer Patel ... Nate Williams ... CBS News' Lindsey Boerma ... newly-married John Hall, partner at Targeted Victory (h/t Zac Moffatt) ... Kevin Siers, Pulitzer Prize winning editorial cartoonist for the Charlotte Observer (h/t Jim Morrill) ... Robert Solow is 93 ... Norman Braman is 85 (h/ts Jewish Insider) ... Charlie Greene, public affairs manager for 21st Century Fox and former speechwriter for NOAA during the Obama administration (h/t Bill McQuillen) ... former Hill staffer Sarah Huang, now with GR/PR firm Alliance Group in Richmond (h/t Chris Atkins) ...

... Miriam Sapiro, former deputy and acting USTR, and head of Finsbury's Washington office ... David Wickenden, SVP of corporate strategy and strategic impact at AARP (h/t Jon Haber) .... Ian Jefferies, SVP of gov't affairs at Association of American Railroads (h/t Ted Greener) ... Jesse Connolly, COS for Rep. Chellie Pingree (h/t Sol Ross) ... Brook Hazelton, president of Christie's Americas ... Terry Bean ... former Calif. Gov. Pete Wilson is 84 ... Lauren Dart ... Bryer Davis, scheduler for Sen. Manchin ... Erin Collins ... Chaz Wells-Armstrong ... Connor Galvin ... Christine Padilla ... Janet Turner ... Billy Feitlinger ... Casey Hudek ... Dennis Walto ... Lori Brown ... Brian Majorsky ... Derrick Crowe ... Jordan Kauflin ... James Baehr ... Gary Brookins ... Mark Steinberg ... former Surgeon General Antonia Novello is 72 ... Jay Mohr is 47

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Sent: Thur 9/28/2017 8:25:32 PM
Subject: BREAKING NEWS: Price says he'll pay for charter flights

HHS Secretary Tom Price said he will write a personal check to the federal government for the costs of traveling on private jets and will permanently halt his use of charter flights.

"The taxpayers won't pay a dime for my seat on those planes," Price said in a statement Thursday afternoon.

The announcement follows a POLITICO investigation finding that Price has taken at least 26 charter flights costing more than $400,000 since May to conduct official business within the country.

Read more: http://www.politico.com/story/2017/09/28/tom-price-private-charter-flights-reimburse-243267

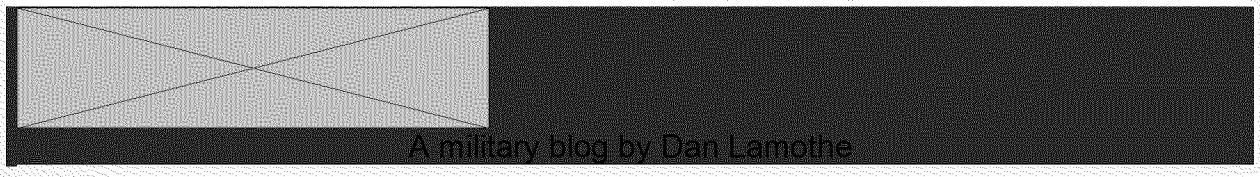
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Pentagon's top general signs a new deal with China as Trump signals an easing of tension with North Korea

"To be honest, we have many difficult issues where we will not necessarily have the same perspectives," said Marine Gen. Joseph F. Dunford Jr., the chairman of the Joint Chiefs of Staff.

By Dan Lamothe • Read more »

He put on an 82nd Airborne cap and gave a KKK salute in Charlottesville. Vets had words.

In its 100-year history, the Army's 82nd Airborne division has fought Nazis and liberated concentration camps.

By Cleve R. Wootson Jr. • Read more »

Trump's generals condemn Charlottesville racism — while trying not to offend the president

In contrast to the commander in chief, military leaders have bluntly repudiated the racist ideologies that plunged Charlottesville into deadly violence.

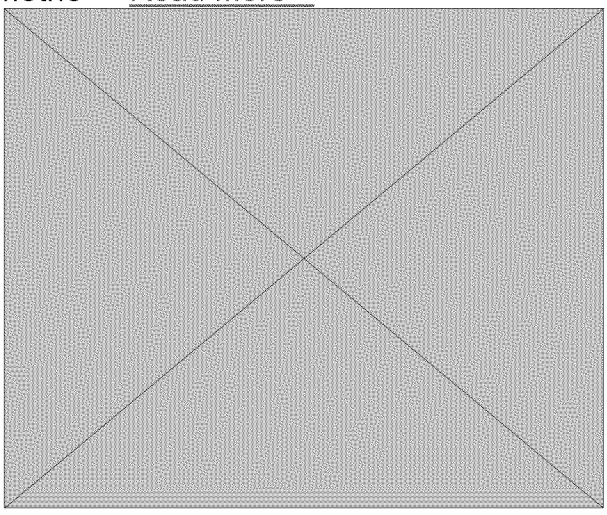
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In a meeting with sailors, Mattis lauds their service and vulgarly criticizes people 'sitting on the sidelines'

The salty, full-throated defense of military service left the Pentagon with a dilemma.

By Dan Lamothe • Read more »

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In a dangerous time, the Pentagon prepares for a war game on the Korean Peninsula

'These threats are serious to us, and thus we have to be prepared,' said Gen. Joseph Dunford, the chairman of the Joint Chiefs of Staff.

By Dan Lamothe • Read more »

Mattis says the Pentagon is still studying transgender military service, three weeks after Trump called for a ban

Said Mattis: 'The fact is, we have received no direction that would indicate any harm to anybody right now.'

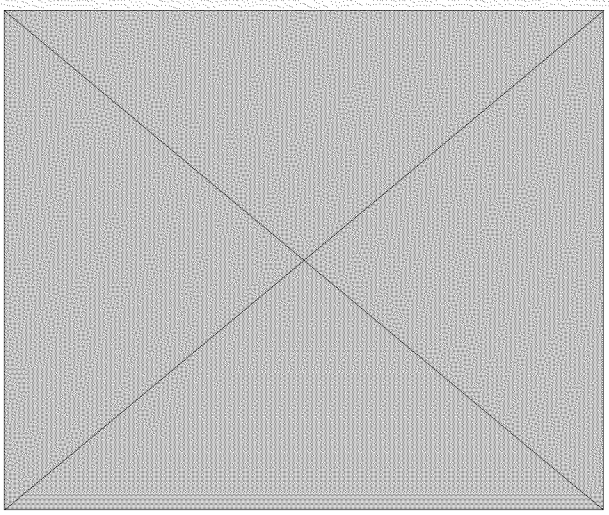
By Dan Lamothe • Read more »

Iranian drone approaches Navy aircraft carrier in second dangerous encounter in a week

In the first, a Navy jet maneuvered out of the way.

By Dan Lamothe • Read more »

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Mon 11/6/2017 4:00:11 PM
Subject: EPA's New Region 8 Boss Off To A Promising Start

Among the other choices are: Jennifer McPartland, a senior scientist of the Environmental Defense Fund; Kari Cutting of the North Dakota Petroleum Council; Tim Wallington of Ford and Bart Croes of the California Air Resources Board.

No Images? Click here

MONTANA STANDARD

EPA's New Region 8 Boss Off To A Promising Start

Montana Standard Editorial
November 5, 2017
http://mtstandard.com/opinion/editorial/editorial-epa-s-new-region-boss-off-to-a-promising/article_ce3b2023-257f-591d-95aa-65e80931bafa.html

Since Butte was added to the Superfund National Priorities List in 1983, we've gone through six presidents, 14 EPA administrators (acting and permanent) and more than half a dozen Region 8 EPA administrators.

The latest to sit at the Region 8 desk is Doug Benevento, a Colorado attorney who has been an energy executive and has also run the state's Department of Public Health and Environment.

Fortunately, in the first three weeks of his tenure, he has done precious little sitting. Instead he has been traveling to learn firsthand about EPA's challenges in the region, which are too lengthy to list.

It's no accident that he spent four of his first 16 days in office in Montana. We are pleased to note that he spent intensive time with Gov. Steve Bullock, DEQ boss Tom Livers and their staffs. He also came to Butte this past Wednesday, and made a very good impression. He did not condescend. He came off as self-effacing, sincere and straightforward.

Perhaps the best thing Benevento said during his short visit was that he realized it was too short and is therefore coming back in a couple of weeks.

While that visit will focus more on the considerable issues EPA faces in Anaconda, he did indicate he would also return to Butte. On Nov. 14, The Montana Standard and Restore Our Creek Coalition will co-sponsor a rally at the Covellite Theatre. It should surprise no one that the central message that evening will be: Clean it up. Restore our Creek. Get it done.

We sincerely hope Benevento's return visit will include his presence at this event, which would enable him to hear very directly from the community. We urge him – and you – to attend.

Benevento clearly wishes to communicate clearly and move quickly. He said he hopes to have a Butte Priority Soils consent decree in place by early next year, and if that's not possible, he said, EPA stands ready to enforce the law and move the cleanup along with a unilateral administrative order.

That mirrors EPA Administrator Scott Pruitt's stated intention to move cleanups along more quickly.

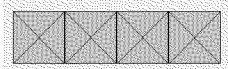
While a burst of speed would certainly be welcome after three decades of glacial Superfund progress, speed alone won't be enough to do right by this town. If speed means taking the cheapest, most expedient path, Butte may never recover.

Any remedy, whether agreed upon by the state, county, EPA and Atlantic Richfield or unilaterally imposed by EPA, must be substantive. In other words, the pollutants must come out of the ground and out of the water. Overbroad "technical impracticability" zones or more "waste in place" patch jobs will not suffice. The quality of Butte's cleanup will define the town's future. A quick "get out of town" deal would be even more harmful than the plodding progress the town has endured so far.

With all of those caveats, Benevento's resolve, forthrightness – and presence in Butte – are all excellent signs. We applaud him for getting his tenure off to a very promising start.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Mon 9/25/2017 2:03:28 PM
Subject: POLITICO's Morning Transportation, presented by Coalition for Future Mobility: The FAA extension has landed — Travel ban out, new limits in — Norwegian U.K. gets final OK from DOT

By Brianna Gurciullo | 09/25/2017 10:00 AM EDT

With help from Stephanie Beasley

HURRY UP AND WAIT: House lawmakers will vote today on short-term FAA extension that would last through March. Six months was the minimum length that the Transportation Committee's top Democrat, Peter DeFazio (D-Ore.), said he would back. And Senate Commerce Chairman John Thune (R-S.D.) also favored a stopgap lasting this long. The House bill includes language related to private flood insurance, expiring health programs and tax breaks for those affected by hurricanes Harvey, Irma and Maria.

Losing steam? At least two House Republicans have said they would vote "no" on an extension because, in their view, it would merely hand Rep. Bill Shuster (R-Pa.) a few more months to keep selling his air traffic control proposal. But on Friday, one of those lawmakers, Rep. Ralph Abraham (R-La.), changed his tone a bit - "I will read the bill that's been proposed and determine whether it is the best path forward at this time," he said in a statement. "However, I still maintain that we ultimately need a long-term FAA authorization that does not place control of our nation's skies in the hands of a corporate board."

The question now: Will the attachment of the flood insurance, public health and tax provisions affect the overall bill in any way? (Smart money says no, at least not in the House, considering the bill will be considered under a procedure typically reserved for non-controversial bills.)

READY FOR A BUSY WEEK? Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. A lot is going on this week, so be sure to keep up with your favorite transportation-policy-reporting quintet: @brigurciullo, @Gardner_LM, @TSnyderDC, @Steph_Beasley and @kathrynwolfe. Send tips, feedback and lyrics for MT to me at bgurciullo@politico.com.

"And I promise I'll see you on the other side / We'll get high and go out for another ride."

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) that are all about flying, driving, commuting and sailing?

BREAKING LAST NIGHT: A series of travel limitations for individuals from eight nations will take the place of President Donald Trump's travel ban, POLITICO's Josh Gerstein and Ted Hesson report. Those countries are Chad, Iran, Libya, North Korea, Somalia, Syria, Venezuela and Yemen. (The administration took Sudan off its list of countries, while adding Chad, North Korea and Venezuela.) "Existing visa-holders are exempt, and waivers will remain available for travelers with U.S. ties, although those exemptions appear to be narrowed in the new directive," Josh and Ted write. More here.

IT'S OFFICIAL: DOT has given Norwegian U.K. final permission to fly to the United States, according to an order served Friday. The Air Line Pilots Association, Allied Pilots Association and Southwest Airlines Pilots' Association, concerned about Norwegian U.K.'s labor practices, were fighting against the airline's application for a foreign air carrier permit. The groups mounted a similar case against fellow Norwegian Air Shuttle subsidiary Norwegian Air International, which secured a permit in late 2016. "The Labor Parties have offered no arguments not already considered, and rejected, by the Department," DOT said in the final order for Norwegian U.K.

DENIED: After London's transit authority shot down Uber's bid for a new operating license, the company hinted it would be willing to change how it runs its business, POLITICO Europe's Joshua Posaner reports. Transport for London found that Uber wasn't "fit and proper to hold a private hire operator license" and lacked "corporate responsibility." London's mayor, Sadiq Khan, is standing behind TfL's decision to let the company's current license expire. Uber can keep operating while it appeals the decision. It also started a petition over the issue that so far has over 700,000 signatures.

The big picture: "European countries and cities have one-by-one outlawed one form or another of Uber's ride-booking services," Nicholas Hirst and Joshua report. "This latest blow for the California giant in Europe raises more doubts about the viability of its business model on this side of the Atlantic. ... To boot, Friday's decision by London is the latest indication that the company's bullish and brash corporate culture - which recently led to the ouster of Travis Kalanick, the company's founder - is hurting the company's global expansion plans."

NO PRESSURE, BUT ... As a Jan. 1 deadline looms, rail companies are hurrying to phase out their non-jacketed DOT-111 tanker cars. As Tanya reports for Pros, companies more often use DOT-111s to carry flammable liquids than any other railcar, by far. But PHMSA has ordered "non-jacketed" DOT-111s out of service by the start of the new year. Rail companies can retrofit DOT-111s to the specifications of DOT-117s, which "have an insulated layer, a fully protected head shield and protected top fittings and bottom valves that can't break off," Tanya writes. Only DOT-117s and retrofitted tankers will legally be able to carry flammable liquids by 2029.

SO CLOSE: TSA's intelligence office still isn't running as smoothly as it could be despite the agency making several improvements in the past year, according to a new report from the DHS inspector general. Among other grievances, intelligence agents said they weren't receiving training before starting their jobs and that there was no clear process for sharing information among divisions. Steph's got all the details for Pros here.

** **A message from the Coalition for Future Mobility**: Driving Safety: Human error. It's a factor in 94% of all crashes according to government data. So imagine how much safer our roads would be with Autonomous Vehicles. By reducing risky and dangerous driving behaviors, AVs will help save lives. Tell Congress to greenlight Autonomous Vehicle testing and deployment. http://bit.ly/gl-sd **

THIS WEEK:

Tuesday - The House Homeland Security Transportation and Protective Security Subcommittee holds a hearing on aviation security. FTA's Vincent Valdes and HNTB Corporation's Diana Mendes talk about "what the future may hold for our nation's cities." The House Transportation Water Resources and Environment Subcommittee holds a hearing on water infrastructure. DOT and the American Association of Port Authorities hold a webinar on the TIGER and INFRA grant programs.

Wednesday - D.C. Mayor Muriel Bowser, Sen. Ben Cardin (D-Md.) and Virginia Gov. Terry McAuliffe speak at the annual Capital Region Business Forum. The Owner-Operator Independent Drivers Association and other groups hold a news conference to push for a delay to the ELD mandate. Sens. John Thune (R-S.D.) and Amy Klobuchar (D-Minn.) speak at a 3M event about connected and self-driving cars. The Transportation Research Board holds a webinar on "integrating goods and services movement in smart growth environments." The Senate Commerce Committee holds a hearing on Howard "Skip" Elliott's nomination to be PHMSA administrator.

Thursday - The Institute for Defense and Government Advancement begins a conference called Patrol Boats and Cutters 2017. The Senate Commerce Aviation Subcommittee holds a hearing on TSA.

GOING BACK TO COMMERCIAL: Tom Price said over the weekend that he would no longer take official business trips on charter planes while the Department of Health and Human Services' inspector general investigates the situation. "POLITICO has now identified more than $400,000 in charter jet spending for Price's travels since May," Dan Diamond reports. HHS says Price started flying aboard charter planes after he couldn't make an event because his commercial flight was delayed. But the delay was caused by weather, which grounded charter planes as well, Dan reports.

HOW'S THE INFRASTRUCTURE PLAN COMING? Trump administration officials are making progress behind closed doors, but it's "been a little more, shall we say, hectic than even some of the most recent administrations, and a little less predictable," said Marcia Hale, the president of Building America's Future. "You always know with this administration that things could change quickly, or policies could change quickly, or allegiances could change quickly," she said. "So you just go with the flow." Our colleagues have the story on how businesses are grappling with Trump's shifting positions, or lack of a position, in a bunch of different policy areas.

FOR YOUR RADAR: Trump is expected to deliver an address on overhauling the U.S. tax code in Indiana on Wednesday. Also on Wednesday, Trump administration officials and GOP leaders in Congress will roll out their general proposal for a tax overhaul, POLITICO's Nancy Cook reports.

FOR THOSE ABOUT TO ROCK... The National Stone, Sand & Gravel Association is on the Hill this week with over 250 folks sitting down with lawmakers to advocate for "a permanent solution to the Highway Trust Fund shortfall," among other asks. Reps. DeFazio, Sam Graves (R-

Mo.), Jeff Denham (R-Calif.), Rodney Davis (R-Ill.), Bob Gibbs (R-Ohio) and others will speak to the group.

MT MAILBAG: Washington Gov. Jay Inslee wants the Senate to keep any plan to split air traffic control operations from the federal government out of its FAA bill. In a letter sent late last week, the Democratic governor wrote that he is worried about how such a change would affect safety as well as general aviation and rural areas. "With the support of the U.S. Congress, the FAA has made billions of dollars in investments to modernize the air traffic control system," Inslee wrote to Sens. Thune, Bill Nelson (D-Fla.), Patty Murray (D-Wash.) and Maria Cantwell (D-Wash.). "We should continue on that path, while maintaining the strong Congressional oversight that now exists."

Throwback: Oregon Gov. Kate Brown sent a letter in the summer to Shuster, DeFazio, Aviation Subcommittee Chairman Rep. Frank LoBiondo (R-N.J.) and ranking member Rep. Rick Larsen (D-Wash.) making similar points. The Democrat wrote that she is "especially concerned about the cost and impact on the 97 public use airports, eight Contract Air Traffic Control Towers and thousands of commercial and recreational users of the airspace here in Oregon."

THE AUTOBAHN:

- "Budget bus lines flout the rules with little consequence." The New York Times.

- "Berliners back call for city's Tegel Airport to stay open." The Associated Press.

- "China's travel growth to outpace U.S. over next decade." Bloomberg Businessweek.

- "1st cruise ship since Irma docks in Key West." The Associated Press.

- "Michelin wants to reinvent the wheel for the driverless age." The Verge.

- "Lufthansa seen offering to pay 200 million euros for Air Berlin assets: source." Reuters.

- "Energy entrepreneur hopes to bring commuter rail to Vermont." The Associated Press.

- "We tried all four of D.C.'s dockless bike-share systems. Here's our review." The Washington Post.

- "'We have them on their knees': 350 pilots at Ryanair urged to join union." The Irish Independent.

- "Turnpike, Parkway rest stop makeovers evoking mixed feelings." The Associated Press.

THE COUNTDOWN: DOT appropriations run out in 75 days. The FAA reauthorization expires in 6 days. Highway and transit policy is up for renewal in 1,102 days.

** **A message from the Coalition for Future Mobility**: Driving Safety: Human error. It's a

factor in 94% of all crashes according to government data. So imagine how much safer our roads would be with Autonomous Vehicles. By reducing risky and dangerous driving behaviors, AVs will help save lives. Tell Congress to greenlight Autonomous Vehicle testing and deployment.http://bit.ly/gl-sd **

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Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

New Biofuel Exemption Prospects Spur Oil Giant Concern

Posted August 25, 2017, 7:30 A.M. ET

By Brian Dabbs

An era of relaxed biofuel blending requirements may be dawning for small oil refineries nationwide following a watershed court decision and new congressional direction for regulators.

That prospect is cheered on by many companies that operate small refineries, such as Silver Eagle Refining Inc. Refiners often complain of the high costs involved with complying with the blending requirements. Exemptions from that requirements, which are granted only to companies financially damaged by compliance, could provide them a windfall.

But the emergent trend is likely to put the Environmental Protection Agency, which has remodeled itself as an ally of the energy industry, in a tough position. Representatives of larger refiners are warning against the fallout tied to a wave of new exemptions, which would shift some of the burden of complying with the aggregate annual biofuel mandate.

That's because exemptions don't affect the EPA's annual blending requirements, so exemptions result in an uptick in the compliance obligations for those that still have to comply with the program.

"The exemptions take that obligated volume out of the stream, and you can't wave a magic wand and take that biofuel out of the total requirement," Suzanne Murray, a Haynes and Boone LLP attorney who represents refiners, told Bloomberg BNA. "Maybe with a couple of guys on the margins, it's OK, but when you start getting more and more folks, sooner or later it adds up to real volume."

Congress put the blending mandate, known as the renewable fuel standard (RFS), into law more than a decade ago. Proponents at the time said greater use of biofuels would cut down on greenhouse gas emissions and bolster U.S. energy independence.

The mandate requires refiners and importers to blend biofuels, such as traditional ethanol and advanced fuels like cellulosic ethanol, into gasoline or purchase credits to comply. The EPA decides on individual exemption petitions in consultation with the Energy Department.

Spreading the 'Burden'

Large refineries like ExxonMobil Corp., Chevron Corp., and Marathon Petroleum Co. LLC, as well as nonexempt small refineries, have to step in for those exempted. That puts them in an unfair position, Mike Tadeo, a spokesman for the American Petroleum Institute, which represents all the industry heavyweights, told Bloomberg BNA.

"EPA should take measures that reduce the overall RFS requirement when a refiner is exempted as to not spread that burden across the rest of the industry," Tadeo said.

Refineries are required to comply with the RFS based on the amount of petroleum processed, but the industry writ large must meet the aggregate annual mandate. A change like the one the American Petroleum Institute supports will likely require new legislation or a regulatory revamp. The EPA is accepting comments on the exemptions as part of its 2018 RFS proposal.

Some refineries say they already struggle to meet their current quotas.

Relief in the Pipeline

A federal appeals court shot down an EPA rejection of an exemption request Aug. 15, and now some small refineries will likely push the agency for more exemptions, according to Murray and Monte Shaw, executive director of the Iowa Renewable Fuels Association.

Those pleas are likely to fall on friendlier ears at the agency than in years past, Murray, Shaw, and a former EPA official told Bloomberg BNA. EPA Administrator Scott Pruitt, a past biofuel critic and oil industry ally, generally supports the exemptions, the former agency official, who worked directly with Pruitt, said, speaking on condition of anonymity.

A refinery must process 75,000 crude barrels a day or less to qualify for an exemption. Nearly 60 percent of all refineries operate under that threshold, according to the Energy Information Administration.

To qualify under the hardship criteria, a refinery must incur disproportionate cost or face the threat of insolvency linked to compliance.

Jerry Lockie, manager at Silver Eagle Refining Inc. refinery in Woods Cross, Utah, told Bloomberg BNA that his company now sees an opportunity for an exemption in the wake of the Sinclair decision.

"We're evaluating our options for filing for the exemption because it does create an economic disadvantage for us," said Lockie, who told Bloomberg BNA his refinery hasn't received an exemption to date. "We just transferred the information to our counsel and it's in review."

The EPA declined Bloomberg BNA requests for information on the small exemption policy, as well as a list of exemptions requests, denial and approvals. According to the 2018 RFS proposal, which the EPA released last month, the agency evaluated a dozen exemptions requests. But the rule doesn't discuss the decisions.

Those interviewed said they weren't aware of any exemptions approved in 2016. Bloomberg BNA reached out to dozens of companies that operate small refineries and most declined to comment or didn't respond.

But Keith Johnson, a spokesman for the refinery operator Delek Group Ltd., told Bloomberg BNA that he's aware of some recent exemptions. The EPA waived RFS obligations last year for a Delek facility at El Dorado, Ark., and an Alon Israel Oil Co. Ltd. facility at Krotz Springs, La., Johnson said.

Delek absorbed Alon in recent weeks. The company aims to apply for exemptions at both facilities again this year, Johnson said.

More Energy Department Clout?

On top of the impact of the decision and Pruitt's position, the agency also is constrained by a new directive that could encourage exemptions.

A report that accompanied the 2017 funding law directed the EPA to follow Department of Energy recommendations on the exemptions. The Energy Department recommended exemptions in the past, but the EPA disregarded its views, according to some of those interviewed by Bloomberg BNA.

The 2018 RFS proposal suggests that new language may have teeth.

"This directive could impact how EPA evaluates small refinery hardship petitions and the number and magnitude of exemptions granted," the EPA said in its 2018 RFS proposal, which released last month.

But despite that language, Thomas White of the Energy Department's Office of Energy Policy and Systems Analysis said the department's "influence has not changed," adding that the DOE "has always provided EPA an evaluation of a petitioner."

Those interviewed said increased exemptions are likely but not guaranteed.

"You can't necessarily expect EPA to grant all these. They may listen to the bigger refiners," Shaw, the Iowa Renewable Fuels Association leader, told Bloomberg BNA. "I'd say there's a smoother path now, but that doesn't make any of them a slam dunk."

Texas Coal Plants May Not Be Saved by Scaled Back Visibility Rules

Posted August 25, 2017, 11:45 A.M. ET

By Nushin Huq

The EPA is giving Texas a chance to rework a proposed multibillion-dollar air pollution regulation for utilities, but that likely won't be enough to save some coal-fired power plants from shutting down, energy analysts told Bloomberg BNA.

The proposal, issued in the final days of the Obama administration, would require Texas power plants to install new pollution controls in order to improve visibility in nearby national parks, including the Big Bend and Guadalupe Mountains national parks. Luminant Generation Co. LLC, a subsidiary of Vistra Energy, which owns several power plants that would be covered by the regulation, projected the proposal would require utilities to spend more than $3 billion dollars on emissions controls.

Several Texas utilities voiced support for the successful negotiations between the EPA and Texas,

but more flexible regulations may not be enough to save some coal plants from retirement. Market pressure from renewables will still likely force some Texas plants to shutter, according to Rob Whaley, an analyst with the consulting firm Wood Mackenzie who focuses on the Electricity Reliability Council of Texas, the state's electricity grid operator.

"The ERCOT market, with all the wind generation coming on, is really suppressing prices and making it really hard for these baseload units to make money," Whaley said.

Emissions Trading Planned

The EPA is under a Sept. 9 deadline to issue final visibility regulations for Texas, but the Trump administration recently asked a federal judge to extend that deadline until the end of 2018, citing a breakthrough in talks with state regulators.

"Circumstances have changed significantly over the past several months and weeks as EPA and Texas have engaged in a productive level of dialogue that has not occurred in many years," the agency said.

The Texas Council on Environmental Quality declined Bloomberg BNA's request to comment on those talks, but the state regulatory agency said in an Aug. 24 court filing that it intends to spend the next six months developing a proposed emissions trading program in order to meet its "best available retrofit technology" obligations under the EPA's regional haze program.

The Obama administration's proposal didn't opt for an emissions trading approach, something that utilities hoped it would have done, according to Eric Groten, an environmental attorney with Vinson & Elkins LLP in Austin.

"That's the most significant change in what the EPA is saying it would like to do now," Groten said. "It's no great leap of faith to say it's planning not to impose specific limitations on specific plants that must be met by those plants. What it will do instead is impose emission limitations on those plants but then allow trading."

The EPA's decision to give Texas a chance to develop a more flexible set of requirements marks the second possible reprieve on regional haze rules for the state's utilities since Inauguration Day: In March a federal appeals court gave the EPA a chance to reconsider a different regional haze regulation that would have required seven Texas coal plants to install about $2 billion in pollution controls.

Windy Times in Texas

The cost of complying with the regional haze requirements, combined with Texas' recent significant gains in wind energy product, could have led to the retirement of Luminant's Big Brown, Martin Lake, Monticello and Sandow power plants by 2024, according to Whaley.

If the emissions targets for the plants are scaled back by the Trump administration, some of those Luminant plants projected to retire may become economical, Whaley said. But it is possible that price pressure might still take half of that generating capacity offline, he said.

"I think of the 3.5 gigawatts of generation we predict will retire under current rules, about half may survive, but I still don't think all of it will," Whaley said.

Wind generation accounted for nearly 23 percent of ERCOT's power generation in the first quarter of 2017. That level marked the highest quarterly wind penetration in ERCOT's history and highlighted the market challenges facing the coal industry in Texas.

At present, some of the coal plants "are running only seasonally," Matt Preston, a coal analyst for Wood Mackenzie, told Bloomberg BNA.

Some utilities already have taken action to comply with the EPA's regional haze regulations for Texas. For example, NRG Energy decided to switch the fuel used at its Limestone power plant from lignite to a coal that has a lower sulfur content, according to company spokesman David Knox.

Knox told Bloomberg BNA that given the "environmental co-benefit of the fuel switch" and the expected level of operation of the Limestone plant, NRG expects to meet its regional haze obligations.

Industry Welcomes EPA Reversal

Luminant declined to comment on the regional haze rule and the pending litigation, but in comments filed in March, the utility said it would support an extension of the deadline to allow for the EPA to "work cooperatively" with Texas on an alternative plan.

Several other utilities that operate in Texas openly welcomed the fruitful negotiations between the EPA and Texas regulators.

"We are pleased that EPA and the State of Texas have been working so closely together, and look forward to participating in the state's efforts to develop its plan," Wes Reeves, Xcel Energy spokesman, told Bloomberg BNA in a statement.

Dynegy, which operates the Coleto Creek coal plant in Texas, also supports giving Texas regulators enough time to develop a suitable state plan for regional haze, company spokeswoman Meredith Moore told Bloomberg BNA.

"We support TCEQ and EPA working collaboratively to reach agreement on a Texas state implementation plan that meets the statutory requirements of the regional haze rule, protects the environment, and treats all in-state generators equitably," Moore said.

National Rule Next?

Regional haze regulations have been an industry target for the past decade, Gloria Smith, managing attorney for the Sierra Club's Environmental Law Program, told Bloomberg BNA. The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg, the majority owner of Bloomberg L.P., parent of Bloomberg BNA.

On a national level, the EPA will likely take action on a regional haze regulation issued in January, according to Smith. The regulation drew criticism from states and industry over its handling of requirements that states develop long-term strategies for making reasonable progress toward national visibility goals.

EPA Administrator Scott Pruitt is likely not a fan of that regulation. During his time as Oklahoma attorney general, he joined with seven other state attorneys general in comments that identified various alleged legal flaws in the agency's approach.

"We're certain that EPA will be asked to pull that rule back and to revisit it, similarly like in Texas," Smith said. "We're really frustrated because we thought everyone had come together…and now we're going to throw things into chaos again."

The reasonable progress regulation clarifies the four statutory factors under the Clean Air Act that industry has to comply with, Smith said. Those statutory factors will remain unless Congress changes the law, she said.

"There's actually a lot of momentum right now for reducing emissions, curbing coal-fired generation," Smith said. "The regional haze rule was instrumental for a number of years for cleaning up our national parks, and I don't see that momentum stopping."

Shell Joins Solar Push in Coal Country of World's Top Exporter

Posted August 25, 2017, 8:38 A.M. ET

By Ben Sharples and Perry Williams

Royal Dutch Shell Plc is investigating a solar power project in an Australian region better known for its fossil fuels, particularly coal.

The company is studying the feasibility of a solar development on its land in the Western Downs area of Queensland, which is subject to a final investment decision, a spokeswoman said by email. Though Shell's statement didn't elaborate on timing or size, the regional council this week said it had approved construction of the 250-megawatt Delga Solar Farm project proposed by Shell at Woleebee, near Wandoan.

Shell plans to spend as much as $1 billion a year on its New Energies division as the transition to renewable power accelerates, and will partner with Sunseap Group Pte to invest in solar throughout the Asia Pacific. Equis Energy earlier this month approved a 1,000-megawatt solar plant near Wandoan, a region long associated with a potential large coal mine development by Glencore Plc.

"Investment in Australia's large-scale solar sector has had a record-breaking 12 months with around 1,678 megawatts worth of new projects currently under construction across the country," said Leonard Quong, an associate with Bloomberg New Energy Finance in Sydney. Falling technology costs and surging electricity prices are helping to drive a boom in the sector, Quong said.

Equis' A$1.5 billion ($1.2 billion) Wandoan South Solar Project will be one of the largest in the country and is scheduled to start delivering power in 2019, the Singapore-based company said Aug. 7. Australia is the world's biggest exporter of thermal and metallurgical coal.

There are 38 solar plants operating in Australia with a capacity to generate 411 megawatts of power, and a further 29 under construction, according to BNEF.

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Duke Asks to Cancel Planned South Carolina Nuclear Reactors

Posted August 25, 2017, 01:16 P.M. ET

By Jim Polson

Duke Energy Corp. asked to cancel its planned nuclear plant in South Carolina, citing the bankruptcy of reactor manufacturer Westinghouse Electric Co.

The Charlotte-based company also said Aug. 25 in a state filing that North Carolina utility regulators should require customers of the company's Duke Energy Carolinas unit to pay $353 million of pre-construction costs spent on the Lee Nuclear Station over the next dozen years.

The company's decision is the latest blow to the U.S. nuclear industry in the wake of the Westinghouse's filing for bankruptcy earlier this year. South Carolina utilities Scana Corp. and Santee Cooper pulled the plug on a half-finished plant earlier this month after delays and cost overruns, and Southern Co. is weighing whether to halt work on two Georgia reactors.

Nuclear units that were operating for decades have shut, unable to compete with low-cost renewable energy and abundant supplies of natural gas from shale basins.

"Risks and uncertainties to initiating construction on the Lee Nuclear project have become too great and cancellation of the project is the best option for customers," Duke said in a separate statement.

A similar request will be made with South Carolina utility regulators in the future, Rick Rhodes, a company spokesman, said by phone Aug. 25. The U.S. Nuclear Regulatory Commission issued a construction and operating license for the plant last year and Duke will maintain that license "to build new nuclear at this site in the future if it is in the best interest of customers."

NextEra Energy Inc. has said it's decided to "pause" an expansion of its Turkey Point nuclear plant in Florida, but the company is still seeking approval to obtain and then maintain a federal license for two reactors there.

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Week Ahead: 'Garbage Juice,' Snow Leopards, EPA Modeling Debated

Posted August 25, 2017, 01:34 P.M. ET

By Chuck McCutcheon

"Garbage juice" in North Carolina, the snow leopard's role in addressing climate change, and an EPA panel's scrutiny of regulation models are among the topics at energy and environment events during the week of Aug. 28.

North Carolina lawmakers are scheduled to vote Monday on overriding Gov. Roy Cooper's (D) veto of a bill (H.B. 576) that would allow the state's landfill operators to spray leachate and wastewater into the air to help manage solid waste. The technique is known as "aerosolization," but opponents have termed it "garbage juice spraying."

In his veto message, Cooper said he opposed the bill because it would limit the future use of more environmentally protective technologies. Despite the earlier blessing from state lawmakers, the owner of most of North Carolina's landfills—Phoenix-based Republic Services Inc.—is now backing away from aerosolization.

Republic Services "concluded that the technique is not a viable alternative for our liquids management in North Carolina," the company said in a statement to Bloomberg BNA. The company said it didn't plan to use the method in the future and was "committed to working with regulators on future ideas and opportunities that might further enhance the management of an evolving waste stream."

Another company, Charah LLC, which operates a landfill near Moncure, N.C., told state regulators that it wants to withdraw its request for an aerosolization permit, according to a news report. Andrew Ballard will cover.

In Other News

World Water Week: Stockholm's annual conference addressing global water issues, organized by the Stockholm International Water Institute, runs Sunday through Friday. Thousands of attendees from more than 100 countries will listen to panel discussions on topics such as irrigating forests with wastewater and using hydropower to address climate change.

One of Monday's panels will address how snow leopards are bringing together 12 countries in Asia's Third Pole region to deal with water and climate security. The animals are considered to show potential resiliency against the direct impacts of climate change in the near term: They are able to tolerate a range of temperatures and require minimal fresh water. But scientists are concerned about the snow leopards' longer term future as climate change accelerates.

Hurricane Harvey: Bloomberg BNA staff will monitor the hurricane's impact on the Gulf Coast region's oil and gas sector and other energy and environmental effects.

Regulation modeling: The Environmental Protection Agency's Science Advisory Board meets Tuesday and Wednesday in Arlington, Va. Among the topics is a review of a draft board report on economywide modeling of environmental regulations' costs and benefits. Peter Wilcoxen, a Brookings Institution nonresident senior fellow in economic studies and co-director of the Brookings Climate and Energy Economics Project, chairs the committee on the topic and will make a presentation. Sylvia Carignan will watch.

Perry to Ukraine: Energy Secretary Rick Perry on Monday will lead a U.S. delegation to Kyiv, Ukraine. The group will meet with President Petro Poroshenko, as well as other Ukrainian officials to discuss energy partnerships. The department, along with Xcoal Energy & Resources, announced Aug. 21 the first shipment of Pennsylvania thermal coal to Ukraine.

Conowingo Dam: The Maryland Environmental Service is expected Thursday to issue a detailed request for proposal for a demonstration project to determine the costs of dredging the Conowingo Dam. The project also will seek to identify markets for reuse of dredged material. Recent research shows that the hydroelectric dam, located on the Susquehanna River in northern Maryland, has been filling with sediment faster than expected. Leslie A. Pappas will cover.

Infrastructure investment: The Atlantic Council will hold a Monday forum in Chapel Hill, N.C., on the Trump administration's infrastructure proposal featuring Rep. David Price (D-N.C.).

EPA webinars: The EPA will hold a Tuesday webinar on reducing plastic products' pollution and a Thursday webinar on suspect screening of chemicals in consumer products.

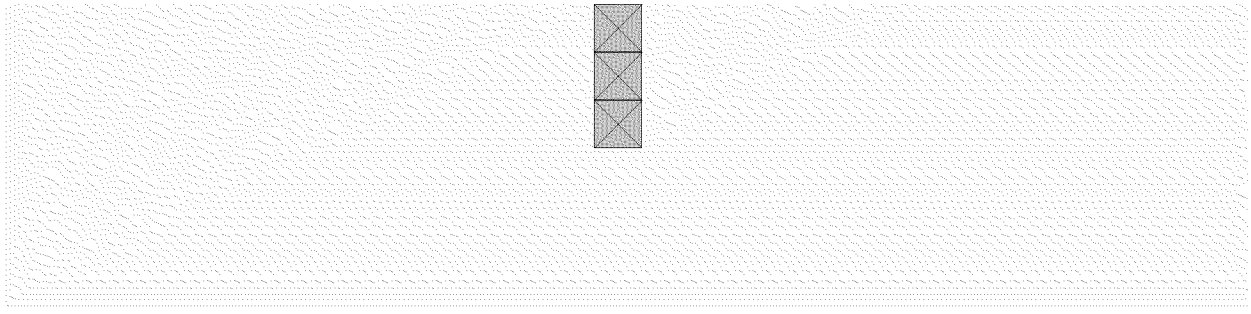
—With assistance from Andrew Ballard.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Security Today
Sent: Tue 8/15/2017 11:02:02 AM
Subject: OK City Bombing Plot, FBI Top 10 Fugitive Caught, Broken Silence, Municipal IDs & Murder





To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA Environment & Energy
Sent: Wed 11/8/2017 9:49:10 PM
Subject: Environment & Energy Report Highlights

Environment & Energy
Wednesday, November 08, 2017

Highlights

Leading the News

Election 2017: Offshore Drilling Opponent Wins Virginia Governor Race

By *Amena H. Saiyid, Paul Shukovsky, Gerald B. Silverman, Alex Ebert, John Herzfeld, Paul Shukovsky* and *Tripp Baltz*

Opponents of offshore oil and gas drilling scored a victory with the election Nov. 7 of Democrat Ralph Northam to be Virginia's next governor.

Senate to Start Debate on EPA Air Pick, Teeing Up Final Vote

By *Abby Smith*

Senators are expected to soon begin debate on President Donald Trump's pick to head the EPA's air office, teeing up a confirmation vote as soon as this week.

Trump Nominee Drops Paganism Claim, Says Climate Change Is Real

By Ari Natter

An environmental nominee of President Donald Trump who had dismissed the threat of climate change and labeled carbon dioxide plant food, abandoned those positions Nov. 8 under questioning from Senate Democrats.

EU Seeks to Cut Cars' Carbon Dioxide Emissions 30 Percent By 2030

By *Stephen Gardner*

BMW Group, Daimler, and other carmakers in the European Union would be required to improve the fuel economy of their vehicles or increase the proportion of electric cars they produce to meet 2030 carbon dioxide reduction targets proposed by the European Commission Nov. 8.

High-Voltage Transmission Lines Coming, Mexico's Energy Ministry Says

By *Emily Pickrell*

A much-awaited bidding process for Mexico's first private auction on a $1.2 billion high-voltage line will take place in the first quarter of 2018, after a year of delays, according to a senior energy minister.

Today's News

Passive Investing Giants Get More Active on Climate, Diversity

By *Andrea Vittorio*

State Street Corp., Vanguard Group, and other big passive investment managers' increasingly vocal stance on issues such as climate change and diversity shows in the way they vote.

Bill Aims to Make Energy Regulator Lead Agency in Hydro Reviews

By *Rebecca Kern*

The Federal Energy Regulatory Commission would take the lead role in coordinating the interagency licensing process for hydropower projects in a bill that is up for a vote on the House floor Nov. 8.

How Coal Giant Peabody's Ideas Ended Up in Trump's Coal Study

By *Ari Natter*

Days after Energy Secretary Rick Perry requested a study on how to help coal-fired power plants, a lobbyist for the largest U.S. coal producer contacted the department to offer his advice. Many of those ideas became part of the department's efforts to help companies who provide the fuel source.

California Limits Farmers' Pesticide Use Near Schools

By *Carolyn Whetzel*

California farmers can't spray pesticides near schools and daycare centers during weekdays under new restrictions the state adopted Nov. 7.

Arkansas Plant Board Votes in Favor of In-Season Dicamba Ban

By *Lydia Mulvany*

Arkansas is one step closer to banning agricultural use of the weedkiller dicamba during the summer growing season following approval by the Arkansas Plant Board.

Bill to Boost Federal Oil and Gas Production Advances

By *Alan Kovski*

A bill that would promote wider offshore oil and gas drilling and a greater state role in onshore oil and gas permitting advanced out of the House Natural Resources Committee Nov. 8 on a mostly party-line vote of 19-14.

Wisconsin's 'Prove it First' Mining Ban Headed for Repeal

By *Stephen Joyce*

Highland Copper Co. Inc., Komatsu Mining Corp. and other global mining equipment and development firms could benefit from the Wisconsin Legislature's approval of a bill repealing a 20-year mining moratorium.

Microgrid Industry Seeks Regulations in Order to Grow

By *Adrianne Appel*

The business of building microgrids is ready to grow but is being held back by a lack of state rules and guidance about how utilities should relate to microgrids, business sources said.

Pollution Claims Against Rug Makers Batted to State Court

By *Steven M. Sellers*

Water pollution claims against many of the nation's carpet manufacturers belong in Alabama state court, a federal court in Alabama ruled Nov. 7.

Icahn Subpoenaed by U.S. Over Biofuel Policy While Trump Adviser

By Miles Weiss and Jennifer A. Dlouhy

Federal investigators have issued subpoenas for information on Carl Icahn's efforts to change biofuel policy while serving as an informal adviser to President Donald Trump, according to regulatory filings.

Ford Seals Big Deal for Chinese Electric Cars in Time for Trump

By Bloomberg News

Ford Motor Co. is going all-in on electric cars in China, the world's largest market

for battery-powered vehicles, and it wants President Donald Trump to know about it.

EPA Seeks to Take Coal Ash Decisions Out of Court's Hands

By *Sylvia Carignan*

Utilities unhappy with EPA's coal ash regulations are pleased the agency wants to consider some rule changes and take the matter out of court.

California to Tackle Shrinking Salton Sea With $383M Plan

By *Carolyn Whetzel*

California has signed off on a $383 million *plan* to build wetlands and control dust along the Salton Sea's shrinking shoreline over the next 10 years.

Beijing Beaten as Pollution in Indian Capital Goes Off the Chart

By *Iain Marlow* and *Anindya Upadhyay*

Thick toxic smog enveloped New Delhi for a second straight day on Nov, 8, forcing schools to shut down, halting traffic on highways, and sending residents scurrying to buy air purifiers and filtration masks.

EU Climate Chief Calls for Carbon-Market Reform Deal This Week

By *Ewa Krukowska* and *Jonathan Stearns*

The European Union should reach an agreement on an overhaul of the world's biggest carbon market this week to prove leadership in combating emissions at the United Nations climate talks, according to EU Climate and Energy Commissioner Miguel Arias Canete.

Russia Seeks Technology as Condition for Bayer-Monsanto Deal

By *Irina Reznik* and *Anatoly Medetsky*

Russia delayed the approval of Bayer AG's takeover of Monsanto Co. until the merged company agrees to share technology and data with the country, the first time authorities have demanded corporate secrets in exchange for access to the local market.

France Says Cutting Nuclear Reliance Could Take Extra 10 Years

By Francois de Beaupuy

France may delay its goal of reducing nuclear power to half of electricity output by five to 10 years because it needs more time to develop renewable energy, Ecology Minister Nicolas Hulot said.

Copper Consumption to Get Boost as World Wagers on Electric Cars

By *Archana Chaudhary* and *Swansy Afonso*

Demand for copper globally is set to jump 22 percent in as soon as five years on increasing usage of the metal in electric vehicles, solar and wind power sectors, according to Indian billionaire Kumar Mangalam Birla's Hindalco Industries Ltd.

No Sales Growth? No Problem! Utilities See Money in

Grid Repairs

By Mark Chediak

Faced with stagnant sales, big power companies say they can still grow in the U.S. by investing billions in upgrading their grids to accommodate renewables and protect against extreme weather events.

As Trump Steps Back from UN Climate Talks, Coke and HP Move In

By Jennifer A. Dlouhy

On the fringes of the ongoing global climate summit in Bonn, U.S. leaders will once again demonstrate their commitment to the issue, with a packed agenda of film screenings, panel discussions and cocktail parties where they will highlight the country's carbon dioxide cuts.

A Year After Trump's Election, Coal's Still Losing to Renewables

By Brian Eckhouse and Tim Loh

It's been a year since President Donald Trump's election and his *pledges* to transform the energy markets haven't exactly come to pass.

Chlorine's Deadly Hazards Fuel Stock Rally as Supply Tightens

By *Jack Kaskey*

Armies used chlorine as a weapon in World War I. Thousands of lives are put at risk every time a railroad tank car rolls through a city carrying the chemical. It's among the biggest fears of safety regulators.

Lead Paint Nuisance Ruling Could Have Big Impact

By *Peter Hayes*

Sherwin-Williams Co., NL Industries Inc. and ConAgra Grocery Products Co. are expected to learn before Thanksgiving whether a California trial court validly ordered the manufacturers to pay $1.15 billion to remove or abate lead paint hazards from hundreds of thousands of California homes.

Tuesday Night Wrapup

Olive Oil, Quinoa Among Repeat Offenders on Pesticide Watch List

By *Tiffany Stecker*

The FDA is looking at more than two dozen imported foods that might warrant "special attention" from inspectors because they contain pesticide residues in excess of U.S. limits, many of which have drawn agency scrutiny before.

Trump Administration Drops Call for New WTO Pesticide Standards

By *Bryce Baschuk*

The Trump administration dropped its bid for a World Trade Organization accord to harmonize international pesticide residue standards for food imports.

Shareholders Sue to Access GM Records on

Emissions Compliance

By *Yin Wilczek*

Shareholders are suing General Motors Co. to access documents they say may shed light on whether directors allowed the company to illegally evade emissions standards.

Flood Insurance Reauthorization Stalls at House Rules Panel

By *Brandon Ross*

House Rules Committee action on a bill to reauthorize the National Flood Insurance Program was postponed Nov. 7 and an aide told Bloomberg Government that the measure is now unlikely to be taken up this week.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA Environment & Energy
Sent: Wed 11/1/2017 11:07:57 AM
Subject: First Move: Tax Time Arrives • House to Move on Wildfires • Colorado Mine's Concerns

What you need to know to start your day.

Tax Time Arrives • House to Move on Wildfires • Colorado Mine's Concerns

By Chuck McCutcheon

House Republicans are rolling out a gigantic tax bill today. And the bill faces a couple of gigantic challenges.

One is the bill must gain reasonably broad GOP support. Another is it has a speed-of-light—by legislative standards—time frame devised with the goal of delivering a resounding Christmas present for President Trump and its backers in Congress.

It's possible that U.S. oil explorers could be big winners, and see a multibillion-dolla benefit from a move to slash the U.S. corporate tax rate. Domestic energy producers paid the second-highest effective tax rate of any business sector in 2014 at 37 percent.

Tax credits for wind and solar energy also have been discussed. Congress voted to extend credits for both under a 2015 deal, but EPA Administrator Scott Pruitt is calling for those credits to end early, saying wind and solar should "stand on their own" and compete against coal and other fossil fuels.

Supporters of the wind and solar credits have made their pitch to preserve those, as well as renew similar tax credits for other cleaner energy sources, including geothermal and fuel cells.

Texas Republican Kevin Brady, who heads the tax-writing panel, could tinker with the legislation before all his committee members get together next month to start the markup process.

The House is expected to consider a bill today in response to recent devastating wildfires.

A flag hangs in front of a fire-destroyed home in Santa Rosa, Calif.
Photo by Justin Sullivan/Getty Images

Arkansas Republican Bruce Westerman's measure seeks to reduce the risk of

wildfires by giving the U.S. Forest Service various ways to fund fire suppression while giving loggers access to thin overgrown forests. It's a reworked version of legislation that passed the House in 2015 with the backing of 20 Democrats before failing to make it out of the Senate.

The White House late yesterday said it has concerns about the bill's proposed changes to the Stafford Act disaster relief law. Those called-for changes, it said, "would force competition for funding between wildfires on federal land and other disasters already covered by the Stafford Act, including hurricanes."

Big mining companies such as Peabody Energy and Alpha Natural Resources are watching what happens at Arch Coal's West Elk Mine in Colorado.

The mine is emitting volatile organic compounds—compounds that easily become vapors or gases—at levels that violate Colorado's air quality standards, Tripp Baltz reports. Environmentalists say the state is dragging its heels on enforcement because of industry-induced pressure. State officials deny that, citing in part how hard it is to estimate emissions.

The unfolding debate could have an impact on Clean Air Act permitting requirements at other underground coal mines nationwide with large methane emissions.

Other Stories We're Covering

- Scientists who get EPA grants can no longer serve on an agency's scientific advisory panel. Sylvia Carignan takes a look at what that means.
- Refrigeration industry trade companies and officials are pushing for the Trump administration to keep intact at least one Obama-era climate policy: a deal to phase down refrigerant chemicals that are potent greenhouse gases. Abby Smith is following.
- A week after vowing that he's getting tough on corporate polluters, Pruitt says Exxon Mobil will pay more than $300 million to resolve air pollution violations tied to eight chemical plants in Texas and Louisiana.
- Turning California's giant San Pedro Bay Port Complex into a zero-emissions operation will cost $14 billion under a plan that harbor commissioners will consider Thursday. Carolyn Whetzel is covering.
- The EPA's Pesticide Program Dialogue Committee, a panel of environmentalists, trade group representatives, and state officials, will meet today and Thursday to discuss top issues the agency's pesticides program faces. Tiffany Stecker is covering.

Quote of the Day

"This is like your best friend drove a truck through your house."
—Former FERC chairman Pat Wood III, a Texan, lamenting Energy Secretary Rick

Perry's proposal to help the coal and nuclear industries after having cheered Perry's backing of renewables when he was Texas governor.

Today's Events

- **10 a.m. • Nominations** • Senate commerce and science panel considers nominations for NASA administrator and assistant commerce secretary for environmental observation and prediction.
- **12:30 p.m. • Energy Efficiency** • Johns Hopkins University sponsors talk on how energy efficiency can be financed in emerging markets.
- **3 p.m. • Latin America** • Wilson Center offers webcasted event on developing low-carbon economies in Latin America.
- **6 p.m. • Climate** • Columbia University's Center on Global Energy Policy holds webcasted discussion on Bonn climate talks featuring a Paris Agreement negotiations co-chair.

Around the Web

- A Belgian beech tree is tweeting information from attached sensors about its health, something scientists hope can help with climate protection.
- A conceptual artist is turning water bottles from Flint, Mich., into raincoats and swimwear.
- Alaska oil and gas regulators have issued an emergency order to review of North Slope wells after a spill was connected to thawing permafrost, subsidence and a cracked casing.

For all of today's Bloomberg Environment headlines, visit Environment & Energy Report

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Media
Sent: Wed 8/23/2017 10:22:00 AM
Subject: Morning Media: Trump attacks the media (again) -- 28 million watch Afghanistan speech -- Breitbart gets pranked

By Alex Weprin | 08/23/2017 06:20 AM EDT

With Cristiano Lima

STOP ME IF YOU'VE HEARD THIS ONE BEFORE: President Donald Trump used his rally in Phoenix, Arizona, last night to rail against the "dishonest media." He busted out a few old classics, taking on the "failing New York Times," the "Amazon Washington Post" and CNN, to which the crowd responded by chanting "CNN sucks!" He defended "Poor Jeffrey" Lord, who CNN released as a contributor after he tweeted "sieg heil" at someone on Twitter. He also criticized ABC News anchor George Stephanopoulos, who he belittled as "little George Stephanopoulos," for an interview he conducted with U.N. Ambassador Nikki Haley yesterday morning.

-Trump's roughly 20 minute off-prompter media rant -- which was carried live on the cable news channels -- was inspired by the media coverage of his Charlottesville presser last week.

-"It's time to expose the crooked media deceptions," he told the crowd at one point, adding that the media was "trying to take away our history and our heritage," and that journalists were "sick people" who "don't like our country."

-He said The New York Times apologized to him after the election (it did not) and said "CNN does not want its falling viewership to watch what I'm saying tonight" (CNN carried the comments live). At one point he said that the red lights on the cameras were turning off, suggesting that coverage of his speech was being dropped, though the TV coverage continued uninterrupted. MSNBC, at a few points during his comments, broke into his speech to correct things he said to the crowd. "This is the president lying about the media," Lawrence O'Donnell said at one point.

-Trump did, however, heap praise on Fox News, telling the crowd "I must tell you, Fox has treated me fairly," before praising individual programs. "Hannity, how good is Hannity? And he's a great guy. He's an honest guy," he said, before adding that "Fox & Friends" "is a great show, the most honest show."

-After the rally was over, the cable news punditry began. "What we have witnessed was a total eclipse of the facts. Someone who came out on stage and lied directly to the American people," said CNN anchor Don Lemon. "We saw this during the campaign, it got to the point where it got so far as to almost becoming dangerous," said Fox News White House correspondent John Roberts, speaking about Trump's comments on the media. "I think as a responsible leader he shouldn't go so far as he did, and he did go too far tonight."

Good morning and welcome back to Morning Media. I want to make Morning Media better

and more useful to you, so please send me tips, ideas and feedback! I'm on Twitter @alexweprin and on email at alexweprin@gmail.com. Morning Media is produced with help from **Cristiano Lima (clima@politico.com / @ludacristiano)**. Archives . Subscribe.

28 MILLION PEOPLE: That is how many, on average, watched President Trump's address to the nation about Afghanistan Monday night on TV, according to ratings data from Nielsen. That figure does not include channels like C-SPAN, which is not rated by Nielsen, nor does it count anyone who may have streamed the speech online. All told, the speech drew millions fewer viewers than President Obama's address to the nation on Afghanistan, which he also made in his first year in office. That speech, from December 2009, averaged 40.8 million viewers.

-Breaking things down even further: ABC was tops among the broadcast networks, averaging just over 5 million viewers, while Fox News led among cable channels, averaging 4.7 million viewers. As TV scribe Joe Adalian noted on Twitter, however, MSNBC was the only channel to see its ratings go up after the speech ended, with an abbreviated edition of Rachel Maddow averaging 3.1 million viewers, up from 2.9 for the speech.

-CNN's Brian Stelter makes a good point here. Are the relatively modest ratings about President Trump? Or are they about America's view on Afghanistan? "The relatively low ratings may, to some degree, reflect the country's pessimism about the war effort."

-Smart story from Bloomberg's Gerry Smith here. The broadcast news divisions are seeing viewership shift to cable news. People want more political coverage., and the broadcast news shows just aren't fitting the bill as well as cable is at the moment.

-I didn't forget about the eclipse, by the way. Among cable news channels, Fox News averaged 2.1 million viewers, CNN 1.7 million and MSNBC 1.2 million. The broadcast ratings won't come in until today, but overnight numbers suggest ABC led the pack. Here's my question: who are these millions of people that watched the eclipse on TV? It is one of the few news events almost everyone could experience themselves, just by going outside and looking up, hopefully with protective eyewear.

BREITBART GOT PRANKED: A self-described "email prankster" pretending to be Breitbart executive chairman Steve Bannon pulled a fast one on staff at the media outlet. In the process, he fooled reporters into promising to do the faux-Bannon's "dirty work" against White House aides, including first daughter Ivanka Trump and her husband, senior White House adviser Jared Kushner. In one thread, Breitbart EIC Alex Marlow went as far as to suggest they could get Ivanka Trump and Kushner ousted from the administration "by end of the year." The email exchanges, which was leaked to CNN by the prankster , is the latest sign that Breitbart will look to target former opponents of Bannon in the West Wing now that he is once again atop the explosive populist news site. Read the juicy details here.

THE VILLAGE VOICE ABANDONS PRINT: Tuesday was a sad day for New York media and alt-weekly fans. The Village Voice is ending its free weekly print edition, which has been distributed across the New York area since 1996. The Voice has published a print edition in some capacity since 1955, first available as a subscription and at newsstands before going free in

1996 in a bid to boost circulation. Going forward, the Voice will "maintain its iconic progressive brand with its digital platform and a variety of new editorial initiatives and a full slate of events that will include The Obie Awards and The Pride Awards," owner Peter Barbey said in announcing the change.

SOUNDBITE: "We collectively made the decision with Robert to switch games as the tragic events in Charlottesville were unfolding, simply because of the coincidence of his name. In that moment it felt right to all parties. It's a shame that this is even a topic of conversation and we regret that who calls play by play for a football game has become an issue." -*A spokesperson for ESPN*, explaining why college football announcer Robert Lee (no relation to the Confederate general) was being moved off of Saturday's game between William & Mary and the University of Virginia.

-If you're curious, Sports Illustrated's Richard Deitsch has the backstory.

REVOLVING DOOR:

-D.C. is losing one of its most veteran reporters, as Fox News chief political correspondent Carl Cameron announced Tuesday that he would be retiring. Cameron, who joined Fox News in 1995, before it officially launched, covered events such as the 2000 election, Hurricane Katrina and the 9-11 attacks. Axios has more, including an excerpt from a note to staff from president of news Jay Wallace. And here's Bret Baier's tribute to "Campaign Carl."

-Notable changes at NPR: executive editor Edith Chapin will move to a new role overseeing the strategy and execution of our collaborative journalism aspirations and editorial partnerships," according to an email to staff sent by Michael Oreskes, SVP of news and editorial director. Bruce Auster has been promoted to senior director for the Collaborative Journalism Network, while David Sweeney will assume supervision of the newsroom following Chapin's departure.

-HuffPost announced the additions of Tommy Craggs and Luke O'Brien on Tuesday. Craggs, who previously ran Deadspin and Gawker, joins as a senior enterprise editor, and O'Brien joins as a reporter and contributor editor for Highline.

-BuzzFeed News has hired a new business editor. Jennifer Kingson joins from The New York Times.

-Meanwhile, BuzzFeed News is also shaking up its video department, with head of news video Henry Goldman and senior producer Jessica Naudziunas leaving the company. Going forward, BuzzFeed News "will be moving from having a single, centralized video team to video groups more directly connected with parts of our news operation," editor in chief Ben Smith told The Hollywood Reporter.

-Former NBC "Today" correspondent Jenna Wolfe has joined Fox Sports as the host of morning show "First Things First" on FS1.

JUICY READ OF THE DAY: This is always one of my favorite stories every year: Variety's

list of the highest-paid people in television . For news junkies, you may be interested to know that NBC "Today" anchor Matt Lauer was the highest-paid person in TV news with an estimated $25 million per year salary. His soon-to-be "Today" colleague Megyn Kelly and ABC "Good Morning America" anchor Robin Roberts were second with $18 million. George Stephanopoulos earns $15 million, while CNN's Anderson Cooper earns $12 million. Jimmy Fallon is the highest-paid late night host earning $16 million, with Jimmy Kimmel and Stephen Colbert right behind him.

WOMEN RULE NEWSLETTER - POLITICO's Women Rule series, produced in partnership with founding partners Google and the Tory Burch Foundation, is a journalism series dedicated to exploring women's leadership in politics, policy and their communities. Stay up to speed on what's happening in the Women Rule community with our monthly Women Rule Newsletter. This month's edition features a podcast with Purple Heart recipient and transgender former Navy SEAL, Kristin Beck, a Q&A with Shannon Watts, founder of Moms Demand Action for Gun Sense in America, plus job updates from Women Rule community members making strides in their careers. A special thank you to the 2017 Women Rule presenting sponsor Chevron. **Subscribe: here.**

EXTRAS:

-Publisher logos will now help users differentiate news outlets on Facebook. [Facebook]

-Al-Monitor is relaunching its website and expanding its coverage [Poynter]

-I'm beginning to think Anthony Scaramucci is in on the joke. [Anthony Scaramucci]

-The Media Rating council is working on a cross-platform tool to track video metrics. [Axios]

-SNL creator and producer Lorne Michaels now has the record for most Emmy nominations of anyone in history, with 78. [Indie Wire]

-A look at the top 30 people on Snap Inc.'s upper hierarchy. [Business Insider]

-Why on the anniversary of Gawker's takedown we still need the site more than ever. [WaPo]

-A deep dive on Mic's promise of socially-conscious original content -- and its recent pivot away toward video. [Outline]

-Fox News and other conservative outlets pounced on comments by CNN's Brian Stelter discussing reporters candidly questioning Trump's "mental fitness" to be in office. [Fox News]

To view online:
http://www.politico.com/media/tipsheets/morning-media/2017/08/23/trump-attacks-the-media-again-28-million-watch-afghanistan-speech-breitbart-gets-pranked-001338

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To: Maisano, Frank[frank.maisano@bracewell.com]
From: Maisano, Frank
Sent: Mon 10/2/2017 6:18:44 PM
Subject: Oct 2 PRG Energy Update On Tap: Solar Tariff Remedy Case, Key EPA Nominations, SEJ

Friends,

The news cycle will be totally overrun this week by the terrible shooting in Las Vegas last night and our thoughts and prayers go out to those impacted, as well as our gratitude to those who helped others.

In the sports world this week, baseball playoff kick off tomorrow with the Yankee and Twins, but also some great match ups are already set: (Cubs/Nats & RedSox/Astros). As well, the update's favorite season also launches this week: the NHL hockey season.

Tomorrow, the US International Trade Commission returns to the solar trade case with a public hearing on the remedy phase. We will be in full impact mode. We can help you with a full ***array*** of resources that will be impacted from utilities to contractors to manufacturers to retailers.

The big event on Capitol Hill this week is Wednesday's Senate Environment nomination hearing for several EPA nominees including Bill Wehrum for the air office. Other events include grid hearings tomorrow in House Science and House Energy (industry sector experts testifying including SEIA's Abby Hopper, AWEA's Tom Kiernan, ACCCE's Paul Baily and NEI's Maria Korsnick). Also Wednesday, Senate Commerce Committee will mark up a bill meant to boost self-driving cars. Our friends at SAFE can provide you with excellent background and resources, as they did here in the *San Jose MercNews*. Finally Thursday, House Energy returns to electricity to hear from consumer groups/advocates.

This week on Wednesday, SEJ launches its annual meeting in Pittsburgh. There will be a number of great tours during the day Thursday and great policy panels on Friday and Saturday. And, of course, Bracewell is hosting our annual reception on Thursday night.

Finally, Congrats to the Business Council for Sustainable Energy, who is celebrating its 25th

Anniversary, with a reception Thursday evening at Stanton & Greene. Good luck on the next 25!!!!

Supreme Court Fall Term launches today. Call with questions. Best,

Frank Maisano

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FRANKLY SPOKEN

"American energy security has now improved for five years in a row, despite rapidly challenging market conditions and geopolitical tensions. Just five years ago, the story was much different. But because of the shale revolution that has taken place during this time period, our nation enjoys much greater energy self-sufficiency, which translates into fewer imports, lower costs, and reduced emissions."

Karen Harbert, president and CEO of the U.S. Chamber of Commerce's Global Energy Institute.

"From the outset, Georgia Power and the project co-owners have worked to minimize the impact of the project on our customers' bills and these additional loan guarantees will help us continue to reduce our financing costs."

Paul Bowers, chairman, president and CEO of Georgia Power.

IN THE NEWS

Georgia Power Received Additional Loan Guarantee Commitments for New Vogtle Units – The DOE has conditionally approved a $3.7 billion increase in the federal loan guarantees for the over-budget Vogtle nuclear project in Georgia, the agency announced this morning. Georgia Power had previously secured loan guarantees of $3.46 billion for the construction of Vogtle units 3 and 4, the first to be built in the United States in more than 30 years. With a total of more than $5 billion in anticipated DOE loan guarantees, Georgia Power expects to be able to provide more than $500 million in present-value benefits to its customers.

More Information on Decision, Vogtle – Georgia Power owns 45.7% of the new units, with the project's other Georgia-based co-owners including Oglethorpe Power, MEAG Power and Dalton Utilities. On August 31, Georgia Power filed a recommendation with the Georgia Public Service Commission (PSC) to continue construction of the Vogtle nuclear expansion supported by all of the project's other co-owners. The recommendation was based on the results of a comprehensive schedule, cost-to-complete and cancellation assessment launched following the bankruptcy of Westinghouse in March. The Georgia PSC is expected to review the recommendation and make a decision regarding the future of the Vogtle 3 & 4 project as part of the 17th Vogtle Construction Monitoring (VCM) proceeding. Final approval and issuance of these additional loan guarantees by the DOE cannot be assured and are subject to the negotiation of definitive agreements, completion of due diligence by the DOE, receipt of any necessary regulatory approvals, and satisfaction of other conditions.

-

Rural Co-ops Support Oglethorpe, SoCo – The rural co-ops weighed in on the DOE's loan guarantee for the Plant Vogtle nuclear power project. Co-Op Oglethorpe Power in Georgia is one of the co-owners and will have a share of the loan (about $1.6 billion). NRECA CEO Jim Matheson today applauded the decision saying: "Today's announcement is welcome news for Oglethorpe Power, the Vogtle project, and the future of America's electric generation. Nuclear energy is an essential source of emissions-free, 24/7 power. This DOE loan guarantee will help promote a diverse fuel mix, which is vital as electric co-ops work to meet 21st century energy needs and ensure continued access to affordable, reliable power. I applaud DOE and Secretary Perry for recognizing the value of this project and making it more affordable for our members."

DOE Urges FERC to Take Swift Action to Address Threats to Grid Resiliency – DOE formally proposed that FERC take swift action to address threats to U.S. electrical grid resiliency. Pursuant to his authority under Section 403 of the Department of Energy Organization Act, the Secretary urged the Commission to issue a final rule requiring its organized markets to develop and implement reforms that would fully price generation resources necessary to maintain the reliability and resiliency of our nation's grid.

Why DOE – After Department of Energy (DOE) Secretary Rick Perry issued his April 14 memo directing staff to study baseload power concerns, we explained that DOE had authority to direct the Federal Energy Regulatory Commission (FERC) to undertake rulemakings. Secretary Perry is primarily responsible for ensuring the electrical grid meets America's needs now and into the future and FERC is charged with regulating the markets to achieve that mission. The recent Staff Report to the Secretary on Electricity Markets and Reliability showed that while today's grid is reliable, market distortions are threatening its resilience and the future of American energy security.

Letter to FERC/NOPR – The full text of the Secretary's Letter to the Commission as well as the Proposed Rule are both available at DOE's website, www.energy.gov.

Insight From ClearPath – ClearPath Executive Director Rich Powell offered insights saying by urging FERC to establish a new tariff allowing highly reliable and resilient operators (who have 3 months or more of on-site fuel supply in place) to recover their full costs of generation, DOE today takes a historic step to shore up our vital national nuclear fleet. This approach will work within the wholesale electricity markets as opposed to forcing further bottom-up state action to save the plants -- out of market actions that add further complexity and uncertainty to our already un-level playing field for power. ClearPath hopes this is the beginning of a holistic review of the functioning of the wholesale power markets, which might also include changes to how generators are compensated, as well as formal valuation of clean power. Some observers may be concerned that this measure compensates all highly reliable sources of power, including unmitigated coal. ClearPath believes that FERC, and the RTOs and ISOs, will be able to design a tariff structure that compensates all highly reliable generators to remain online and ready to run, without necessarily increasing the dispatch of emitting sources like unmitigated coal. ClearPath has been calling for FERC to move ahead rapidly on this price formation reform agenda -- see below: https://clearpath.org/jay-and-richs-take/why-rebuilding-ferc-quorum-matters-for-nuclear

Renewables Express Concern – The American Wind Energy Association also released this statement regarding DOE's announcement on grid resiliency: Amy Farrell, Senior Vice President, Government and Public Affairs, American Wind Energy Association: "We worry today's proposal would upend competitive markets that save consumers billions of dollars a year. The best way to guarantee a resilient and reliable electric grid is through market-based compensation for performance, not guaranteed payments for some, based on a government-prescribed definition." On background, in June, the CEO of NERC testified to the Federal Energy Regulatory Commission that "the state of reliability in North America remains strong, and the trend line shows continuing improvement year over year." Christopher Mansour, vice president of federal affairs for the Solar Energy Industries Association: "While we agree that wholesale markets should fully compensate generators for all the energy, capacity and ancillary

services they provide, healthy competition should always promote the best, most innovative solutions," he said. The conservative R St. Institute called Perry's plan "an arbitrary backdoor subsidy to coal and nuclear plants."

Ameren to Add Wind, Solar, Reduce Emissions – Ameren Missouri has announced plans to add enough solar and wind electricity to power 214,000 homes. The St. Louis-based subsidiary of Ameren Corp. said adding at least 700 megawatts of wind power would cost about $1 billion and take until 2020. Ameren says improving technology and renewable energy initiatives with large customers could boost the wind investment higher. Adding 100 megawatts of solar power is expected to occur over 10 years, but no costs estimates are available. One solar facility at St. Louis Lambert International Airport is slated to be completed next year. Ameren is working to reduce its carbon emissions 80% by 2050 from 2005 levels.

Chamber Releases Energy Security Index – The 2017 edition of Global Energy Institute's *Index of U.S. Energy Security Risk* finds that U.S. energy security is continuing to rapidly improve to one of the best scores in decades, after hitting bottom just five years ago. The Index employs 37 different energy security metrics in four major areas of risk: geopolitical, economic, reliability, and environmental. A lower Index score indicates a lower level of risk. The eighth annual edition of the Index covers 1970-2040 and incorporates the latest historical data and forecast models. In 2016—the most recent year available—the risk score dropped another 1.3 points to 76.0, the lowest score since 1995. Since 2011, the total risk index score has dropped by 25 points, the largest rise or fall during any five year period since 1970. Of the 37 metrics, 18 showed decreases of more than 1 percent, while another 9 remained about the same. Among the areas of improvement were fuel imports, energy expenditures, energy use intensity, and environmental categories. The biggest areas of improvement in the Index were related to oil and gas expenditures, which are a result of increased domestic shale production. The single largest category that saw improvement was security of US natural gas imports. On the flip side, price volatility risks, related largely to the recent plunge in the price for crude oil, remained high. Metrics related to electric grid reliability risks during periods of peak demand also inched higher. This year's Index features special sections on electricity capacity margins and transmission lines, which contains additional data and analysis regarding demand and infrastructure. The Index and its companion, the International Energy Security Risk Index, are available on our website at: www.globalenergyinstitute.org/energysecurity. The U.S. index is once again available in an online, interactive web tool format, which makes it easy to see how various metrics change from year to year.

ON THE SCHEDULE THIS WEEK

Geothermal Conference Set for Utah – The Geothermal Energy Association (GEA) is holding GEOEXPO+ on today through Wednesday at the Salt Palace in Salt Lake City, UT. The meeting will be held in conjunction with the GRC Annual Meeting.

FERC Commissioner, Interior Official Headlines NA Gas Forum – The North American Gas Forum is being held today and tomorrow in Washington DC. FERC Cheryl LeFleur and Interior's Vincent DeVito will deliver a keynotes tomorrow and there will be a members panel featuring Reps. Scott Tipton, Joe Barton, Bill Johnson and Others. Other speakers include INGAA's Don Santa, former FERC Commissioner Tony Clark, RFF's Richard Newell, ClearView's Kevin Book, PJM's Craig Glazer, NGSA's Dena Wiggins and DOE's Fossil Energy Office acting chief Robert Smith.

WCEE Hosts Federal Lands Discussion – Today at Noon, the Women's Council on Energy and the Environment (WCEE) holds a forum to discuss current opportunities and challenges for the development of energy and mineral resources under the new Administration. Among other hotly debated topics, the event will cover the role of climate change considerations in decision-making, potential changes in mitigation requirements, issues regarding royalty valuation and payment, and still unresolved issues regarding the scope of Presidential withdrawal authority onshore and offshore under decades-old statutes.

CCS Forum to Look at Norway Success Story – The Global CCS Institute will hold a forum tomorrow at 9:00 p.m. in National Press Club's Zenger Room on the Innovation and low-carbon policies that are driving the development of clean energy technologies around the world. The discussion will explore how Norway has fostered the development of its carbon capture infrastructure, as well as the emerging business case for carbon capture in the U.S. and globally. Featured speakers Gassnova CEO Trude Sundset, Rich Powell of ClearPath Foundation, Thina Saltvedt of Nordea Bank Norge and Statoil VP of New Energy Solutions Steinar Eikaas, who operates the world's most successful carbon capture project in the North Sea.

US ITC to Hold Solar Remedy Hearing – The US International Trade Commission will hold a hearing at 9:30 a.m. on the remedy portion of its solar trade case. Last week, petitioners filed testimony in the case with the solar industry further attacking the case.

House Science to Look at Grid – The House Science Committee will hold a full committee hearing tomorrow at 10:00 a.m. looking at grid resiliency. The purpose of the hearing is to define resiliency, examine electric resiliency from both physical and cyber threats, and to study the

effectiveness of private and government coordination on resiliency across the electricity delivery sectors. This hearing will specifically discuss the recommendations made by the National Academies of Sciences. Witnesses will include the University of Illinois' William Sanders, Pacific Northwest National Laboratory Electricity Market Manager Carl Imhoff, Gavin Dillingham of the Houston Advanced Research Center and Walt Baum of the Texas Public Power Association.

Senate Energy to Vote on Noms, Discuss Energy Storage – The Senate Energy Committee will hold a hearing tomorrow at 10:15 a.m. to vote on DOE nominees Bruce Walker for DOE's assistant secretary for the Office of Electricity Delivery and Energy Reliability and Steven Winberg as DOE's assistant secretary of fossil energy. The Committee will then turn to a Hearing on energy storage technologies. Witnesses include Pacific Northwest National Laboratory expert Vincent Sprenkle AES Energy Storage VP Praveen Kathpal, Simon Moores of Benchmark Mineral Intelligence and Voith's John Seifarth.

CAP to Discuss Hurricane Impacts – The Center for American Progress and former Federal Emergency Management Agency (FEMA) Administrator Craig Fugate will host a forum tomorrow at 10:00 a.m. on disaster lesson learned. Fugate will discuss his experience following Superstorm Sandy. His remarks will be followed by a panel of experts who will highlight different aspects of the recovery, including best practices for building resilient infrastructure, public health challenges in the wake of disasters, and the need for aid to flow to historically disadvantaged communities simultaneously dealing with flood damage, toxic waste, and air pollution in the aftermath of hurricanes Harvey, Irma, and Maria.

Forum to Look at Iran Deal – Tomorrow at 1:30 p.m., the Center for a New American Security will hold two panel discussions on the implications of the potential collapse of the Joint Comprehensive Plan of Action (JCPOA). The discussion will focus on what happens if President Trump begins unraveling the nuclear agreement in mid-October by not certifying Iranian compliance to Congress and will also examine other potential collapse scenarios. Our friend Elizabeth Rosenberg is among the panelists.

House Energy to Return to Reliability – The House Energy panel returns to the resiliency theme for part II of last week's hearing on the topic. This hearing will include comments from the industries that were supposed to be featured in the initial afternoon session. Witnesses include SEIA's Abigail Ross Hopper, ACCCE's Paul Bailey, API's Marty Durbin, AWEA's Tom Kiernan, NEI's Maria Korsnick, NRDC's FERC expert John Moore, Energy Storage Association CEO Kelly Speakes-Backman and Chelan County PUD General Manager Steve Wright on behalf of National Hydropower Association.

NatGas Winter Outlook Set – The Natural Gas Supply Association holds its winter outlook media briefing for 2017-2018 Wednesday at 9:30 a.m.

EPA, NRC Noms Hearing Reset – The rescheduled Senate Environment Committee confirmation hearing will be held Wednesday for several EPA posts and Jan Baran at the Nuclear Regulatory Commission. Testifying will be four EPA nominees: Bill Wehrum to run the air office, Matthew Leopold to be general counsel, Michael Dourson to run the Office of Chemical Safety and Pollution Prevention and David Ross to run the water office. The committee shelved a hearing planned for last week on the picks after the Senate adjourned earlier than expected for Rosh Hashanah.

Senate Commerce to Mark up AV Legislation – The Senate Commerce Committee will mark up a bill meant to boost self-driving cars on Wednesday at 10:00 a.m. The "American Vision for Safer Transportation Through Advancement of Revolutionary Technologies (AV START) Act," S. 1885, aims to reform existing laws to get self-driving cars on the road, clarify state and federal oversight of the technology, and direct the Transportation Department to set new safety standards. It is sponsored by Sen. Gary Peters and Chairman John Thune with co-sponsors Roy Blunt and Debbie Stabenow. Our friends at SAFE can provide you with excellent background and resources.

House Energy to Look at Air Quality, Wildfires – House Energy and Commerce Environment Subcommittee will hold a hearing on Wednesday at 10:00 a.m. to get the perspectives of key stakeholders on the air quality impacts of wildfires. Witnesses include John Bailey of Oregon State University, Florida Forest Service director Jim Karels, Murphy Company Resources VP Knox Marshall and Restoring America's Forests Director Christopher Topik.

Clean Energy Conservatives Meet – On Wednesday at 6:00 p.m. at the Hyatt Regency Washington on Capitol Hill, the Christian Coalition, Young Conservatives for Energy Reform, and Veterans for Energy Reform are hosting an evening reception at their annual Conservative Clean Energy Summit. Last year, the event brought in over 500 attendees from around the country and focused on the issue of energy reform. The event includes visits to Capitol Hill with conservative lawmakers.

Holmstead Featured at EPIC Forum on Energy – My colleague Jeff Holmstead is joining a panel hosted by the Energy Policy Institute at the University of Chicago (EPIC) on Wednesday at 6:30 p.m. that will address what Americans think about the direction of energy and climate policy. Holmstead and Sue Tierney (EPIC's inaugural policy fellows) will be moderated by our friend Jon Fahey, AP's Global Health & Science Editor. The event will focus on the results of an EPIC/AP-NORC poll coming out on Monday that tracks opinions on central topics shaping the energy and climate landscape. More. It will be livestreamed at epic.uchicago.edu/live.

SEJ Set for Pittsburgh – Speaking of Pittsburgh, SEJ's 27th annual conference is set for Wednesday through Saturday in Steel City. Bracewell hosts its annual reception on Thursday night.

Vets in Energy Forum Set – Veterans In Energy will hold a forum on Thursday and Friday at NRECA in Arlington. VIE provide transition, retention and professional development support to the growing population of military veterans who have chosen energy careers. Speakers will include Chris Hale of GI Jobs and Gen. John Allen, former Dep Commander of US Central Command.

CSIS to Look at Electricfication – The CSIS Energy & National Security Program will host a discussion on Thursday at 9:30 a.m. looking at the future of electrification with Arshad Mansoor, Senior Vice President of Research and Development at the Electric Power Research Institute (EPRI). Mansoor will provide an overview of the recent EPRI report, *The Integrated Energy Network: Connecting Customers with Reliable, Affordable and Cleaner Energy*, which calls for a more interconnected and integrated energy system through greater electrification. Frank O'Sullivan, Director of Research and Analysis at the MIT Energy Initiative, and Ken Colburn, Principal and U.S. Program Director at the Regulatory Assistance Project, will follow with views on the opportunities and benefits, as well as obstacles and potential drawbacks of a path to a more electrified economy. This event is part of CSIS's ongoing work on Electricity in Transition, which surveys the current landscape of the U.S. and global electricity sector.

CSIS to Look at Hurricane Impacts – The Center for Strategic & International Studies will also hold a forum on Thursday at 10:00 a.m. on rebuilding better after hurricanes. Puerto Rico recently suffered devastating damage as a result of Hurricanes Irma and Maria. Hurricane Irma, a category 5 hurricane, caused power outages for over 1 million people living in Puerto Rico. The forum will engage in discussions geared toward reform, reconstruction, and modernization of infrastructure and preparedness. It will feature Luis Fortuño, 10th Governor of Puerto Rico.

House E&C to Look at Consumer Views of Electric Markets – The House Energy & Commerce Committee will convene a hearing on Thursday at 10:00 a.m. on consumer-oriented perspectives on improving the American electricity markets. Witnesses include Joseph Bowring of Monitoring Analytics, Stefanie Brand of the New Jersey Division of Rate Counsel, Electricity Consumers Resource Council head John Hughes, Public Citizen's Tyson Slocum, Rebecca Tepper of the consumer liaison group for the ISO New England Region and Walmart's Mark Vanderhelm.

Forum to Look at LNG in Latin America – The Atlantic Council hosts a forum on Thursday at Noon looking at the Growing Role of LNG in Latin America. Natural gas is emerging as a critical source of energy in the Americas and around the world, and Latin America is rapidly becoming a key destination for US LNG exports. Latin America is currently the number one destination for US LNG exports, accounting for over 40%. Many governments in the region see natural gas as a low-carbon energy option that can support their increasing turn towards renewables. Additionally, lower global LNG prices, the impacts of drought conditions on the region's hydropower sector, and a departure from industries such as coal and diesel have driven the demand for LNG and calls into question whether this is an opportunity for Latin America to become more integrated. The forum will feature a conversation with Argentinian Ministry of Energy and Mining Transport Director Gonzalo Aguirre, Jose Luis Castro of Sociedad Portuaria El Cayao (SPEC), Giovani Machado of Empresa de Pesquisa Energética and the State Department's acting Deputy Assistant Secretary of Energy Resources Sue Saarnio.

ELI, DC Bar to Look at Policy Reversals – The Environmental Law Institute and the DC Bar are hosting a forum on Thursday on how agencies often reverse policy. Since the presidential transition, EPA and other agencies have used a variety of tools to change policies and regulations. Three common tools they have used are stays, remands, and reconsideration. Agencies administratively stay the effective date of rules preventing them from going into effect, seek voluntary remand of rules in litigation to revisit rules administratively while avoiding a judicial decision, and administratively reconsider rules. Some of these actions have been the subject of the heated litigation, and the courts have acted to constrain agency discretion, including in an important D.C. Circuit decision rejecting EPA's stay of the oil and gas methane rule. Expert panelists will discuss the use of these legal tools in changing agency policy, and offer cutting-edge perspectives from the government, the private sector, and the environmental advocacy community.

IN THE FUTURE

WRI to Host Forum – Experts from the Open Government Partnership and World Resources Institute will hold a forum next Tuesday at 12:30 p.m. on climate action. The forum will profile a range of innovative approaches that open government advocates have taken to strengthen countries' climate commitments under the Paris Agreement. Together, they will unpack how improving transparency, accountability and public participation in climate decision-making processes can help governments and civil society leaders around the world achieve ambitious climate targets.

Forum to Look at US-China Relations – The Atlantic Council's Global Energy Center and the Brent Scowcroft Center's Asia Security Initiative will hold a timely conversation next Tuesday on the role energy plays in the US-China relationship. The US administration's emerging diplomatic strategy and the upcoming nineteenth national congress of the Communist Party of China provide an opportunity to take stock of the role energy plays in the US-China relationship, as well as in how China views its future. Key issues in the US-China relationship include the role of liquefied natural gas (LNG) in the US-China Comprehensive Economic Dialogue, China's view of US energy exports, and how energy fits into the administration's trade agenda. Speakers include our friend Robert Fee of Cheniere Energy, ITC Assistant Secretary Alan Turley and DOE China advisor Maria DiGuilian with our friend Keith Johnson of *FP* moderating.

Report top Look at Highly-Enriched Uranium Facilities – On Wednesday October 11th, the Fissile Materials Working Group and International Panel on Fissile Materials will launch of a major new IPFM research report, edited by Pavel Podvig, with contributions by six leading Russian experts on highly enriched uranium (HEU) facilities. The report describes in unprecedented detail Russian programs that use HEU as fuel in military and civilian applications. Further, it asses Russia's contribution to the effort to convert research reactors from HEU to non-weapon-usable low-enriched uranium fuel, and Russia's efforts to repatriate HEU fuel it had supplied to facilities abroad. Finally, it evaluates the organizational structure and regulations governing the security of HEU in civilian facilities in Russia. It makes recommendations for securing Russia's commitment to the goal of a comprehensive global HEU minimization strategy.

ACORE Finance Forum Set – The American Council on Renewable Energy will hold forum on the state of the renewable energy public policy, financial markets and corporate renewables strategy when they hold ACORE Finance West on October 12th at the Bently Reserve in San Francisco. This annual conference convenes senior investors, industry executives, and other top transactional professionals to address market trends in the context of renewable investment opportunities in the Western U.S.

Bloomberg Hosts Sustainability Forum – Bloomberg holds its 3rd annual Sustainable Business Summit on October 12-13th in its New York offices to discuss how companies are yielding

positive returns for investors, creating sustainably valuable products and processes, and developing innovative sustainable business models. Uniquely positioned at the intersection of sustainable business and sustainable investing, the summit will explore the challenges and even greater opportunities emerging across industries.

WAPA to Host Road Rally – The Washington Automotive Press Association holds its 2017 WAPA Rally on October 12th. This year's event will be a drive event on the roads just beyond the Chesapeake Bay Bridge on the scenic Eastern Shore of Maryland. The event provides the opportunity to drive or ride in the latest and greatest cars, trucks and SUVs provided by WAPA's automotive partners.

CSIS to Host IEA Renewable Energy Report Launch – The CSIS Energy and National Security Program is hosting Heymi Bahar, Project Manager of the Renewable Energy Division at the International Energy Agency (IEA), on Thursday October 12th for a presentation of the IEA's Renewable Energy Market Report 2017 (formerly titled Medium-Term Renewables Market Report). The report provides a detailed market analysis and overview of renewable electricity capacity and generation, biofuels production, and heat consumption, as well as a forecast for the period between 2017 and 2022. This year's report also assesses the off-grid solar market in Africa and developing Asia and the contribution of electric vehicles to renewable road transport. Our friend Kevin Book will moderate.

BPC to Host Moniz on Nuclear – The Bipartisan Policy Center will host former Energy Secretary Ernest Moniz a conversation on October 18th at 9:00 a.m. with BPC President Jason Grumet to discuss the vital role U.S. nuclear energy plays in achieving national security objectives. The conversation will highlight the key takeaways from *The U.S. Nuclear Energy Enterprise: A Key National Security Enabler*, a report issued by Sec. Moniz's new Energy Futures Initiative.

Renewable Tour Set for October Shenandoah Fall – JMU's Center for Wind Energy joins the nonprofit American Solar Energy Society (ASES) and hundreds of solar-savvy installers and grassroots organizations throughout America to showcase thousands of solar-powered homes, schools and businesses in Virginia and across North America -- for the 22nd Annual National Solar Tour, the world's largest grassroots solar event. The ASES National Solar Tour shows families and businesses real-life examples of how their neighbors are harnessing free energy from the sun to generate electricity, warm and cool their homes, heat water and slash monthly utility bills.

Green Bonds Conference Set for NYC – Environmental Finance will host Green Bonds 2017 at 10 on the Park in New York City on October 23rd. According to the Green Bonds Database, the American green bonds market has continued its rapid growth with over 17$ billion issued in the last twelve months.

At the conference this year we will look at the drivers behind this boom and how to ensure sustainable growth as the market matures.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
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Sent: Thur 9/28/2017 8:16:15 PM
Subject: Sep. 28 -- Energy and Climate Report - Afternoon Briefing

Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

U.S. Seen Having Long Way to Go to Market Energy Department Land

Posted September 28, 2017, 12:50 P.M. ET

By Emma Ockerman

The U.S. Department of Energy needs to develop a more accurate inventory of federal lands it manages to promote energy projects by private companies.

While other government agencies such as the Department of the Interior have looked at opportunities to promote renewable energy on public lands, the Energy Department appears to have lagged behind, according to a report released Sept. 28 by the National Academies of Sciences, Engineering, and Medicine.

It recommended the department carry out an up-to-date assessment of properties that can be leased or sold among its 164 sites, with a view to eventually getting companies on board to start developing energy projects. The agency is responsible for 2.4 million acres of land, according to its website—about 735,000 acres fewer than the state of Connecticut.

The report authors reviewed two studies from the National Renewable Energy Laboratory and Colorado School of Mines, intended to examine the potential for energy resource development, which it said were hampered by limited data and budgets.

Given the limited funding, the Colorado analysis of available fossil fuels was "fairly rudimentary," said Paul DeCotis, chair of the committee behind the report and senior director of energy and utilities at West Monroe Partners.

The Colorado report found few opportunities for oil and natural gas development. Nevertheless, if the department were to open an office tasked with managing the leasing of its lands, it could engage developers on what would make them willing to snap up acreage.

"Really it's a question now of perhaps better characterizing the sites and partnering with the private sector to draw private capital to develop the sites," DeCotis said in an interview.

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Interior Expects Hot Bidding for Offshore Wind Energy Leases

Posted September 28, 2017, 03:48 P.M. ET

By Adrianne Appel

The Bureau of Ocean Energy Management is betting on heightened interest in offshore wind to drive up the price of the Atlantic ocean leases it will auction next year— parcels that just two years ago had no takers.

The Interior Department agency will auction two ocean parcels about 15 miles off the Massachusetts coast in late summer or fall of 2018, James Bennett, chief of renewable energy at BOEM, told Bloomberg BNA in a Sept. 28. The agency, which leases federal ocean areas for oil, gas and now, offshore wind, will announce details of the auction in the Federal Register by the end of the year, Bennett said.

"We've had two unsolicited bids" for the parcels already, Bennett said. That and the fact that a recent BOEM auction for an ocean parcel off Long Island, N.Y., netted a $42.5 million winning bid "indicates to us that interest in offshore wind has changed dramatically in just two years," Bennett said.

Perry to Talk Rare Earth Minerals at Pennsylvania Coal Mine

Posted September 28, 2017, 02:23 P.M. ET

By Stephen Lee

Energy Secretary Rick Perry is expected to make an announcement today about retrieving rare earth elements from coal during his visit to the Jeddo Coal Mine in Wilkes-Barre, Pa.

Rare earth elements can be found in coal and coal waste products. The minerals are used to make products such as cell phones, computers, wind turbines, and medical devices.

The Trump administration is getting behind research on extracting rare earth elements from coal to boost domestic demand for coal and reduce the need for foreign imports of the metals.

Merkel May Have Promised Too Much in Carbon Pollution Fight

Posted September 28, 2017, 9:21 A.M. ET

By Mathew Carr, Brian Parkin and Lars Paulsson

As German Chancellor Angela Merkel embarks on coalition talks to bed down her fourth term in office, a promise made shortly before her re-election may come back to haunt her.

At least that's the view of nine analysts and researchers from Berlin to London who all say her target of reducing carbon emissions in Europe's biggest economy by 40 percent in 2020 will probably fail. On Sept. 14, Merkel went as far as saying that she will find ways to meet the goal, no matter what. At the end of last year, those emissions were down 27 percent from 1990 levels.

"I think we all know that we're pretty far away from those, and I personally believe it will be extremely challenging to try to reach," said Klaus Schaefer, chief executive officer of Uniper SE, for

which fossil fuels accounted for 57 percent of profit in the first half.

Merkel's stoic approach to meet the non-binding 2020 goal would most likely come down to how tough the governing coalition is prepared to be on the nation's biggest polluters. Plants burning coal still produced about 40 percent of the nation's power last year.

But she's got a problem. Ploughing up acre after acre, sometimes moving whole villages, to get to the lignite Germany still very much relies on will put her on collision course with voters expecting her to deliver on the promise to cut emissions. At the same time, closing down sites would irk unions representing thousands of workers in some of the most impoverished parts of the country.

"It's up to the next government to make an exerted effort in the short window available to land on target," said Michael Schroeren, a spokesman for the German environment ministry in Berlin. "This could be achieved in the energy sector in connection with other sectors."

Climate Talks

Germany's work toward meeting its target may face also international scrutiny in November as climate envoys from around the world will descend on its old capital of Bonn for United Nations talks that will be presided over by Fiji.

The talks are meant to beef up the rules of the Paris agreement. So far, climate talks have have failed to make much headway in cutting emissions in the two years since the Paris deal was struck, with global emissions steady at record levels.

Berlin-based environmental think tank Agora Energiewende reckons Germany will miss its target by about 10 percentage points. Emissions reductions "won't be a near miss but a booming failure," Agora researchers wrote in a report.

As many as 135,000 people work in the traditional power sector and associated coal mining industry.

Closing down much of the country's coal power output would result in the loss of thousands of jobs, according to Jahn Olsen, an analyst in London at Bloomberg New Energy Finance. But there's no way the goal can be met by improving energy efficiency or encouraging electric car use at the pace required within four years, he said.

The country could theoretically meet the reduction level through buying international emissions credits or allowances, Olsen said. But that option would counter earlier statements by the nation that it intends to meet its target domestically, making it "politically unpalatable," he said.

Merkel's Christian Democratic Union-led bloc won the weekend ballot with its worst performance since 1949. Her party needs a three-way alliance with the pro-business Free Democratic Party and the Greens, which could take months of negotiating, Barclays Plc said Sept. 25 in a note.

The coalition negotiations between parties with such different positions mean Germany probably won't be able to put together a plan to hit the target, said Deepa Venkateswaran, an analyst in London at Sanford C. Bernstein & Co.

"The Greens want it and the FDP are against," she said. "They might agree to a long-term exit from coal, but it won't be as aggressive as the Greens want."

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China Gives Carmakers More Time in Biggest Electric-Vehicle Plan

Posted September 28, 2017, 8:36 A.M. ET

By Bloomberg News

China unveiled a comprehensive set of emission rules and delayed a credit-score program tied to the production of electric cars, giving automakers more time to prepare for the phasing out of fossil-fuel powered vehicles.

Under the so-called cap-and-trade policy, automakers must obtain a new-energy vehicle score—which is linked to the production of various types of zero- and low-emission vehicles—of at least 10 percent starting in 2019, rising to 12 percent in 2020, the Ministry of Industry and Information Technology said on its website. The rule applies to carmakers that manufacture or import more than 30,000 traditional vehicles annually and those who fail to comply must buy credits or face fines.

"This is the single most important piece of EV legislation globally," said Colin McKerracher, a London-based analyst at Bloomberg New Energy Finance. "Overall, it provides further support for the EV industry in China. EV sales will continue growing quickly, despite the phase-down in direct subsidies."

China previously proposed to start implementing the policy next year, a target that was viewed by automakers as overly ambitious. China, which has vowed to cap its carbon emission by 2030 and curb worsening air pollution, joins the U.K. and France in seeking a timetable for the elimination of vehicles using gasoline and diesel. The country needs to use alternative energy to power some 200 million vehicles that ply its roads and reduce dependence on oil imports.

The targets look achievable for the industry as a whole, McKerracher said. Considering the credit structure, 12 percent in 2020 would translate to about 4 percent to 5 percent of actual vehicle sales, he said.

"Political considerations must have weighed in on the decision to delay the commencement date by a year," said Cao He, chairman of Quanlian Auto Investment Management Co. "Local automakers will likely benefit from this as they will have more buffer time to get ready on the technology front."

Honda, BYD

Honda Motor Co., which plans to sell an electric vehicle in China next year and plans to expand that business going forward, will work to achieve the credit-score target, a company spokeswoman said. Toyota Motor Corp. refrained from commenting on a specific government policy.

"China is sending a clear signal to domestic automakers that had been dragging their feet on EVs that it's time to get on board," McKerracher said.

Earlier this month, China's government said it's working on a timetable to phase out fossil-fuel powered vehicles, helping lift shares of local automakers such as BYD Co., a carmaker that's backed by Warren Buffett. Groups like BYD, Geely, Chery and others will have excess credits,

McKerracher said.

While global manufacturers from billionaire Elon Musk's Tesla Inc. to Nissan Motor Co. and General Motors Co. are racing to grab a slice of the electric-vehicle market in China, local manufacturers such as Geely Automobile Holdings Ltd. have also found considerable success in the market, thanks to generous government subsidies.

BYD topped the new energy vehicle makers in sales in the first seven months of this year, delivering 46,855 electric and plug-in hybrid vehicles, resulting in about 30,000 credit points in the first half, according to the company's calculation.

Beijing Electric Vehicle, the EV division of state-owned BAIC Motor, followed with 36,084 units. By comparison, GM has sold 738 cars that run on electricity since it launched the Velite 5 plug-in hybrid model at the Shanghai auto show this April.

As part of efforts to boost sales of electric vehicles, foreign automakers are setting up new joint ventures in China. Ford Motor Co. is exploring setting up a joint venture to produce electric vehicles in China with Anhui Zotye Automobile Co. while Volkswagen AG has partnered with Anhui Jianghuai Automobile Group Corp. to make electric cars.

—With assistance from Nao Sano and Kevin Buckland.

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Battery Boom Spurs One Bank's Pivot from Iron Ore to Lithium

Posted September 28, 2017, 9:14 A.M. ET

By Jasmine Ng

Westpac Banking Corp., Australia's second-largest lender, is targeting deals linked to China that finance renewable energy minerals such as lithium and cobalt as a decade of unprecedented iron ore mining expansion in its home market has largely run its course.

"The next growth area is related to renewables," Paul Gardner, global head of structured commodity finance, said in an interview in Singapore. "If you look to the future, and you look to the electric cars etc., a lot of the lithium where there's accessible sourcing is actually in Australia."

Westpac's planned shift represents a pivot away from old economy iron ore, used to make steel, toward a focus on materials that are attracting increased investor attention as the building blocks for electric vehicles and renewable energy. Rising Chinese demand for the lithium-ion batteries that are needed for new vehicles and energy storage is driving price gains as well as an asset boom in Australia, already the world's largest lithium supplier.

"Right now, what I've seen pick up is interest from Australian miners in China and in pre-payment products," Gardner said. "For a company like ours to join the dots and to put pre-payment type financing structures in place—so the mine gets its capital, and in return for its capital it has a long-term offtake agreement with the Chinese buyer—that would be perfect scenario for us."

Earlier this month, China put the automotive industry on notice by becoming the largest country to seek a phase-out of fossil-fuel powered vehicles, a move sure to accelerate the shift toward electric-

car development. That's helped to spur the race for raw materials used in the new technology, including cobalt.

Australia's government said in its latest resources quarterly that lithium, graphite and cobalt are being pulled "into a second commodity boom, with demand rising, prices spiking, and investment gathering steam." In lithium, "a host of companies in Western Australia are already targeting near-term concentrate production for sale to Chinese conversion facilities," it said.

Strategic Resource

Other countries are also seeking to beef up supplies. In Chile, a government commission is expected to offer guidance by the year-end for private companies that want to start lithium operations, according to Mining Minister Aurora Williams. Lithium is considered a strategic resource in the South American country, and no company has obtained a license in over two decades.

For now, Australia is more associated with iron ore, and the country is the largest exporter, with shipments running at a record pace. Still, resources companies have scaled back investments in increased capacity after a period of breakneck growth, with BHP Billiton Ltd. calling the end of an era of massive expansions in the steel-making raw material in 2014.

Iron has been in retreat, while lithium is soaring. The steel-making raw material is 19 percent lower in 2017, set for the fourth drop in the past five years. Lithium carbonate, the primary base-chemical produced by the industry, more than doubled in the five years to 2016, according to UBS Group AG.

"We've seen a lot of business around iron ore historically because it's abundant: dig a spade in the ground almost anywhere in the Pilbara, you're going to get iron ore," said Westpac's Gardner. "But those large developments in that space have now matured and we're at oversupply."

—With assistance from David Stringer and Laura Millan Lombrana.

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Modi's $2.5 Billion Power Plan May Stumble on Ailing Buyers

Posted September 28, 2017, 8:49 A.M. ET

By Rajesh Kumar Singh and Anindya Upadhyay

The success of Prime Minister Narendra Modi's ambitious plan to electrify all households in India by December 2018 faces a familiar hurdle: the money-losing state power retailers.

Modi earlier this week announced the government will spend 163.2 billion rupees ($2.5 billion) to provide electricity connections to every home in India by the end of next year, ahead of an earlier deadline of March 2019. The bulk of the cost for providing equipment such as power cables and electricity meters to every poor household will be borne by the federal government and partly by the states and the power retailer.

"The key is not the scheme but the political will to allow for commercial operations of discoms," CLSA analyst Bharat Parekh said in a report on Tuesday, referring to electricity distribution companies. "The key issue is that after electrifying the households, how much power will discoms supply and how will they recover the money."

Several power retailers are losing money on selling electricity below cost, and turning them around is in the hands of the state governments, which have traditionally used cheap power to shore up popular support and advance their political goals. Convincing states to allow profitable power tariffs will be Modi's biggest challenge in fulfilling the pledge that helped him rise to power in New Delhi in 2014. Modi is up for re-election in 2019.

"The onus now lies with the states," according to Debasish Mishra, a partner at Deloitte Touche Tohmatsu LLP in Mumbai. "The federal government is paying for connections, but the purpose will be defeated if the states fail to supply reliable power to people. And for that to happen operational autonomy of the distribution companies and timely payment of subsidies is a must."

Discom Losses

The announcement follows a 2015 proposal to reform power distribution, which sought to transfer three-quarters of utilities' debt to their respective state governments. The utilities were set targets to bring down losses. As a result, total losses of utilities that signed up for the plan dropped 21.5 percent from a year earlier to 403 billion rupees in the year ended March 31.

There's pressure on state governments to bring losses down even further. Starting this financial year, states will begin sharing a part of the losses their retailers make, according to the plan to turn around power distributors. In the year ending March, provincial governments will take over 5 percent of their retailers' losses in the previous year. The state's share of losses will rise each year, reaching up to 50 percent in the year ending March 2021.

Years of selling electricity below cost has eroded discoms' ability to invest in infrastructure, buy enough power from generators and repay bank debts. Power generation plants operate at just about half their capacity, unable to sell all the power they can produce. The power-for-all plan could "act as a major stimulus for the ailing power sector in India, with demand revival," Deutsche Bank analyst Abhishek Puri said in a Sept. 26 report.

"Our analysis suggests that power demand could potentially grow by 20 percent to 35 percent from current levels in two years, if the government is able to meet its target, as against the tepid 15% cumulative growth in the past five years," Puri said.

'Actual Supply'

The Sept. 25 announcement supplements an earlier program to invest 760 billion rupees in rural electrification. Modi's administration embarked on the plan in 2015, beginning with electrifying more than 18,000 un-electrified villages. About 3,000 villages still remain to be electrified, which means creating the infrastructure to take electricity to villages, making sure at least 10 percent of the households and public buildings there have power connections. Taking electricity to every home is the next phase of the plan.

Retailers have coped with losses by limiting power supplies to consumers in rural areas, who are heavily subsidized, and selling more expensive electricity to industrial consumers to help fund a part of the losses. Even if all rural households get power, making adequate returns on their investment will be a challenge for retailers given the low-usage pattern.

"This ambitious scheme needs to be followed up with equal emphasis on actual hours of supply, otherwise there'll be a danger of people not getting the true benefits of electrification, which can reduce their willingness to pay," said Ashwini Chitnis, a researcher at Prayas, a non-profit advocacy

group that focuses on energy, health and education. “Poor cost recovery can result in poor maintenance and thus huge investments in network infrastructure can go waste.”

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Chile Aims to Boost Lithium Output as Electric Cars Rise

Posted September 28, 2017, 12:15 P.M. ET

By Laura Millan Lombrana

The country holding the world’s largest reserves of lithium is drafting regulations that would allow companies to set up new mines amid soaring demand for the mineral used in electric-car batteries.

A Chilean government commission is expected to offer guidance by the end of the year for private companies that want to start lithium operations in the country, Mining Minister Aurora Williams said in an interview.

Lithium is considered a strategic resource in Chile, and no company has obtained a license in more than two decades. While global demand for lithium is expected to surge this year as carmakers such as Tesla Inc., Mitsubishi Corp. and others push to bring electric vehicles to the mass market, only two companies mine lithium in Chile.

“What Chile wants is to maintain and increase production so we can capture this space in the market,” Williams said. “We are working on a set of documents that effectively set up ways and procedures to mine lithium.”

Chile holds more than half of the world’s known reserves of the mineral, and CRU Group says the country has the lowest mining costs. Miners pump lithium-rich brine from beneath salt flats in the country’s north and leave it to dry in evaporation pools. Sociedad Quimica y Minera de Chile SA and Albemarle Corp. remain the only companies producing lithium in the nation.

The Chilean government will also unify environmental monitoring in Atacama, where both SQM and Albemarle are operating, to ensure that mining operations have no irreversible impact on the salt-flat’s delicate environment and on the communities living around it, Williams said.

Privately owned companies that want to start a lithium operation in Chile can either partner with a state-owned company or negotiate special contracts directly with the government. Chilean-owned Minera Salar Blanco spent months in talks with the government before withdrawing from the process.

‘No Rules’

“There are no rules, no one knows what the requirements are,” Minera Salar Chief Executive Officer Cristobal Garcia-Huidobro said in an interview in his office in Santiago. “When we realized the process wasn’t advancing. we decided to withdraw and wait for the government to write down the rules.”

The new framework won’t change lithium’s special status, and companies will still have to negotiate directly with the state, according to Sergio Hernandez, executive vice-president of the Chilean copper commission Cochilco, a member of the committee drafting the rules.

However, it will provide more clarity on financial guarantees for projects, investment requirements, compensation to communities or land owners, environmental rules, taxes, and royalties.

"The lithium royalty will probably be a bit higher than for copper," Hernandez said. "This makes sense because of the natural advantages of starting production of a resource that is fresh, low-cost and easy to extract."

New Players

The framework would be a sign that Chile is opening up to new players and that much more new, low-cost lithium production could enter the market over the medium term. Even a sign that the regulation is business-friendly would have an effect on prices, according to Marcelo Awad, a Wealth Minerals Ltd. manager in Chile.

The lithium market is in deficit, but it could go into a small surplus this year even as new projects experience delays during ramp up and as demand is expected to increase 14 percent, according to Bank of America Merrill Lynch. Established producers including China's Tianqi Lithium Corp. and Albemarle are expanding production in their current operations. But supply disruptions could easily put it back into deficit, according to CRU Group.

"Long-term lithium prices, used to evaluate projects globally, could drop 25 percent when the regulatory framework is out," said Awad, whose company has acquired mining concessions in salt flats across the country. "Chile has the world's largest reserves that can be mined at the lowest price, so the mere announcement should lower the long-term price."

Companies are using long-term estimates of $11,000 to $12,000 per metric ton of lithium carbonate, which would fall to $8,000 to $9,000 per ton when the regulations are put in place, Awad said. Lithium prices have more than doubled in the five years to 2016, according to UBS Group AG. The mineral averaged $14,250 a ton in July, according to Benchmark Minerals.

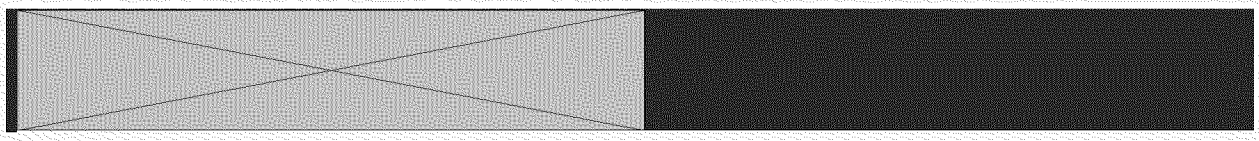
"It is important that companies wait for the definitions, but whatever the demands are, they will not diminish in any significant way Chile's geological and institutional advantages as a lithium producer," Hernandez said. "We will remain attractive."

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: The Washington Post
Sent: Wed 8/16/2017 4:00:38 PM
Subject: Federal Insider: Rebel base names, statues disgrace U.S. military facilities and Congress



Rebel base names, statues disgrace U.S. military facilities and Congress

By Joe Davidson

White nationalist demonstrators walk into Lee park surrounded by counter demonstrators in Charlottesville, Saturday. (Steve Helber/AP)

With all the attention on the white nationalist terrorist attack in Charlottesville, let's not forget Uncle Sam's curious comforting of treasonous Confederates.

While places such as Maryland, New Orleans and Charlottesville have taken action against proslavery and Confederate statues, 10 U.S. military bases continue to honor the rebels by carrying names of their leaders.

Consider the irony — American military facilities are named after Confederate generals who waged war on the United States government and killed its troops. How crazy is that?

All 10 bases are located in the former Confederacy, according to a Southern Poverty Law Center list. They are:

- Fort Rucker (Gen. Edmund Rucker), Ala.
- Fort Benning (Brig. Gen. Henry L. Benning), Ga.
- Fort Gordon (Maj. Gen. John Brown Gordon), Ga.
- Camp Beauregard (Gen. P.G.T. Beauregard), La.
- Fort Polk (Gen. Leonidas Polk), La.
- Fort Bragg (Gen. Braxton Bragg), N.C.
- Fort Hood (Gen. John Bell Hood), Tex.
- Fort A.P. Hill (Gen. A.P. Hill), Va.
- Fort Lee (Gen. Robert E. Lee), Va.
- Fort Pickett (Gen. George Pickett), Va.

Additional tributes come in the form of state flags that include Confederate

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symbols and decorate congressional hallways.

A car plowed into crowds at a white nationalist gathering in Charlottesville on Aug. 12, killing one person and injuring 19 others. (The Washington Post)

More shameful are the statues of confederates that disgrace the Capitol complex. A story by colleague Mike DeBonis, aptly headlined "A field guide to the racists commemorated inside the U.S. Capitol," lists these white supremacists who are venerated by Congress:

- Jefferson Davis of Mississippi, Confederate president and former U.S. senator and representative
- Alexander Hamilton Stephens of Georgia, Confederate vice president
- John C. Calhoun of South Carolina, proslavery senator
- Wade Hampton III of South Carolina, Confederate general
- Charles Brantley Aycock, a North Carolina governor who worked to disenfranchise African Americans and bragged that "we have solved the negro (sic) problem. … We have taken him out of politics and have thereby secured good government."

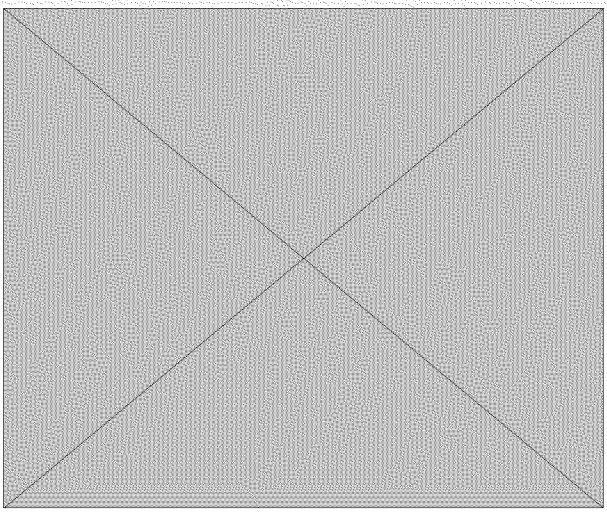
Confederate military officers honored with statues on the Capitol grounds are:

- Robert E. Lee of Virginia
- James Zachariah George of Mississippi
- Edmund Kirby Smith of Florida
- Joseph Wheeler of Alabama.

"We will never solve America's race problem if we continue to honor traitors who fought against the United States in order to keep African Americans in chains," said Congressional Black Caucus Chairman Cedric L. Richmond (D-La.) "By the way, thank God, they lost."

No help in solving the "race problem" comes from President Trump, who continues, appallingly, to comfort white nationalists by leveling "blame on both sides" for the Charlottesville violence.

The Confederate tributes — base names, statues and flag representations — revere those who supported the enslavement of African Americans. The display of Confederate symbols today is an affirmation of white supremacy and black oppression. But that is not the only reason all Americans should be outraged.



Even Confederate battle flag-waving racists who consider themselves patriotic should consider the treason the symbols represent.

Many of these memorials honor those who, although not tried as traitors, certainly fit this Constitutional definition: “Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort.”

Removing the military base names and the statues is not erasing history. In fact, more people need to know the true history of the Confederacy, so they won’t get stuck in the “that’s my heritage” trap. How can any self-described patriot glorify those who killed American troops?

Patriotic organizations of veterans, whose professional ancestors were killed by Confederates, have been slow to condemn the rebel symbols. But the largest group, the American Legion, now has done so.

In reaction to the attack in Charlottesville, where Nazi sympathizer James Alex Fields Jr. allegedly rammed his Dodge Challenger into a crowd, killing Heather Heyer, the American Legion issued this condemnation: “Americans fought fascism and crushed the Nazis in World War II, and anyone who waves a Nazi flag on our soil is, by very definition, anti-American. The disgusting displays of hatred and bigotry on display in Charlottesville dishonor all veterans who fought and died to stamp out fascism. We have one flag: the American flag. We are one people: the American people.”

Two Virginia State Police officers, H. Jay Cullen and Berke Bates, who had monitored the demonstrations related to the planned removal of a Lee

Related Articles Federal workers: The debt limit and the TSP

The Legion's statement did not mention the Confederate battle flag, which also was displayed by those protesting the statue's removal. So I asked if the Legion considers those displaying that flag to be "by very definition, anti-American."

It took some prodding, but the Legion answered "yes." That was the first time the Legion has condemned the flag of treason. Other major veterans' groups have remained silent. The Legion had nothing to say about changing the base names.

Neither did a Pentagon spokesman, who offered "at this time, there is no discussion on this topic."

There needs to be, and Congress is the ideal place. But no one is leading the charge on this point.

Rep. Jared Huffman (D-Calif.) did lead an effort to ban the flying of Confederate banners on Department of Veterans Affairs and National Park Service cemetery flagpoles. His legislation did not pass, but VA decided not to allow Confederate flags on permanently fixed flagpoles. Last month, the Black Caucus filed a Supreme Court brief in support of a Mississippi resident's complaint that incorporating a Confederate emblem in the state flag denies him "equal treatment and dignity under the law."

That emblem also denies the dignity of the United States. Honoring the traitors and racists of the Confederacy, particularly by the U.S. government, should be as unthinkable as providing them presidential succor.

President Trump defended his initial statement following the violence in Charlottesville, Va. while speaking at a news conference in New York on Aug. 15. (The Washington Post)

Read more:

[VA moves to restrict treason symbols at cemeteries]

[House takes action against Confederate flag, a symbol of treason]

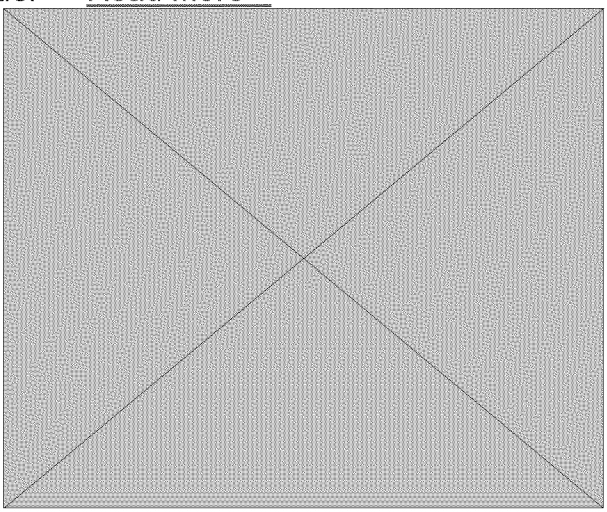
[The Confederate flag isn't just offensive. It's treasonous.]

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Mon 8/21/2017 5:07:39 PM
Subject: Playbook Power Briefing, presented by Chevron: REPUBLICAN committees paid over $1 million to TRUMP companies -- PUTIN names new Russian ambassador to U.S. -- Former Sputnik reporter dishes on his time at a 'Russian propaganda network'

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Today's Playbook Power Briefing presented by Chevron

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman) and ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

BREAKING -- "NEW YORK (AP) - POLL ALERT: Alabama is No. 1 in preseason Top 25 for 2nd straight season, followed by Ohio St, Florida St, USC, Clemson."

Good Monday afternoon and happy eclipse day. The eclipse will peak and cover 81 percent of the sun at 2:42 p.m. in Washington, according to Capital Weather Gang (http://wapo.st/2fZm4fT). Seriously, do NOT stare directly into the sun. **THE PRESIDENT** will watch the eclipse from the Truman Balcony with the first lady, per pooler Ben Jacobs of The Guardian.

AP//BARCELONA -- "Police shoot and kill Barcelona van attacker": "Regional police in Spain have confirmed that fugitive Barcelona van suspect Younes Abouyaaqoub has been shot dead in a small town outside the city. Police say he wore what appeared to be an explosives belt when he was shot in Subirats, 45 kilometers (28 miles) west of Barcelona.

"Abouyaaqoub had been the focus of an intense manhunt after authorities say he used a van to mow down pedestrians in Barcelona's famous Las Ramblas promenade on Thursday, killing 13 people and injuring over 120. Police also say he stabbed a driver to death and hijacked his car Thursday night in his getaway." http://bit.ly/2fZPzht

SPEAKER PAUL RYAN takes it a step further in a new Facebook post entitled **"Let There Be No Confusion":** "[W]e all need to make clear there is no moral relativism when it comes to neo-Nazis. We cannot allow the slightest ambiguity on such a fundamental question." http://bit.ly/2wgLrjW

-- BREAKING IN THE PAST HOUR: House Republicans held a conference call to discuss the fall agenda. The leadership and top appropriators discussed the eight remaining spending bills that need to be cleared before the end of September. **HOUSE MAJORITY WHIP STEVE SCALISE** was on today's members-only conference call. He thanked his No. 2 whip, Patrick McHenry of North Carolina, for his help after the shooting. Scalise is still in rehab and his return will depend on doctors' advice.

ALMOST A TREND -- @Sarah_Boxer: ".@HallieJackson just asked @SenatorCollins if Trump will be GOP nominee in 2020. Collins: 'It's too difficult to say'" ...

-- ROLL CALL's JONATHAN ALLEN: "On Friday morning, I sent a note to Corker's office asking whether he would support Trump for renomination in 2020. 'One thing your boss didn't address to my knowledge is whether he supports President Trump for renomination in 2020,' I wrote. 'Since the president's re-election campaign is up and running, and in light of Sen Corker's concerns about the president's stability, will he weigh in on Trump for re-nomination?' And here's what I got back from Corker's communications director, Micah Johnson: 'I don't have anything to add to the senator's comments yesterday.'" http://bit.ly/2iiYTxM

A WARNING TO THE PRESIDENT -- ARIZONA REPUBLIC EDITORIAL: Convicted former Sheriff Joe Arpaio "is a lightning rod. Always has been. He was finally defeated in the last election and recently convicted of criminal contempt of court for ignoring a court order to stop racially profiling Latinos. ... Arpaio remains popular with Trump's core supporters, and the president may want to placate them after Bannon's departure. But pardoning Arpaio would permanently stain this presidency.

"It would define Trump as a president who has little regard for the judicial system and less respect for the need to hold law enforcement accountable for violations of minorities' rights. It would be a clear insult to those who patiently used the legal system to hold an unjust sheriff accountable. It would also represent a missed opportunity for Trump to begin realigning his presidency to reflect a mature view of what this country needs." http://bit.ly/2v7scWf

PUTIN'S NEW MAN IN AMERICA -- "Putin appoints new Russian ambassador to US," from the AP: "The Kremlin said on Monday Putin has replaced Sergei Kislyak, whose tenure ended in July, with Anatoly Antonov, a deputy foreign minister and former deputy defense minister seen as a hardliner regarding the U.S. The outgoing ambassador played a prominent role the controversy over Russia's possible involvement in the 2016 U.S. presidential election." http://bit.ly/2uYxBD2

AFTERNOON READ -- "A Most American Terrorist: The Making of Dylann Roof," by Rachel Kaadzi Ghansah in GQ: "I had come to Charleston intending to write about them, the nine people who were gone. But from gavel to gavel, as I listened to the testimony of the survivors and family members, often the only thing I could focus on, and what would keep me up most nights while I was there, was the magnitude of Dylann Roof's silence, his refusal to even look up, to ever explain why he did what he had done. Over and over again, without even bothering to open his mouth, Roof reminded us that he did not have to answer to anyone. He did not have to dignify our questions with a response or explain anything at all to the people whose relatives he had maimed and murdered. Roof was safeguarded by his knowledge that white American terrorism is never waterboarded for answers, it is never twisted out for meaning, we never identify its 'handlers,' and we could not force him to do a thing. He remained inscrutable. He

remained in control, just the way he wanted to be.

"And so, after weeks in the courtroom, and shortly before Dylann Roof was asked to stand and listen to his sentence, I decided that if he would not tell us his story, then I would. Which is why I left Charleston, the site of his crime, and headed inland to Richland County, to Columbia, South Carolina-to find the people who knew him, to see where Roof was born and raised. To try to understand the place where he wasted 21 years of a life until he committed an act so heinous that he became the first person sentenced to die for a federal hate crime in the entire history of the United States of America." http://bit.ly/2uYPlOA

****** **A message from Chevron**: We're piloting a program that uses drones to keep an eye on Chevron wells, tanks, and pipelines-all to keep DOERS and what they're doin' safer. Watch the video: http://politi.co/2vLsVyX ******

FROM THE WHITE HOUSE -- @realDonaldTrump at 9:27 a.m.: "Jerry Falwell of Liberty University was fantastic on @foxandfriends. The Fake News should listen to what he had to say. Thanks Jerry!" ... **at 9:32 a.m.,** quote tweeting a supporter bashing the media: "Thank you, the very dishonest Fake News Media is out of control!"

-- EVANGELICAL leaders like Falwell have been some of the few conservatives who have publicly supported Trump post-Charlottesville.

BAD NEWS FOR ANTI-VAXXERS -- "As White House appoints pro-vaccine officials, plan for safety commission appears stalled," by Stat News' Helen Branswell: "Robert Kennedy Jr., the environmental activist and leading vaccine skeptic, says that it has been months since he has talked with White House officials about chairing a vaccine safety commission -- and that the idea of such a panel may no longer be under consideration. 'I've had no discussions specifically about the vaccine safety commission, probably since February,' Kennedy told STAT. 'You'd have to ask the White House. It may be that it's evolved.' Kennedy said, however, he has met with a series of top administration officials about vaccine safety since Trump took office, including officials at the upper ranks of the Food and Drug Administration and National Institutes of Health. He said those meetings took place at the request of the White House.

"A White House spokesman, asked about the vaccine safety commission, said there were no announcements to make at this time. He declined to comment on whether the White House had arranged meetings for Kennedy. Other officials confirmed that Kennedy had met with agency leaders, but emphasized that U.S. health officials strongly believe in the safety and efficacy of vaccines." http://bit.ly/2uYjhKN

TRUMP INC. -- "Republican committees have paid nearly $1.3 million to Trump-owned entities this year," by WaPo's Matea Gold and Anu Narayanswamy: "The [RNC] paid the Trump International Hotel in Washington $122,000 last month after the party held a lavish fundraiser at the venue in June, the latest example of how GOP

political committees are generating a steady income stream for President Trump's private business, new [FEC] records show.

"At least 25 congressional campaigns, state parties and the Republican Governors Association have together spent more than $473,000 at Trump hotels or golf resorts this year, according to a Washington Post analysis of campaign finance filings. Trump's companies collected an additional $793,000 from the RNC and the president's campaign committee, some of which included payments for rent and legal consulting." http://wapo.st/2uZ3PxJ

-- "Which charities have canceled galas at Mar-a-Lago Club? How much money is at stake? Catch up on the story with our Q&A," by WaPo's David Fahrenthold and Drew Harwell: "In all, 15. That includes 11 charities that had planned galas or other large dinner events. These are the most important events of Palm Beach's traditional winter 'season,' when wealthy people from colder climes gather for five months of gala balls, golf, croquet lessons, sequins and pastel fabrics. Some of the biggest charity galas can attract 600 people or more, and raise more than $1.5 million in an evening." http://wapo.st/2xI2f6b

BACK IN IT -- "Ed Perlmutter changes course and will run for re-election to Congress," by The Denver Post's Mark Matthews http://dpo.st/2fZ0hov

MEDIAWATCH -- "My Life at a Russian Propaganda Network," by former Sputnik reporter Andrew Feinberg in POLITICO Magazine: "In practice, Sputnik's mission statement -- 'Telling the Untold' -- means that Sputnik's content should reflect the Russian side of any news story, whether it lines up with reality or not. When it came to the issue of Crimea (which has been occupied by Russian-backed troops since 2014), we were never to write anything on the subject that didn't include language noting that 90 percent of Crimea residents voted in a referendum to rejoin Russia. Of course, when I'd include details of the tanks and armed men that lined the streets while the people of Crimea voted in that referendum, it would be removed from the story before it went live. When asking about Ukraine, I'd based the premise of my question on the reality of the situation, and the pushback, as I interpreted it, was swift.

"On Monday -- our next day back in the office -- I received an email from [editor Peter] Martinichev ordering me to clear any future questions I intended to ask at the White House with my editors, 'so that everyone is on the same page' That is, he instructed me, if my editors didn't have a specific question they wanted me to ask. My question 'should never be a surprise,' he wrote. 'We also need emergency questions in case [somebody] asks the same before us.'" http://politi.co/2uYDbVO

TODAY'S BEYOND THE BELTWAY -- Christie out of the running for sports radio job -- California Republicans face fire over climate change http://politi.co/2fYOxm7

JPMORGAN CHASE has pledged $1 million to be split between the Southern Poverty Law Center and Anti-Defamation League. The company will also "launch a special

campaign to match two-for-one our employees' donations to a wide range of human and civil rights organizations, up to an additional $1 million." ***Read the letter from Peter Scher*** http://politi.co/2uYsQcz

FIRST PERSON - "This Is How Sexism Works in Silicon Valley: My lawsuit failed. Others won't," by Ellen Pao in N.Y. Mag, in an excerpted from her new book "Reset": "I had been working for six years at the Silicon Valley firm Kleiner Perkins Caufield & Byers as a junior partner and chief of staff for managing partner John Doerr. ... One day, I was part of a small group flying from San Francisco to New York on the private jet of another managing partner, Ted Schlein. ... Once we were airborne, the [tech] CEO, who'd brought along a few bottles of wine, started bragging about meeting Jenna Jameson, talking about her career as the world's greatest porn star and how he had taken a photo with her at the Playboy Mansion. ...

"Then the CEO switched topics. To sex workers. He asked Ted what kind of 'girls' he liked. Ted said that he preferred white girls - Eastern European, to be specific. Eventually we all moved to the couch for a working session to help the tech CEO; he was trying to recruit a woman to his all-male board. I suggested Marissa Mayer, but the CEO looked at me and dismissively said, 'Nah, too controversial.' Then he grinned at Ted and added, 'Though I would let her join the board because she's hot.' ...

"Seven months later, I would sue Kleiner Perkins for sexual harassment and discrimination in a widely publicized case in which I was often cast as the villain - incompetent, greedy, aggressive, and cold. My husband and I were both dragged through the mud, our privacy destroyed. For a long time I didn't challenge those stories, because I wasn't ready to talk about my experience in detail. Now I am. ... People in the venture world spoke fondly about the early shenanigans at big companies. A friend told me how he sublet office space to Facebook, only to find people having sex there on the floor of the main public area. They wanted to see if the Reactrix -- an interactive floor display hooked up to light sensors -- would enhance their experience." http://bit.ly/2vQTEdo

SPOTTED -- American University President Sylvia Burwell walking on 49th Street ... Tom Daschle running by the Four Seasons this morning ... Lawfare's Ben Wittes and Susan Hennessy sitting at a table at Java House this morning.

TRANSITIONS -- The House Republican Conference announced a series of promotions and hires on their digital team. **Katelyn Brantley** was promoted to digital director, **Elizabeth Butz** was hired as digital communication strategist and **Annie Richardson** joined as a digital assistant earlier this year.

****** **A message from Chevron**: This is a story about energy, safety, and some truly high-flyin' doin'. We're piloting a program that uses drones, HD imaging, and thermal mapping to help keep a close eye on Chevron wells, tanks, and pipelines-all to keep DOERS and what they're doin' safer. Watch the video: http://politi.co/2vLsVyX ******

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Daily Environment Report

September 05, 2017 - Number 171

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Leading the News

Agriculture
Agriculture Nominee Favors Voluntary Pollution Programs
An advocate of voluntary programs to curb nutrient runoff from farms is President Donald Trump's pick to head the Agriculture Department's work on domestic farming and conservation.

EPA
Democrats May Slow But Not Stop Trump Pick for EPA Water Office
Senate Democrats may delay the confirmation of the Trump administration's pick to lead the EPA's Office of Water in response to a dispute with the agency's leader, Scott Pruitt.

EPA
EPA General Counsel Pick Criticized Agency's Rules
President Donald Trump's pick to be the EPA's top legal counsel is a staunch critic of the Obama-era regulations he could play a crucial role in unraveling.

News

Agriculture
Plastic Film Covering China's Farmland Contaminates Soil
China will expand its agricultural use of environment-damaging plastic film to boost crop production even as the government tries to curb soil pollution, a government scientist said.

Climate Change
New York City Reviews Plans on Flooding After Houston Disaster
New York is reviewing its plans for a massive rainstorm after the flooding that has left parts

of Houston underwater for days.

Climate Policy
Australia's Carbon Offsets Program Under Federal Review
The federal Climate Change Authority launched a review of Australia's carbon offsets scheme just a few months before it's expected to launch its sixth auction for emissions-abatement projects.

Climate Policy
Sweden Plans $630 Million in Climate Investments Next Year
Sweden's government plans to invest an additional 5 billion kronor ($630 million) next year to address climate change and help the country eventually reach its goal of becoming free of fossil fuels.

Climate Regulation
Chevron, Encana Prepping for Methane Rule Without EPA Guidance
Major oil and gas companies like Encana and Chevron are working to meet an October deadline to report on their methane emissions despite a lack of guidance from the EPA and fears of legal challenges from environmental groups.

Congress
PODCAST: The Frenzy Begins as Congress Returns
Congress returns from a month-long vacation today and it definitely has its work cut out for it: by the end of this month, it has to fund the government, raise the debt ceiling, reauthorize the FAA and provide disaster relief for victims of Hurricane Harvey.

Duty to Indemnify
Insurer Waited Too Long to Recoup Superfund Costs
North River Insurance is off the hook for Superfund claims against a waste hauler for contamination at several landfills, the District of New Jersey said (Penn Nat'l Ins. Co. v. Crum & Forster Ins. Co., 2017 BL 309506, D.N.J., No. 09-cv-4644, 9/1/17).

Energy
Trump Taps Clean Coal Patent-Holder as Top Fossil Fuel Official
A contractor who holds patents in pollutant reductions for coal and natural gas production has been tapped as the next head of fossil fuels at the Energy Department.

Motor Vehicles
Man Whose Gear Found VW Fraud Says Diesel's Death Overstated
What is the market leader in equipment for measuring automobile emissions to do if the vehicles of the future don't spew exhaust? Japan's Horiba Ltd., whose gear was central in exposing Volkswagen AG's diesel-cheating scandal, believes that day will never come.

Motor Vehicles
Merkel Says Diesel Needed as Bridge Technology to Electric Cars
Chancellor Angela Merkel renewed her pledge to avoid diesel driving bans, arguing the technology will be needed for decades to come to reduce carbon dioxide emissions as automakers develop electric vehicles.

Motor Vehicles
Sweden Plans to Raise Subsidies for Vehicles with Low Emissions
Sweden has proposed increasing subsidies for new light vehicles with low carbon dioxide emissions and raising taxes on high-emission vehicles, in a bid to increase the number of

environmentally friendly cars on the road.

Natural Gas

Wrath of Harvey Lays Bare Mexico's U.S. Natural Gas Addiction

Hurricane Harvey's crushing blow to the U.S. energy industry reveals just how dependent Mexico has become on natural gas from its northern neighbor.

Oil & Gas

India's Top Oil Refiner Seeks Paths to Modi's Cleaner Future

India's top oil refiner is exploring the use of natural gas and electricity to power vehicles as Prime Minister Narendra Modi's government envisions multiple paths toward reducing the country's dependence on petroleum-based fuels.

Regulatory Policy

OMB Asks Agencies for Next Year's Regulatory Plans

Federal agencies must submit by Sept. 18 their plans to regulate and deregulate in the year ahead, although the Office of Management and Budget still hasn't given them their regulatory budgets for fiscal year 2018.

Renewable Energy

Better Than a Battery? Big Energy Backs Hydrogen Power Storage

The secret to switching the global energy system entirely to renewables may lay in the universe's most abundant substance.

Renewable Energy

Energy Demand Prompts Brazil Wind, Solar Power Auctions

An expected increase in demand for renewable energy has prompted Brazil to schedule two auctions in December for future wind, solar, and other types of power.

Toxic Substances

Panhandle Eastern Dodges Pipeline Smoke Claims

Panhandle Eastern Pipeline Co. won dismissal of most civil claims stemming from a 2014 pipeline smoke cloud, but the District of Kansas declined to dismiss another allegation that the company's pipeline operation was abnormally dangerous (Brown v. Panhandle Eastern Pipeline Co., 2017 BL 309228, D. Kan., No. 16-cv-02428, 9/1/17).

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 9/20/2017 8:24:16 PM
Subject: Sep. 20 -- Energy and Climate Report - Afternoon Briefing

Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Despite Trump, States Still on Pace to Reach Paris Climate Goals

Posted September 20, 2017, 02:15 P.M. ET

By Joe Ryan

A coalition of states that vowed to fight global warming is on track to meet its share of U.S. targets set under the Paris Climate Agreement, even as President Donald Trump guts federal environmental efforts.

California, New York, and other members of the U.S. Climate Alliance have collectively cut greenhouse gases 15 percent since 2005, putting them within reach of the national goal of reducing emissions at least 26 percent by 2025, according to a Sept. 20 report. The rest of the nation has trimmed emissions by 10 percent, according to Rhodium Group research cited in the report.

The push reflects growing state-level efforts aimed at fighting climate change, even as the White House moves in the opposite direction. That still may not be enough. Unless more states work to aggressively cut emissions from power plants and automobiles—or federal policy changes—the U.S. will still fall short of its goals set under the historic pact brokered at the French capital in 2015.

"It's very clear that we need a president to take leadership on climate action," California Gov. Jerry Brown said in an interview. "But Trump is on the sidelines. So the answer is that states and cities and corporations need to do everything they can."

Economic Upside

Brown is set to unveil the analysis at an event in Manhattan along with New York Gov. Andrew Cuomo (D), Washington Gov. Jay Inslee (D) and former Secretary of State John Kerry as world leaders and industry executives gather for Climate Week NYC and the United Nations general assembly. Confronting climate change does not necessarily require economic sacrifice. Clean energy policies have attracted billions in investments and helped create 1.3 million jobs.

The three governors formed the U.S. Climate Alliance in June, after Trump announced he would withdraw from the Paris accord. It now comprises 14 states and Puerto Rico, with more than one-third of the U.S. population and accounting for $7 trillion in economic output. That's more than any single nation other than the U.S. and China.

Corporations have also pledged to work toward the U.S.'s Paris targets. The World Resources Institute and other environmental groups released a list this week of more than 300 companies that have pledged to cut emissions, including Adobe Systems Inc., United Technologies Corp., Nike Inc. and Merck & Co.

Despite the push by states and corporations, Rhodium Group projected in May that the U.S. is on pace to reduce emissions between 15 and 19 percent by 2025, short of its goal of 26 to 28 percent.

"Climate change is a profound threat to the world," Cuomo said in an emailed statement. "Despite the federal government's reckless neglect of our environment, New York and the other U.S. Climate Alliance members are calling on other states to join us in this challenge to adopt aggressive policies to combat climate change."

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Airline Carbon Permitting Clash Brewing in the EU

Posted September 20, 2017, 01:02 P.M. ET

By Ewa Krukowska

European Union lawmakers are on a collision course over a proposal that would allow utilities and manufacturers to use allowances that currently are earmarked only for airlines in the world's biggest emissions market.

The European Parliament has proposed deleting a provision in carbon-market laws that prevents stationary installations from using aviation permits for compliance. EU governments oppose that move, according to two people with knowledge of the matter, who asked not to be identified.

Representatives of the EU Parliament and the 28-nation bloc's governments will start negotiations on Sept. 25 about a revision to the carbon-market law.

Those could extend an exemption on foreign flights from the cap-and-trade program. The EU Parliament adopted its mandate for the talks last week, and the governments approved their stance at a meeting in Brussels on Wednesday.

12,000 Facilities Impacted

The EU emissions trading system imposes emission quotas on about 12,000 facilities owned by manufacturers and utilities. It forces those that exceed their caps to buy permits from businesses that pollute less. Emitters, which also include airlines, must hand in allowances to match the previous year's emissions by the end of each April.

Prices in the program lost almost 70 percent in the past nine years as an economic crisis cut industrial output and imports of United Nations carbon credits added to a supply surplus.

Some lawmakers in the EU Parliament support removal of a firewall differentiating permits used by airlines from those that industry can access. They have argued that such a move would allow utilities and manufacturers to avoid excessive costs should their allocation of free permits become limited by a special rule on a correction factor.

Those members of the European assembly have pointed out that the proposal will increase the efficiency of the cap-and-trade program and won't aggravate the surplus in the market, since airlines may be short of allowances in coming years. The cap on aviation emissions will be subject to an annual reduction starting from 2021 under the draft law.

The final version of the law will need to be ironed out in talks that include the European Commission, the EU regulatory arm. The commission declined to comment because the negotiations are ongoing.

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U.K. Brushes Off Trump on Iran with $720 Million Solar Deal

Posted September 20, 2017, 03:01 P.M. ET

By Anna Hirtenstein

The U.K. deepened its economic relationship with Iran in a solar deal worth $720 million less than a day after U.S. President Donald Trump called the Persian Gulf nation a "rogue state" and threat to global security.

Current and former Iranian and U.K. officials gathered in London to announce a 600-million euro ($714 million) plan to develop a giant solar park with cash from investors in Asia, Europe and the Middle East. The agreement underscores how difficult it will be for Trump to dismantle the 2015 nuclear accord, or JCPOA, between six world powers and Iran.

"The British government has made it absolutely clear that it sees the JCPOA as important, it thinks the JCPOA should continue," Norman Lamont, a former chancellor of the exchequer who is also chairman of the British Iranian Chamber of Commerce, said at a press conference Sept. 19. "The British government is also backed by other governments in the U.K. and in Europe."

The future of the accord, which caps Iranian nuclear activities in exchange for sanctions relief, has been at risk since Trump took office in January. Even as UN monitors have certified eight separate times since January 2016 that Iran is sticking by the terms of the accord, the U.S. administration has accused the government in Tehran of violating the spirit of the agreement. Trump told leaders Sept. 18 in New York it was "one of the worst" deals the U.S. has entered.

All the other signatories to the nuclear accord—China, France, Germany, Russia and the U.K.—have announced that they're committed to keeping the deal. The solar project by Quercus Investment Partners Ltd., a London-based renewables developer, shows international interest continues in Iran's market, despite Trump's rhetoric.

"The fact that the European partners are rushing to Iran, for different industries, auto industries energy industry, shows that they do not believe at all that the failure of JCPOA is an option," Hamid Baeidinejad, ambassador of Iran in the U.K., said at the press conference.

The U.K's trade with Iran rose 42 percent from January to October in 2016 and 57 percent in the same period in 2017, according to Lamont. Global trade with Iran rose 13 percent last year to $113 billion, according to data compiled by Bloomberg.

"The opportunities are tremendous, they really are tremendous," said Richard Bacon, a current

member of Parliament from the ruling Conservative Party. “I sense that we’re on the cusp of something very special, the scale of the opportunities is really quite extraordinary.”

The U.K. investment follows separate announcements by China, the European Union, France, Japan and Russia that they’ll continue to support the accord. Europeans are also positioning themselves against a unilateral withdrawal from the JCPOA.

“This would damage not only U.S. interests but U.S. international standing and credibility,” 76 European leaders wrote in an open letter urging Trump to stick with the agreement.

Should the U.S. abandon the accord, the other countries “would work to see the nuclear deal continued with Iran, even in the absence of U.S. participation, and that could include defending European companies and individuals from any re-introduced U.S. sanctions and supporting legal action to do so.”

A U.S. bid to toughen the Iranian accord has inspired unified UN opposition.

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Biggest Miner Aims to Show Carbon Neutrality Won’t Cut Growth

Posted September 20, 2017, 8:21 A.M. ET

By David Stringer

BHP Billiton Ltd., the mining giant that’s made the biggest cuts to greenhouse gas emissions among the world’s top corporate emitters, has set itself the goal of becoming carbon neutral as new research across diverse industry sectors shows reductions don’t have to come at the cost of growth.

The company is aiming to meet a target of net zero emissions from its operations in the second half of this century, by making further cuts and using carbon offsets, according to a report published Sept. 20. Along the way, it’s aiming to hold emissions at, or below, levels recorded in the 12 months ended June 30 over the next five years.

The world’s biggest miner has been emboldened after proving it can lift output at the same time it curbs emissions, according to Fiona Wild, BHP’s vice president, climate change and sustainability. BHP cut emissions about 61 percent in the six years to 2016, the largest reduction among the top 10 corporate emitters, Bloomberg New Energy Finance said in a Sept. 14 report.

Other industry sectors are also proving cuts to emissions can co-exist with growth, according to the report. In the five years to 2015, health care and consumer staples companies reduced emissions at the same time as increasing revenues, the data shows. “There’s a massive decoupling of emissions from production growth, and that’s the thing that we are trying to drive across the organization,” Wild said by phone Sept. 20.

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South Africa Sees No Hurry for New Coal, Gas Power Projects

Posted September 20, 2017, 8:36 A.M. ET

By Paul Burkhardt

South African programs to add coal and gas power generation from independent providers should wait until policies are updated and the nation's future needs are clearer, said Energy Minister Mmamaloko Kubayi.

The government is also seeking a "middle ground" with developers in a program to add renewable-energy projects, she said in a phone interview Sept. 19. Kubayi announced earlier this month that the long-delayed contracts must be signed by the end of October, but not before pricing was renegotiated to make the deals more attractive to state-owned power utility Eskom Holdings SOC Ltd.

South Africa expanded the so-called independent power-producer programs to diversify its energy mix and ease the burden on Eskom, which was forced to implement rolling blackouts in 2015 after seven years of shortages hindered economic growth. However, the country now has surplus capacity after growth in demand stalled and more units from Eskom's new coal plants came online.

"Let's look at how much capacity do we need, and when," Kubayi said. The calculations should include economic growth estimates and determinations of how much generation is required from each technology, she said.

The gas-to-power program included plans for about 3,000 megawatts of capacity from proposed plants on South Africa's coast, the department said in October last year. Its coal program was designed to add 2,500 megawatts of capacity.

South Africa needs to conclude the revision of its Integrated Energy Plan and Integrated Resource Plan, which set long-term policy, before moving ahead with additional programs to procure electricity from gas and coal, Kubayi said.

Can't Proceed

"For those, we can't proceed right now," she said.

While the country's program to add renewable energy from private developers has drawn more than 200 billion rand ($15 billion) of investment, the most recent bidding rounds have stalled as Eskom refused to sign new power-purchase contracts.

While developers welcomed Kubayi's announcement on Sept. 1 that the deals would be signed by the end of October, industry lobby groups have questioned her comments that pricing must be renegotiated. South Africa's cabinet and Eskom recommended a maximum price of 0.77 rand per kilowatt-hour.

Bidders will need to consider the legal, financial, and credit-risk implications on their projects if deals are renegotiated, according to the South Africa Photovoltaic Industry Association.

Setting a price ceiling on the renewable projects "actually removes all of the legitimacy of that program," said Niveshen Govender, program manager for Sapvia. "It's become actually difficult to understand where we're moving towards."

It's also unclear how the recommended price cap was settled on, said the South African Wind Energy Association.

"Undertaking negotiation after a duly concluded procurement process goes against South Africa's procurement rules," association Chief Executive Officer Brenda Martin said in an emailed statement. "We would hate to think that the extended delay and related job losses are set to continue for much longer, on the basis of an unachievable target."

About 20 of the projects that the government plans to renegotiate can be completed for below the 0.77 rand level, Kubayi said. She said she isn't biased for or against any particular type of generation.

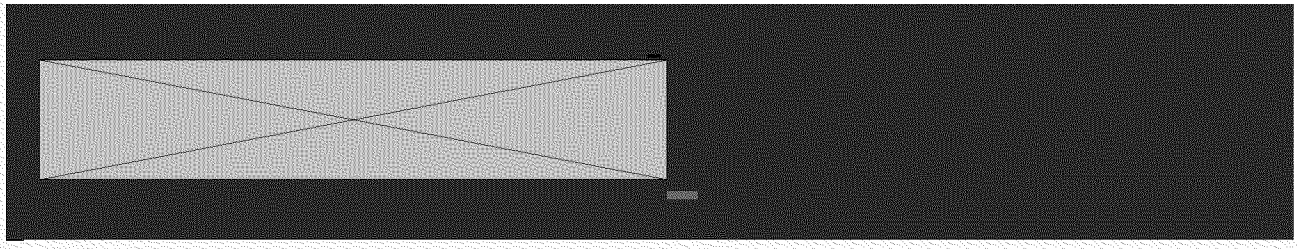
While the government "seems to be in its legal rights to stipulate a price cap," the uncertainty may deter investors in the future, Jason Harlan, CEO of Fieldstone Africa, a Johannesburg-based, energy-focused investment bank, said in an emailed reply to questions.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: The Washington Post
Sent: Fri 10/27/2017 4:01:46 PM
Subject: Federal Insider: Stories of Uncle Sam's pervasive culture of sexual misconduct



Stories of Uncle Sam's pervasive culture of sexual misconduct

By Joe Davidson

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Denice Rice, a Forest Service employee, who says she suffered retaliation after complaining about a supervisor who "poked my breast." (Photo courtesy of Denice Rice)

At the end of my last column, covering a House committee report on sexual misconduct in the federal government, I asked readers about their experiences and their views on how pervasive that misconduct is.

It was not a scientific survey, but based on the responses, it is safe to say that Uncle Sam has not escaped the poisonous culture of assumed male privilege over female bodies that is pervasive generally.

The previous column covered a House Oversight and Government Reform Committee report about the government's inconsistent disciplinary practices and poor record keeping on sexual misconduct. That document cited:

- Environmental Protection Agency's "lack of action to strengthen internal guidance for disciplining sexual misconduct," which the report called

"stunning."

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- National Park Service's "history of sexual harassment and misconduct within its ranks."
- Forest Service's "hostile and discriminatory work environment for women … as well as a history of sexual harassment and misconduct that often went unaddressed."

Email replies to my questions came from employees of various agencies, but the Forest Service more than any other, perhaps because it was shamed at a House Oversight Committee hearing I covered in December. Then, Denice Rice, an employee of California's Eldorado National Forest, told about how a male supervisor held a letter opener and "poked my breast, both breasts, with a smile on his face in an arrogant way, like he could get away with it."

Almost a year after the hearing and "months of pure hell," things are no better for Rice, who said she lost her supervisory duties after reporting the harassment.

"The agency protected him. … I was removed of my supervisor duties. Moved away from my peers. … Completely ostracized," she said Thursday. "I'm still fighting for my supervisor position back."

Asked about the federal government's policy on sexual misconduct, the Office of Personnel Management punted to the Equal Employment Opportunity Commission, which also provided no answer.

Among the readers' responses was one from a government lawyer working overseas. He did not want his or his organization's name used, because he fears retaliation. He was exonerated of sexual misconduct, but it came at a painful price.

Federal agencies "have a bunch of slipshod rules enforced by poorly trained staff," he said. "The result is that the rights of the accused are often brushed aside on the altar of sexual harassment enforcement. … For African-American men, the system is particularly biased as accusers are able to play on the institutional racism that is inclined to see black men as either criminals or sexual predators. … The accused has no rights."

Certainly, accusations too often pass for facts. But his experience is not that of women like Rice, who say they were punished after reporting sexual

she said. "This is a pervasive problem across our country. This must stop."

Here's a story is not the worst. Here are a few others:

- From Within the Service: "I was drugged while working as a National Park Service firefighter in Central California. "More and more I was getting intoxicated with encouragement from crew mates and supervisors to partake. I was eventually the victim of two sexual assaults. … I had drugged in some way that night because I passed out very quickly that night and I had been raped but was too out of sorts and embarrassed to drive to the nearest town and report it."
- From Within the Service: "I was working for the Forest Service in California. Her email said her boss forced "me to tell him when I started my menstrual cycle every month so he can keep track of me." Watch over me like a hawk to find. My coworker physically jumps on my neck ride me like a horse while I cry and beg for him to stop while other crew members watched and laughed. Having my boss … put me in a choke hold and trying to rape me as I beg for him to stop and now [he] has been promoted … while I'm not allowed to work! And so much more I can go on and on!"
- Cheryl Raines spent 25 years fighting fires in the Cleveland Nation Forest in California and recalled an engine captain "who tried everything to get me to sleep with him for a few years and when he became my supervisor he made things miserable, including holding back training, fire assignments and eventually promotions. … After 2 years of hell of trying to go through the process and resolution, the harasser still has his job and life goes for him with no type of punishment, this sends a message that they can get away with it and keep their jobs."

Better training often is suggested to combat harassment. Rep. Brenda Lawrence (D-Mich.) introduced legislation Thursday that would require congressional staff to take anti-harassment training as she said executive branch employees do.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 8/25/2017 7:53:23 PM
Subject: Aug. 25 -- Daily Environment Report - Afternoon Briefing

Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

New Zealand Moves Up Microbeads Ban, Expands Scope

Posted August 25, 2017, 01:39 P.M. ET

By Murray Griffin

New Zealand plans to ban plastic microbeads in a broader range of products and tighten the deadline so the ban will go into effect in May 2018.

A Ministry for the Environment spokeswoman Aug. 24 told Bloomberg BNA that the country had to give the World Trade Organization six months' notice of its intention to introduce regulations that would implement the ban on plastic beads less than 5 millimeters in diameter.

This ban is part of a global initiative to reduce the amount of plastic ending up in oceans, said Associate Environment Minister Scott Simpson. The regulations will make it illegal to sell or manufacture products containing plastic microbeads, and the ban also will extend over a wider range of products.

"We anticipate the regulations will be ready to be published by November 2017, which means the regulations would come into force in May 2018," the spokeswoman said in emailed comments. The government originally intended to introduce a ban that would go into effect July 1, 2018.

Garth Wyllie, executive director of the Cosmetic Toiletry & Fragrance Association of New Zealand, Aug. 24 told Bloomberg BNA that his organization fully supported the ban, although the earlier start date was "a little surprising." The association's members include Chanel, Clarins, and Elizabeth Arden.

The government initially intended applying the regulations only to personal care items, but will now extend it to all "wash-off" products, which includes cleaners and personal care products. The broader ban will be more effective at preventing microbeads from entering waterways, the ministry spokeswoman said.

The ban will not apply to wipe-off make-up products, such as powder foundation and eyeshadows,

which could contain polymers, she said.

"These are supposed to be wiped off with a tissue and disposed of in a bin," the spokeswoman said. Nor will the ban apply to "leave-on" products such as anti-aging creams, sunscreens, and hairsprays, she said.

Widespread Support for Ban

The U.S. makes the same distinctions about personal care products in its imminent microbeads ban, according to the the spokeswoman.

"The precise scope of the ban will be defined in the regulations," she said.

The proposed ban received widespread support following the release of a consultation paper in February, according to a government summary of submissions.

Non-wash-off cosmetics containing microbeads, which won't be banned, don't pose a risk to the environment because when they are removed "they end up in landfill," Wyllie said. Nevertheless, companies are working to remove microbeads from these products, he said in emailed comments.

Katherine Rich, chief executive of the New Zealand Food & Grocery Council (NZFGC), told Bloomberg BNA that her organization supported the ban.

Members of the council anticipate products containing microbeads "will have disappeared from shelves well before then," Rich said in Aug. 24 emailed comments.

"A survey last year by NZFGC of its members and others in the industry showed that many were not using microbeads, or were well down the track of reformulation," Rich said.

Greenpeace said it welcomed the government's move, but was waiting to see more details. A spokeswoman for the environment group said the ban appeared not to include bioplastics or liquid plastics, some of which are not biodegradable. Nor did it appear to include nanoplastics, which the government appeared to consider too small to be a microbead.

The regulations banning microbeads will be introduced under the Waste Minimization Act 2008.

"The New Zealand ban parallels similar initiatives in the United States, United Kingdom, Canada, the European Union and Australia to ban or phase out plastic microbeads in products."

New Biofuel Exemption Prospects Spur Oil Giant Concern

Posted August 25, 2017, 7:30 A.M. ET

By Brian Dabbs

An era of relaxed biofuel blending requirements may be dawning for small oil refineries nationwide following a watershed court decision and new congressional direction for regulators.

That prospect is cheered on by many companies that operate small refineries, such as Silver Eagle Refining Inc. Refiners often complain of the high costs involved with complying with the blending requirements. Exemptions from that requirements, which are granted only to companies financially

damaged by compliance, could provide them a windfall.

But the emergent trend is likely to put the Environmental Protection Agency, which has remodeled itself as an ally of the energy industry, in a tough position. Representatives of larger refiners are warning against the fallout tied to a wave of new exemptions, which would shift some of the burden of complying with the aggregate annual biofuel mandate.

That's because exemptions don't affect the EPA's annual blending requirements, so exemptions result in an uptick in the compliance obligations for those that still have to comply with the program.

"The exemptions take that obligated volume out of the stream, and you can't wave a magic wand and take that biofuel out of the total requirement," Suzanne Murray, a Haynes and Boone LLP attorney who represents refiners, told Bloomberg BNA. "Maybe with a couple of guys on the margins, it's OK, but when you start getting more and more folks, sooner or later it adds up to real volume."

Congress put the blending mandate, known as the renewable fuel standard (RFS), into law more than a decade ago. Proponents at the time said greater use of biofuels would cut down on greenhouse gas emissions and bolster U.S. energy independence.

The mandate requires refiners and importers to blend biofuels, such as traditional ethanol and advanced fuels like cellulosic ethanol, into gasoline or purchase credits to comply. The EPA decides on individual exemption petitions in consultation with the Energy Department.

Spreading the 'Burden'

Large refineries like ExxonMobil Corp., Chevron Corp., and Marathon Petroleum Co. LLC, as well as nonexempt small refineries, have to step in for those exempted. That puts them in an unfair position, Mike Tadeo, a spokesman for the American Petroleum Institute, which represents all the industry heavyweights, told Bloomberg BNA.

"EPA should take measures that reduce the overall RFS requirement when a refiner is exempted as to not spread that burden across the rest of the industry," Tadeo said.

Refineries are required to comply with the RFS based on the amount of petroleum processed, but the industry writ large must meet the aggregate annual mandate. A change like the one the American Petroleum Institute supports will likely require new legislation or a regulatory revamp. The EPA is accepting comments on the exemptions as part of its 2018 RFS proposal.

Some refineries say they already struggle to meet their current quotas.

Relief in the Pipeline

A federal appeals court shot down an EPA rejection of an exemption request Aug. 15, and now some small refineries will likely push the agency for more exemptions, according to Murray and Monte Shaw, executive director of the Iowa Renewable Fuels Association.

Those pleas are likely to fall on friendlier ears at the agency than in years past, Murray, Shaw, and a former EPA official told Bloomberg BNA. EPA Administrator Scott Pruitt, a past biofuel critic and oil industry ally, generally supports the exemptions, the former agency official, who worked directly with Pruitt, said, speaking on condition of anonymity.

A refinery must process 75,000 crude barrels a day or less to qualify for an exemption. Nearly 60 percent of all refineries operate under that threshold, according to the Energy Information Administration.

To qualify under the hardship criteria, a refinery must incur disproportionate cost or face the threat of insolvency linked to compliance.

Jerry Lockie, manager at Silver Eagle Refining Inc. refinery in Woods Cross, Utah, told Bloomberg BNA that his company now sees an opportunity for an exemption in the wake of the Sinclair decision.

"We're evaluating our options for filing for the exemption because it does create an economic disadvantage for us," said Lockie, who told Bloomberg BNA his refinery hasn't received an exemption to date. "We just transferred the information to our counsel and it's in review."

The EPA declined Bloomberg BNA requests for information on the small exemption policy, as well as a list of exemptions requests, denial and approvals. According to the 2018 RFS proposal, which the EPA released last month, the agency evaluated a dozen exemptions requests. But the rule doesn't discuss the decisions.

Those interviewed said they weren't aware of any exemptions approved in 2016. Bloomberg BNA reached out to dozens of companies that operate small refineries and most declined to comment or didn't respond.

But Keith Johnson, a spokesman for the refinery operator Delek Group Ltd., told Bloomberg BNA that he's aware of some recent exemptions. The EPA waived RFS obligations last year for a Delek facility at El Dorado, Ark., and an Alon Israel Oil Co. Ltd. facility at Krotz Springs, La., Johnson said.

Delek absorbed Alon in recent weeks. The company aims to apply for exemptions at both facilities again this year, Johnson said.

More Energy Department Clout?

On top of the impact of the decision and Pruitt's position, the agency also is constrained by a new directive that could encourage exemptions.

A report that accompanied the 2017 funding law directed the EPA to follow Department of Energy recommendations on the exemptions. The Energy Department recommended exemptions in the past, but the EPA disregarded its views, according to some of those interviewed by Bloomberg BNA.

The 2018 RFS proposal suggests that new language may have teeth.

"This directive could impact how EPA evaluates small refinery hardship petitions and the number and magnitude of exemptions granted," the EPA said in its 2018 RFS proposal, which released last month.

But despite that language, Thomas White of the Energy Department's Office of Energy Policy and Systems Analysis said the department's "influence has not changed," adding that the DOE "has always provided EPA an evaluation of a petitioner."

Those interviewed said increased exemptions are likely but not guaranteed.

"You can't necessarily expect EPA to grant all these. They may listen to the bigger refiners," Shaw, the Iowa Renewable Fuels Association leader, told Bloomberg BNA. "I'd say there's a smoother path now, but that doesn't make any of them a slam dunk."

Water Pollution Testing Rule Increases State Compliance Options

Posted August 25, 2017, 01:05 P.M. ET

By David Schultz

The EPA issued new testing guidelines for testing effluent levels in water, which will provide states with more options for complying with federal pollution regulations.

The guidelines, which the Environmental Protection Agency periodically revises, lay out which testing methods are acceptable to use on water for finding levels of toxic chemicals, harmful compounds, and other pollutants.

Frances Bothfeld, an analyst with the Association of Clean Water Administrators, told Bloomberg BNA that the EPA had all but completed these guidelines late last year. But, she said the agency waited to formally make them final until new political leadership at its Office of Water had a chance to review the guidelines.

The guidelines will be published in the Federal Register Aug. 28.

Texas Coal Plants May Not Be Saved by Scaled Back Visibility Rules

Posted August 25, 2017, 11:45 A.M. ET

By Nushin Huq

The EPA is giving Texas a chance to rework a proposed multibillion-dollar air pollution regulation for utilities, but that likely won't be enough to save some coal-fired power plants from shutting down, energy analysts told Bloomberg BNA.

The proposal, issued in the final days of the Obama administration, would require Texas power plants to install new pollution controls in order to improve visibility in nearby national parks, including the Big Bend and Guadalupe Mountains national parks. Luminant Generation Co. LLC, a subsidiary of Vistra Energy, which owns several power plants that would be covered by the regulation, projected the proposal would require utilities to spend more than $3 billion dollars on emissions controls.

Several Texas utilities voiced support for the successful negotiations between the EPA and Texas, but more flexible regulations may not be enough to save some coal plants from retirement. Market pressure from renewables will still likely force some Texas plants to shutter, according to Rob Whaley, an analyst with the consulting firm Wood Mackenzie who focuses on the Electricity Reliability Council of Texas, the state's electricity grid operator.

"The ERCOT market, with all the wind generation coming on, is really suppressing prices and

making it really hard for these baseload units to make money," Whaley said.

Emissions Trading Planned

The EPA is under a Sept. 9 deadline to issue final visibility regulations for Texas, but the Trump administration recently asked a federal judge to extend that deadline until the end of 2018, citing a breakthrough in talks with state regulators.

"Circumstances have changed significantly over the past several months and weeks as EPA and Texas have engaged in a productive level of dialogue that has not occurred in many years," the agency said.

The Texas Council on Environmental Quality declined Bloomberg BNA's request to comment on those talks, but the state regulatory agency said in an Aug. 24 court filing that it intends to spend the next six months developing a proposed emissions trading program in order to meet its "best available retrofit technology" obligations under the EPA's regional haze program.

The Obama administration's proposal didn't opt for an emissions trading approach, something that utilities hoped it would have done, according to Eric Groten, an environmental attorney with Vinson & Elkins LLP in Austin.

"That's the most significant change in what the EPA is saying it would like to do now," Groten said. "It's no great leap of faith to say it's planning not to impose specific limitations on specific plants that must be met by those plants. What it will do instead is impose emission limitations on those plants but then allow trading."

The EPA's decision to give Texas a chance to develop a more flexible set of requirements marks the second possible reprieve on regional haze rules for the state's utilities since Inauguration Day: In March a federal appeals court gave the EPA a chance to reconsider a different regional haze regulation that would have required seven Texas coal plants to install about $2 billion in pollution controls.

Windy Times in Texas

The cost of complying with the regional haze requirements, combined with Texas' recent significant gains in wind energy product, could have led to the retirement of Luminant's Big Brown, Martin Lake, Monticello and Sandow power plants by 2024, according to Whaley.

If the emissions targets for the plants are scaled back by the Trump administration, some of those Luminant plants projected to retire may become economical, Whaley said. But it is possible that price pressure might still take half of that generating capacity offline, he said.

"I think of the 3.5 gigawatts of generation we predict will retire under current rules, about half may survive, but I still don't think all of it will," Whaley said.

Wind generation accounted for nearly 23 percent of ERCOT's power generation in the first quarter of 2017. That level marked the highest quarterly wind penetration in ERCOT's history and highlighted the market challenges facing the coal industry in Texas.

At present, some of the coal plants "are running only seasonally," Matt Preston, a coal analyst for Wood Mackenzie, told Bloomberg BNA.

Some utilities already have taken action to comply with the EPA's regional haze regulations for Texas. For example, NRG Energy decided to switch the fuel used at its Limestone power plant from lignite to a coal that has a lower sulfur content, according to company spokesman David Knox.

Knox told Bloomberg BNA that given the "environmental co-benefit of the fuel switch" and the expected level of operation of the Limestone plant, NRG expects to meet its regional haze obligations.

Industry Welcomes EPA Reversal

Luminant declined to comment on the regional haze rule and the pending litigation, but in comments filed in March, the utility said it would support an extension of the deadline to allow for the EPA to "work cooperatively" with Texas on an alternative plan.

Several other utilities that operate in Texas openly welcomed the fruitful negotiations between the EPA and Texas regulators.

"We are pleased that EPA and the State of Texas have been working so closely together, and look forward to participating in the state's efforts to develop its plan," Wes Reeves, Xcel Energy spokesman, told Bloomberg BNA in a statement.

Dynegy, which operates the Coleto Creek coal plant in Texas, also supports giving Texas regulators enough time to develop a suitable state plan for regional haze, company spokeswoman Meredith Moore told Bloomberg BNA.

"We support TCEQ and EPA working collaboratively to reach agreement on a Texas state implementation plan that meets the statutory requirements of the regional haze rule, protects the environment, and treats all in-state generators equitably," Moore said.

National Rule Next?

Regional haze regulations have been an industry target for the past decade, Gloria Smith, managing attorney for the Sierra Club's Environmental Law Program, told Bloomberg BNA. The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg, the majority owner of Bloomberg L.P., parent of Bloomberg BNA.

On a national level, the EPA will likely take action on a regional haze regulation issued in January, according to Smith. The regulation drew criticism from states and industry over its handling of requirements that states develop long-term strategies for making reasonable progress toward national visibility goals.

EPA Administrator Scott Pruitt is likely not a fan of that regulation. During his time as Oklahoma attorney general, he joined with seven other state attorneys general in comments that identified various alleged legal flaws in the agency's approach.

"We're certain that EPA will be asked to pull that rule back and to revisit it, similarly like in Texas," Smith said. "We're really frustrated because we thought everyone had come together…and now we're going to throw things into chaos again."

The reasonable progress regulation clarifies the four statutory factors under the Clean Air Act that

industry has to comply with, Smith said. Those statutory factors will remain unless Congress changes the law, she said.

"There's actually a lot of momentum right now for reducing emissions, curbing coal-fired generation," Smith said. "The regional haze rule was instrumental for a number of years for cleaning up our national parks, and I don't see that momentum stopping."

Duke Asks to Cancel Planned South Carolina Nuclear Reactors

Posted August 25, 2017, 01:16 P.M. ET

By Jim Polson

Duke Energy Corp. asked to cancel its planned nuclear plant in South Carolina, citing the bankruptcy of reactor manufacturer Westinghouse Electric Co.

The Charlotte-based company also said Aug. 25 in a state filing that North Carolina utility regulators should require customers of the company's Duke Energy Carolinas unit to pay $353 million of pre-construction costs spent on the Lee Nuclear Station over the next dozen years.

The company's decision is the latest blow to the U.S. nuclear industry in the wake of the Westinghouse's filing for bankruptcy earlier this year. South Carolina utilities Scana Corp. and Santee Cooper pulled the plug on a half-finished plant earlier this month after delays and cost overruns, and Southern Co. is weighing whether to halt work on two Georgia reactors.

Nuclear units that were operating for decades have shut, unable to compete with low-cost renewable energy and abundant supplies of natural gas from shale basins.

"Risks and uncertainties to initiating construction on the Lee Nuclear project have become too great and cancellation of the project is the best option for customers," Duke said in a separate statement.

A similar request will be made with South Carolina utility regulators in the future, Rick Rhodes, a company spokesman, said by phone Aug. 25. The U.S. Nuclear Regulatory Commission issued a construction and operating license for the plant last year and Duke will maintain that license "to build new nuclear at this site in the future if it is in the best interest of customers."

NextEra Energy Inc. has said it's decided to "pause" an expansion of its Turkey Point nuclear plant in Florida, but the company is still seeking approval to obtain and then maintain a federal license for two reactors there.

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Shell Joins Solar Push in Coal Country of World's Top Exporter

Posted August 25, 2017, 8:38 A.M. ET

By Ben Sharples and Perry Williams

Royal Dutch Shell Plc is investigating a solar power project in an Australian region better known for its fossil fuels, particularly coal.

The company is studying the feasibility of a solar development on its land in the Western Downs area of Queensland, which is subject to a final investment decision, a spokeswoman said by email. Though Shell's statement didn't elaborate on timing or size, the regional council this week said it had approved construction of the 250-megawatt Delga Solar Farm project proposed by Shell at Woleebee, near Wandoan.

Shell plans to spend as much as $1 billion a year on its New Energies division as the transition to renewable power accelerates, and will partner with Sunseap Group Pte to invest in solar throughout the Asia Pacific. Equis Energy earlier this month approved a 1,000-megawatt solar plant near Wandoan, a region long associated with a potential large coal mine development by Glencore Plc.

"Investment in Australia's large-scale solar sector has had a record-breaking 12 months with around 1,678 megawatts worth of new projects currently under construction across the country," said Leonard Quong, an associate with Bloomberg New Energy Finance in Sydney. Falling technology costs and surging electricity prices are helping to drive a boom in the sector, Quong said.

Equis' A$1.5 billion ($1.2 billion) Wandoan South Solar Project will be one of the largest in the country and is scheduled to start delivering power in 2019, the Singapore-based company said Aug. 7. Australia is the world's biggest exporter of thermal and metallurgical coal.

There are 38 solar plants operating in Australia with a capacity to generate 411 megawatts of power, and a further 29 under construction, according to BNEF.

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Canada Making Progress on Central Arctic's First Deep-Water Port

Posted August 25, 2017, 11:18 A.M. ET

By Peter Menyasz

Canada's Nunavut territory is taking early steps toward building the first deep-water port in the Central Arctic, located at the mid-point of the Northwest Passage.

The port would ease access to international markets for the territory's gold, copper, and diamond mines. Companies active in the region include MMG Ltd., currently developing a zinc and copper mine near Izok, TMAC Resources Inc., developing a gold mine at Hope Bay, and Tundra Copper Corp., which is exploring for copper near the proposed port's location.

The Grays Bay project also would link Nunavut to the national highway and rail systems of the Northwest Territories via the proposed Tibbitt-Contwoyto Winter Road, which would be the first to connect Nunavut to the rest of Canada and forge the first overland connection between Canada and a port on the Northwest Passage, according to the project overview.

The territorial government on Aug. 24 said the Nunavut Impact Review Board formally accepted the Grays Bay Road and Port project proposal, clearing the way for screening the project.

The port and road could transform the territory's economy. The port would be built, managed and operated jointly by the Nunavut government and the Kitikmeot Inuit Association aboriginal group and would connect the significant mineral resources of the Slave Geological Province, which straddles Nunavut and the Northwest Territories, to Arctic shipping routes.

"We are beginning to shape the potential development of Nunavut's economic future with nation-building infrastructure," Monica Ell-Kanayuk, the territory's Minister of Economic Development and Transportation, said in a statement. The screening process will give all stakeholders and the public a chance to understand the details of the project, she said.

The Kitikmeot Inuit community is excited by this milestone in the project approval process, which has included significant support from local municipalities and the community's approximately 6,000 members, Paul Emingak, executive director of the Kitikmeot Inuit Association, said Aug. 24.

To date, there hasn't been any significant opposition to the project, Emingak told Bloomberg BNA. "We haven't heard from environmental groups on whether or not they oppose it. We're not at that stage yet."

Full Environmental Review Sought

World Wildlife Fund Canada wants a full, stringent environmental review of the project, particularly because the proposed all-weather road would cross the calving ground for the Bathurst caribou herd, Brandon Laforest, the environmental group's senior specialist on Arctic species and ecosystems, said Aug. 25.

"Our position is that there should be no development at all in the calving area," Laforest told Bloomberg BNA, noting that the Bathurst herd's population has dropped to 20,000 from a high of 470,000 and that aboriginal groups in the Northwest Territories are heavily dependent on it for their traditional way of life.

The Grays Bay proposal calls for construction of a deep-water port at Grays Bay on the Coronation Gulf and a 233-kilometer (145-mile), all-season road from the port to Jericho Station, home to the Jericho Diamond Mine, which is currently dormant.

TMAC Resources' Hope Bay project involves three high-grade gold deposits in Nunavut's Kitikmeot Region which are estimated by the company to contain 4.9 million ounces of gold. Tundra Copper Corp., owned by Vancouver-based Kaizen Discovery Inc., is exploring for copper resources on more than 3,500 square kilometers (1,350 square miles) near the town of Kugluktuk, also on the Coronation Gulf.

The port would be open to ships and small vessels during the July-October open water season. The four-year construction project also would include bridges and culverts, quarries, diesel storage tanks, a runway and other port facilities.

Caribou Crossing

Caribou populations that traverse the area where the port would be located could be affected, but that has been taken into consideration from the start in designing the proposal, Emingak said. "We take caribou issues seriously," he said.

The project would affect land used by three caribou herds, but the proponents are developing a range of measures to minimize negative impacts, according to a project overview on the assessment agency's website.

The port will not be open when caribou are crossing the Coronation Gulf in the spring and fall, and

the all-weather road that is also part of the project will be closed to vehicles when another herd is calving, the overview said. Side slopes of the road will be flatter and packed down in areas where caribou are expected or known to cross, and construction activity will be shut down at times when large numbers of caribou are nearby, it said.

Laforest said the proposed measures to limit the road's impact might work under normal circumstances, but even the presence of a road can be a problem for a calving ground, particularly for a herd that is already suffering.

The project overview noted that future users of the port aren't considered directly part of the project as their activities are conducted away from the port and wouldn't be under the direct management of the port's owners. "Such future users would include any ships or trucks needed to build or operate future mining projects, such as the Izok Corridor Project. These types of projects would have to go through their own environmental assessment," the overview said.

MMG Ltd.'s C$6.5 billion ($5.2 billion) Izok Corridor Project involves development of a zinc and copper mine near Izok Lake. Shortly after the Nunavut agency launched a detailed review in 2013, the company decided the project was uneconomic due to the infrastructure requirements of construction in the Arctic. The company's website says it continues to work on making the project feasible.

Decision Due in 45 Days

The territorial agency has 45 days to complete the screening assessment, which includes a public comment period. The agency can: approve the project, potentially imposing terms and conditions; require a full environmental and socio-economic review; send the proposal back to the proponent for clarification; or recommend that the project be modified or abandoned.

Based on the agency's conclusion, federal Indigenous and Northern Affairs Minister Carolyn Bennett can accept or reject a decision to allow the project to proceed, direct the agency to reconsider any terms and conditions imposed, overturn a negative decision if the project is deemed to be in the national interest, or refer the decision report back to the agency for further review.

Reviews are more comprehensive assessments generally reserved for major development projects or projects that may cause significant public concern, the agency says in a description of its screening process. Reviews require the proponent to develop an environmental impact statement and the scheduling of a full public hearing, and projects approved after a review are issued a project certificate, it said.

"We expect it to go forward to a broader review where all these things will come out," Laforest of the World Wildlife Fund said. "There's a lot at stake with this project."

After 40 Years, Shared Water Pollution Permits Still Puzzle States

Posted August 25, 2017, 9:00 A.M. ET

By Amena H. Saiyid

Several states want to issue water pollution permits that for decades have been controlled by the federal government, but a recent report highlights how they're being hindered by confusion over costs and even which waters are eligible for state oversight.

At issue are dredge-and-fill permits needed before mining, construction, and some farming activities can be carried out in and near federally protected waters.

In most of the country, those permits are issued by the U.S. Army Corps of Engineers, which uses the permits to ensure these federal waters aren't polluted by commercial and agricultural activity.

But the process can take years, and some states want to take over the permitting role to speed up the process, end duplication with state permits, and provide consistency for the companies that need the permits before excavating in or around some wetlands or water bodies.

Lingering Uncertainty

Congress gave states the right to take over these permitting duties 40 years ago, and the the actual dredge-and-fill permit requirements are identical whether administered by a state or the federal government. But only two states—Michigan in 1984 and New Jersey in 1994—have actually assumed permitting responsibilities from the federal government, though seven additional states have explored the notion.

One of the biggest lingering issues facing those states is a lack of clarity over which types of federally protected waters they can assume control over and which ones must remain under the purview of the corps. (New Jersey worked out a compromise to clarify its role in permitting on federal waters and wetlands before taking over responsibility in 1994. But the corps doesn't want to follow that approach now.)

The Environmental Protection Agency asked an advisory committee to answer the question of exactly which federal waters would be covered, but the panel recently failed to reach a consensus.

The corps dissented from an approach endorsed by other federal and state agencies—and backed by the National Wildlife Federation—that would have made clear that states could issue permits over navigable waters covered under the Clean Water Act of 1972, even while the corps retained permitting authority over major water bodies that transport people and goods that are covered under the Rivers and Harbors Act of 1899.

That ongoing uncertainty, combined with a tough budget environment for state environmental agencies, has discouraged states like Alaska and Oregon from following through on their desire to take the lead on dredge-and-fill permitting.

Of the seven state agencies contacted by Bloomberg BNA since the May release of the panel's report, Arizona was the only one to report active discussions with its state legislature on assuming the permitting program.

Arizona Eyes Faster Permitting

Obtaining a dredge-and-fill permit from the corps can take anywhere from six months to several years, depending on the complexity of the permit, the location of the project, and whether endangered species could be affected, according to Neal McAliley, an attorney at Carlton Fields in Miami, who has sought permits for clients.

For a state to take over permitting from the corps, it needs funding, legislative backing, and EPA approval. The actual cost of assuming the dredge-and-fill program varies by state, but Virginia in 2012 estimated the cost of staffing and operating a permitting program to be about $3.4 million a year.

Arizona regulators remain interested in assuming the program and are talking with state lawmakers about legislation to expedite the process, according to a state water official.

"The interest we have in obtaining the Section 404 [of the Clean Water Act] dredge-and-fill permit program is that we will be able to have a more consistent environment to do business," Trevor Baggiore, water quality division director for the Arizona Department of Environmental Quality, told Bloomberg BNA. "We can provide a faster service than the corps."

Construction and mining are the main industries that obtain those permits in Arizona. The state's efforts are backed by Phoenix-based Freeport-McMoRan, spokesman Eric Kenner told Bloomberg BNA in an email. That company is the world's largest producer of molybdenum, which is used as an alloy in steel manufacturing, and second largest producer of copper.

Don Taylor, chief operating officer for Arizona Mining Inc., wouldn't speculate on the impact on his company's operations until Arizona actually enacts changes, but he told Bloomberg BNA that any change to streamline the permitting process and ensure more consistent communication with regulators would be a positive for all businesses that deal with the issue.

Baggiore said funding is not as much of an issue for Arizona as it is for other states because it charges fees for Clean Water Act discharge permits, a process that would continue if Arizona assumes the dredge-and-fill program.

Interest Remains, But ...

While Arizona is still working to take over the permitting process, the interest of several states has been dampened by confusion over which waters they would assume and which would be retained by the corps.

Congress authorized states in 1977 to take over permitting of waters and wetlands covered by the Clean Water Act, but not those that fall under the Rivers and Harbors Act, which includes major rivers and lakes where transportation of goods and people takes place.

States have been confused over whether that's the final word, so the EPA attempted to clear up that situation by asking its National Advisory Council for Environmental Policy and Technology (NACEPT) to weigh in. But the corps didn't agree with the rest of the panel.

The corps insisted that it retain permitting authority over a category of navigable waters—including small ponds like Minnesota's Bah Lakes—that go beyond major arteries used for transporting goods. The corps also wanted to retain authority over wetlands adjacent to major rivers on a case-by-case basis.

State assumption was a bipartisan compromise Congress enacted to protect states' traditional land-use authorities while extending federal standards to many waters that were not regulated, according to Virginia Albrecht, special counsel to Hunton & Williams LLP, who served on the advisory panel.

"It's a mystery why the corps representative on [a NACEPT panel] refused to implement this clear congressional intent," Albrecht told Bloomberg BNA in an email.

The corps deferred all next steps to the EPA, which told Bloomberg BNA that it is still reviewing the report, but remains committed to giving states an opportunity to be equal regulatory partners.

States Need Funding

Montana's interest in assuming dredge-and-fill permitting waned because the advisory committee didn't provide the steps necessary for takeover and because its state Legislature didn't back the effort, Jeni Garcin, spokeswoman for the state Department of Environmental Quality, told Bloomberg BNA.

Florida and Virginia environmental officials told Bloomberg BNA that the subject wasn't on the agency's radar screen, while Maryland failed to respond. Other states remain interested, but they can't pursue the takeover because of tight budgets.

In Alaska, the current budget climate doesn't support taking over program, Michelle Hale, water division director for Alaska's Department of Conservation, told Bloomberg BNA in an email.

Oregon's interest has been tempered since it discovered it may run afoul of Endangered Species Act protections for the state's salmon species, Bill Ryan, deputy director of Oregon Department of State Lands, told Bloomberg BNA.

The corps consults with other federal agencies to make sure no permitted activity threatens salmon. If the state takes over the permitting program, it would need legislative permission and funding to set up another regulatory program to deal with any harm to the salmon caused by dredging and filling of streams, a move for which there is "neither appetite nor budget" in Oregon, Ryan said.

Week Ahead: 'Garbage Juice,' Snow Leopards, EPA Modeling Debated

Posted August 25, 2017, 01:34 P.M. ET

By Chuck McCutcheon

"Garbage juice" in North Carolina, the snow leopard's role in addressing climate change, and an EPA panel's scrutiny of regulation models are among the topics at energy and environment events during the week of Aug. 28.

North Carolina lawmakers are scheduled to vote Monday on overriding Gov. Roy Cooper's (D) veto of a bill (H.B. 576) that would allow the state's landfill operators to spray leachate and wastewater into the air to help manage solid waste. The technique is known as "aerosolization," but opponents have termed it "garbage juice spraying."

In his veto message, Cooper said he opposed the bill because it would limit the future use of more environmentally protective technologies. Despite the earlier blessing from state lawmakers, the owner of most of North Carolina's landfills—Phoenix-based Republic Services Inc.—is now backing away from aerosolization.

Republic Services "concluded that the technique is not a viable alternative for our liquids management in North Carolina," the company said in a statement to Bloomberg BNA. The company said it didn't plan to use the method in the future and was "committed to working with regulators on future ideas and opportunities that might further enhance the management of an evolving waste stream."

Another company, Charah LLC, which operates a landfill near Moncure, N.C., told state regulators

that it wants to withdraw its request for an aerosolization permit, according to a news report. Andrew Ballard will cover.

In Other News

World Water Week: Stockholm's annual conference addressing global water issues, organized by the Stockholm International Water Institute, runs Sunday through Friday. Thousands of attendees from more than 100 countries will listen to panel discussions on topics such as irrigating forests with wastewater and using hydropower to address climate change.

One of Monday's panels will address how snow leopards are bringing together 12 countries in Asia's Third Pole region to deal with water and climate security. The animals are considered to show potential resiliency against the direct impacts of climate change in the near term: They are able to tolerate a range of temperatures and require minimal fresh water. But scientists are concerned about the snow leopards' longer term future as climate change accelerates.

Hurricane Harvey: Bloomberg BNA staff will monitor the hurricane's impact on the Gulf Coast region's oil and gas sector and other energy and environmental effects.

Regulation modeling: The Environmental Protection Agency's Science Advisory Board meets Tuesday and Wednesday in Arlington, Va. Among the topics is a review of a draft board report on economywide modeling of environmental regulations' costs and benefits. Peter Wilcoxen, a Brookings Institution nonresident senior fellow in economic studies and co-director of the Brookings Climate and Energy Economics Project, chairs the committee on the topic and will make a presentation. Sylvia Carignan will watch.

Perry to Ukraine: Energy Secretary Rick Perry on Monday will lead a U.S. delegation to Kyiv, Ukraine. The group will meet with President Petro Poroshenko, as well as other Ukrainian officials to discuss energy partnerships. The department, along with Xcoal Energy & Resources, announced Aug. 21 the first shipment of Pennsylvania thermal coal to Ukraine.

Conowingo Dam: The Maryland Environmental Service is expected Thursday to issue a detailed request for proposal for a demonstration project to determine the costs of dredging the Conowingo Dam. The project also will seek to identify markets for reuse of dredged material. Recent research shows that the hydroelectric dam, located on the Susquehanna River in northern Maryland, has been filling with sediment faster than expected. Leslie A. Pappas will cover.

Infrastructure investment: The Atlantic Council will hold a Monday forum in Chapel Hill, N.C., on the Trump administration's infrastructure proposal featuring Rep. David Price (D-N.C.).

EPA webinars: The EPA will hold a Tuesday webinar on reducing plastic products' pollution and a Thursday webinar on suspect screening of chemicals in consumer products.

—With assistance from Andrew Ballard.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Tue 8/15/2017 10:33:12 AM
Subject: POLITICO Playbook, presented by the Coalition for Affordable Prescription Drugs (CAPD): BANNON ON CHOPPING BLOCK -- CEOs run from Trump after Charlottesville response -- MOOCH on Colbert -- JOSH GREEN named CNN analyst -- DANA BASH to get GW alumni award

View online version | Add politicoplaybook@politico.com to your address book.

Today's POLITICO Playbook presented by the Coalition for Affordable Prescription Drugs (CAPD)
08/15/2017 06:29 AM EDT

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

Good Tuesday morning. INTEL'S BRIAN KRZANICH has dropped off President Donald Trump's American Manufacturing Council.

THE AFTERSHOCK -- "Trump gives heartburn to American CEOs," by Dan Diamond: "It took three weeks for Merck CEO Kenneth Frazier to go from a 'business genius' to a 'ripoff' drug executive -- at least in the eyes of President Donald Trump. Frazier appeared at the White House on July 20 to celebrate a new jobs initiative, where the president hailed him as a 'great, great business leader' and thanked Merck for investing in American jobs. But on Monday, the president blasted Frazier after the executive announced he was leaving a White House advisory council over Trump's failure to condemn the hate groups that demonstrated in Charlottesville, Va. ...

"Frazier's decision and his subsequent tongue-lashing on Twitter illustrate the tricky balancing act for America's CEOs: Avoid Trump and run the risk of being his target - or get close to this White House at your peril. More than two dozen CEOs and other leaders were invited to serve on Trump's councils, a somewhat symbolic role that gives business executives a chance to bend the ear of the president and potentially win favorable treatment. A number of those leaders, like General Electric's Jeff Immelt, also served on similar advisory councils for former President Barack Obama.

"Late Monday, Intel's CEO, Brian Krzanich, posted in a company blog that he, too, was stepping down from the manufacturing council. 'I have already made clear my abhorrence at the recent hate-spawned violence in Charlottesville,' he wrote, 'and earlier today I called on all leaders to condemn the white supremacists and their ilk who marched and committed violence. I resigned because I want to make progress, while

many in Washington seem more concerned with attacking anyone who disagrees with them.' That announcement followed tweets from Under Armour, which said its chief executive, Kevin Plank, had decided to quit, as well." http://politi.co/2wLch10

-- IAN KULLGREN: "AFL-CIO President Richard Trumka hinted [Monday] that he may resign from President Donald Trump's manufacturing council after the president's initial reluctance to condemn white supremacist and neo-Nazi marchers in Charlottesville, one of whom allegedly killed a young woman protesting the march. In a statement to POLITICO, Trumka also criticized the White House manufacturing council as ineffective."

-- TRUMP SEEMS TO LOVE nothing more than meeting with CEOs at the White House. He's had more public meetings and roundtables with executives from different industries than President Barack Obama or President George W. Bush. (The pace of the gatherings has slowed considerably.) But, if he gets too close to controversial issues these CEOs will be quick to skip a photo-op or appointment to what are largely ceremonial positions.

BANNON GETS NUDGED UNDER THE BUS -- NYT, A1: "Bannon in Limbo as Trump Faces Growing Calls for the Strategist's Ouster," by Maggie Haberman and Glenn Thrush: "Rupert Murdoch has repeatedly urged President Trump to fire him. Anthony Scaramucci, the president's former communications director, thrashed him on television as a white nationalist. Lt. Gen. H. R. McMaster, the national security adviser, refused to even say he could work with him.

"For months, Mr. Trump has considered ousting Stephen K. Bannon, the White House chief strategist and relentless nationalist who ran the Breitbart website and called it a 'platform for the alt-right.' Mr. Trump has sent Mr. Bannon to a kind of internal exile, and has not met face-to-face for more than a week with a man who was once a fixture in the Oval Office, according to aides and friends of the president.

"So far, Mr. Trump has not been able to follow through -- a product of his dislike of confrontation, the bonds of a foxhole friendship forged during the 2016 presidential campaign and concerns about what mischief Mr. Bannon might do once he leaves the protective custody of the West Wing. ... Despite being marginalized, Mr. Bannon consulted with the president repeatedly over the weekend as Mr. Trump struggled to respond to the neo-Nazi rally in Charlottesville, Va. In general, Mr. Bannon has cautioned the president not to criticize far-right activists too severely for fear of antagonizing a small but energetic part of his base." http://nyti.ms/2vXkDF5

-- THIS FEELS LIKE a Friday-night-in-August type of departure. Don't touch that dial. ... **MAGGIE** and **GLENN** hit on this, but many top House conservatives truly trust Bannon and use him as a way to send messages to the president. Without him and Reince Priebus, many members of Congress will feel like they have no way into the White House.

-- AHEM ... -- JOSH GREEN has joined CNN as a political analyst effective Monday. He'll remain at Bloomberg Businessweek.

-- FOR WHATEVER IT'S WORTH, Scaramucci told Stephen Colbert last night "if it were up to me" Bannon would be gone. http://bit.ly/2wLDqAC ... **Colbert:** "What was it like for the 10 days you were in there? Did you get a sense of chaos?" **Scaramucci:** "Listen, I mean, it's a tough place. There was a lot of infighting. ... What people do is they go behind each other's backs and they leak things to the press and they say nasty things about each other to try to destabilize them or to influence the president's judgment of them. ... You have to have some level of esprit de corps and it didn't start that way." ... **Colbert:** "Were you brought in just to get rid of him [Reince Priebus] and Sean Spicer?"

Scaramucci: "Mmm, I don't want to say that. Ahh, I don't want to say it that way." **Colbert:** "Was it part of your job? ... Say it like the Mooch. Give me some Mooch." ... **Scaramucci:** "The Mooch of Long Island would say there was no love lost there ... I didn't think I was going to last too long, but I thought I would last longer than a carton of milk. I just didn't last that long." He also got booed by some in the audience when he said that he knew the president was a "compassionate person." ***10-min. video*** http://bit.ly/2w9lWka ... ***3-min. video*** http://bit.ly/2i1xXmd

ABOUT THAT RESPONSE -- "Trump plays both sides with Charlottesville response," by Eliana Johnson: "President Donald Trump caved to pressure from his senior advisers on Monday when he rebuked neo-Nazis and white supremacists for their involvement in the rally that ended in the death of a 32-year-old Charlottesville woman -- but it may have been a Pyrrhic victory. His remarks on Monday, authored in part by chief speechwriter Stephen Miller, put some of his most ardent supporters in the crosshairs, and quelled the outrage sparked by his initial statement, which was widely considered weak and equivocal.

"But the White House's slow-footed response, which played out over three days, fit a broader pattern that has hobbled the president before. Pushed to condemn some of the ugly factions of the alt-right made prominent by his candidacy, Trump has fallen back on the same tactic: delay, delay, delay. Political analysts said Trump's drawn-out response was part of a double game -- an effort to avoid alienating part of his base followed quickly by a pivot to tamp down the outrage. 'He feels he can keep his base happy by being mute for 48 hours, and then he can come in and mute the so-called mainstream media world,' said presidential historian Douglas Brinkley." http://politi.co/2uXjMj3

SETH MEYERS on Donald Trump and Charlottesville on "Late Night": http://bit.ly/2wLC2OC

-- AP's Jonathan Drew in Durham, North Carolina: "Protesters in North Carolina toppled a nearly century-old statue of a Confederate soldier Monday at a rally against racism. Activists in Durham brought a ladder up to the statue and used a rope to pull down the Confederate Soldiers Monument that was dedicated in 1924. A diverse crowd of dozens cheered as the statue of a soldier holding a rifle fell to the ground in front of an old

courthouse building that now houses local government offices. Seconds after the monument fell, protesters began kicking the crumpled bronze monument. 'I was a little bit shocked people could come here and come together like that,' said Isaiah Wallace, who is black." http://bit.ly/2i2BJLQ

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)**: If you know only one fact about rising drug costs, know this one: drug makers set prices for prescription drugs. To help manage nearly double-digit price increases, employers, unions and government programs use PBMs to negotiate lower net prices to help curb costs for employers and patients. Learn more at affordableprescriptiondrugs.org ******

BEN SCHRECKINGER in Alexandria, Virginia, **"White Nationalists Try on an Unfamiliar Role: Police Victims":** "Organizers of Saturday's deadly white nationalist rally say they are planning to return to Charlottesville for a future rally and to file lawsuits against city and state authorities for allegedly failing to protect their gathering. But first, they must cope with a psychic shock: feeling betrayed by government authorities they believed would always protect them. Before this weekend's events, the alt-right had been a bastion of pro-police sentiment -- especially when it came to police shootings of unarmed black victims and clashes with the Black Lives Matter movement. Now, the alt-right's leaders are grappling with the realities of being identifiable members of an unpopular minority group in public. ...

"[W]hite nationalist leader Richard Spencer at a small news conference inside his home here on Monday afternoon ... repeatedly dodged questions about whether his weekend experience has made him more sympathetic to the Black Lives Matter movement and members of minority groups who have claimed unfair treatment at the hands of police. ... Spencer said he was unimpressed by President Donald Trump's Monday statement condemning Nazis and the KKK, calling it 'nonsense' and 'silliness.' He said he did not believe Trump - who explicitly condemned white supremacy only after days of criticism for his failure to do so - was making the statement sincerely and said he does not believe the president had condemned his movement, pointing out that he did not use the term 'white nationalists.'" http://politi.co/2uF00xE

-- WAPO: "Records show Va. suspect's mom twice called 911 on son, paint a portrait of a violent young teen": http://wapo.st/2wLp3wc

--"Uber Bans Racists, Too," by BuzzFeed's Caroline O'Donovan: "Uber permanently banned white supremacist James Allsup from its ride-hail platform on Saturday after an Uber driver in Washington, D.C. kicked him and alt-right leader Tim Gionet, better known as Baked Alaska on Twitter, out of their ride for allegedly making racist remarks. ... Before the rallies, Airbnb decided to ban known white supremacists from its site, prohibiting some - including the well-known neo-Nazi Richard Spencer - from booking a place to stay at Charlottesville via the platform." http://bzfd.it/2uY0xpB

NEXT UP -- "Deadly rally accelerates removal of Confederate statues," by AP's Jesse J. Holland: "In Gainesville, Florida, workers hired by the Daughters of the

Confederacy chipped away at a Confederate soldier's statue, loaded it quietly on a truck and drove away with little fanfare. In Baltimore, Mayor Catherine Pugh said she's ready to tear down all of her city's Confederate statues, and the city council voted to have them destroyed. San Antonio lawmakers are looking ahead to removing a statue that many people wrongly assumed represented a famed Texas leader who died at the Alamo.

"The deadly white nationalist rally in Charlottesville, Virginia, is fueling another re-evaluation of Confederate statues in cities across the nation, accelerating their removal in much the same way that a 2015 mass shooting by a white supremacist renewed pressure to take down the Confederate flag from public property." http://bit.ly/2uEmy1E

CRISIS AVERTED ... FOR NOW -- "North Korean ruler stands down on threat to Guam," by L.A. Times' W.J. Hennigan and Jonathan Kaiman: "North Korea's autocratic ruler has decided not to launch missiles toward Guam, Pyongyang's state media reported Tuesday, easing the immediate threat of an attack on the U.S. territory in the western Pacific.

"The North Korean statement said Kim Jong Un could change his mind 'if the Yankees persist in their extremely dangerous reckless actions,' in which case the country's artillerymen would 'wring the windpipes of the Yankees and point daggers at their necks.' The announcement appeared shortly after Defense Secretary James N. Mattis warned that an attack could quickly escalate to war, although it's unclear if the developments were linked. 'If they fire at the United States it could escalate into war very quickly,' Mattis told reporters at the Pentagon. 'That's called war, if they shoot at us ... You don't shoot at people in this world unless you want to bear the consequences.'" http://lat.ms/2i3lbnk

FOR YOUR RADAR -- "Iran could quit nuclear deal in 'hours' if new U.S. sanctions imposed: Rouhani," by Reuters: "Iran could abandon its nuclear agreement with world powers 'within hours' if the United States imposes any more new sanctions, Iranian President Hassan Rouhani said on Tuesday. 'If America wants to go back to the experience (of imposing sanctions), Iran would certainly return in a short time -- not a week or a month but within hours -- to conditions more advanced than before the start of negotiations,' Rouhani told a session of parliament broadcast live on state television. Iran says new sanctions that the United States has imposed on it breach the agreement it reached in 2015 with the United States, Russia, China and three European powers in which it agreed to curb its nuclear work in return for the lifting of most sanctions." http://reut.rs/2uX4Kdm

-- REUTERS//MANILA: "Philippines says China has agreed no new expansion in South China Sea": "China has assured the Philippines it will not occupy new features or territory in the South China Sea, under a new status quo brokered by Manila as both sides try to strengthen their relations, the Philippine defense minister said. The minister, Delfin Lorenzana, told a congressional hearing that the Philippines and China had reached a 'modus vivendi', or a way to get along, in the South China Sea that prohibits

new occupation of islands. 'There is status quo now that is happening in the South China Sea brokered by the secretary of Foreign Affairs,' he told lawmakers late on Monday." http://reut.rs/2wLxEis

SOME SERIOUS COIN -- "Gates Makes Largest Donation Since 2000 With $4.6 Billion Pledge," by Bloomberg's Tom Metcalf: "Bill Gates made his largest gift since the turn of the century, giving away Microsoft shares that accounted for 5 percent of his fortune, the world's biggest. The billionaire donated 64 million of the software maker's shares valued at $4.6 billion on June 6, according to a Securities & Exchange Commission filing released Monday. While the recipient of the gift wasn't specified, Gates has made the majority of his donations to the Bill & Melinda Gates Foundation, the charity he and his wife use to direct their philanthropic efforts." https://bloom.bg/2i0hUoy

TRUMP'S TUESDAY -- TRUMP is in New York. He will discuss infrastructure and sign an executive order "establishing discipline and accountability in the environmental review and permitting process for infrastructure projects." He'll also give a public statement. The infrastructure meeting will be in the Trump Tower residence and the statement will be made from the Trump Tower lobby.

A REMINDER -- TONIGHT is the Alabama Senate primary. ***Seung Min Kim and Daniel Strauss tell us five things to watch*** http://politi.co/2fGxntm

Playbook Reads

PHOTO DU JOUR: A protester kicks a toppled statue of a Confederate soldier after it was pulled down in Durham, North Carolina on Aug. 14. | Casey Toth/The Herald-Sun via AP

OFF MESSAGE: ISAAC DOVERE talks to **CECILE RICHARDS** -- "Cecile Richards, the president of the Planned Parenthood Federation of America and Planned Parenthood Action Fund, couldn't be clearer on how wrong she thinks DCCC chair Ben Ray Luján is to say he won't have a litmus test for candidates on abortion rights. 'It's a shocking sort of misunderstanding of actually where the country is ... which is overwhelmingly supportive of abortion rights and also, who are the ground troops that kind of fuel the election of candidates,' Richards told Isaac Dovere for the latest episode of POLITICO's Off Message podcast. ...

"'On getting back in touch with Ivanka Trump: 'I guess I could. I feel like talk is cheap, right? It's actually what are the actions we're seeing and what we've seen out of this administration from day one have had both barrels aimed at women.'" http://politi.co/2x07ec6 ... ***Listen to the full podcast*** http://apple.co/2e2dLvm

COMING ATTRACTIONS -- "Women's March to reconvene around 2018 after Charlottesville," by USA Today's Heidi M. Przybyla: "For the first time since an estimated 2.6 million citizens marched on Washington and in cities across the country and globe a day after President Trump's inauguration, organizers are asking their allies to regroup in order to focus on the congressional, gubernatorial and local elections taking place next year. The Women's Convention, to be held in Detroit from Oct. 27-29, will bring together thousands of the women who organized sister marches across the country on Jan. 21 and have formed 5,000 local groups, or huddles, in 50 states to organize resistance actions over the past several months." https://usat.ly/2i17OUz

-- "Alarmed by Trump, Obama alums launch campaigns of their own," by Elena Schneider: "Shaken by Trump's victory and motivated by the potential undoing of what they worked to help Obama accomplish, roughly a dozen former White House and agency staffers have moved home to run for Congress. They're leaning on advice and seeking endorsements and donations from a roster of ex-Obama White House and campaign hands.

"Some House races have even drawn multiple former Obama hands into the arena. In Texas, former Obama chief of staff Denis McDonough and ex-Treasury Secretary Jack Lew have lined up behind Ed Meier, a former State Department official, while ex-Housing and Urban Development Secretary Julián Castro is backing his former employee, Colin Allred, who was also an Obama White House intern and professional football player. Meier and Allred are competing in a crowded primary to take on Rep. Pete Sessions (R-Texas), who didn't attract a single Democratic opponent last year." http://politi.co/2uJCviN

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)**: Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers and other health care purchasers; however, the list price - the important starting point for those negotiations -- continues to rise, at a rate of nearly ten percent in 2016 alone. Increased competition, faster reviews of generics and biosimilars and ending anti-competitive practices can also bring down the cost of medications for patients. Learn more at affordableprescriptiondrugs.org ******

2018 WATCH -- "The GOP's nastiest Senate primary : Todd Rokita and Luke Messer have been trying to outdo one another in Indiana politics since they graduated from the same small college decades ago," by Maggie Severns and Kevin Robillard: "Their campaign didn't officially get underway until last week, but Messer, 48, has already accused Rokita of attacking his wife and 'spreading lies' about his record. Rokita, 47, has questioned his rival's mental health, calling Messer 'unhinged' and a 'ticking time bomb.' ... [F]ew states are as ripe for a Republican challenge as Indiana - where Democratic Sen. Joe Donnelly is unusually vulnerable, running in a state Trump carried by 19 points - and no primary has gotten so nasty, so quickly.

"More than a dozen professional colleagues and personal acquaintances painted the hostility between Rokita and Messer as the product of three decades of pent-up rivalry.

The two men ... have climbed Indiana's political ladder alongside each other for years and even attended the same small, all-male Wabash College together in the early 1990s - a school whose unofficial motto, a former dean noted with a touch of irony, is 'competition without malice.'" http://politi.co/2fHi3N2 ... ***Rokita's new digital attack ad on Messer*** http://bit.ly/2vELXpf

BUSINESS BURST -- "Warren Buffett Cashes Out on GE, Cashing In on Crisis Loan," by WSJ's Thomas Gryta and Maria Armental: "Warren Buffett's Berkshire Hathaway Inc. is getting out of one of America's oldest companies: General Electric Co. The billionaire investor's firm sold 10.6 million GE shares in the second quarter, a stake that would have been worth an estimated $315 million as of June 30, according to a regulatory filing. Berkshire received most of the shares in 2013 after the investor lent roughly $3 billion to GE in October 2008 during the depths of the financial crisis.

"In addition to the shares, Berkshire received hundreds of millions in dividends from GE over several years. All told, Mr. Buffett's $3 billion crisis-era investment generated a profit of more than $1 billion. Berkshire's decision to cash out its GE stake came in the same quarter that the conglomerate announced it was changing leaders, with Jeff Immelt stepping aside as chief executive after 16 years and handing over the job to one of his lieutenants, John Flannery." http://on.wsj.com/2uJudl0

THE CAMPAIGN PROMISE -- "Trump may not get the 'win' he seeks in NAFTA talks," by Doug Palmer: "As a candidate, Donald Trump constantly called NAFTA the worst trade deal in history and promised 'to get a better deal for our workers.' Now that he is president, Trump is about to find out how hard it is to get an agreement that satisfies not only those workers who feel 'shafted by NAFTA' but also the powerful business interests currently benefiting from billions of dollars in cross-border sales. Top trade officials from the United States, Canada and Mexico sit down on Wednesday to begin thrashing over hundreds of issues as distinct as Canadian dairy barriers and digital trade issues affecting both countries." http://politi.co/2w9u4Ba

TOP-ED -- SEN. JAMES LANKFORD (R-Okla.) in WaPo, **"The U.S. trade deficit is a good thing. Really":** "When a Canadian company decides to invest in a U.S.-based company, it increases our trade deficit. Similarly, when the Mexican government buys U.S. Treasury bonds (as most of the world does), the likelihood of an American trade deficit increases. Investments such as these are indicative of a strong economy. It should be an encouraging sign that we are by far the world's largest receiver of foreign direct investment. Our trade deficit means, in part, that U.S. companies are considered to be a better investment than companies in other countries. More investment in American businesses means more jobs and higher wages for American workers." http://wapo.st/2uJtRkw

MEDIAWATCH -- "Opponents to Sinclair-Tribune merger rally in new 15-member coalition," by John Hendel: "The Coalition to Save Local Media includes right-leaning programmers, tech industry interests, telecom trade groups and public interest advocates. ... Such a concerted effort from a wide range of voices puts additional

pressure on the FCC and Justice Department as they weigh the merger's prospects. It also creates a tough spot for Republican lawmakers, who so far have preferred to quietly assess the merger without summoning witnesses for hearings despite calls from some Democrats to do so. Amid all this noise, no proponents for the Sinclair-Tribune deal have stepped up to provide any countervailing view."

-- THE NEW YORKER has announced the line-up to its Oct. 6 one-day conference called TechFest; its speakers include Michael Lynton, Gina McCarthy, Jaron Lanier, and Garry Kasparov. http://bit.ly/2uEiUVw

PLAYBOOK SCOOPLET -- MCCLATCHY has hired Emma Dumain to be Washington correspondent for its South Carolina papers. She most recently was D.C. correspondent for the Post and Courier of Charleston.

Playbookers

DANA BASH will get GW's 2017 Distinguished Alumni Achievement Award at an Oct. 19 ceremony.

TRANSITIONS -- NOBUKO SASAE will chair the Eleanor Roosevelt Dialogue, a forum to educate spouses of ambassadors, cabinet secretaries, Supreme Court justices, White House aides and others on issues of the day. Sasae, wife of Japanese Ambassador Kenichiro Sasae, takes over from Kathleen Biden, who led the group for the past two years.

BIRTHDAY OF THE DAY: Elise Labott, CNN global affairs correspondent. **How she's celebrating:** "I usually take a wild trip with my friend Linda Roth, whose birthday is the day before mine. A few years ago we parasailed off the mountains of Medellin, Colombia and another year we went to the Croatian coast. She's on a work trip this year so I'm having a low key happy hour with friends." Read her Playbook Plus Q&A: http://politi.co/2vzH5mV

BIRTHDAYS: Karen Finney ... Vernon Jordan is 82 ... Melinda Gates is 53 ... Justice Stephen Breyer is 79 ... Rep. Maxine Waters (D-Calif.) is 79 ... Rep. Robert Pittenger (R-N.C.) is 69 ... Linda Ellerbee is 72 ... Dave Price ... Devin O'Malley is 3-0 ... McClatchy's Kevin Hall, a Pulitzer Prize winner, is 55 (hat tip: Kristin Roberts) ... Matt Pinnell ... Peggy Binzel, principal at the Podesta Group ... Democratic pollster Diane Feldman (h/ts Jon Haber) ... Jarrett Lewis, executive director of the Health Management Academy/the Academy Advisors, Romney 2012 alum, and the pride of Charlotte Latin (h/t Jim Hobart) ... Jon Black ... NBC News Capitol Hill reporter Leigh Ann Caldwell, celebrating at the beach in Delaware with her family (h/t Alex Moe) ... Patrick Gleason, state affairs director at Americans for Tax Reform ... Kathryn Potter ... Annie Minkler ...

... Rachel Haot, managing director at 1776 (h/t Peter Cherukuri) ... Richard Hudock of

CNN PR ... Billy Pitts ... Sarah Bell ... Eric Tanenblatt, Dentons U.S. Public Policy chair, is 51 ... Bart Reising is 31 ... GBA Strategies intern Ben Weinberg is 22 ... Brett Doyle, Senate RPC policy analyst (h/t wife Emma King Doyle) ... EPA's John Konkus ... Mariam Khan, an ABC News digital journalist covering Capitol Hill (h/ts Ryan Struyk and Margaret Chadbourne) ... Jesse McKinley, NYT Albany bureau chief is 47 ... former Rep. Judy Biggert (R-Ill.) is 8-0 ... Larry Cohen ... Meg Joseph ... Christopher Loring ... Maral Karaccusian ... Zahava Urecki... Emily Smith ... Tom Murphy ... Diane Feldman ... Susanne Salkind (h/ts Teresa Vilmain) ... Todd Bernstein ... KJ Fallon ... Will Dizard ... Alison Rose Levy ... Frank Sicoli is 39 ... Desiree Wineland ... Derek Kan, general manager at Lyft ... Miranda Barrett ... Britain's Princess Anne is 67 ... Ben Affleck is 45 ... Joe Jonas is 28 ... Jennifer Lawrence is 27 (h/ts AP)

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : The high prices that drug makers set for prescription drugs can put financial strain on patients, employers, unions and others who provide health care coverage to more than 50 percent of Americans. Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers, unions and government programs. But, as list prices - the starting point for those negotiations -- continue their nearly double-digit increases, the effects ripple throughout the system. The key to ensuring greater access and affordability lies in fostering greater competition. Facilitating faster reviews of generics and biosimilars, identifying off-patent drugs with little or no generic competition, and ending anti-competitive practices that keep safe, effective alternatives out of the market are also key to abating rising drug costs for patients. Learn more at affordableprescriptiondrugs.org ******

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See https://www.politico.com/story/2017/11/29/senate-republicans-tax-plan-votes-267923 for complete coverage of this legislation.

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TRUMP'S EPA: Agency at a crossroads -- Complete coverage

November 1, 2017

Latest News

Pruitt Prepares To Axe Current Science Advisers, Driving 'Purge' Charge

EPA Administrator Scott Pruitt is applying his new policy barring science advisors from receiving agency grants retroactively to current advisors, a move that will force some to either give up their grants or step down from the panels on which they serve, opening the door to Pruitt making additional appointments and intensifying criticisms that the he is seeking to "purge" independent advisors.

EPA May Float Data Notice To Aid Revisions To Oil & Gas Methane Rule

As the Trump administration prepares to unveil a long-expected measure to pause provisions in the Obama EPA's oil and gas methane rule for two years, sources say the agency may also release a notice of data availability (NODA) that will help to build a record to support any future substantive revisions to the standards.

EPA Sees GHG Cuts From Oil & Gas Settlements But Declines To Quantify

EPA officials say they expect that settlement agreements announced Oct. 31 with oil company Exxon Mobil and oil and gas producer PCD Energy requiring cuts in volatile organic compound (VOC) emissions will have a "co-benefit" of reducing sector greenhouse gases, though agency officials are declining to quantify the exact benefit.

Former EPA Staff Say Budget Cuts Will Hinder 'Meaningless' Strategic Plan

Former EPA officials are criticizing the Trump administration's draft plan outlining the agency's broad priorities for 2018 through 2022 as an "almost meaningless" document, and saying that proposed budget cuts will hinder EPA's ability to even achieve the plan's vague goals let alone adequately protect public health and the environment.

Environmentalists Say EPA Policies Boost Suit Seeking CWA Ash Controls

Environmentalists are invoking past EPA policies to boost their lawsuit claim that the Clean Water Act (CWA) limits coal ash pollution that travels through groundwater to protected surface waters, in order to win judicial deference for that position and

arguing that such a decision would be hard for the Trump administration to avoid.

Pruitt Order Bars EPA Grant Recipients From Advisory Roles

Pruitt's directive reverses years of agency practice and is prompting fears that EPA will lose access to some top scientists in their fields.

Sparking Fears, EPA Drops Use Of Orders To Control Some 'New' Chemicals

EPA has dropped its use of enforcement orders to limit some 'new' chemicals' uses that it had previously applied as a bridge before issuing a rule governing those uses, but the move is sparking concerns from environmentalists who fear it will speed chemical approvals and end a backlog of reviews but make short shrift of public health concerns.

Daily Feed

EPA denies petition seeking ozone transport zone expansion

The Trump EPA is finalizing an Obama-era proposal to reject a petition seeking to expand the number of states covered by the Ozone Transport Commission, which are subject to stricter ozone air pollution controls.

Rep. Smith slams GAO's warning on climate costs

The House science committee chairman says that GAO's recent warning that the government is not doing enough to address climate change relied on a study was not been peer reviewed and is politically motivated.

International shipping group inches toward GHG agreement

The International Maritime Organization continues to make progress toward a global deal on reducing greenhouse gases from shipping, amid uncertainty over the Trump administration's position.

Ewire: Will Pruitt keep oil and gas methane rule?

In today's Ewire: A senior EPA official notes the "very extensive record" supporting Obama-era methane limits on new oil and gas equipment, suggesting the agency might retain some level of regulation.

LCV targets 10th Circuit nominee over drilling decision

Environmentalists are urging the Senate to oppose confirming Allison Eid to be a federal circuit judge, but point to only one environmental ruling as a reason why.

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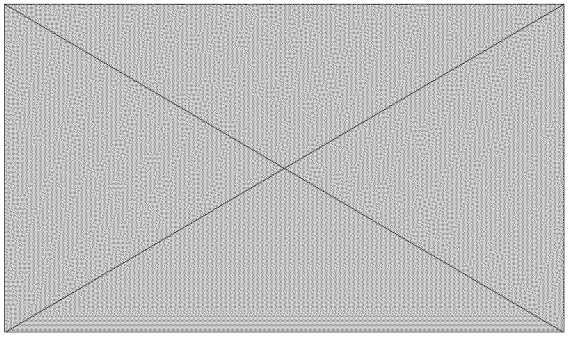
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
Sent: Wed 8/23/2017 10:02:45 AM
Subject: AEI Today: The president charts a positive if imperfect course in Afghanistan

President Trump's decision to recommit to Afghanistan was right and important. He explained the stakes of the fight accurately.

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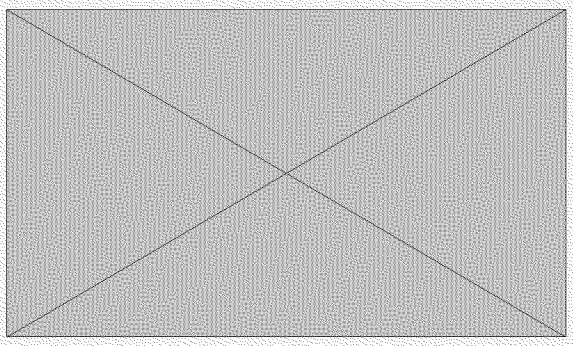
Reuters

The president charts a positive if imperfect course in Afghanistan

Frederick W. Kagan | AEIdeas

President Trump's decision to recommit to Afghanistan was right and important. He explained the stakes of the fight accurately: to prevent al Qaeda and ISIS from regaining the base from which al Qaeda launched the 9/11 attacks. This outcome is both achievable and essential to American security. But a key piece of the puzzle is missing: The president offered no political

strategy for Afghanistan, nor did he describe how such a strategy would be developed.

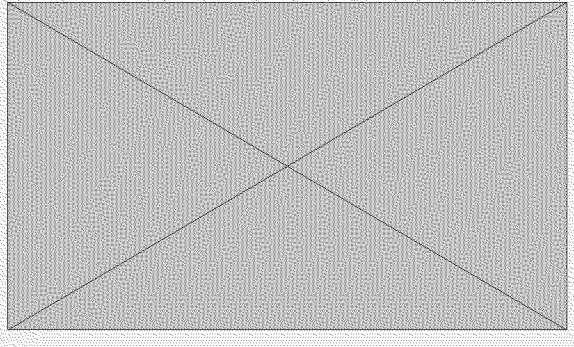


Reuters

Congress' job is to serve the people — not embellish legacies

Joseph Antos | InsideSources

It's time to stop the grandstanding. The Affordable Care Act is seriously flawed, resulting in a less effective and more expensive approach to expanding health coverage than was promised eight years ago. But the solution is not one-off assaults on its weaknesses. When Congress returns in September, both parties should remember their constitutional duty has nothing to do with embellishing the legacy of presidents — past, present, or future.

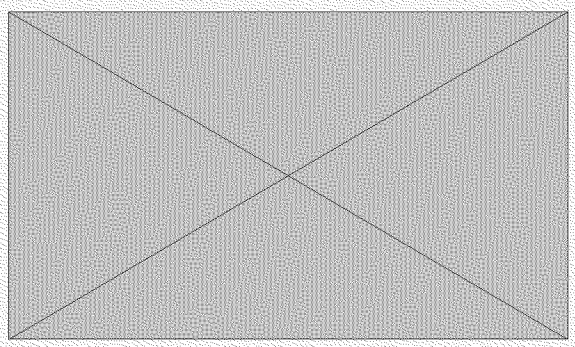


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The White House's China order: Historic or a nothing-burger?

Claude Barfield | AEIdeas

Given the president's vow to get tough on China, the question is why serious action on intellectual property was potentially put off for months. While US Trade Representative Robert Lighthizer was quick to make a preliminary determination, administration officials say the investigation could last for another year. This signals non-seriousness to Beijing. Meanwhile, grave challenges from China's high-tech mercantilism are already wreaking destruction.



Reuters

High-tech weapons are our best shot to contain North Korea

John Yoo and Jeremy A. Rabkin | Los Angeles Times

With threats, bribes, diplomacy, and sanctions, American presidents of both parties have sought for 25 years to halt North Korea's quest for a nuclear arsenal. They have all fallen short. Although the brinkmanship of the past few weeks has subsided, President Trump still faces the

prospect of a madman in Pyongyang. What the US must now do is find options between conventional war and appeasement.



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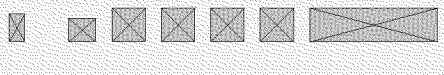
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Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

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New York State Lawmaker to Lead EPA Regional Office

Posted September 28, 2017, 01:02 P.M. ET

By Abby Smith

Pete Lopez, the EPA's newly appointed Region 2 administrator, will have to hit the ground running.

A New York state assemblyman since 2007, Lopez will now be responsible for the Environmental Protection Agency's region that includes his home state, New Jersey, Puerto Rico, and the U.S. Virgin Islands—the latter two recently devastated by powerful hurricanes. Lopez has served in the New York state assembly for eight years, where he currently sits on the environment committee and the task force on food, farm, and nutrition policy. And he has experience with hurricane recovery: Lopez received an award in recognition of his efforts helping New York recover from Hurricane Irene and Tropical Storm Lee in 2011.

The EPA announced Lopez's appointment Sept. 28.

"His familiarity with the region and his experience working to solve environmental problems in New York will be invaluable in helping EPA serve Americans in the Northeast and the Caribbean," EPA Administrator Scott Pruitt said in a statement.

Lopez is the second regional administrator to be appointed by the Trump EPA. Last month, the EPA appointed Trey Glenn, former head of Alabama's environment department, to lead the agency's Region 4 that includes eight Southeast states.

U.S. Seen Having Long Way to Go to Market Energy Department Land

Posted September 28, 2017, 12:50 P.M. ET

By Emma Ockerman

The U.S. Department of Energy needs to develop a more accurate inventory of federal lands it

manages to promote energy projects by private companies.

While other government agencies such as the Department of the Interior have looked at opportunities to promote renewable energy on public lands, the Energy Department appears to have lagged behind, according to a report released Sept. 28 by the National Academies of Sciences, Engineering, and Medicine.

It recommended the department carry out an up-to-date assessment of properties that can be leased or sold among its 164 sites, with a view to eventually getting companies on board to start developing energy projects. The agency is responsible for 2.4 million acres of land, according to its website—about 735,000 acres fewer than the state of Connecticut.

The report authors reviewed two studies from the National Renewable Energy Laboratory and Colorado School of Mines, intended to examine the potential for energy resource development, which it said were hampered by limited data and budgets.

Given the limited funding, the Colorado analysis of available fossil fuels was "fairly rudimentary," said Paul DeCotis, chair of the committee behind the report and senior director of energy and utilities at West Monroe Partners.

The Colorado report found few opportunities for oil and natural gas development. Nevertheless, if the department were to open an office tasked with managing the leasing of its lands, it could engage developers on what would make them willing to snap up acreage.

"Really it's a question now of perhaps better characterizing the sites and partnering with the private sector to draw private capital to develop the sites," DeCotis said in an interview.

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Perry to Talk Rare Earth Minerals at Pennsylvania Coal Mine

Posted September 28, 2017, 02:23 P.M. ET

By Stephen Lee

Energy Secretary Rick Perry is expected to make an announcement today about retrieving rare earth elements from coal during his visit to the Jeddo Coal Mine in Wilkes-Barre, Pa.

Rare earth elements can be found in coal and coal waste products. The minerals are used to make products such as cell phones, computers, wind turbines, and medical devices.

The Trump administration is getting behind research on extracting rare earth elements from coal to boost domestic demand for coal and reduce the need for foreign imports of the metals.

Interior Expects Hot Bidding for Offshore Wind Energy Leases

Posted September 28, 2017, 03:48 P.M. ET

By Adrianne Appel

The Bureau of Ocean Energy Management is betting on heightened interest in offshore wind to

drive up the price of the Atlantic ocean leases it will auction next year— parcels that just two years ago had no takers.

The Interior Department agency will auction two ocean parcels about 15 miles off the Massachusetts coast in late summer or fall of 2018, James Bennett, chief of renewable energy at BOEM, told Bloomberg BNA in a Sept. 28. The agency, which leases federal ocean areas for oil, gas and now, offshore wind, will announce details of the auction in the Federal Register by the end of the year, Bennett said.

"We've had two unsolicited bids" for the parcels already, Bennett said. That and the fact that a recent BOEM auction for an ocean parcel off Long Island, N.Y., netted a $42.5 million winning bid "indicates to us that interest in offshore wind has changed dramatically in just two years," Bennett said.

Battery Boom Spurs One Bank's Pivot from Iron Ore to Lithium

Posted September 28, 2017, 9:14 A.M. ET

By Jasmine Ng

Westpac Banking Corp., Australia's second-largest lender, is targeting deals linked to China that finance renewable energy minerals such as lithium and cobalt as a decade of unprecedented iron ore mining expansion in its home market has largely run its course.

"The next growth area is related to renewables," Paul Gardner, global head of structured commodity finance, said in an interview in Singapore. "If you look to the future, and you look to the electric cars etc., a lot of the lithium where there's accessible sourcing is actually in Australia."

Westpac's planned shift represents a pivot away from old economy iron ore, used to make steel, toward a focus on materials that are attracting increased investor attention as the building blocks for electric vehicles and renewable energy. Rising Chinese demand for the lithium-ion batteries that are needed for new vehicles and energy storage is driving price gains as well as an asset boom in Australia, already the world's largest lithium supplier.

"Right now, what I've seen pick up is interest from Australian miners in China and in pre-payment products," Gardner said. "For a company like ours to join the dots and to put pre-payment type financing structures in place—so the mine gets its capital, and in return for its capital it has a long-term offtake agreement with the Chinese buyer—that would be perfect scenario for us."

Earlier this month, China put the automotive industry on notice by becoming the largest country to seek a phase-out of fossil-fuel powered vehicles, a move sure to accelerate the shift toward electric-car development. That's helped to spur the race for raw materials used in the new technology, including cobalt.

Australia's government said in its latest resources quarterly that lithium, graphite and cobalt are being pulled "into a second commodity boom, with demand rising, prices spiking, and investment gathering steam." In lithium, "a host of companies in Western Australia are already targeting near-term concentrate production for sale to Chinese conversion facilities," it said.

Strategic Resource

Other countries are also seeking to beef up supplies. In Chile, a government commission is

expected to offer guidance by the year-end for private companies that want to start lithium operations, according to Mining Minister Aurora Williams. Lithium is considered a strategic resource in the South American country, and no company has obtained a license in over two decades.

For now, Australia is more associated with iron ore, and the country is the largest exporter, with shipments running at a record pace. Still, resources companies have scaled back investments in increased capacity after a period of breakneck growth, with BHP Billiton Ltd. calling the end of an era of massive expansions in the steel-making raw material in 2014.

Iron has been in retreat, while lithium is soaring. The steel-making raw material is 19 percent lower in 2017, set for the fourth drop in the past five years. Lithium carbonate, the primary base-chemical produced by the industry, more than doubled in the five years to 2016, according to UBS Group AG.

"We've seen a lot of business around iron ore historically because it's abundant: dig a spade in the ground almost anywhere in the Pilbara, you're going to get iron ore," said Westpac's Gardner. "But those large developments in that space have now matured and we're at oversupply."

—With assistance from David Stringer and Laura Millan Lombrana.

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Fighting the Toxic Nightmare Next Door

Posted September 28, 2017, 12:01 P.M. ET

By Susan Berfield

It was practical considerations that led Dawn and Brian Chapman to Maryland Heights, a modest suburb of St. Louis bound by two interstate highways, several strip malls, an international airport, and the Missouri River.

They found a three-bedroom, one-bathroom, 1,000-square-foot home near good public schools and parks, and a reasonable drive to her parents, for $146,000. By 2012, after seven years there, the Chapmans had three kids with special needs, and Dawn had given up teaching preschool to stay home with them.

That was when the stench overcame their neighborhood. It wasn't the usual methane smell from Bridgeton Landfill, about two miles away, that sometimes wafted through. "It was like rotten dead bodies, and there was a kerosene, chemical odor, too," says Dawn. "People were gagging."

That fall the St. Louis Post-Dispatch reported that the odors were coming from a fire that had been burning 80 feet to 120 feet below ground at the landfill for almost two years and was likely to smolder for many more. The heat from the fire was accelerating the decomposition of trash, and the pumps and gas flares that normally remove toxic leachate and limit odors from dumps couldn't keep up. Republic Services Inc., the company that owns the landfill, told the paper its staff was working to tame the "subsurface smoldering reaction"—an industry term of art for combustion that has no oxygen fueling it or flames rising from it.

When Chapman's family and neighbors began experiencing headaches, nosebleeds, and breathing problems that winter, she contacted the Missouri Department of Natural Resources, which regulates the state's landfills. She learned that Bridgeton Landfill was only one part of a 200-acre dumping

ground that had been classified as a Superfund site because another part of it, an old landfill known as West Lake, contained radioactive waste from the earliest days of the Atomic Age. One of the two radiation-riddled areas was contiguous with the Bridgeton section. No one knew how the fire had started in the Bridgeton Landfill or when it would end, but it was slowly moving north, toward the contaminated area.

The Environmental Protection Agency, which called the whole sprawling dump the West Lake Landfill complex, had placed it on the National Priorities List in 1990 and announced a remedy in 2008. The plan was to cover the "radiological-impacted material" with several feet of topsoil, clay, and crushed rock and concrete. But the Missouri Coalition for the Environment argued to the agency that it was reckless to leave this particular element—thorium, a byproduct of uranium's decay chain that becomes more radioactive over centuries—in an unlined landfill that sits in a developed area on a flood plain prone to tornadoes. An EPA review board also challenged the decision. Absent consensus, nothing was done. Officials were overseeing studies of other possible solutions when the landfill fire began.

Many people living near the site didn't even know it was there, and most who did gave it scant attention.

"We had no reason to look into the Superfund site before the smell, since it wasn't a nuisance," says Harvey Ferdman, a former volunteer policy adviser to Bridgeton's state representative who now serves as an official, unpaid liaison between the community and the EPA. When he and Chapman first spoke in early 2013, she'd been poring through records dating to the 1970s collected by a lifelong antinuclear activist named Kay Drey.

"Dawn told me about the illegally dumped nuclear waste, that there had been instances where it had gone off-site, which were documented, that when West Lake was unregulated it had received all kinds of toxic chemicals, including paint and jet fuel," says Ferdman. "I told her, 'No offense, but I'm going to be fact-based and objective. If 25 percent of what you've told me is true, we have a big problem.' And unfortunately it all turned out to be true."

In the spring of 2013, Chapman and a neighbor, Karen Nickel, formed Just Moms STL to advocate for the removal of the radioactive waste. Since then, the Moms, as they're known, have held monthly community meetings, appeared at all of the EPA's public sessions, kept watch on the Bridgeton Landfill fire, and become regulars at the state Capitol.

At the center of the swirling unease are the unknowable consequences of possible exposure to low-level radiation. With the initial recommendation to cap the waste, "the EPA has already established the fact that there's a risk to human health if they don't take action," says Ed Smith, policy director of the Missouri Coalition for the Environment. His group wants some, if not all, of the waste removed from West Lake. But the EPA says that since no one is being exposed to the dangerous particles, there's no current health risk. Republic argues that the agency's recommendation to cover the waste is still the safest, quickest, and easiest remedy. At an estimated cost of $67 million, it's also the least expensive; removing the contaminated soil could require nearly 10 times that amount.

Now, in a twist few would have anticipated, Scott Pruitt, the head of the EPA, wants West Lake to be a showcase of Trump-style environmentalism: dismissing climate change, deregulating industry, but taking action on toxic sites. Pruitt told a St. Louis radio host in April, "We're going to get things done at West Lake. The days of talking are over." A few months later, Pruitt said the agency was drawing up a list of the top 10 Superfund sites. West Lake is expected to be No. 1.

This would be great news in Bridgeton, but Trump's proposed federal budget includes cuts to the

Superfund program, and Pruitt has also promised to seek more cost-efficient remedies for the sites. “A million red lights went off when Pruitt talked about West Lake,” Chapman says. “There is no cost-effective solution for the site, only for Republic.”

As World War II raged, the U.S. sent spies on a top-secret mission to secure some of the world’s purest uranium from the Shinkolobwe mine in the Belgian Congo. It was shipped directly to Mallinckrodt Chemical Works in St. Louis, which developed techniques for purifying large quantities of the metal. Over the years the company chemically processed tens of thousands of tons of uranium, including the fissile material for the bomb the U.S. dropped on Hiroshima.

Mallinckrodt also produced about 2 million cubic yards of contaminated waste, some of which was transported hastily and carelessly in uncovered trucks to the St. Louis countryside in the late 1950s and ’60s, according to documents from the Atomic Energy Commission and its successor, the Nuclear Regulatory Commission. From there, selected residue that still had some value was sold by the AEC; Cotter Corp., another uranium processor, eventually acquired about 100,000 tons.

After it stripped out copper, nickel, and cobalt from the waste, Cotter was supposed to dispose of what was left and decontaminate its storage facility in Hazelwood, northwest of St. Louis, by October 1973. As the deadline approached, things went awry. Cotter couldn’t figure out how to get rid of 8,700 tons of leached barium sulfate, which contained 7 tons of unprocessed uranium, and the commission didn’t have any suggestions. A contractor mixed the powdery white substance with 39,000 tons of dirt from the site—later also found to be contaminated with radiation— and, over three months, dumped it at the West Lake Landfill.

In the late 1970s the government began an assessment of the damage caused by the nuclear program, which ultimately led the Department of Energy to put Cotter’s Hazelwood site and Mallinckrodt’s St. Louis processing facilities, as well as two other storage sites, on its list of the country’s most radioactive areas. By 1990 estimates for the cost of cleaning up around St. Louis—which included the removal of tons of soil by the Army Corps of Engineers—had reached $1.5 billion.

When it came to West Lake, the Nuclear Regulatory Commission argued that oversight should fall to the EPA and its Superfund program, since the radioactive material had been dumped without governmental approval and mixed with other industrial waste. The program, which today includes some 1,300 sites, operates on the principle that polluters, if the EPA can find them, should pay to assess contamination and clean it up. At West Lake, the EPA named three so-called potentially responsible parties: the landfills’ owners (now Republic Services’ subsidiaries in Bridgeton); Cotter (whose liability passed on to Exelon Corp.); and the DOE. Identifying who should pay, though, is more a signal to queue up lawyers and consultants than the start of remediation.

“Follow the garbage trucks,” says Russ Knocke, Republic’s vice president for communications and public affairs, by way of directions from my hotel to the Bridgeton Landfill. The facility no longer accepts trash but does have a revenue-generating transfer station, which accounts for the truck traffic. At the entrance there’s a small, faded Republic Services sign, but nothing about a Superfund site.

Knocke was press secretary for the U.S. Department of Homeland Security during Hurricane Katrina and joined Republic in mid-2013, as its handling of the fire was being questioned. He works from the company’s headquarters in Phoenix but has come to Bridgeton to meet me. He’s 43, wearing jeans and a button-down shirt; his hard hat is out, his presentation ready. With him are three of Republic’s experts on the landfill. “All the best in their fields, with years of experience,” he says.

When Republic took over the Bridgeton and West Lake landfills in mid-2008, following a $6 billion merger with Allied Waste, the transaction made Republic the second-biggest company in the industry by revenue. In the years since, Bill Gates's money management firm, Cascade Investment Group Inc., has increased its stake to 32 percent. The Superfund cleanup was considered a footnote to the merger: Under the assumption they'd only have to follow the EPA's requirement to cap the radioactive material, Republic expected to pay about $15 million, one-third of the estimated cost then. There had been at least one small fire at the landfill in 1992, but monitoring at Bridgeton was supposed to be routine. "Basically, we mow the grass," says Knocke of the company's other closed landfills. "A manager can oversee five of them at a time."

At Bridgeton, Republic instead employs a full-time staff of 15, and twice as many consultants. The company has spent more than $200 million to monitor and contain the fire and estimates the total could reach $400 million. In 2014, Republic agreed to pay almost $6.9 million to settle a class action brought by residents who lived within a mile of the landfill over the odors emanating from it. The former Missouri attorney general also brought a suit against the company for allegedly violating state environmental regulations at the trash dump; a trial date has been set for next March.

The Bridgeton Landfill takes up about a quarter of the 200-acre Superfund site. It was created out of an old limestone pit and consists of the North and South Quarries, connected by a narrow area called the Neck. Just beyond the North Quarry is West Lake Landfill, where radioactive particles lurk below the surface, sometimes near it. We drive past a 6-foot chain-link fence topped with three strands of barbed wire. A yellow sign stamped with the symbol for radiation warns not to enter. The soil is covered in vegetation: green grass, dandelions, a few early summer wildflowers.

Bridgeton, in contrast, looks like a botched science experiment. Republic first reported evidence of a problem in its South Quarry—elevated temperatures and carbon monoxide levels—in late 2010. But the state's Department of Natural Resources didn't make the information public, and no one told the fire department until 2012. By then it was hard to hide: A 40-foot section of ground had collapsed as the heat consumed buried trash.

"I wanted to give the company the benefit of the doubt," Matt LaVanchy, the assistant fire chief, told me of his first meeting with Republic to assess the situation. "I brought up the fact that there's a smoldering event in your landfill and a rad-waste dump that's also on your property." When he asked how they would keep the fire from the radioactive waste, "they said it was geologically impossible to reach the rad material because there is a natural barrier." LaVanchy, though, says the trash spills over the quarry wall.

The fire's origins are controversial. Republic's experts say it began spontaneously, while two consultants hired by the state say the company may have inadvertently allowed oxygen to enter the ground through its methane wells or improperly maintained soil cover. Everyone agrees that extinguishing it isn't possible.

Republic tried to cool the hottest spots in 2013, but the heat began moving toward the radioactive material at a faster pace; in June of that year a representative of the Department of Natural Resources said the heat might reach the waste in 400 days. One landfill consultant's worst-case scenario was a release of radioactive particles similar to a dirty bomb. In a report for the Missouri attorney general's office, another expert brought up the possibility of superheated steam carrying radionuclides, which happened at the nuclear plant disaster in Fukushima, Japan.

As fallout fears spread, the Moms put a countdown clock on their Facebook page and brought a child-size coffin and a petition calling for a state of emergency, signed by 13,000 people, to the governor's office in Jefferson City. The expert who'd invoked Fukushima later said in a deposition

that he hadn't meant to alarm residents.

"We've been the only adult in the room for a long time," Knocke says. "It's been this spin-up of noise and fear and anxiety, and we generally feel like we've been the only ones that have been trying to say, 'Guys, here's the science.' "

"You might see the ground dry up a little bit; you might see cracks; you might see radon emitted into the air," he says. "That's the what-happens-if. Not St. Louis goes boom." The Moms, he says, have shown "a complete disregard for science and distrust of institutions" and have scared the community.

Yet in the spring of 2014 the EPA's Office of Research and Development concluded that, although a fire in the radioactive zone wouldn't cause an explosion, it could present long-term risks, including the escape of radon gas into the air "at levels of concern." A few months later the St. Louis County Office of Emergency Management devised a "catastrophic event" plan that instructed those far enough from West Lake to evacuate and those closest to shelter in place. (Republic takes issue with the radon data the EPA used in its calculations.)

Concern intensified in October 2015 when residents noticed a plume of smoke rising from West Lake, prompting panicked calls to LaVanchy. The smoke came from a brushfire about 390 feet from the nearest known location of contaminated soil. The fire department extinguished it within 20 minutes. The EPA later ordered Republic and the other responsible parties to put a noncombustible cover over areas where the radioactivity is close to the surface as a temporary measure.

Below ground, the spread of the heat was slowing and shifting direction away from the Neck. The most intense heat is now deep in the South Quarry, and Republic expects the reaction to wear itself out in seven or so years. "The threat of immediate concern about the fire is lower now," LaVanchy says. "But I'll feel a lot better when the temperatures everywhere start dropping and stay there. It's not a stable situation. The fire is like a hostile animal."

Erin Fanning, the chipper, 35-year-old division manager at Bridgeton Landfill, says that since the reaction began, Republic has installed 57 probes capable of recording temperatures to a depth of 150 feet, more than 200 gas extraction points, 28 cooling wells, and 51,000 feet of piping. Everything has to be kept working amid shifting ground. The cover—made from thin layers of the polymer resin ethylene vinyl alcohol, designed to keep in noxious fumes—requires constant maintenance. "A single fracture or tear could cause an odor," Fanning says. A new waste treatment plant continuously processes the hundreds of thousands of gallons of hazardous leachate created every week by the trash as it decomposes rapidly from the heat.

Knocke casts Republic's investments as evidence that it's been a good neighbor. "We could have just walked away and said, 'Catch me if you can.' Now, without question, the state of the landfill today is as optimal as it's ever been," he says.

"When we hear this," Chapman says, "Karen and I look at each other and we're like, 'You spent $200 million because this is a pretty goddamn big deal,' " and not something Republic could have run from. "We always say they bought a lemon," Nickel says.

In the midst of Republic's firefighting, the EPA made a discovery that further eroded the community's trust in the company and the agency. Scientists found radioactive material 640 feet beyond where they thought it ended, in ground that had been considered part of the North Quarry of Bridgeton. Republic and the EPA said that even though they hadn't known it was there they weren't surprised to find it, and that since the waste wasn't close to the surface it wasn't a risk. "They're

confident they have found the extent of the contamination, and we don't have the same confidence," says Smith of the Missouri Coalition for the Environment, which wants the rest of the North Quarry tested. The EPA says that's not necessary. But the agency has opened an investigation of the groundwater below West Lake after earlier tests detected radium.

This spring, Republic opposed a state bill that would have created a $12 million relocation fund for residents of Spanish Village and Terrisan Reste, a mobile home park, both of which are closer to the Superfund site than Nickel's and Chapman's houses. The company contended that it was unnecessary and would hurt the local economy. "Actually, Republic was lobbying against the precedent. It would be the first time a legislative body acknowledged there is a problem," says Mark Matthiesen, the Republican state representative for the area, who shepherded the failed bill. "Every time we have some positive momentum, Republic starts working hard and putting more money to fight against it."

Matthiesen has watched in frustration as Republic's lobbyists have attempted to convince lawmakers that rural communities would be jeopardized if the EPA forced the company to remove the radioactive soil and an accident occurred during transportation. But the Army Corps of Engineers confirms that tons of such soil have already been moved through the state, accident-free, as the Corps and DOE clean up other contaminated sites in St. Louis County. Republic's argument, Matthiesen says, "just isn't right."

Republic funds its own citizens' group, the Coalition to Keep Us Safe, which seeks to assure Bridgeton residents that all is well and the real danger is in removal. The coalition has a Mom, too: Spokeswoman Molly Teichman, who lives several hours' drive from Bridgeton, calls herself the Mommentator, and once tweeted, "Dear mombots of #westlakelandfill, your reality TV show is over. Go home and hangout with your kids—they miss you."

The day after I tour the landfill, I visit Chapman and Nickel. They're sitting at Nickel's kitchen table in their usual chairs, wearing their usual summer clothes. Nickel is in a T-shirt and jeans; Chapman, a T-shirt and shorts. Nickel, who's 54 and has three adult children and a teenage daughter, is sick with lupus, psoriatic arthritis, and fibromyalgia. She grew up next to Cold Water Creek, an area about 12 miles from Bridgeton that's among those the Corps of Engineers is decontaminating. The U.S. Agency for Toxic Substances and Disease Registry is now assessing public-health risks from any possible exposure.

Nickel worked as an accounting associate at a pharmacy company until it left town; now she cares for a few neighborhood kids after school. "I'm physically strong, but she's the emotional anchor," says Chapman, who's 37. "I'm an analyzer and a processor," says Nickel. "Dawn's more of a jump off the bridge—"

"Jump off the bridge on fire," Chapman interjects, before Nickel continues: "I've got to catch her by her feet and pull her back up and say, 'Hold on. Let's think about this.' But it's worked."

They were in the midst of sorting through thousands of EPA documents that the Environmental Archives, a free digital library, had obtained through the Freedom of Information Act. In one email, an EPA representative remarked on a newspaper report that the activist Erin Brockovich was planning to meet with Chapman and Nickel: "SIX MORE MONTHS!!!!!.....AHHHHHHHHHH." (In a statement, the EPA said the representative had been looking forward to retirement after a long career.) In another, employees discussed not using email.

"The EPA has spent more time handling the people in this community than worrying about what's at that site and how it could harm the people of this community," Nickel says. As we talk, she and

Chapman receive a text from another activist, Robbin Dailey, who says she'd just missed the EPA officials walking around her Spanish Village neighborhood to placate residents, as they occasionally do. "I was going to lay into the EPA today," Dailey says when I visit her and her husband later that afternoon. "They're just mocking us."

She and her husband, Michael, are retirees in their 60s, and he's in poor health. They've lived up the hill from the Superfund site since 1999, in a home they bought for $110,000. For the past few years they've suspected it could be contaminated. About 18 months ago, attorneys at New York City based Hausfeld, known for their fen-phen litigation, got in touch with them, proposing to investigate possible contamination in their subdivision. "I said, 'Finally. We've got somebody that knows what the hell they're talking about and agrees with us that we're not crazy,' " Robbin says.

Scientists hired by the firm used a microanalytical method and said they discovered radioactive particles of Thorium-230 at concentrations 200 times higher than background levels. According to these experts, the thorium has the fingerprint of the uranium that was processed at Mallinckrodt. It was found in "archival dust" behind a loose floorboard in the kitchen where Robbin once hid the family's valuables, as well as along the ledges of their basement windows and in a few spots in their backyard.

Last November, the Daileys, who chose not to accept the early class-action suit most residents signed up for because it would have limited other legal action, filed their own lawsuit against Republic, Cotter, and Mallinckrodt seeking compensation for property damage and the provision of remediation and medical monitoring. They want the companies to admit that radioactive material has already spread beyond West Lake—which the companies deny—and to pay them for their home, which they say they can't, in good conscience, sell. (Knocke says that all neutral experts have deemed the community safe, and, in filings, all three companies deny the allegations.)

The family's lawyers say there is evidence of Thorium-230 and other particles from West Lake in multiple houses in Spanish Village. But when scientists for the EPA tested two other homes near the Daileys using a more standard method, they didn't find anything.

That didn't necessarily surprise Marco Kaltofen, a civil engineer who devised the microanalytical approach and is principal investigator at consulting firm Boston Chemical Data. He used the same method to conduct a study, funded by Drey, the activist who provided Chapman and Ferdman with archival documents, that was peer-reviewed and published last year. He found radioactive lead, another decay product of the Mallinckrodt waste, in a roughly 75-square-mile area around West Lake and Cold Water Creek. The lead was at levels that were within EPA guidelines but exceeded the more stringent Department of Energy standards.

Tom Mahler, the EPA's on-scene coordinator, emphasizes that the agency has been testing outside the Superfund site for the past five years and hasn't found anything of concern. "Is it there?" he asks. "I cannot speak to whether something occurred if I don't have data for it."

Living near West Lake means living with uncertainty. It's difficult to measure exposure to a chronic, low-level presence of unstable material, and it's hard, in an uncontrolled environment, to link it definitively with disease that can emerge years later. Lupus, for example, is an autoimmune disease that's been associated with uranium radiation. Is this what caused Nickel's illness? Right now, no one can say for sure. Science can help establish baselines for health risks, but those don't map to every human body, and it takes only one cell mutation to cause cancer.

A 2014 Missouri health survey found higher-than-expected incidences of leukemia, colon, prostate, bladder, kidney, and breast cancer in communities near contaminated areas in north St. Louis

County, especially Cold Water Creek, and a significantly higher-than-expected number of children with brain cancer in Maryland Heights. But the study didn't assess exposure to radiation, noting that obesity, smoking, and diabetes can contribute to some of these cancers. The Agency for Toxic Substances and Disease Registry concluded in 2015 that given the data from the EPA, other agencies, and the responsible parties, those living near the site aren't facing any health risks from it.

While Faisal Khan, director of the St. Louis County Department of Public Health, accepts that finding, he also says that "the preponderance of anecdotal evidence supports Dawn's conclusions of long-term, low-level exposure." There's no science to directly connect that to certain diseases, he adds, but no one should dismiss the community's fears. "Their health concerns are valid," he says, "and the level of anxiety related to the landfill and the entire toxic legacy is a huge disadvantage to their mental health." Khan would like West Lake to be fully excavated.

"We expect the EPA to acknowledge that there has been some exposure at the low level," says Chapman, "so that people can be proactive if they find a lump or feel sick." When I ask Mary Peterson, head of the Superfund division that oversees West Lake, about this persistent worry, she replies: "I want people to have faith in government. Yet I know sometimes the answers we find in science, no matter how concrete, do not overcome people's concerns."

A few days after I leave Bridgeton, Chapman and Nickel travel to Washington with Smith and Matthiesen for the premiere of Atomic Homefront, a documentary about West Lake and Cold Water Creek that HBO will air early next year. Then they meet with Patrick Davis, a former Trump fundraiser who's a political deputy at the EPA, and Albert Kelly, a former banker from Oklahoma who's now in charge of streamlining the Superfund program, to press their case for getting at least some of the radioactive waste removed and helping to relocate those in Spanish Village and the mobile home park who want to leave. "They gave us their personal cell phone numbers," Chapman says afterward. "That's when I thought: We're being played. When you're helpless, anything that gives you a little sense of power helps. But now we see that's BS. Every lobbyist has their numbers, too."

Chapman and Nickel worry that Pruitt will side with Republic. "I suppose that's a possibility," Kelly says. "The opposite is a possibility as well. I'm sure somebody is going to be unhappy."

Within months, they may know who. "After all these years, the decision will come down to one man," Chapman says, sighing. "There's no appeal." Republic, Exelon, and the DOE, though, will have options if they don't like the verdict. Superfund communities can't legally challenge an EPA decision, but companies can. And if the EPA selects a remedy other than the cap, Knocke says, there would very likely be litigation before anyone lifted a shovel.

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Private Water Firms Tap Profit From Struggling Public Utilities

Posted September 28, 2017, 7:02 A.M. ET

By David Schultz

A cash crunch for public water utilities is creating an opportunity for the growing for-profit water companies—but it's one that might drain customers' wallets.

Companies like American Water Works Co. and Aqua America Inc. are finding the time is right to purchase small, troubled water utilities from local governments that are facing political pressure to

keep rates low—often by delaying infrastructure upgrades.

Acquisitions like these are helping private water companies grow even while per capita water consumption continues its long-term downward trend. And private companies say they can use their economies of scale to make the infrastructure investments that local politicians can't, or won't.

The CEOs of several of these companies told Bloomberg BNA that the leaders of municipal-run water systems are motivated sellers, particularly as many cities have been spooked by public health crises like the lead contamination in Flint, Mich. Such incidents have led some local leaders to question whether public control of drinking water still makes sense.

'Very Local, Very Political'

And laws recently passed in Pennsylvania, Illinois, and California removed some of the financial barriers that made these kinds of municipal-to-private utility transactions difficult in the past.

Still, a for-profit water company must walk a very fine line when it buys a public water system to avoid triggering an intense political backlash. The idea of a town ceding control of its drinking water to a company still makes some people squeamish.

"There's just something about water that gets everyone uneasy about selling their [utility]," said Ryan Wobbrock, a utilities industry analyst with Moody's Investors Service. "Water is very local, very political."

Prime Acquisition Targets

Unlike with gas or electric power, most Americans get their water from a utility that is owned and operated by their local government.

Private water companies serve less than one-fifth of the U.S. population, according to Chuck Firlotte, chief executive officer of Aquarion Water, which provides water to more than 600,000 people across New England. That's very different from how water delivery works in the U.K. and the rest of Europe, where it's operated by mostly private companies.

"One of the great mysteries to me is how, in the heart of global capitalism, we have a rather primitive view of how our infrastructure should be ... owned and operated," Firlotte told Bloomberg BNA.

The prime acquisition target for these companies is a small, troubled water utility that serves just a couple hundred homes and businesses, according to Firlotte. For-profit firms can use their resources and expertise to eliminate inefficiencies in these small systems while accomplishing the companies' ultimate goal of growing their customer base.

Companies like Firlotte's are thriving within this niche market, with typical annual revenue growth hovering around 5 percent for most for-profit water firms, according to Bloomberg Terminal data.

"We hope to make advances in that area," he said. These utilities "don't have the operational, financial or engineering expertise and they usually have a boatload of investment needs and probably shouldn't be in business."

State Laws Changing

Chris Franklin, CEO of Aqua America, said he's seeing more interest in doing a deal from these smaller utilities than at any time in his 24 years in the industry.

He attributes this uptick to four factors.

First, the Flint, Mich., lead contamination crisis spurred many local leaders to start asking more questions about how their water systems are run.

Second, many leaders realized that the cost of upgrading their water infrastructure has ballooned, Franklin said.

Third, they realized that the costs of complying with state and federal water quality regulations were becoming increasingly expensive and scientifically complex.

The fourth factor in this new wave of deals is the so-called fair value laws that have been enacted now in several states, Franklin said. These laws change the way for-profit water companies are allowed to raise their rates after making an acquisition.

'Fair Value'

In states without a fair value law, companies can raise their customers' rates only enough to recoup the value of the assets of the utility they're purchasing. But with a fair value law, a water company can recoup the full amount of the price they paid to buy the utility. Essentially, fair value laws take into account the fact that most companies sell for more than the sum total of their assets in an acquisition.

Versions of fair value laws have passed in Pennsylvania, Illinois, and California and have been brought up in several others states.

These laws have the effect of allowing small, fiscally distressed towns to sell their water systems at a much higher price than they would otherwise be able to get, according to Franklin. In essence, he said, fair value laws can provide the final push these towns need.

"What's happening now is that municipals are saying, 'Why are we in this business?'" Franklin told Bloomberg BNA.

'Financing Solution'

There are actually very good reasons for local governments to be in the water business, according to Mary Grant, a campaign director with environmental and consumer group Food & Water Watch.

For one, she told Bloomberg BNA, they have access to the tax-free municipal bond market and therefore can pass along those lower borrowing costs to their customers. This is crucial when considering the mammoth amounts many water utilities spend on capital expenses to maintain their infrastructure.

Also, Grant said, private companies are more likely to raise their customers' rates than municipal-run systems with leaders who are either directly or indirectly accountable to voters. Private companies could save money on the margins by using economies of scale to operate more efficiently, but ratepayers ultimately will be footing the massive bill for infrastructure upgrades.

More federal spending—not privatization—is needed, according to Grant. "Private companies are offering a financing solution, not a funding solution," she said.

'Already Under-Investing'

It's a familiar criticism for these companies, and one they're particularly sensitive to. Dennis Doll, the CEO of mid-Atlantic based Middlesex Water, said it's not totally inaccurate to say that for-profit companies often raise rates after taking over a municipal system. But, he said, that's only because these systems were likely under political pressure to keep their rates artificially low.

"So they're already under-investing," Doll told Bloomberg BNA. "Then the private company comes in and they, unfortunately, have to charge the rates to make that investment. Sometimes there are ways to reduce operating costs," but not always.

That's why Doll is actually leery of fair value laws, a minority among the water company CEOs who spoke to Bloomberg BNA. He said he worries they create a perverse incentive because the laws make it easier for local governments to sell a dilapidated system at a higher price.

"The troubled municipal entity is getting a bit of a windfall above value despite the fact that they haven't been keeping the system in good repair," Doll said. "It can be a reward for bad behavior."

Mandatory Consolidation

Ultimately, Doll said, for-profit companies should only step in when municipal water systems won't, or can't, raise rates high enough to keep their system in good shape—for example, in a town with a shrinking population where there aren't enough ratepayers to cover a system's costs.

A 2015 California law aimed at making this easier, SB 88, gives the state water board the authority to force a small, troubled utility to merge with a larger, healthier one nearby. The board hasn't had to use this authority yet, according to Jack Hawks, head of the California Water Association, which represents for-profit water companies in the Golden State.

But soon many other states could find that they now also have this authority.

Language similar to that in SB 88 was inserted into a federal drinking water bill that cleared a key congressional committee earlier this summer. The bill, H.R. 3387, was approved on a voice vote in the House Energy and Commerce Committee.

Like SB 88 in California, the House bill would give the company acquiring a troubled system some flexibility in paying out any environmental penalties the system may have racked up before being purchased.

That would be a welcome development for private water companies, according to Kathy Pape, a former senior executive at American Water Works who is now an attorney at the Pennsylvania firm McNees Wallace & Nurick.

She said it's often difficult for an acquiring company to grapple with decades of mismanagement immediately after getting handed the keys. That's especially the case with for-profit companies, which often enjoy no leniency from regulators, she said.

"When they get their hands on a private party, now they believe they can clamp down," Pape told

Bloomberg BNA.

New Head of State Air Pollution Group Seeks Common Ground

Posted September 28, 2017, 9:01 A.M. ET

By Jennifer Lu

The newest advocate for state air pollution officials wants to mend fences with a splinter group that objected to his association's often cozy relationship with the Obama-era EPA.

As the new executive director of the National Association of Clean Air Agencies, Miles Keogh said he is "not pushing for the reintegration" with the Association of Air Pollution Control Agencies, a group that formed in 2013 and now includes 20 states. There are issues, however, that the two groups can work on together when talking to the Environmental Protection Agency and providing clean air technology training to states, he told Bloomberg BNA.

"My highest and most urgent priority is to serve the members of NACAA, but also I support all clean air agencies," said Keogh, who started Aug. 7 at the association. "I think if there's leadership support for that collegiality, that gives the cover that states and locals need to be collegial. We both have to interface with EPA, so I don't want it to persist that there's competition between us, because there's not."

Keogh replaces NACAA's longtime executive director Bill Becker, who retired after 37 years at the association.

Clint Woods, executive director of AAPCA, told Bloomberg BNA that he is also open to working with his new counterpart.

Keogh 'The Right Person'

Virginia is a member of both organizations and Michael Dowd, director of air division in Virginia's Department of Environmental Quality and a member of the NACAA board, praised Keogh's "member-focused perspective."

"He's the right person to navigate some very difficult shoals with the Trump administration's EPA," Dowd said. "He knows a lot about how energy and environmental issues intersect."

While Keogh said he has not discussed specific issues with the EPA in his first six weeks as executive director, he said he has met with agency employees including Sarah Dunham, acting assistant administrator for the Office of Air and Radiation, and members of the Office of Transportation and Air Quality and the Office of Air Quality Planning and Standards.

"We're trying to suss each other out," Keogh said. "Everybody is still new on their side; we have new leadership on our side."

'Bread-and-Butter' Issues

Besides working with other state advocates, Keogh said he'll focus on "bread-and-butter" clean air issues such as dwindling funds from the EPA, possible revisions to the agency's greenhouse gas standards for passenger cars, and "stubborn and persistent" pollution from cars and other mobile

sources.

Keogh comes to NACAA from the National Association of Regulatory Utility Commissioners where he directed the research lab, which has studied electrical transmission, natural gas supply, energy efficiency, and cybersecurity. Though Keogh understands the electricity sector, which is a primary source of air pollution, he said his training is like "accelerated K-12 and bootcamp" as he gets up to speed.

"I thought there would be tons of overlap," Keogh said. "It's really unlike the work I was doing before."

Becker, who was not involved with the final hiring decision, said he had worked with Keogh when NACAA and NARUC partnered with the National Association of State Energy Officials in an effort to address the overlap between environmental protection and a reliable and efficient energy grid.

Becker remembered an emissions trading activity Keogh had prepared for the group.

"It showed me he had imagination" and "knows how to engage and bring together various stakeholders," Becker said. "It was a bit quirky, but it worked."

Merkel May Have Promised Too Much in Carbon Pollution Fight

Posted September 28, 2017, 9:21 A.M. ET

By Mathew Carr, Brian Parkin and Lars Paulsson

As German Chancellor Angela Merkel embarks on coalition talks to bed down her fourth term in office, a promise made shortly before her re-election may come back to haunt her.

At least that's the view of nine analysts and researchers from Berlin to London who all say her target of reducing carbon emissions in Europe's biggest economy by 40 percent in 2020 will probably fail. On Sept. 14, Merkel went as far as saying that she will find ways to meet the goal, no matter what. At the end of last year, those emissions were down 27 percent from 1990 levels.

"I think we all know that we're pretty far away from those, and I personally believe it will be extremely challenging to try to reach," said Klaus Schaefer, chief executive officer of Uniper SE, for which fossil fuels accounted for 57 percent of profit in the first half.

Merkel's stoic approach to meet the non-binding 2020 goal would most likely come down to how tough the governing coalition is prepared to be on the nation's biggest polluters. Plants burning coal still produced about 40 percent of the nation's power last year.

But she's got a problem. Ploughing up acre after acre, sometimes moving whole villages, to get to the lignite Germany still very much relies on will put her on collision course with voters expecting her to deliver on the promise to cut emissions. At the same time, closing down sites would irk unions representing thousands of workers in some of the most impoverished parts of the country.

"It's up to the next government to make an exerted effort in the short window available to land on target," said Michael Schroeren, a spokesman for the German environment ministry in Berlin. "This could be achieved in the energy sector in connection with other sectors."

Climate Talks

Germany's work toward meeting its target may face also international scrutiny in November as climate envoys from around the world will descend on its old capital of Bonn for United Nations talks that will be presided over by Fiji.

The talks are meant to beef up the rules of the Paris agreement. So far, climate talks have have failed to make much headway in cutting emissions in the two years since the Paris deal was struck, with global emissions steady at record levels.

Berlin-based environmental think tank Agora Energiewende reckons Germany will miss its target by about 10 percentage points. Emissions reductions "won't be a near miss but a booming failure," Agora researchers wrote in a report.

As many as 135,000 people work in the traditional power sector and associated coal mining industry.

Closing down much of the country's coal power output would result in the loss of thousands of jobs, according to Jahn Olsen, an analyst in London at Bloomberg New Energy Finance. But there's no way the goal can be met by improving energy efficiency or encouraging electric car use at the pace required within four years, he said.

The country could theoretically meet the reduction level through buying international emissions credits or allowances, Olsen said. But that option would counter earlier statements by the nation that it intends to meet its target domestically, making it "politically unpalatable," he said.

Merkel's Christian Democratic Union-led bloc won the weekend ballot with its worst performance since 1949. Her party needs a three-way alliance with the pro-business Free Democratic Party and the Greens, which could take months of negotiating, Barclays Plc said Sept. 25 in a note.

The coalition negotiations between parties with such different positions mean Germany probably won't be able to put together a plan to hit the target, said Deepa Venkateswaran, an analyst in London at Sanford C. Bernstein & Co.

"The Greens want it and the FDP are against," she said. "They might agree to a long-term exit from coal, but it won't be as aggressive as the Greens want."

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China Gives Carmakers More Time in Biggest Electric-Vehicle Plan

Posted September 28, 2017, 8:36 A.M. ET

By Bloomberg News

China unveiled a comprehensive set of emission rules and delayed a credit-score program tied to the production of electric cars, giving automakers more time to prepare for the phasing out of fossil-fuel powered vehicles.

Under the so-called cap-and-trade policy, automakers must obtain a new-energy vehicle score—which is linked to the production of various types of zero- and low-emission vehicles—of at

least 10 percent starting in 2019, rising to 12 percent in 2020, the Ministry of Industry and Information Technology said on its website. The rule applies to carmakers that manufacture or import more than 30,000 traditional vehicles annually and those who fail to comply must buy credits or face fines.

"This is the single most important piece of EV legislation globally," said Colin McKerracher, a London-based analyst at Bloomberg New Energy Finance. "Overall, it provides further support for the EV industry in China. EV sales will continue growing quickly, despite the phase-down in direct subsidies."

China previously proposed to start implementing the policy next year, a target that was viewed by automakers as overly ambitious. China, which has vowed to cap its carbon emission by 2030 and curb worsening air pollution, joins the U.K. and France in seeking a timetable for the elimination of vehicles using gasoline and diesel. The country needs to use alternative energy to power some 200 million vehicles that ply its roads and reduce dependence on oil imports.

The targets look achievable for the industry as a whole, McKerracher said. Considering the credit structure, 12 percent in 2020 would translate to about 4 percent to 5 percent of actual vehicle sales, he said.

"Political considerations must have weighed in on the decision to delay the commencement date by a year," said Cao He, chairman of Quanlian Auto Investment Management Co. "Local automakers will likely benefit from this as they will have more buffer time to get ready on the technology front."

Honda, BYD

Honda Motor Co., which plans to sell an electric vehicle in China next year and plans to expand that business going forward, will work to achieve the credit-score target, a company spokeswoman said. Toyota Motor Corp. refrained from commenting on a specific government policy.

"China is sending a clear signal to domestic automakers that had been dragging their feet on EVs that it's time to get on board," McKerracher said.

Earlier this month, China's government said it's working on a timetable to phase out fossil-fuel powered vehicles, helping lift shares of local automakers such as BYD Co., a carmaker that's backed by Warren Buffett. Groups like BYD, Geely, Chery and others will have excess credits, McKerracher said.

While global manufacturers from billionaire Elon Musk's Tesla Inc. to Nissan Motor Co. and General Motors Co. are racing to grab a slice of the electric-vehicle market in China, local manufacturers such as Geely Automobile Holdings Ltd. have also found considerable success in the market, thanks to generous government subsidies.

BYD topped the new energy vehicle makers in sales in the first seven months of this year, delivering 46,855 electric and plug-in hybrid vehicles, resulting in about 30,000 credit points in the first half, according to the company's calculation.

Beijing Electric Vehicle, the EV division of state-owned BAIC Motor, followed with 36,084 units. By comparison, GM has sold 738 cars that run on electricity since it launched the Velite 5 plug-in hybrid model at the Shanghai auto show this April.

As part of efforts to boost sales of electric vehicles, foreign automakers are setting up new joint

ventures in China. Ford Motor Co. is exploring setting up a joint venture to produce electric vehicles in China with Anhui Zotye Automobile Co. while Volkswagen AG has partnered with Anhui Jianghuai Automobile Group Corp. to make electric cars.

—With assistance from Nao Sano and Kevin Buckland.

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Modi's $2.5 Billion Power Plan May Stumble on Ailing Buyers

Posted September 28, 2017, 8:49 A.M. ET

By Rajesh Kumar Singh and Anindya Upadhyay

The success of Prime Minister Narendra Modi's ambitious plan to electrify all households in India by December 2018 faces a familiar hurdle: the money-losing state power retailers.

Modi earlier this week announced the government will spend 163.2 billion rupees ($2.5 billion) to provide electricity connections to every home in India by the end of next year, ahead of an earlier deadline of March 2019. The bulk of the cost for providing equipment such as power cables and electricity meters to every poor household will be borne by the federal government and partly by the states and the power retailer.

"The key is not the scheme but the political will to allow for commercial operations of discoms," CLSA analyst Bharat Parekh said in a report on Tuesday, referring to electricity distribution companies. "The key issue is that after electrifying the households, how much power will discoms supply and how will they recover the money."

Several power retailers are losing money on selling electricity below cost, and turning them around is in the hands of the state governments, which have traditionally used cheap power to shore up popular support and advance their political goals. Convincing states to allow profitable power tariffs will be Modi's biggest challenge in fulfilling the pledge that helped him rise to power in New Delhi in 2014. Modi is up for re-election in 2019.

"The onus now lies with the states," according to Debasish Mishra, a partner at Deloitte Touche Tohmatsu LLP in Mumbai. "The federal government is paying for connections, but the purpose will be defeated if the states fail to supply reliable power to people. And for that to happen operational autonomy of the distribution companies and timely payment of subsidies is a must."

Discom Losses

The announcement follows a 2015 proposal to reform power distribution, which sought to transfer three-quarters of utilities' debt to their respective state governments. The utilities were set targets to bring down losses. As a result, total losses of utilities that signed up for the plan dropped 21.5 percent from a year earlier to 403 billion rupees in the year ended March 31.

There's pressure on state governments to bring losses down even further. Starting this financial year, states will begin sharing a part of the losses their retailers make, according to the plan to turn around power distributors. In the year ending March, provincial governments will take over 5 percent of their retailers' losses in the previous year. The state's share of losses will rise each year, reaching up to 50 percent in the year ending March 2021.

Years of selling electricity below cost has eroded discoms' ability to invest in infrastructure, buy enough power from generators and repay bank debts. Power generation plants operate at just about half their capacity, unable to sell all the power they can produce. The power-for-all plan could "act as a major stimulus for the ailing power sector in India, with demand revival," Deutsche Bank analyst Abhishek Puri said in a Sept. 26 report.

"Our analysis suggests that power demand could potentially grow by 20 percent to 35 percent from current levels in two years, if the government is able to meet its target, as against the tepid 15% cumulative growth in the past five years," Puri said.

'Actual Supply'

The Sept. 25 announcement supplements an earlier program to invest 760 billion rupees in rural electrification. Modi's administration embarked on the plan in 2015, beginning with electrifying more than 18,000 un-electrified villages. About 3,000 villages still remain to be electrified, which means creating the infrastructure to take electricity to villages, making sure at least 10 percent of the households and public buildings there have power connections. Taking electricity to every home is the next phase of the plan.

Retailers have coped with losses by limiting power supplies to consumers in rural areas, who are heavily subsidized, and selling more expensive electricity to industrial consumers to help fund a part of the losses. Even if all rural households get power, making adequate returns on their investment will be a challenge for retailers given the low-usage pattern.

"This ambitious scheme needs to be followed up with equal emphasis on actual hours of supply, otherwise there'll be a danger of people not getting the true benefits of electrification, which can reduce their willingness to pay," said Ashwini Chitnis, a researcher at Prayas, a non-profit advocacy group that focuses on energy, health and education. "Poor cost recovery can result in poor maintenance and thus huge investments in network infrastructure can go waste."

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Chile Aims to Boost Lithium Output as Electric Cars Rise

Posted September 28, 2017, 12:15 P.M. ET

By Laura Millan Lombrana

The country holding the world's largest reserves of lithium is drafting regulations that would allow companies to set up new mines amid soaring demand for the mineral used in electric-car batteries.

A Chilean government commission is expected to offer guidance by the end of the year for private companies that want to start lithium operations in the country, Mining Minister Aurora Williams said in an interview.

Lithium is considered a strategic resource in Chile, and no company has obtained a license in more than two decades. While global demand for lithium is expected to surge this year as carmakers such as Tesla Inc., Mitsubishi Corp. and others push to bring electric vehicles to the mass market, only two companies mine lithium in Chile.

"What Chile wants is to maintain and increase production so we can capture this space in the market," Williams said. "We are working on a set of documents that effectively set up ways and procedures to mine lithium."

Chile holds more than half of the world's known reserves of the mineral, and CRU Group says the country has the lowest mining costs. Miners pump lithium-rich brine from beneath salt flats in the country's north and leave it to dry in evaporation pools. Sociedad Quimica y Minera de Chile SA and Albemarle Corp. remain the only companies producing lithium in the nation.

The Chilean government will also unify environmental monitoring in Atacama, where both SQM and Albemarle are operating, to ensure that mining operations have no irreversible impact on the salt-flat's delicate environment and on the communities living around it, Williams said.

Privately owned companies that want to start a lithium operation in Chile can either partner with a state-owned company or negotiate special contracts directly with the government. Chilean-owned Minera Salar Blanco spent months in talks with the government before withdrawing from the process.

'No Rules'

"There are no rules, no one knows what the requirements are," Minera Salar Chief Executive Officer Cristobal Garcia-Huidobro said in an interview in his office in Santiago. "When we realized the process wasn't advancing. we decided to withdraw and wait for the government to write down the rules."

The new framework won't change lithium's special status, and companies will still have to negotiate directly with the state, according to Sergio Hernandez, executive vice-president of the Chilean copper commission Cochilco, a member of the committee drafting the rules.

However, it will provide more clarity on financial guarantees for projects, investment requirements, compensation to communities or land owners, environmental rules, taxes, and royalties.

"The lithium royalty will probably be a bit higher than for copper," Hernandez said. "This makes sense because of the natural advantages of starting production of a resource that is fresh, low-cost and easy to extract."

New Players

The framework would be a sign that Chile is opening up to new players and that much more new, low-cost lithium production could enter the market over the medium term. Even a sign that the regulation is business-friendly would have an effect on prices, according to Marcelo Awad, a Wealth Minerals Ltd. manager in Chile.

The lithium market is in deficit, but it could go into a small surplus this year even as new projects experience delays during ramp up and as demand is expected to increase 14 percent, according to Bank of America Merrill Lynch. Established producers including China's Tianqi Lithium Corp. and Albemarle are expanding production in their current operations. But supply disruptions could easily put it back into deficit, according to CRU Group.

"Long-term lithium prices, used to evaluate projects globally, could drop 25 percent when the regulatory framework is out," said Awad, whose company has acquired mining concessions in salt flats across the country. "Chile has the world's largest reserves that can be mined at the lowest

price, so the mere announcement should lower the long-term price."

Companies are using long-term estimates of $11,000 to $12,000 per metric ton of lithium carbonate, which would fall to $8,000 to $9,000 per ton when the regulations are put in place, Awad said. Lithium prices have more than doubled in the five years to 2016, according to UBS Group AG. The mineral averaged $14,250 a ton in July, according to Benchmark Minerals.

"It is important that companies wait for the definitions, but whatever the demands are, they will not diminish in any significant way Chile's geological and institutional advantages as a lithium producer," Hernandez said. "We will remain attractive."

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 10/13/2017 11:35:06 PM
Subject: Oct. 13 -- Energy and Climate Report

Energy and Climate Report

October 13, 2017 - Number 198

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News

Climate Change

EU Ministers Agree to Cuts for Non-Emissions Trading Sectors

European Union environment ministers agreed in principle to implement a range of greenhouse gas emissions cuts through 2030 for certain sectors of their economies not covered by the EU's emissions trading system.

Coal Mining

Coal Plants Are Dying in America's Most Energy-Friendly State

Even in the heart of America's energy industry, coal can't catch a break.

Coal-Fired Power Plants

The End of Coal Will Haunt Navajo Power Station

Percy Deal, 67, lives in the same small, three-bedroom stone house he grew up in, situated in the remote Navajo village of Cactus Valley, Ariz. Like many homes in this part of the country, Deal's lacks running water, so once a month, he drives his pickup truck 17 miles to a public pump, where he fills three 55-gallon drums to bring back home. On the living room wall, his father's ceremonial feathers and sweat-stained cowboy hat hang over the couch next to a framed poem his father ...

Emissions Trading

EU Carbon Slides After Lawmakers Fail to Reach Overhaul Deal

European Union carbon allowances fell the most in almost three weeks after the bloc's negotiators failed to reach a deal Oct. 13 to overhaul the region's cap-and-trade program, prolonging uncertainty over the fate of a plan to alleviate a market glut.

Energy

Energy Regulator 'Sympathetic' on Perry's Coal, Nuclear Plan

Federal Energy Regulatory Commission Chairman Neil Chatterjee said Oct. 13 he's "sympathetic" to Energy Secretary Rick Perry's proposal aiming to prop up coal and nuclear plants in certain competitive energy markets.

Environmental Reviews

Green Investors Seek More Data from Companies, More Frequently

Annual sustainability reports just aren't cutting it as investors pump more money into ethical investment funds.

Hydropower

Canada Wants to Solve U.S. Nuclear Problems with Faraway Dams

The key to replacing aging nuclear plants in the U.S. Northeast may lie 1,000 miles away, along a remote river tumbling through the Canadian wilderness.

Regulatory Policy

White House Environmental Adviser's Confirmation Faces Logjam

President Donald Trump's pick for the White House's top environmental adviser faces a slow path to confirmation and strong opposition from Senate Democrats.

Renewable Energy

Rooftop Solar, Batteries Go on Every Home in Arizona Development

Arizona's ample sunshine will be put to work to eliminate utility bills for residents of a residential development planned for Prescott Valley, the largest U.S. planned residential community to use systems linking each home to create a neighborhood-wide power grid.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 9/13/2017 12:07:45 PM
Subject: Sep. 13 -- EHS Federal Regulatory Alert



EHS Federal Regulatory Alert

September 13, 2017 - Number 176

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Summaries

AIR
IPCC Sixth Assessment Report/Request for Nominations
AIR

Notice of the State Department, U.S. Global Change Research Program, announces a request for nominations for scientists to serve as coordinating lead authors, lead authors, or review editors on the Working Group I, II, and III contributions to the Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report. The outlines for the contributions of the working groups were adopted at the 46th session of the IPCC Plenary. Nominations are due Oct. 17, 2017. Contact: Christopher Allison; State Department, Office of Global Change; 202-647-4295

82 FR 43077 (09/13/2017)

Regulatory Update

AIR
Missouri/Jefferson County Sulfur Dioxide Nonattainment Area
AIR

Final rule of the EPA makes a determination that the Jefferson County nonattainment area in Missouri has attained the 2010 one-hour primary sulfur dioxide NAAQS, based on ambient air monitoring data for 2014-2016. The rule is effective Oct. 13, 2017. Contact: Tracey Casburn; EPA Region 7, Air Planning and Development Branch; 913-551-7016; casburn.tracey@epa.gov. Citations: 40 CFR 52.1343

82 FR 42945 (09/13/2017)

Regulatory Update

ENDANGERED SPECIES
California/Marine Mammal Incidental Takes

ENDANGERED SPECIES

Notice of the National Marine Fisheries Service announces the receipt of a request from the U.S. Coast Guard for authorization to take eight species of marine mammals incidental to pile driving activities for waterfront repairs at the USCG Monterey Station in Monterey, Calif. The applicant requests take by Level B harassment during in-water construction between Oct. 16, 2017, and Oct. 15, 2018. Comments are due Oct. 13, 2017. Contact: Stephanie Egger; NMFS, Office of Protected Resources; 301-427-8401

82 FR 42986 (09/13/2017)

Regulatory Update

FOOD SAFETY
Produce Safety Regulation/Agricultural Water
FOOD SAFETY

Proposed rule of the FDA would extend the deadlines for compliance with agricultural water provisions of the Produce Safety Regulation (80 FR 74354; 11/27/2015) for covered produce other than sprouts to four years after the relevant farm's compliance date for all other provisions of the regulation. The rule would establish the same deadlines for all agricultural water provisions as applied to nonsprout produce, while retaining date staggering based on farm size. The extension would provide additional time to address questions about implementation of certain provisions, including testing requirements for preharvest agricultural water. The rule is issued in compliance with Executive Orders 13563, 13771, and 13777, which require agencies to consider possible reductions in regulatory burden or increased flexibility for compliance. An Aug. 24, 2016, final rule (81 FR 57784) clarified the compliance dates for certain agricultural water testing provisions as originally established in the Produce Safety Regulation. Comments are due Nov. 13, 2017. Contact: Samir Assar; FDA, Center for Food Safety and Applied Nutrition; 240-402-1636. Citations: 21 CFR 112.41-112.50

82 FR 42963 (09/13/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Application to Export Electric Energy/J. Aron and Co.
GENERAL ENVIRONMENT AND SAFETY

Notice of the Energy Department, Office of Electricity Delivery and Energy Reliability, announces the receipt of an application from J. Aron and Co., of New York, for authority to transmit electric energy from the U.S. to Mexico as a power marketer for a five-year term using existing international transmission facilities. The applicant does not own or control any electric generation or transmission facilities and does not have a franchised service area. The energy proposed for export would be surplus energy purchased from third parties. The agency will make a final decision after an environmental impact assessment and a determination that the action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system. Comments, protests, or motions to intervene are due Oct. 13, 2017. Contact: Angela Troy; DOE, Office of Electricity Delivery and Energy Reliability; 202-586-1411; Angela.Troy@hq.doe.gov

82 FR 43003 (09/13/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Application to Export Electric Energy/Plant-E Corp
GENERAL ENVIRONMENT AND SAFETY

Notice of the Energy Department, Office of Electricity Delivery and Energy Reliability, announces the receipt of an application from Plant-E Corp., of Montreal, for authority to transmit electric energy from the U.S. to Canada as a power marketer for a five-year term using existing international transmission facilities. The electric energy proposed for export would be surplus energy purchased from third parties under voluntary agreements. The agency will make a final decision after an environmental impact assessment and a determination that the action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system. Comments, protests, or motions to intervene are due Oct. 13, 2017. Contact: Angela Troy; DOE, Office of Electricity Delivery and Energy Reliability; 202-586-1411; Angela.Troy@hq.doe.gov

82 FR 43003 (09/13/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Microdose Radiopharmaceutical Diagnostic Drugs/Nonclinical Study Recommendations
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a draft guidance for industry on nonclinical study recommendations for microdose radiopharmaceutical diagnostic drugs. The guidance addresses how to refine nonclinical study recommendations for such drugs given their unique characteristics and is intended to provide recommendations for a pathway to full drug development (marketing authorization). Comments are due Nov. 13, 2017. Contact: Adebayo Laniyonu; FDA, Center for Drug Evaluation and Research; 301-796-1392

82 FR 43025 (09/13/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
NCEH/ATSDR Board of Scientific Counselors Meeting
GENERAL ENVIRONMENT AND SAFETY

Notice of the National Center for Environmental Health/Agency for Toxic Substances and Disease Registry (NCEH/ATSDR) announces the cancellation of a Sept. 13-14, 2017, meeting of the Board of Scientific Counselors (82 FR 34674; 07/26/2017). The agenda would have addressed noise-induced hearing loss, the Flint Registry, program responses to the board's guidance and action items, the status of blood lead level reference value updates, and legislative requirements of the new Lead Exposure Poisoning Federal Advisory Committee. The agenda also would have included updates concerning the amyotrophic lateral sclerosis, lead poisoning prevention, and environmental health tracking programs. In addition, the agenda would have included updates from the center's director and from the NIH, the EPA, the National Institute for Occupational Safety and Health, and the Energy Department. The meeting is cancelled due to Hurricane Irma.

Contact: Amanda Malasky; CDC, NCEH/ATSDR; 770-488-7699; yoo0@cdc.gov

82 FR 43023 (09/13/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Applications for Special Permits
HAZARDOUS MATERIALS TRANSPORTATION

Notice of PHMSA announces the receipt of six modified applications for special permits related to specified hazardous materials transportation regulations. Comments are due Sept. 28, 2017. Contact: Ryan Paquet; PHMSA, Office of Hazardous Materials Approvals and Permits; 202-366-4535. Citations: 49 CFR 171, 173, 178

82 FR 43085 (09/13/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Railroad Safety
HAZARDOUS MATERIALS TRANSPORTATION

Notice announces the intention of the Federal Railroad Administration to seek OMB approval for four continuing information collection requests. The first collection addresses the movement of certain railroad freight cars without air brakes from initial terminal locations or through interchange locations under certain conditions (formerly Interstate Commerce Commission Order 13528) and associated labeling requirements. The second collection addresses the requirement for the dispatching of railroad operations in the U.S. to be performed in the U.S., with exemptions for dispatching from Mexico or Canada in emergency situations. The third collection addresses minimum safety requirements for camp cars provided by railroads as sleeping quarters to employees. The fourth collection addresses the requirement for a railroad or contractor that employs one or more safety-related employees to develop and submit a training program to the FRA for approval and to designate minimum training qualifications for each occupational category of employee. Comments are due Nov. 13, 2017. Contact: Robert Brogan; FRA, Office of Railroad Safety; 202-493-6292. Citations: 49 CFR 228, 232.3(d), 241, 243

82 FR 43079 (09/13/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Railroad Safety/Human Error in the Locomotive Cab, Locomotive Operating Mode
HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Federal Railroad Administration announces the submission of two new information collection requests to the OMB regarding the Department of Transportation's safety strategic goal as it relates to locomotives. The first collection addresses the identification and evaluation of potential for human error associated with the operation of systems and automation in the locomotive cab. The second collection addresses the design and evaluation of a prototype locomotive operating mode that allows operators to manually control a train by providing a

desired speed target while the control system determines the throttle notch changes required. Comments are due Oct. 13, 2017. Contact: Kim Toone; FRA, Office of Information Technology; 202-493-6132; Kim.Toone@dot.gov

82 FR 43078 (09/13/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Advisory Board on Radiation and Worker Health Meeting
OCCUPATIONAL SAFETY AND HEALTH

Notice of the National Institute for Occupational Safety and Health announces a meeting of the Advisory Board on Radiation and Worker Health. The agenda addresses final vote counts from the August 2017 board meeting on special exposure cohort petitions for the Feeds Material Production Center, the Grand Junction Facilities, the Idaho National Laboratory, and the Savannah River Site. The agenda also includes discussion of work group and subcommittee reports, petition updates, and plans for the December 2017 board meeting. The meeting is scheduled for Oct. 5, 2017, via conference call. Comments are due Oct. 5, 2017. Contact: Theodore Katz; NIOSH; 513-533-6800; ocas@cdc.gov

82 FR 43023 (09/13/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Nationally Recognized Testing Laboratories/MET
OCCUPATIONAL SAFETY AND HEALTH

Notice of OSHA announces a final decision to grant an application from MET Laboratories Inc., of Baltimore, for expansion of its recognition as a nationally recognized testing laboratory (NRTL). The expansion involves the addition of three test standards to its scope of recognition. The notice also announces a final decision to add two test standards to the NRTL program's list of appropriate test standards. The decision is effective Sept. 13, 2017. Contact: Kevin Robinson; OSHA, Directorate of Technical Support and Emergency Management; 202-693-2110; robinson.kevin@dol.gov. Citations: 29 CFR 1910.7

82 FR 43040 (09/13/2017)

Regulatory Update

PESTICIDES
Pesticide Registration Cancellations
PESTICIDES

Notice of the EPA announces a correction to a July 5, 2017, order (82 FR 31058) granting requests from various registrants to voluntarily cancel 24 pesticide product registrations and amend the pesticide product registration for glyphosate-isopropylammonium to terminate specific uses. The correction removes the cancellation of nine pesticide product registrations that were listed in error. Contact: Michael Yanchulis; EPA, Office of Pesticide Programs; 703-347-0237; yanchulis.michael@epa.gov

82 FR 43005 (09/13/2017)

Regulatory Update

PESTICIDES
Pesticide Registration Review/Draft Risk Assessments
PESTICIDES

Notice of the EPA announces the availability of draft human health and ecological risk assessments for the registration review of the 18 pesticides under FIFRA Section 3(g) and the procedural regulations for registration review. The affected pesticides are asulam, chloroxylenol, dichlobenil, EPTC, etofenprox, gamma- and lambda-cyhalothrin, imidacloprid, indoxacarb, metribuzin, nitrapyrin, oxamyl, pendimethalin, permethrin, prometryn, pyrethrins, tau-fluvalinate, and trifloxystrobin. Comments are due Nov. 13, 2017. Contact: Dana Friedman; EPA, Office of Pesticide Programs; 703-308-8015; friedman.dana@epa.gov. Citations: 40 CFR 155, Subpart C

82 FR 43006 (09/13/2017)

Regulatory Update

PESTICIDES
Pesticide Tolerances/EPTC
PESTICIDES

Final rule of the EPA establishes tolerances for residues of the herbicide EPTC (S-ethyl dipropylthiocarbamate) in or on grass forage at 0.60 parts per million and hay at 0.50 ppm. The rule is issued in response to a petition filed by Gowan Co., of Yuma, Ariz. The rule is effective Sept. 13, 2017. Objections and hearing requests are due Nov. 13, 2017. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDFRNotices@epa.gov. Citations: 40 CFR 180.117

82 FR 42947 (09/13/2017)

Regulatory Update

PESTICIDES
Plant-Incorporated Protectants/CBI Claims, Adverse Event Reporting
PESTICIDES

Notice announces the intention of the EPA to seek OMB approval for a continuing information collection request regarding confidential business information (CBI) substantiation and adverse effects reporting for registration of plant-incorporated protectants (PIPs). The collection addresses the requirement for registrants to substantiate claims that information supporting a PIP registration application contains CBI. The collection also addresses the requirement for manufacturers that are otherwise exempt from registration requirements to report any adverse effects of PIPs to the EPA within 30 days of obtaining the information. Comments are due Nov. 13, 2017. Contact: Ryne Yarger; EPA, Office of Pesticide Programs; 703-605-1193; yarger.ryne@epa.gov. Citations: 40 CFR 174

82 FR 43008 (09/13/2017)

Regulatory Update

RADIATION
NRC Financial Assistance Program
RADIATION

Notice of the NRC announces the submission of a continuing information collection request to the OMB regarding grants and cooperative agreements. The collection addresses information gathered from recipients by the Acquisition Management Division for administration of the NRC financial assistance program, including semiannual technical performance reports and other occasional submissions. Comments are due Oct. 13, 2017. Contact: David Cullison; NRC, Office of the Chief Information Officer; 301-415-2084; Infocollects.Resource@nrc.gov

82 FR 43049 (09/13/2017)

Regulatory Update

RADIATION
Yucca Mountain Geologic Repository
RADIATION

Notice of the NRC announces the submission of a continuing information collection request to the OMB regarding the disposal of high-level radioactive wastes in a geologic repository at Yucca Mountain, Nev. The collection requires the state and local governments or affected Indian tribes to submit information describing their requests for consultation with NRC staff concerning the review of the potential repository site or NRC's facilitation for their participation in a license application review for the repository. Comments are due Oct. 13, 2017. Contact: David Cullison; NRC, Office of the Chief Information Officer; 301-415-2084; Infocollects.Resource@nrc.gov. Citations: 10 CFR 63

82 FR 43050 (09/13/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 8/18/2017 12:46:46 PM
Subject: Aug. 18 -- EHS State Regulatory Alert



EHS State Regulatory Alert

August 18, 2017 - Number 159

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Arkansas

PESTICIDES
Pesticide Enforcement Response/Dicamba Applications
Arkansas PESTICIDES

Proposed rule of the State Plant Board amends pesticide enforcement response regulations. The rule increases the maximum civil penalty to $25,000 for egregious violations from applications of dicamba, an auxin-containing herbicide, or any new herbicide technology released that results in significant off-target crop damage. The rule also defines "auxin pesticides," "egregious violation," "off-target," "off-target crop damage," and "damage." The proposal currently is in effect as an emergency rule, expiring Nov. 29, 2017. A hearing is scheduled for Sept. 21, 2017, in Little Rock. Comments are due Sept. 19, 2017. Contact: Susie Nichols; SPB, Pesticide Division; 501-225-1598; Susie.Nichols@aspb.ar.gov

—Arkansas Register (08/15/2017)

Regulatory Update

California Regions

AIR
Indirect Source Review
California Regions AIR

Notice of the San Joaquin Valley Air Pollution Control District announces an additional workshop on a proposed rule to amend regulations under Rule 9510 regarding indirect air pollution sources. The rule revises the applicability of nitrogen oxides (NOx) and particulate matter (PM-10) emission reduction requirements for large development projects that have not been subjected to a discretionary approval and specifies thresholds for large development projects. The rule also removes references to the URBEMIS urban emissions model and adds seismic safety retrofits to

the list of exemptions. In addition, the rule eliminates the $50,000 minimum fee deferral qualifier and down payment and specifies payment of applicable fees is required prior to generating any emissions. Finally, the rule clarifies that the off-site fee rate is based on the fee rate applicable at the time of invoicing, requires changes in project ownership to be reported, and revises definitions. The workshop is scheduled for Aug. 29, 2017, in Fresno and via teleconference and webcast. Comments are due Sept. 12, 2017. Contact: Cherie Clark; San Joaquin Valley APCD; 559-230-6000; cherie.clark@valleyair.org

—California RegionsRegulations (08/17/2017)

Regulatory Update

Iowa

AIR

Controlling Pollution/Title V Operating Permits
Iowa AIR

Notice of the Environmental Protection Commission announces an additional hearing on and the extension of the comment period for a Jan. 18, 2017, proposed rule to amend regulations under 567 IAC 22.1 and .105 concerning control of pollution. The rule clarifies the types of mailing services that may be used to submit construction permit and Title V operating permit applications, specifies that applications are not required to be submitted by certified mail, and addresses electronic signatures and electronic media submission requirements. The rule also eliminates the requirement for certain construction permit applicants to submit a greenhouse gas form with the construction permit application for those applicants that indicate the project description includes no such emissions. In addition, the rule reduces to one the number of application copies that must be submitted for a Title V operating permit. The hearing is scheduled for Sept. 5, 2017, in Windsor Heights. Comments now are due Sept. 5, 2017. Contact: Christine Paulson; DNR, Air Quality Bureau; 515-725-9510; christine.paulson@dnr.iowa.gov

—Iowa Administrative Bulletin (08/16/2017)

Regulatory Update

WATER

Animal Feeding Operations/Manure Management Plan Updates and Fees
Iowa WATER

Proposed rule of the Environmental Protection Commission amends regulations under 567 IAC 65.16 regarding animal feeding operations. The rule allows for the electronic submittal of manure management plan updates and associated fees through the Department of Natural Resource's web application system. The rule also provides that impacted counties will receive the submittals electronically. A hearing is scheduled for Sept. 5, 2017, in Des Moines. Comments are due Sept. 6, 2017. Contact: Kelli Book; DNR; 515-725-9572; kelli.book@dnr.iowa.gov

—Iowa Administrative Bulletin (08/16/2017)

Regulatory Update

Texas

HAZARDOUS MATERIALS TRANSPORTATION
Railroad Commission/Complaint Proceedings
Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission adopts regulations under 16 TAC 1.23 regarding complaint proceedings as part of an update and reorganization of contested case proceeding provisions. The rule specifies that when a retail customer files a complaint against a gas utility, the parties must first attempt an informal resolution under 16 TAC 7.45 before utilizing the complaint procedure. The rule also addresses complaint filings, burden of proof, complaint notices, respondent answers, and dismissals. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Railroad Commission/Contested Case Proceedings
Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission adopts regulations under 16 TAC 1.21 through .27 regarding contested case proceedings as part of an update and reorganization of the chapter. The rule also clarifies that when a retail customer files a complaint against a gas utility, the parties must first attempt an informal resolution before utilizing the complaint procedure. Concurrent final rules repeal existing provisions under 16 TAC 1. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Railroad Commission/Decisions
Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission adopts regulations under 16 TAC 1.121 through .131 regarding final decisions and orders in commission cases as part of an update and reorganization of the chapter. Concurrent final rules repeal existing provisions under 16 TAC 1. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Railroad Commission/Decisions

Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission repeals regulations under 16 TAC 1.141 through .152 regarding decisions in commission cases. Concurrent final rules adopt provisions under 16 TAC 1 as part of an update and reorganization of the chapter. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Railroad Commission/Definitions and General Provisions
Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission repeals regulations under 16 TAC 1.1 through .10 regarding definitions and general provisions for commission proceedings. Concurrent final rules adopt provisions under 16 TAC 1 as part of an update and reorganization of the chapter. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Railroad Commission/Discovery
Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission adopts regulations under 16 TAC 1.51 through .57 regarding discovery in commission cases as part of an update and reorganization of the chapter. The rule also clarifies that discovery responses are due within 14 days from the date the discovery request is served. Concurrent final rules repeal existing provisions under 16 TAC 1. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Railroad Commission/Discovery
Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission repeals regulations under 16 TAC 1.81 through .87 regarding discovery in commission cases. Concurrent final rules adopt provisions under 16 TAC 1 as part of an update and reorganization of the chapter. The rule is effective Aug. 21, 2017. Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Railroad Commission/Docketing, Notice, and Service
Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission repeals regulations under 16 TAC 1.41 through .50 regarding docketing, notice, and service for cases before the commission. Concurrent final rules adopt provisions under 16 TAC 1 as part of an update and reorganization of the chapter. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Railroad Commission/Evidence
Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission adopts regulations under 16 TAC 1.61 through .68 regarding evidence in commission cases as part of an update and reorganization of the chapter. Concurrent final rules repeal existing provisions under 16 TAC 1. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Railroad Commission/Evidence in Contested Cases
Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission repeals regulations under 16 TAC 1.101 through .108 regarding evidence in contested cases before the commission. Concurrent final rules adopt provisions under 16 TAC 1 as part of an update and reorganization of the chapter. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Railroad Commission/Hearings
Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission adopts regulations under 16 TAC 1.101 through .112 regarding commission hearings as part of an update and reorganization of the chapter. Concurrent final rules repeal existing provisions under 16 TAC 1. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Railroad Commission/Hearings
Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission repeals regulations under 16 TAC 1.121 through .130 regarding commission hearings. Concurrent final rules adopt provisions under 16 TAC 1 as part of an update and reorganization of the chapter. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Railroad Commission/Notice and Service in Contested Cases
Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission adopts regulations under 16 TAC 1.41 through .45 regarding notice of application and hearing and service of pleadings and documents in contested case proceedings as part of an update and reorganization of the chapter. Concurrent final rules repeal existing provisions under 16 TAC 1. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Railroad Commission/Parties and Intervention
Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission repeals regulations under 16 TAC 1.61 through .65 regarding parties and intervention in commission cases. Concurrent final rules adopt provisions under 16 TAC 1 as part of an update and reorganization of the chapter. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Railroad Commission/Petitions for Adoption of Rules
Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission adopts regulations under 16 TAC 1.301 regarding petitions for adoption of rules as part of an update and reorganization of the chapter. Concurrent final rules repeal existing provisions under 16 TAC 1. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Railroad Commission/Pleadings
Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission repeals regulations under 16 TAC 1.21 through .30 regarding pleadings before the commission. Concurrent final rules adopt provisions under 16 TAC 1 as part of an update and reorganization of the chapter. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Railroad Commission/Pleadings, Motions, and Other Documents
Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission adopts regulations under 16 TAC 1.31 through .38 regarding pleadings, motions, and other documents filed in contested case proceedings as part of an update and reorganization of the chapter. Concurrent final rules repeal existing provisions under 16 TAC 1. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Railroad Commission/Rules of Practice
Texas HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Railroad Commission adopts regulations under 16 TAC 1.1 through .10 regarding general rules of practice and procedure for proceedings before the commission as part of an update and reorganization of the chapter. Concurrent final rules repeal existing provisions under 16 TAC 1. The rule is effective Aug. 21, 2017. Contact: Randall Collins; RRC; 512-463-5928

—Texas Register (08/18/2017)

Regulatory Update

WATER
TPDES General Permit/Construction Stormwater
Texas WATER

Notice of the Texas Commission on Environmental Quality announces the proposed amendment

and renewal of a Texas Pollutant Discharge Elimination System (TPDES) general permit (General Permit No. TXR150000) that authorizes the discharge of stormwater and certain nonstormwater from construction sites into or adjacent to water in the state. Dischargers would be required to submit a notice of intent (NOI) to obtain authorization to discharge under the permit. The permit also specifies when permit coverage can be obtained without submitting a NOI, when a waiver from permit coverage may be obtained, and when permit coverage under a separate individual TPDES permit must be obtained. A meeting is scheduled for Sept. 18, 2017, in Austin. Comments are due Sept. 18, 2017. Contact: TCEQ, Water Quality Division; 512-239-4671

—Texas Register (08/18/2017)

Regulatory Update

Virginia

WATER
VPDES General Permit for Vehicle Wash Facilities and Laundry Facilities
Virginia WATER

Final rule of the Department of Environmental Quality, State Water Control Board, amends regulations under 9 VAC 25-194-10, -15, -40, -50, -60, and -70 to revise and reissue the Virginia Pollutant Discharge Elimination System (VPDES) general permit for vehicle wash facilities and laundry facilities that expires Oct. 15, 2017. The general permit establishes limitations and monitoring requirements for point source discharge of treated wastewaters from facilities to surface waters. The rule revises general permit provisions to clarify that vehicle washing includes towed small recreational boats; to require permittees to notify the municipal separate storm sewer system (MS4) owners before obtaining coverage under the general permit if their discharges are into an MS4; to clarify that inspections of the effluent include sheen, floating solids, visible foam, examination date and time, and examination personnel; and to require effluent to be free of sheen. The rule also requires discharges of vehicle wash water directly to a stormwater drain to provide inlet protection measures. The rule is effective Oct. 16, 2017. Contact: Elleanore Daub; DEQ; 804-698-4111; elleanore.daub@deq.virginia.gov

—Virginia Register (08/21/2017)

Regulatory Update

WATER
VPDES Permit for Potable Water Treatment Plants
Virginia WATER

Proposed rule of the Department of Environmental Quality, State Water Control Board, amends regulations under 9 VAC 25-860-10 through -70 regarding the Virginia Pollutant Discharge Elimination System (VPDES) permit for potable water treatment plants. The rule removes the requirement to submit a groundwater monitoring plan with the registration if the plan has been previously submitted and approved and allows the electronic submission of registration statements. The rule also removes the allowance for reduced monitoring for reverse osmosis plants, requires a corrective action plan when groundwater is contaminated, and revises the requirement for conducting whole effluent toxicity testing from facilities with certain maximum flows. In addition, the rule changes the effective date of the general permit to July 1, 2018, and

specifies an expiration date of June 30, 2023. A hearing is scheduled for Sept. 28, 2017, in Richmond. Comments are due Oct. 20, 2017. Contact: Elleanore Daub; DEQ; 804-698-4067; elleanore.daub@deq.virginia.gov

—Virginia Register (08/21/2017)

Regulatory Update

WATER
VPDES Permit/Petroleum-Contaminated Sites, Groundwater Remediation, Hydrostatic Tests
Virginia WATER

Proposed rule of the Department of Environmental Quality, State Water Control Board, amends regulations under 9 VAC 25-120-15 through -80 (nonconsecutive) regarding the Virginia Pollutant Discharge Elimination System (VPDES) permit for discharges from petroleum-contaminated sites, groundwater remediation, and hydrostatic tests. The rule includes "associated distribution equipment" as components that can be hydrostatically tested under general permit coverage, requires permittees to notify a municipal separate storm sewer system (MS4) owner of a discharge at the time of registration under the general permit and to include a copy of that notification with the registration statement, and clarifies management practices for dewatering projects. The rule also establishes requirements for the management of hydrostatic discharge flows and clarifies reporting requirements for total residual chlorine data. In addition, the rule changes the effective date of the general permit to Feb. 26, 2018, and specifies an expiration date of Feb. 25, 2023. A hearing is scheduled for Sept. 28, 2017, in Richmond. Comments are due Oct. 20, 2017. Contact: Matthew Richardson; DEQ; 804-698-4195; matthew.richardson@deq.virginia.gov

—Virginia Register (08/21/2017)

Regulatory Update

WATER
Virginia Stormwater Management Program
Virginia WATER

Final rule of the Department of Environmental Quality, State Water Control Board, amends regulations under 9 VAC 25-870-150 regarding the Virginia Stormwater Management Program (VSMP). The rule specifies that localities adopting a VSMP must submit an application package to the board that includes contracts with third-party professionals holding certificates of competence in appropriate subject areas in order to carry out responsibilities required of a VSMP authority, including plan review and inspection. The rule is effective Sept. 20, 2017. Contact: Frederick Cunningham; DEQ; 804-698-4285; frederick.cunningham@deq.virginia.gov

—Virginia Register (08/21/2017)

Regulatory Update

WATER
Water Quality Management Planning
Virginia WATER

Final rule of the Department of Environmental Quality, State Water Control Board, amends regulations under 9 VAC 25-720-60, -100, and -110 regarding water quality management planning. The rule revises seven total maximum daily load (TMDL) wasteload allocations and adds 12 new TMDL allocations in the James River Basin. The rule also adds two new TMDL allocations in the Chowan River-Dismal Swamp River Basin. In addition, the rule revises two existing TMDLs allocations and removes four TMDL allocations in the Chesapeake Bay-Small Coastal-Easter Shore River Basin. The rule is effective Sept. 20, 2017. Contact: Mark Richards; DEQ; 804-698-4392; mark.richards@deq.virginia.gov

—Virginia Register (08/21/2017)

Regulatory Update

WATER
Water Quality Management Planning Regulation
Virginia WATER

Final rule of the Department of Environmental Quality, State Water Control Board, amends regulations under 9 VAC 25-720-60 regarding water quality management planning. The rule reflects the transfer of nitrogen wasteload allocation from the Virginia Electric Power Co. to Tranlin Inc. as identified in an April 5, 2017, memorandum of understanding. The rule is effective Sept. 20, 2017. Contact: William Norris; DEQ; 804-698-4022; william.norris@deq.virginia.gov

—Virginia Register (08/21/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Tue 10/17/2017 7:45:17 PM
Subject: BREAKING NEWS: Cochran returns to the Senate

Senate Appropriations Committee Chairman Thad Cochran (R-Miss.) has returned to Washington after spending several weeks at home recovering from medical issues, he said in a statement Tuesday.

"I am pleased to be back in Washington where I look forward to continuing work on the 2018 appropriations bills and to taking part in the debate on the budget and tax cuts," Cochran said. "I appreciate all the support and kind words I received while at home."

His office said Cochran is still being treated for urological issues and that could affect his work schedule at the Capitol. Senate Republicans plan to pass a budget resolution later this week and the absence of Cochran, a reliable GOP vote, could have complicated that goal.

Read more: http://www.politico.com/story/2017/10/17/cochran-returns-to-the-senate-243878

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 9/8/2017 12:07:56 AM
Subject: Sep. 07 -- Daily Environment Report



Daily Environment Report

September 07, 2017 - Number 173

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Leading the News

Chemicals
Arkema Blasts Highlight Safety Agency Facing Ax Under Trump
A federal agency that could unravel why Arkema's Texas chemical plant exploded after Hurricane Harvey is a tiny office with 40 employees that the Trump administration has proposed to kill.

Chemicals
Harvey Responders Say They Were Sickened by Arkema Plant Blaze
Police officers sickened by fumes from explosions at an Arkema SA chemical plant near Houston accused the company in a lawsuit of not warning them about toxic chemicals that left them vomiting and unable to catch their breath.

Hazardous Waste
Flooded Houston Retailers Face Hazardous Waste Disposal Challenges
Many retailers and other local businesses in Houston damaged by Hurricane Harvey are facing a critical challenge in disposing of hazardous waste, and government agencies are offering little regulatory relief.

Superfund
Irma Could Hit 22 Superfund Sites
The EPA is stopping all clean up work at Florida Superfund sites in preparation for Hurricane Irma as it makes its way toward the peninsula.

News

Air Pollution

China Proposes First Public Pollution Disclosure Requirement

China's major manufacturers for the first time would have to publicly disclose emissions of sulfur dioxide, nitrogen oxides, and other nationally regulated pollutants under a proposal by the Ministry of Environmental Protection.

Chemical Conventions

Rising Chemical Export Requests Could Spur Delays, EU Agency Says

The addition of new chemicals under an international export convention is challenging the European Chemicals Agency with a rising tide of export requests, potentially causing delays for chemicals companies.

Chemicals

Tribes Urge EPA Review of Five Chemicals Found in Landfills

Native American tribes want the EPA to examine how five potentially problematic chemicals end up in open landfills and whether that means the substances should be regulated.

Climate Policy

EU Firm on Climate Pledges Despite U.S. Withdrawal From Pact

Full implementation of the 2015 Paris climate accord should be advocated by the European Union at the forthcoming UN climate summit despite U.S. President Donald Trump's decision to pull out of the agreement, the European Parliament's environment committee decided Sept. 7.

Climate Regulation

Clean Power Plan Repeal Proposal Coming This Fall, EPA Says

The long-awaited proposal to repeal the Clean Power Plan is coming this fall, according to the EPA.

Contribution

Food Additive Maker's Superfund Complaint Too Skimpy

Emerald Kalama Chemical didn't include sufficient facts in its Superfund complaint to put a biosolids recycler on notice of the claims against it, the Western District of Washington ruled (Emerald Kalama Chem., LLC v. Fire Mountain Farms, Inc., 2017 BL 313963, W.D. Wash., No. 17-cv-5472, 9/6/17).

Cost Recovery

Ruling Sinks Shipyard's Superfund Claims

Passive migration of benzene from a former steel mill to an adjoining shipyard, with no "active" conduct by the mill's current owners, doesn't make them liable for a "disposal" under Superfund, the District of Maryland ruled (SPS LP v. Sparrows Point, LLC, 2017 BL 313775, D. Md., No. 14-cv-00589, 9/6/17).

Energy

Correction

The article "Rule Expediting Small Natural Gas Exports May Have Limited Impacts" dated Sept. 5 has been corrected to say that applicants cannot export more than 0.14 billion cubic feet per day of natural gas in order to qualify for the expedited approval process offered to small-scale natural gas exporters.

Energy

Energy Regulator Nominees Back Technology-Neutral Stance

Republican and Democratic nominees for the Federal Energy Regulatory Commission agreed that the agency should be technology neutral when it comes to regulating electric

power generation, differing from a pro-coal stance of the current FERC chairman.

Energy
Trump's Trade Barrier Push Threatens U.S. Energy Profits, Critics Say
Trade expansion poses the biggest potential boon to U.S. energy companies, yet the Trump administration's rhetoric threatens that prospect, said several speakers at an event to discuss NAFTA renegotiations.

International Climate
Democrats' Last-Ditch Effort to Aid Climate Fund Falls Short
A last-ditch Democratic effort to restore U.S. spending for a United Nations climate fund was narrowly repelled by Republican Senate appropriators Sept. 7 in a major step for President Donald Trump's campaign to zero out international aid to address climate change.

Mining
Chilean Court Order on Wetlands Impacts May Shut Kinross Mine
The future of Kinross Gold's mining operations in northern Chile could depend on whether the Canadian company successfully appeals a court decision limiting the amount of water it can extract from wells near sensitive wetlands.

Mining
Rare Earth Metals Electrified by China's Illegal Mining Clean-Up
Rare earth metals are booming again as a clampdown on wildcat miners in China crimps supply in the world's biggest producer, while the clean energy boom bolsters their use in everything from electric vehicles to wind turbines.

Motor Vehicles
Ontario to Pick Up Tab for Low-Carbon Commercial Trucks
Ontario businesses that lease or buy vehicles with low carbon dioxide emissions are eligible for rebates of up to 50 percent as part of the province's C$170 million ($140 million) incentives package.

Natural Resources
Interior Nominee Seeks Collaboration on Land Management
A nominee for a top role managing energy and other federal land resources said he would collaborate with state, local, tribal, private, and environmental advocacy interests to try to smooth out land management policies.

Pesticides
France Ready to Vote 'No' on EU's Glyphosate Renewal Plan
France will not support a proposal extending the European Union's authorization of glyphosate through 2027 and will work with farmers to find alternatives to the herbicide, according to the prime minister's office.

Renewable Energy
Brazil's Rattled Wind Power Supply Chain Looks Ahead
Suppliers in Brazil are hoping the upcoming energy auctions will kick-start a jittery wind-power sector that's trying to deal with the country's worst recession in decades, officials from several companies told Bloomberg BNA.

Renewable Energy
China Eyes 707 Megawatts of Pilot Wind Farms Free of Subsidies
China, the world's biggest clean-energy investor, selected 707 megawatts of wind power

pilot projects that will receive the same subsidy-free payment for electricity as coal plants.

Renewable Energy

South Korea Pours Millions Into Building Solar Panels on Landfills

Landfills are not just for garbage anymore. At least not in South Korea where the government and a landfill operator are coordinating to place solar power facilities at four disposal sites.

Trade Policy

Buoyed by WTO Ruling, Argentina Seeks U.S. Biodiesel Duties Deal

Argentina is negotiating a "price-volume" deal with the U.S. that could suspend preliminary antidumping duties, a Foreign Ministry official said Sept. 7.

Vehicle Fuels

U.S. Ethanol Industry Asks Trump to Intervene in Brazil Dispute

U.S. ethanol producers will ask the Trump administration to intervene in a trade dispute with Brazil as tensions between the industry and foreign competitors continue to escalate.

Wyoming Natural Resource Data Collection Laws Target Free Speech

A challenge to a pair of Wyoming laws that restrict the ability to collect natural resource data on public lands was reinstated by the U.S. Court of Appeals for the Tenth Circuit (Western Watersheds Project v. Michael, 2017 BL 314483, 10th Cir., No. 16-cv-8083, 9/7/17).

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Hadas Gold - POLITICO Media
Sent: Tue 8/15/2017 10:25:37 AM
Subject: Morning Media: Murdoch wants Bannon out -- Is Laura Ingraham the next Fox host? -- Scaramucci show soldiers on

By Hadas Gold | 08/15/2017 06:23 AM EDT

With Alex Weprin

A BEVY OF NEWS ABOUT FOX NEWS WENT DOWN YESTERDAY. Let's break it down:

RUPERT MURDOCH WANTS STEPHEN BANNON OUT -- CNN reported earlier this week that the media mogul, and regular adviser to President Donald Trump, dined at the White House earlier this month. Now we know more. According to The New York Times, Murdoch urged Trump to fire Chief Strategist and former Breitbart Chairman Stephen Bannon. That Murdoch isn't a fan of Bannon doesn't surprise many -- the Times says he's been "in open warfare with Mr. Bannon since the spring." In fact as Breitbart White House correspondent Charlie Spiering pointed out, Bannon has been open about his feelings on Murdoch, telling The Hollywood Reporter after the election last year that the Murdochs "got it more wrong than anybody" and that "Rupert is a globalist and never understood Trump."

"Dems, CEOs, est. GOP and Conservatives, Media, all want Bannon gone - same forces never wanted Trump win - Bannon in full honey-badger mode," Spiering added on Twitter yesterday.

-- Can we just take a moment to note how we're barely blinking at the idea that the head of a news network (Murdoch took over operations at Fox News after its former CEO Roger Ailes was pushed out) is a regular adviser to the president? How does that affect the work of the actual journalists at Fox News?

IS LAURA INGRAHAM GETTING HER OWN PRIMETIME FOX NEWS SHOW? Matt Drudge tweeted and then posted on his website yesterday "FALL PREVIEW: Laura Ingraham's prime time to shine! After years in the trenches, much deserved." Ingraham has long been a presence at Fox and was once a regular guest host. I had started hearing rumblings last week that there might be a primetime shakeup at Fox. My Fox sources said it's just talk for now, but a possible lineup I'm hearing could see "The Five" move from 9 p.m. back to its original 5 p.m. time slot; Bret Baier's "Special Report", Martha MacCallum's "The Story", and "Tucker Carlson Tonight" remaining in their respective 6 p.m., 7 p.m. and 8 p.m. slots; Sean Hannity could be moved up to his previous timeslot at 9 p.m., which would open up Laura Ingraham to a possible 10 p.m. slot. (I've also heard the suggested that Ingraham could also take the 9 p.m. slot for a head-to-head with Rachel Maddow at MSNBC). Of course Eric Bolling's situation is still up in the air - the network says he's still suspended pending an ongoing harassment investigation so that could change things. But Ingraham in the primetime lineup would add a big name (and a woman) to the network which has been increasingly battling with MSNBC for primetime ratings. Fox sources I spoke to said nothing concrete has happened yet, but they take Drudge reports about Fox seriously, considering his past record on scoops about the network (Hannity also

retweeted Drudge's tweet). Ingraham declined to comment and a Fox spokesperson did not respond to requests for comment.

FOX NEWS' GREGG JARRETT GOT A TRUMP EXCLUSIVE THAT THE CHANNEL BARELY TOUCHED for most of the day. Around midday yesterday the Fox anchor posted the story -- from a "conversation" with the president at his New Jersey golf club over the weekend -- that Trump would seriously consider pardoning the former longtime sheriff for my hometown county in Arizona, Joe Arpaio. But though the story posted around 1 p.m., it was not featured or mentioned on air until that evening. Usually exclusive scoopy stories like this would get major airplay and reporters would be sent promos -- but if you were watching Fox News yesterday afternoon it was not mentioned until "Special Report," which did not even note that the interview was done with a Fox News correspondent. We reached out to Fox News to ask whether this was a formal interview, what the nature of the conversation was (why was Jarrett at Trump's golf club?) and why Fox was barely mentioning an exclusive (which garnered several other news stories) that would normally be heavily promoted by the network.

FOX PAID $50 MILLION TO SETTLE SEXUAL HARASSMENT ALLEGATIONS IN THE LAST YEAR according to 21st Century Fox's annual 10-K filing with the Securities and Exchange Commission. "$50 million of costs related to settlements of claims arising out of allegations of sexual harassment and discrimination at the Company's Fox News Channel business," the filing notes. As New York Times reporter Emily Steel noted on Twitter , "That figure does not include payouts to the men ousted because of sexual harassment allegations. That was $40m to Ailes + $25m to O'Reilly."

Good morning and welcome to Morning Media! Until Aug. 16 you can reach me at hgold@politico.com / and forever more at @Hadas_Gold. Morning Media is edited by **Alex Weprin** (**@alexweprin** / **alexweprin@gmail.com**) and produced with writing/reporting help from **Cristiano Lima**. (**clima@politico.com** / **@ludacristiano**). **Archives**. **Subscribe.**

SINCLAIR'S RISKY REGULATION GAMES, via Alex Weprin: Sinclair Broadcasting, the local TV giant, has been aggressively lobbying for changes to FCC regulations since before President Trump took office in the hopes of securing a larger national footprint. As The New York Times noted , that lobbying seems to have paid off, as the FCC gave Sinclair a "UHF discount," effectively expanding the number of markets it can buy stations in. As Sinclair moves forward with its plan to buy Tribune Media's local TV stations, that move and others are coming under tougher scrutiny from public interest groups, and even some conservative cable news channels, that oppose Sinclair's expansion.

-- President Obama's FCC chairman, Tom Wheeler, wrote an op-ed for The Brookings Institution arguing that FCC chairman Ajit Pai has been too forgiving in his handling of the Sinclair-Tribune tie-up. "The richness of the record on this matter would suggest that even though the Trump FCC has bent the rules to facilitate such a merger, it is not in the public interest," Wheeler wrote.

TRUMP FINALLY DENOUNCED WHITE SUPREMACISTS BY NAME ON MONDAY, BUT HE ALSO QUICKLY PIVOTED TO AN ATTACK ON THE MEDIA, after facing

criticism for not calling out the white supremacists immediately following the events in Charlottesville on Saturday. Every broadcast network and cable news channel covered the statement, where Trump took no questions (remember that 'press conference' he teased last week?) At a second appearance on Monday to announce an investigation into China's trade practices, CNN's Jim Acosta managed to get in a couple quick questions, but when he asked if they could ask more, Trump said "But, you know, I like real news, not fake news," Trump said as he pointed at Acosta. "You're fake news." (More here from my colleague Nolan McCaskill.) Trump also took to Twitter to complain, saying he "Made additional remarks on Charlottesville and realize once again that the #Fake News Media will never be satisfied...truly bad people!"

-- Late last night the president retweeted a tweet about the national media 'ignoring' violence in Chicago. The tweet was from Jack Posobiec, a far-right media figure who helped push the Pizzagate conspiracy theory.

THE SCARAMUCCI SHOW IS ON FULL BLAST: After laying low for all of one week or so, the former White House Communications Director Anthony Scaramucci, whose 10-day tenure made plenty of news, is back in the public eye with a vengeance. "Mooch" appeared on ABC's "This Week," Stephen Colbert's "Late Show" on CBS, an ABC podcast, the celebrity news show Extra! and did a bevy of livestreams where he has has been taking questions. He's clearly loving the attention: Just watch how he reacts when Colbert urges him to answer questions as his alter ego "The Mooch."

REVOLVING DOOR:

-- Bloomberg Businessweek's Joshua Green (who just published a book about Stephen Bannon and Donald Trump called "Devil's Bargain") has joined CNN as a political analyst.

-- Fritzie Andrade has joined the New York Media (parent company of New York magazine) as director of video. Andrade will develop series for the company's brands, including Vulture, the Cut, Daily Intelligencer, Select All, and Grub Street. Andrade comes from Gizmodo Media Group, where she was executive video director.

-- Jen Peros is returning to US Weekly as managing editor after a stint at Entertainment Tonight, per The New York Post's Page Six.

SOUNDBITE: "Babies aren't groundhogs - they move and act different." [then-Bill de Blasio spokesman Phil Walzak, in an email to a New York Times reporter]

EXTRAS:

-- Vice is partnering with AirBnB to offer curated "experiences" in cities like New York, Paris and Cape Town. [WSJ]

-- GoDaddy and later Google pulled their hosting support for neo-nazi website The Daily Stormer, after it mocked the victim of Saturday's violence in Charlottesville, and praised the driver of the car that plowed into a group of anti-nazi protesters. [NBC News]

-- A Swedish journalist is missing after a homemade submarine she was on sank. The man who created the submarine originally said he dropped her off at port before the accident, but has since changed his story. [Washington Post]

-- "ABC World News" anchor David Muir is one of Esquire magazine's "mavericks of the year," featured in the September issue. Keep an eye on your newsstand.

-- Facebook is rolling out a trending news section on its mobile app, now with its own dedicated link. [TechCrunch]

-- "Austin Tice Has Been Missing in Syria for Five Years. His Family and Friends Haven't Stopped Searching For Him." [Washingtonian]

-- The producers of the AMC TV show "The Walking Dead" are suing the channel in a profit-sharing case that could top $1 billion in damages. [THR]

-- Brexit leader and Fox News contributor Nigel Farage is close to inking a deal with a Hollywood studio to tell the story of the referendum campaign. [Daily Express]

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http://www.politico.com/media/tipsheets/morning-media/2017/08/15/murdoch-wants-bannon-out-is-laura-ingraham-the-next-fox-host-scaramucci-show-soldiers-on-001332

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November 29, 2017

Today on Climate Beat . . .

. . . we put a finger in the wind, reporting on a survey from the group Climate Hawks Vote showing lawmakers' reactions to EPA's proposal to repeal the Clean Power Plan (CPP) are "substantially more muted" than responses to President Donald Trump's June announcement that he intends to leave the Paris climate agreement.

Speaking of the CPP repeal plan, our daily news roundup looked at the coverage of EPA's public hearing in West Virginia on that plan, including testimony from coal miners who are on opposite sides of the Obama administration's landmark climate policy.

An in climate risk news, EPA Administrator Scott Pruitt is doubting the link between climate change and more extreme hurricanes, charging that a recent federal climate science report does not discuss a "cause and effect" relationship, though he says such storms might be "enhanced in some way" by climate change.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Fri 8/11/2017 5:02:54 PM
Subject: Playbook Power Briefing, presented by the Coalition for Affordable Prescription Drugs (CAPD): POTUS says 'military solutions' to North Korea are 'locked and loaded' -- INSIDE THE WHITE HOUSE DIVIDE on Afghanistan -- TRUMP HOTEL turns unexpected profit

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Today's Playbook Power Briefing presented by the Coalition for Affordable Prescription Drugs (CAPD)

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman) and ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

Happy August Friday. STAT OF THE DAY -- from Michael Gordon and Eric Schmitt's A1'er in the New York Times: "'With all this talk, what I worry about is a serious miscalculation,' said James D. Thurman, a retired Army general who served as the top United States commander in South Korea from 2011 to 2013. 'Before we start talking about all these military options, we have to decide what are we going to do with the U.S. citizens over there.' He estimated that at least a quarter-million Americans would have to be moved." http://nyti.ms/2vV6PLC

-- 250,000 Americans!

FROM BEDMINSTER -- @realDonaldTrump at 7:29 a.m.: "Military solutions are now fully in place,locked and loaded,should North Korea act unwisely. Hopefully Kim Jong Un will find another path!" ***The president also retweeted Fox & Friends three times: One as a warning shot to Mitch McConnell, one to GOP senators not supporting him and another on American drone strikes in Somalia.***

THE BACK CHANNEL -- "Beyond bluster, U.S., NKorea in regular contact," by the AP's Matthew Pennington: "Beyond the bluster, the Trump administration has been quietly engaged in back channel diplomacy with North Korea for several months, addressing Americans imprisoned in the communist country and deteriorating relations between the long-time foes, The Associated Press has learned. It had been known the two sides had discussions to secure the June release of an American university student. But it wasn't known until now that the contacts have continued, or that they have broached matters other than U.S. detainees.

"People familiar with the contacts say the interactions have done nothing thus far to quell tensions over North Korea's nuclear weapons and missile advances, which are now fueling fears of military confrontation. But they say the behind-the-scenes discussions could still be a foundation for more serious negotiation, including on North Korea's nuclear weapons, should President Donald Trump and North Korean leader Kim

Jong Un put aside the bellicose rhetoric of recent days and endorse a dialogue. The contacts are occurring regularly between Joseph Yun, the U.S. envoy for North Korea policy, and Pak Song Il, a senior North Korean diplomat at the country's U.N. mission, according to U.S. officials and others briefed on the process." http://bit.ly/2uNmXKb

-- "U.S. has military options for handling North Korea -- but none are good," by Jacqueline Klimas and Bryan Bender: "The United States and its allies have military options for confronting North Korea -- including an all-out invasion, more limited air and missile strikes, cyberattacks or a covert effort to oust the regime of Kim Jong Un. But those scenarios carry enormous risks, including the possibilities of loss of life, loose nukes falling into terrorists' hands or the conflict spreading to a wider Asian war." http://politi.co/2uNfDyi

FOR THE PRESIDENT -- "A plan for North Korea, before this spirals out of control," by former NATO Supreme Allied Commander James Stavridis in The Boston Globe: "Dial down the rhetoric. Countering a young mercurial leader with a bad haircut sputtering about turning our ally South Korea into a 'sea of fire' with an old mercurial president sputtering about 'fire and fury the like the world has never seen' isn't helping anything. President Trump sounded vaguely like the Dragon Queen Daenerys of 'Game of Thrones' talking about her brood of dragons igniting Westeros. We need to model ourselves less on General George Patton and more on 'Cool Hand Luke" while not sinking to the level of Kim Jung Un's bombast."

--HIS OTHER RECOMMENDATIONS: "Dial up the intelligence and surveillance. ... Increase our missile defenses. ... Focus on cyber options. ... Dial up the intelligence and surveillance. ... Increase our missile defenses. ... Focus on cyber options. ... Build a regional approach. ... Train for and exercise the military options. ... Pressure China to 'walk the walk.' ... Take a sensible negotiating position. ... Make this an international issue." http://bit.ly/2uNAWzw

TRAVEL ADVISORY -- "Trump may make a quick return to D.C. on Monday," by Annie Karni: "President Donald Trump plans to interrupt his stay next week at Trump Tower with a quick out-and-back trip to Washington on Monday, according to an updated presidential schedule presented to local New York City law enforcement and reviewed by POLITICO. The president had been scheduled to arrive in New York City Sunday evening and hold two days of 'internal meetings' at his old home and office building on Fifth Avenue. He is now scheduled to fly back to Washington on Monday morning and return to Manhattan on Monday evening.

"It was not immediately clear why the president was returning to the nation's capital in the middle of his planned 17-day summer break. The White House has been undergoing major renovations in the president's absence, and the Oval Office has been cleared out for a refurbishment. West Wing staffers who stayed behind have been working out of the Old Executive Office Building across the street." http://politi.co/2hRBCD2

A LOOK BACK -- GARRETT GRAFF in POLITICO Magazine, **"The Madman and the Bomb:** The nuclear launch process once haunted Nixon's aides. 43 years later, is it finally time to reform the system?": "That unilateral launch authority is so powerful, so unchecked, and so scary that, years before Watergate, Nixon had turned it into its own geopolitical strategy, the so-called Madman Theory, with which he threatened the Soviets and the Vietnamese that he might actually be crazy enough to nuke Hanoi--or Moscow--if they didn't accede to his demands. The 'mutually assured destruction' of the Cold War was predicated on the idea that the leaders of both superpowers were rational enough to avoid a war that would end with the destruction of both nations. The Madman Theory forced the world to consider a more frightening option: That the man in charge of the nukes might not be rational at all.

"The world is contemplating that possibility again this week, as Kim Jong Un and President Donald Trump lob nuclear threats across the Pacific. Nearly 72 years to the day after a silver-plated B-29 bomber dropped an atomic bomb on the Japanese city of Nagasaki, killing more than 60,000 in an instant, and 43 years to the day after Nixon was stripped of the nuclear Football, the U.S. president threatened to rain 'fire and fury like the world has never seen' on Kim's isolated regime. North Korea, in turn, threatened to turn the U.S. mainland into a 'theatre of nuclear war' and announced plans to bracket Guam with nuclear-capable missiles. Are we watching two tough-talking 'madmen,' rational actors playing a calibrated game, or are we seeing something else?" http://politi.co/2hSdmAO

WE SAID THIS MORNING that Trump would not save money when Vladimir Putin expelled U.S. diplomats from Russia. He might, because he has also brought down the number of Russian workers. Trump said "now we have a smaller payroll. There's no real reason for them to go back." We took that as meaning diplomats. He might bring down the payroll when it comes to local, Russian employees.

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)**: If you know only one fact about rising drug costs, know this one: drug makers set prices for prescription drugs. To help manage nearly double-digit price increases, employers, unions and government programs use PBMs to negotiate lower net prices to help curb costs for employers and patients. Learn more at affordableprescriptiondrugs.org ******

TRUMP INC. -- "Trump D.C. hotel turns $2 million profit in four months," by WaPo's Jonathan O'Connell: "Donald Trump's company turned a $1.97 million profit at its opulent Trump International Hotel so far in 2017, dramatically beating its expectations and giving the first hard numbers to critics who charge that Trump is profiting from his presidency. The Trump Organization had projected that it would lose $2.1 million during the first four months of 2017 as it established a new hotel and convention business in the nation's capital, according to newly released federal documents.

"Instead the hotel, with its namesake in the White House down the street, is already turning a hefty profit and charging more for its rooms than most or all of the city's other hotels. ... Driving the profits are the extraordinary prices guests have been willing to pay for rooms, including members of Trump's Cabinet who have stayed or lived there, as well as big spending on food and beverages in the meeting areas, bar and restaurant -- spots frequented by members of Trump's inner circle and other Republican leaders. ... This year, guests have paid an average of $652.98 a night to stay there, beating the company's expectations by 57 percent." http://wapo.st/2fxm4TW

WAR REPORT -- "White House Divided: A battle over Afghanistan is raging in Washington," by The Weekly Standard's Peter Boyer: "To drive home the point that Trump wanted new ideas, Vice President Mike Pence, who presided over [an August 3 NSC principals committee meeting], tasked three men with preparing best-case options for the war. One of them was national security adviser H. R. McMaster, which was no surprise, given that he has taken the lead role in developing a new Afghan strategy since assuming his job in February. The other two men charged with presenting strategy options were more telling choices: Mike Pompeo, director of the Central Intelligence Agency, and Attorney General Jeff Sessions.

"Sessions, stalwart of the America First camp, has long been 'the biggest skeptic in the room' when the subject of a continued presence in Afghanistan arises in meetings of Trump's war cabinet, according to one participant in those meetings. Said another White House official, who is sympathetic to Sessions' position, 'The A.G. asks the same question: Is this what we were elected to do? And the answer to the question is no.'" http://tws.io/2uNAVvE

STRANGE TIMES -- SEUNG MIN KIM filing from Homewood, Alabama -- **"Contenders in Alabama GOP Senate race won't defend McConnell against Trump":** "President Donald Trump is eviscerating Sen. Mitch McConnell over the lagging Republican agenda, and none of the three main candidates in the increasingly nasty Senate GOP primary in this state are taking the majority leader's side. ... Even [Sen. Luther] Strange, a member of McConnell's rank and file, noted that he himself has also said, 'Mitch, get back to work.'

"'We all need to get back to work,' Strange told reporters after a county GOP meeting here Thursday night. 'I was part of the group of Republican senators who said we shouldn't even take a vacation. I don't know why we're taking a vacation. We should be working to pass the president's agenda and deal with the problems we failed to address last time.' When pressed about Trump's apparent lack of confidence in the majority leader, Strange noted that 'he's frustrated like I am, and this is no secret.' The incumbent senator added, however, that he didn't believe the Senate GOP conference needed new leadership." http://politi.co/2hQT9LG

2018 WATCH -- "Sinema aiming for Senate, Stanton preps for congressional seat," by KPNX's Brahm Resnik: "Democratic Congresswoman Kyrsten Sinema of Phoenix is planning a 2018 run for the U.S. Senate seat held by first-term Mesa

Republican Jeff Flake, according to sources familiar with Sinema's plans.

"At the same time, Phoenix Mayor Greg Stanton, another Democrat who's been undecided about his political future, is telling supporters he's preparing to run for Sinema's vacant seat next fall, according to sources familiar with Stanton's calls. Both moves would be long-awaited next steps by two of the leading Democratic officeholders in Arizona. If they go ahead, formal announcements of their plans could come in the next few weeks." http://bit.ly/2vM40fA

-- SINEMA has $3.2 million on hand.

DAVE WEIGEL in **GEORGIA -- "At raucous town halls, Republicans have faced another round of anger over health care":** Rep. Buddy "Carter, who peppered his answers with self-deprecating jokes, sometimes called on activists who'd dogged him before. In Brunswick, he quickly pivoted from a question about 'Zionist influence in our foreign policy' by promising to 'put America first.' After three different constituents asked him to say whether he supported the president's decision to ban transgender men and women from military service, he went from deferring 'to our commander in chief' to saying what he believed. 'I don't want 'em serving in the military,' Carter said, as dozens of constituents booed and more than a dozen walked out. 'I'm sorry.'" http://wapo.st/2hQgcGh

TODAY'S BEYOND THE BELTWAY -- The center isn't holding in California -- Jason Kander fundraises in Martha's Vineyard http://politi.co/2uN2AwT

-- "Daniel Loeb, a Cuomo Donor, Makes Racial Remark About Black Leader," by NYT's Shane Goldmacher: "The hedge fund manager Daniel S. Loeb, a prominent supporter of charter schools and a major financial backer of Gov. Andrew M. Cuomo and congressional Republicans, accused the African-American woman who leads the Democrats in the New York State Senate of having done 'more damage to people of color than anyone who has ever donned a hood.' Mr. Loeb made the reference, apparently to the Ku Klux Klan, in a posting on Facebook in response to an article in The New York Times this week in which the Democratic leader, Senator Andrea Stewart-Cousins, confronted Mr. Cuomo about prejudging her based upon race and gender. ... After The Times reported on his Facebook remarks, Mr. Loeb deleted them late Thursday night. 'I regret the language I used in expressing my passion for educational choice,' he said in a statement. 'I apologize to Senator Stewart-Cousins and anyone I offended. I have taken down the post from Facebook.'" http://nyti.ms/2hQeq87

-- @ShaneGoldmacher: "If you look at federal records, Loeb spent nearly $3 million on federal races in last 3 years, vast vast majority on GOP candidates."

ATTENTION JOHN KELLY -- ANDY CARD and **MACK MCLARTY** in the Dallas Morning News: **"3 pieces of advice for running the White House from veteran chiefs of staff"** -- "Trump ran on a promise to score dramatic early victories while shaking things up in Washington. Now, not much more than halfway through his first

year in office, he is finding that keeping either promise is far harder than it looks. But it is never too late to course-correct. The sooner he and his staff absorb the lessons all administrations must eventually learn, the more effective they will be." http://bit.ly/2uNAnWx

TRANSITIONS -- John Pouland is the new VP of local government affairs and business development for 50 State, LLC. He will be based out of their Austin, Texas office. He was previously a VP for government affairs and solutions at Philips. http://politi.co/2vMhLe0 ... **Margaret Anne Moore** is the new comms director for the House Homeland Security Committee. She was the broadcast comms adviser for Mitch McConnell.

SPOTTED last night celebrating the birthday of RNC's Alex Bingaman at The Observatory at the Graham Hotel: Alex Meyer, Ken Callahan, Hannah Chait, Katie Thompson, Todd Cheewing, Carter Nies, Taylor Pollins, Kelly Kundinger, Ali Pardo, Britt Carter, Caroline Potter and Ben DeMarzo (h/t Jake Wilkins)

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : The high prices that drug makers set for prescription drugs can put financial strain on patients, employers, unions and others who provide health care coverage to more than 50 percent of Americans. Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers, unions and government programs. But, as list prices - the starting point for those negotiations -- continue their nearly double-digit increases, the effects ripple throughout the system. The key to ensuring greater access and affordability lies in fostering greater competition. Facilitating faster reviews of generics and biosimilars, identifying off-patent drugs with little or no generic competition, and ending anti-competitive practices that keep safe, effective alternatives out of the market are also key to abating rising drug costs for patients. Learn more at affordableprescriptiondrugs.org ******

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Sent: Wed 8/23/2017 9:43:27 AM
Subject: Morning Energy: Peer-reviewed study finds Exxon misled public on climate — Monument decisions imminent — U.S. biodiesel sector gets trade win

By Anthony Adragna | 08/23/2017 05:40 AM EDT

With help from Esther Whieldon, Alex Guillén, Adam Behsudi and Eric Wolff

PEER-REVIEWED STUDY FINDS EXXON MISLED ON CLIMATE: Harvard researchers are out this morning with a peer-reviewed analysis concluding Exxon Mobil misled the public over the course of 40 years of climate change communications. After poring over its scientific research, internal company memos, and paid, editorial-style advertisements, the study concluded that 83 percent of Exxon scientists' peer-reviewed papers and 80 percent of the company's internal communications acknowledged climate science — but just 12 percent of its advertisements did so, and 81 percent actually doubted human activity's role in the problem.

"We conclude that ExxonMobil misled the public," the report concludes. "We stress that the question is not whether ExxonMobil 'suppressed climate change research,' but rather how they communicated about it." The study, supported by Harvard University Faculty Development Funds and by the Rockefeller Family Fund, acknowledges "textual analysis is inherently subjective" but says the overall trends are "clear." The findings will be published in the journal *Environmental Research Letters*.

Exxon, which did not have advance access to the study, did not immediately respond to a request for comment on Tuesday night. A spokesman for the fossil fuel giant previously said allegations from environmental groups it misled the public and investors on climate change were based on "distorted reports that they have commissioned and a distorted history of climate research that we've done openly with government bodies."

MONUMENT DECISIONS IMMINENT: Rumors are swirling around Washington that Interior Secretary Ryan Zinke may send over his verdict as soon as today on what to do with the nearly two dozen national monuments the White House put up for review. The House Natural Resources Democratic staff released a report complaining Zinke used a secretive review process, obscuring the true purpose was to open up lands for fossil fuel development. "If President Trump and Secretary Zinke don't listen, then the courts and the voters will teach them that our public lands are not industry playthings to dispose of as they see fit," Ranking member Raul Grijalva said in a statement.

Religious leaders weigh in: A group of Christian leaders sent Vice President Mike Pence a letter Tuesday urging the administration to "not rescind or rollback any designations" of the national monuments currently under consideration. They called the Antiquities Act an "important tool" for "protecting the special places of God's Creation where we play, pray and learn."

Irony alert: During an interview with Fox News' "Fox and Friends," Pence said he was in favor of building more monuments around the country rather than tearing down existing ones. "I'm

someone who believes in more monuments, not less monuments," he said in response to questions about whether statues commemorating the Confederacy should be removed. We'll see if that desire to preserve monuments extends to ones designated by other presidents. Remember Zinke already preliminarily suggested shrinking Utah's Bears Ears National Monument back in April.

WELCOME TO WEDNESDAY! I'm your host Anthony Adragna, and ACC's Jonathan Corley nailed Nashville as the biggest U.S. city to glimpse Monday's total eclipse. For today: What is the only U.S. state to grow coffee commercially? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

DO YOUR DUTIES: Biodiesel shipments from Argentina and Indonesia will face import duties after the National Biodiesel Board notched up an early victory in a trade case from the Commerce Department Tuesday, Pro's Eric Wolff reports. In light of the preliminary ruling, Argentine and Indonesian companies will have to pay a cash deposit on shipments to the U.S. to cover potential future penalties. The Commerce Department will now take comment on the preliminary ruling and then issue a final decision likely next year. Here are the decisions on Argentine and Indonesian biodiesel.

RIN-sanity: The price for credits in biodiesel jumped 8 cents on the news, to $1.17, the oil tracking service OPIS tells ME. Biodiesel credits are critical for refiners who need to buy them to comply with the Renewable Fuel Standard. EPA requires more ethanol blending than happens in reality, and some refiners buy the biodiesel credits to make up the difference. The ruling from Commerce has now raised their compliance costs.

MORE MURKOWSKI INTRIGUE: Zinke's July calendar, which the agency released Tuesday, was relatively light compared to prior months on meetings with energy industry interests. But it did provide further evidence that the secretary may have pressed Alaska Sen. Dan Sullivan on July 26 over Sen. Lisa Murkowski 's vote on the healthcare bill, something the secretary has not denied doing. Hours before calling Sullivan that day, Zinke had a number of White House meetings and calls, including with Vice President Mike Pence, then-White House chief strategist Steve Bannon and Trump's top energy aide Mike Catanzaro. Zinke's calendar did not include a call with Murkowski, but the senator has said they did talk that day.

Zinke's July calendar also included a meeting with President Donald Trump's daughter-in-law Lara Trump on wild horses and animal welfare issues and a call with a number of lawmakers on both sides of the aisle, including Senate Energy and Natural Resources Committee ranking Democrat Maria Cantwell.

Fascinating tidbit: From an excellent New York Times report on the simmering feud between Trump and Senate Majority Leader Mitch McConnell: "Senator Lisa Murkowski of Alaska told colleagues that when Mr. Trump's interior secretary threatened to pull back federal funding for her state, she felt boxed in and unable to vote for the health care bill." Back in late July, Murkowski told the Alaska Dispatch News that Zinke's forceful call didn't sway her vote on the healthcare bill.

FIRSTENERGY'S TOUGH SELL: FirstEnergy Solutions, a unit of FirstEnergy Corp., wanted the federal government to use it's emergency powers to save coal plants that teetered on the edge of insolvency — saving some of Trump supporter Robert Murray's coal mines that supply fuel for the plants — but it had a major problem: The power from the plants isn't deemed especially critical. The federal government has authority to keep plants open when crucial to local supplies, but PJM Interconnection, which manages the largest grid in the country, has plenty of power. In an April letter , the grid operator told Ohio Governor John Kasich that thanks to its capacity market, which pays power plants to remain on standby even if they don't run, it had 6 percent more power on reserve than it needed. The letter also said the operator maintained a robust process for managing retirements, and that typically new plants could come in to replace older ones.

That badly undermined FirstEnergy's position, as did the fact that the company asked for a three-year commitment to keep the plants operating. Normally the authority granted under section 202 of the Federal Power Act is used for short periods when there's an unexpected disruption, like when in April lightning struck a plant in Oklahoma, creating a need to change how nearby transmission operated for a few months. Keeping the plants open for so long would entail paying their owners to stay available — which presumably was FirstEnergy's point, but it adds costs for PJM and its ratepayers.

ICYMI: Pro's Alex Guillén and Eric Wolff look at how two wealthy backers of Trump — coal magnate Robert Murray and Wall Street billionaire Carl Icahn — failed to get their policy priorities turned into action despite the president's backing. Murray's failure to get DOE to use its emergency powers to force some Rust Belt coal-fired power plants to stay open, and Icahn's earlier inability to convince EPA to alter its ethanol rule, show the limits of trying to circumvent the federal bureaucracy even with a sympathetic ear in 1600 Pennsylvania.

INSIDE TRUMP WORLD'S NAFTA STRUGGLES: The Trump administration is grappling with its position on an investor-state dispute settlement mechanism in NAFTA, ratcheting up concerns among businesses eager to see the U.S. make a clear commitment to continue with the controversial provision as it has in past trade deals, according to sources with knowledge of the deliberations. The controversial international arbitration mechanism allows private companies to seek damages from government actions that violate their investment rights under a trade deal. Business groups, particularly in the oil and gas sector, have launched a full-court press on Hill offices to request that they put pressure on the administration to include the dispute provision. One lobbyist source said the energy sector's support of a modernized NAFTA deal hinges directly on the inclusion of ISDS.

Speaking of which, Trump on Tuesday night in Phoenix: "I think we'll probably end up terminating NAFTA at some point."

DEVIL'S IN THE DETAILS, GUYS: Trump's administration may seek to secure stakes in Afghanistan's vast mineral deposits — estimated at $1 trillion by one U.S. government report — as a way to offset ongoing military costs there, Pro's Ben Lefebvre reports . "We're looking at all those types of options," a senior White House adviser said. Analysts caution extracting and

processing tons of minerals from a war zone and then transporting them out of a country with little modern infrastructure won't be happening anytime soon.

MARK YOUR CALENDAR: A coal industry source tell ME the Energy Department's big grid study will finally be released on Thursday.

DAKOTA ACCESS COMPANY SUES 'ECO-TERRORIST' GROUPS: Energy Transfer Partners, the owner of the Dakota Access pipeline, filed a lawsuit Tuesday against Greenpeace International and Earth First!, asserting they worked to spread misinformation about the project and damage the company, Diamond Naga Siu reports. The federal racketeering lawsuit alleges the groups launched "attacks [that] were calculated and thoroughly irresponsible, causing enormous harm to people and property along the pipeline's route."

In response, Greenpeace USA General Counsel Tom Wetterer bashed the filing as the second "meritless" lawsuit filed against them by the law firm led by Trump's former personal attorney Marc Kasowitz. And Earthjustice President Trip Van Noppen called the lawsuit "an unprovoked and malicious attack on those who would use the power of the law and free speech for good."

EPA IG TO REVIEW TSCA DATA REPORTING: EPA's inspector general has begun an inquiry into chemical data reporting under the reformed Toxic Substances Control Act, according to a newly posted memo. The reformed law requires chemical makers and importers to give EPA key data about those chemicals used to review potential risks, and to update that data every four years. Investigators will look specifically at "how the EPA is ensuring that companies are compliant" and whether EPA is using that data to prioritize which chemicals to review for health and environmental risks.

PELOSI, OTHERS TALK MARINE MONUMENTS: House Minority Leader Nancy Pelosi, Reps. Jared Huffman and Jackie Speier , and others are hosting a public forum today at the Bay Model Visitor Center in Sausalito, Calif. on protecting national marine sanctuaries and monuments. As a reminder, Commerce Secretary Wilbur Ross has until Oct. 25 to send Trump a report on the potential for offshore fossil fuel production, among other things, in 11 marine national monuments and sanctuaries. Members of the public will have an opportunity to comment at the event, which kicks off at 10:30 a.m. PST and can be streamed here.

MAIL CALL! PUMP THE BRAKES ON LNG EXPORTS: The Industrial Energy Consumers of America sent a letter Tuesday to the Trump administration asking for a moratorium on additional approvals of natural gas exports. "If we export too much LNG, prices will eventually rise to global levels," Paul Cicio, the manufacturing group's president, wrote. "At that point, foreign nations demand for LNG will dictate what price Americans pay. This is certainly not in the interests of the American public."

ELECTRIC CONTRACTORS OPPOSE SUNIVA PETITION: The National Electrical Contractors Association sent a letter to the International Trade Commission Tuesday opposing an effort from Suniva and SolarWorld to have imported solar cells or panels slapped with steep tariffs. "We believe the proposed remedies will significantly harm American manufacturers of solar parts and panels and ultimately crush demand for solar installations nationwide," the group

wrote.

ME FIRST — CLEAN ENERGY WEEK EXPANDS! The Center for Liquefied Natural Gas has joined the steering committee of National Clean Energy Week, bringing the number of groups planning the events of the week of Sept. 25 to 29.

HERE'S ZINKE IN AN APRON: His wife, Lola, tweeted a picture of him cooking breakfast in a pretty sweet apron. Check it out here.

REPORT: HERE'S HOW TO BOOST RGGI: Resources for the Future released a report Tuesday outlining ways to strengthen the Regional Greenhouse Gas Initiative. Their top idea is a new mechanism known as an emissions containment reserve, which would be triggered when carbon allowance prices drop below a threshold that would be set to ensure it was still driving emissions reductions.

MOVER, SHAKER: Colin O'Neil has been promoted to legislative director at the Environmental Working Group where his portfolio includes agriculture and food, cosmetics and chemicals outreach efforts on Capitol Hill. Before joining EWG, he was director of government affairs at the Center for Food Safety.

QUICK HITS

— In Italy's Drought-Hit Vineyards, the Harvest of a Changing Climate. New York Times.

— Chris Christie Leaves A Trumpian Legacy On Climate Change. But It Won't Last. Huffington Post.

— Kentuckians to Trump: Restart study of how surface mining hurts health. Lexington Herald-Leader.

— California sees strong results from cap-and-trade auction after program extension. Los Angeles Times.

— Oil prices climb as traders eye another U.S. crude drawdown. Reuters

— In Alaska, One Man Fights To Save Oil Fund As Reserves Dry Up. NPR.

— Climate change serves as central concern at annual Lake Tahoe Summit. Tahoe Daily Tribune.

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Stories from POLITICO Pro

Exxon scrambles to contain climate crusade Back

By Andrew Restuccia | 05/09/2016 05:28 AM EDT

On Nov. 3, ExxonMobil dispatched its top lobbyists to Capitol Hill on an urgent mission — tamping down an escalating campaign aimed at making the country's largest oil company pay a legal and political price for its role in warming the planet.

The meeting marked a striking shift in Exxon's handling of the controversy. The notion of holding oil companies responsible for global warming, in the same way tobacco companies had to pay billions of dollars in damages over the health effects of cigarettes, had long been seen as a quixotic quest led by scruffy, oil-hating extremists. But POLITICO's interviews with dozens of activists, industry officials and lawmakers suggest that support for a legal crusade against Exxon is growing far beyond the political fringe — and now poses the biggest existential threat the company has faced in decades.

Just five days before the meeting on Capitol Hill, Democratic presidential front-runner Hillary Clinton had urged the Justice Department to investigate whether the petroleum giant spent decades deceiving the public about the threat of climate change. State attorneys general had Exxon in their sights as well, preparing to issue subpoenas that would eventually rope in virtually all of Washington's conservative policy apparatus. A four-year effort by green activists, scientists and lawyers to turn Big Oil's biggest player into the poster child for climate change — deliberately patterned after the successful campaign to take down tobacco — was shaking the descendant of John D. Rockefeller's Standard Oil empire to its core.

So the four Exxon executives arrived at the office of California Democrat Rep. Ted Lieu with one job: convincing four of their most vocal congressional critics that the company wasn't the polluting villain its enemies were making it out to be.

Exxon supports "sound climate policy" and has tripled its greenhouse-gas cuts since 2008, the executives boasted to the lawmakers in a 10-page glossy presentation, later obtained by POLITICO. Exxon was even on record in favor of a tax on carbon emissions — a climate remedy more radical than anything President Barack Obama has proposed.

The company left empty-handed, though, after refusing to directly answer questions about whether it had suppressed internal research that underscored the threat of climate change while publicly sowing doubt about climate science, according to people in the room.

The presentation made at least one thing clear, however: After years of shrugging off pressure from eco-activists, Exxon was showing signs of worry.

And Exxon wasn't the only one with reasons to be nervous.

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Interviews with advocates on both sides of the feud reveal how quickly the anti-Exxon movement has sprouted, to the point that it's now consuming op-ed pages, airwaves and courtrooms across the country. Once merely intent on shaming the oil giant into better behavior, environmentalists are pursuing a strategy to discredit the company, weaken it politically and perhaps make it pay the kinds of multibillion-dollar legal settlements that began hitting the tobacco industry in the 1990s.

The campaign — led by some of the same climate activists who defied Beltway wisdom by killing the Keystone XL oil pipeline — has mushroomed into far more than a greens-versus-Exxon feud.

Just last week, a leaked subpoena from the attorney general in the U.S. Virgin Islands revealed a vast probe that demanded Exxon's communications with more than 100 free-market think tanks, conservative consulting firms and climate-skeptic scientists — proof, the company's supporters say, that environmentalists are using the legal system to launch a broad attack on their political opponents. The subpoena targets Exxon's dealings with parties including the Competitive Enterprise Institute, the U.S. Chamber of Commerce Foundation, the Hoover Institution, George Mason University and scientists at the Massachusetts Institute of Technology, the University of Alabama and the University of Delaware.

The first subpoena to Exxon came from New York Attorney General Eric Schneiderman, who used his state's powerful consumer fraud law to hit the company with legal papers just a day after the lobbyists' meeting on the Hill. AGs in California and Massachusetts have also launched investigations into the company.

Members of Congress have weighed in too, with Sen. Sheldon Whitehouse (D-R.I.) and presidential contender Sen. Bernie Sanders (I-Vt.) urging DOJ to consider bringing civil racketeering cases against oil companies.

"Obviously, we take it extremely seriously," Exxon spokesman Alan Jeffers told POLITICO, noting that the company is complying with the New York subpoena while it fights the racketeering summons from Virgin Islands Attorney General Claude Walker. The greens' campaign is built on "distorted reports that they have commissioned and a distorted history of climate research that we've done openly with government bodies," Jeffers added.

Both sides describe the political stakes of the campaign as huge.

"Exxon's been able to work its political will for a quarter of a century — they shouldn't be able to," said climate activist Bill McKibben, a leader of the fight against Keystone. "They should be a toxic political brand."

"Exxon is taking this real seriously, and that tells you something, doesn't it?" Matt Pawa, a Massachusetts lawyer who has repeatedly gone after Exxon in court, said in an interview. "Maybe they've got something to hide."

Even rival oil companies that disdain Exxon's support for a carbon tax are spooked about how far the greens' campaign has gotten, especially when the industry is already reeling from a huge slump in fuel prices.

"Industry doesn't look at this and say, 'Too bad for Exxon,'" one fossil-fuel lobbyist said. "We say it's very chilling, a horrible precedent, and no one wants to see themselves next."

Underscoring the industry's anxiety is the breadth and intensity of the counterattack it has mounted. Industry consultants are accusing the state AGs of colluding with environmentalists, and have questioned the role of foundations created by the Rockefeller family — petroleum heirs turned anti-oil activists — in helping bankroll some news organizations' Exxon investigations.

The industry is even exploring the idea of launching a counter-probe: A lobbyist for one of Exxon's industry rivals told POLITICO he has reached out to red-state attorneys general to gauge their interest in probing where environmental groups are getting their funding. No takers have emerged so far.

But industry backers' main argument is that the greens are assaulting the constitutional rights of anyone who dissents from mainstream climate science. Heritage Foundation fellow Hans von Spakovsky has denounced Schneiderman's probe as a "Soviet-Style investigation," while conservative columnist George Will called it an example of "gangster government."

"Instead of honoring legitimate academic and scientific inquiry, the far-left has gone to extremes to silence those who disagree," Oklahoma Republican Sen. Jim Inhofe, the chairman of the Environment and Public Works Committee, said Wednesday. He added, "This is nothing more than a misuse of power to score cheap political points."

Exxon itself has made similar arguments, fighting the Virgin Islands subpoenas in court as an infringement on the company's free-speech rights. But Walker, the territory's AG, dismissed that reasoning.

"The First Amendment is not a defense to fraud," Walker told POLITICO through a spokesman, and "the Constitution provides no right to mislead shareholders."

"The tobacco companies," he added, "raised exactly these arguments. ... That was soundly rejected by the courts."

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The seeds of the Venus flytrap closing around Exxon were planted in June 2012 in the wealthy seaside town of La Jolla, Calif., where two dozen scientists, lawyers and academics huddled for a scholarly conference on an issue that had vexed the environmental movement for decades: How,

on a planet filled with 7 billion people, do you hold oil companies liable for their role in worsening climate change?

"This wasn't a strategy session," said Peter Frumhoff, a conference organizer and the director of science and policy at the Union of Concerned Scientists. "This was a kind of first cut at, for lack of a better word, an exercise in applied scholarship."

But attendees emerged with two strategies that would set the tone for today's anti-Exxon fight.

First, they underscored the importance of building a catalogue of peer-reviewed research making the case that individual corporations could be held responsible for their contributions to climate change, a step that could serve as Exhibit A in future legal action. That tactic took a page from Exxon itself, which funded research after its 1989 Valdez spill arguing that Alaska's Prince William Sound was already recovering from the damage.

Richard Heede, a climate researcher who helped organize the La Jolla conference, said the attendees realized the "value" of having credible peer-reviewed research.

Working with other academics like Naomi Oreskes, whose book "Merchants of Doubt" drew parallels between the climate and tobacco fights, Heede published articles in peer-reviewed journals that placed the responsibility for climate change at the feet of major fossil fuel companies. In a November 2013 study, for example, Heede estimated that 63 percent of worldwide emissions of industrial carbon dioxide and methane came from a group of 90 "carbon major" entities. (ExxonMobil was prominent in the list.) Environmental groups like Greenpeace immediately trumpeted the research.

"For a long time, fossil fuel companies have benefited from the idea that everyone is responsible for climate change — and if everyone is responsible, then nobody is responsible," said Carroll Muffett, the president of the Center for International Environmental Law. "Now the science is moving into a much finer resolution."

Second, the La Jolla attendees agreed that obtaining and publicizing internal corporate documents was the key to turning public opinion against the oil companies and eventually securing a legal victory.

"A key breakthrough in the public and legal case for tobacco control came when internal documents came to light showing the tobacco industry had knowingly misled the public," the 2012 conference organizers wrote in a memo on the meeting. "Similar documents may well exist in the vaults of the fossil fuel industry and their trade associations and front groups, and there are many possible approaches to unearthing them."

Exxon's opponents are likely to get hold of more internal records as the attorneys general proceed with their investigations. Schneiderman's aides are culling through tens of thousands of pages of documents from the company, according to a person familiar with the probe.

"I'd be amazed if there aren't several paper trails that will be found through subpoenas," said

veteran lawyer Richard Ayres, one of the Natural Resources Defense Council's co-founders and an attendee at the 2012 conference. "Once subpoenas are answered, the trails will begin to be more visible and people will find this idea of litigation a lot more appealing."

The source familiar with Schneiderman's probe said the wide leeway afforded by his state's financial fraud law, the Martin Act, aided his request for documents. Those include records of Exxon's internal research into climate change's causes, the role of climate information in business decisions, and marketing, advertising and company communications.

From the start, Exxon's critics drew heavily on the lengthy legal crusade against tobacco companies that culminated in a massive settlement in 1998 totaling hundreds of billions of dollars.

Tobacco critics made little headway in the 1950s, when few Americans knew of the dangers of smoking. But the anti-tobacco fight gained steam as studies directly linked cigarettes to cancer and other ailments, eventually allowing the states to collect huge windfalls from the tobacco companies as compensation for smoking's health costs.

For the people gathered in La Jolla, even getting to the lawsuit stage would be a victory. "No matter what the outcome, litigation can offer an opportunity to inform the public," anti-tobacco litigator Sharon Eubanks said at the meeting, according to the meeting notes.

At the heart of any legal strategy is proof of a conspiracy or fraud — in this case, an alleged effort by oil companies to conceal their internal knowledge of their product's contributions to climate change. The activists' big break came in September and October, when the nonprofit investigative website InsideClimate News and the Los Angeles Times published stories alleging that Exxon's scientists had known as far back as the 1970s that the company's fossil fuels would cook the planet, even as its executives hid that knowledge.

The stories, citing internal Exxon documents, didn't make an immediate splash in Washington. Lieu and Rep. Mark DeSaulnier (D-Calif.) didn't ask DOJ to launch an investigation until Oct. 15. Exxon addressed the controversy for the first time on Oct. 21, singling out InsideClimate as "an anti-oil and gas activist organization" — the first of many times that the industry would slam the news outlet for taking money from the anti-fossil-fuel Rockefeller Brothers Fund and Rockefeller Family Fund.

Then the activists scored a political coup on Oct. 29 by injecting the issue into the mainstream of the presidential race. Responding to a question at a New Hampshire town hall, Hillary Clinton told an activist from McKibben's climate group that the Justice Department should look into Exxon's activities, saying, "There's a lot of evidence they misled."

Days later, Exxon's lobbyists were taking the meeting in Lieu's office with Lieu, DeSaulnier and two other liberal House Democrats. They aimed to "show the source documents that we think are the complete opposite of what the media reports have showed," Exxon spokesman Jeffers said afterward.

Their message: Exxon "believes in climate change, they believe it's largely caused by the burning of fossil fuels and human activity, and they support a fee on carbon," Lieu recalled in an interview. "That is the company line."

But when Lieu asked if Exxon supported any current proposal to tax the carbon in its nearly 25 billion barrels in proved worldwide oil reserves, the lobbyists said no. Nor would the company admit to the greens' accusations of deceiving the public.

"The basic questions were not at all resolved or seriously addressed in the meeting," Rep. Peter Welch (D-Vt.) told POLITICO. DeSaulnier called Exxon's pitch an attempt at "damage control," rather than an effort to be "open and honest and corrective."

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American oil companies are coping with the anti-Exxon campaign at a uniquely vulnerable time, with oil prices dropping to a 13-year low in February. Exxon lost its top-ranked credit rating last month thanks to a debt load that has more than tripled since 2012 and earnings that fell by 50 percent last year.

To be sure, Exxon's status as one of the world's most profitable companies remains unshaken. Its market value is nearly double that of Chevron, the nation's second-biggest oil and gas company.

But as the greens' campaign matures, Washington's conservative firmament is broadcasting its fury at what it sees as a fishing expedition aimed at ferreting out embarrassing information about the company.

Among those fighting back is CEI-affiliated conservative activist Chris Horner, who has used public records requests to uncover internal documents about coordination between activists and state attorneys general. Horner, who runs an anti-environmentalist research machine called E&E Legal, released emails last month that showed the attorneys general consulting with an anti-Exxon lawyer and an official at the Union of Concerned Scientists before holding a news conference in March with former Vice President Al Gore.

Two BakerHostetler litigators, David Rivkin and Andrew Grossman, have also founded a project called Free Speech in Science accusing the environmentalists of attacking climate skeptics' constitutional rights.

"You don't normally choose a target first, based on their speech, and say you're going to pursue all theories" available to attack that target, said Grossman, also an adjunct scholar at the conservative Cato Institute. "What's really going on here is intimidation."

Leaders of the Federalist Society, an alliance of conservative lawyers that counts Supreme Court Justices Clarence Thomas and Samuel Alito as members, have penned lengthy attacks on Schneiderman and other attorneys general investigating Exxon. National Review, Reason, Powerline and others followed suit in defending the oil giant, as have members of The Wall Street Journal's editorial board.

Exxon is "considering all of our options" for potential legal action against InsideClimate News, the Los Angeles Times or activist groups, spokesman Jeffers told POLITICO.

Aside from the company itself, the most vocal resistance to the greens has come from FTI Consulting, a firm filled with former Republican aides that has helped unify the GOP in defense of fossil fuels. Under the banner of Energy in Depth, a project it runs for the Independent Petroleum Association of America, FTI has peppered reporters with emails that suggest "collusion" between green activists and state AGs, and has raised questions over InsideClimate's Rockefeller grants.

The intensity of Energy in Depth's counter-assault reflects the degree of potential pain the entire industry faces from Exxon's troubles. IPAA senior vice president Jeff Eshelman said its efforts "haven't been to defend one company or interest, but rather to showcase [InsideClimate's] ongoing attacks on the American oil and gas industry that seem to be funded by multi-million-dollar activists."

InsideClimate News, which was named a Pulitzer Prize finalist last month for its Exxon stories, says it has received $25,000 from the Rockefeller Family Fund, or about 2 percent of the company's budget. The idea that the funding is influencing its news coverage is "an easy accusation, but it's completely baseless," founder and publisher David Sassoon told POLITICO. "Our funders have no access to our editorial and they never have."

As for Exxon, he said: "They have never asked us for a correction. They don't dispute the authenticity of the documents that our report is based on."

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While nearly 200 nations hammered out a global climate agreement in Paris in December, many establishment environmentalists took a victory lap. But the anti-Exxon forces were girding for their next fight.

On the sidelines of the United Nations conference in Paris, Pawa — the Massachusetts lawyer — delivered a private talk to activists that McKibben described as his "opening argument in the case" against Exxon. Columbia Law School professor Michael Gerrard also spoke that day at Pawa's request about what he described as "some of the defenses that would be raised" by a corporation facing legal threats linked to its greenhouse gas emissions.

Pawa is a veteran Exxon antagonist, having won a $236 million judgment against Exxon in 2013 for polluting New Hampshire's groundwater. He helped an Alaskan Inuit village sue the company in 2008 over the rising seas that threatened the local economy.

And the previously unreported closed-door huddle in Paris wasn't the only place Pawa has touted his legal theory of Exxon's culpability.

He delivered a courtroom-style presentation titled "What Exxon Knew About Global Warming,

and What it Did Anyway" in March at an environmental law conference in Oregon. Later that month, he led a closed-door briefing with Democratic attorneys general and their staff, according to emails obtained by Horner's conservative think tank.

Pawa's central role in the escalating bombardment of Exxon has made him a target, as the company's allies liken him to a puppet master orchestrating the campaign behind the scenes. But he told POLITICO that he is not formally involved in any state investigations, even as he suggested that more AGs could jump into the fray.

"There will be a successful outcome some day, whether it's my or another generation of lawyers," Pawa said. He added: "I do think we will be successful. I hope it's in the short term."

Activists plan to make a public stand at Exxon's annual shareholder meeting May 25, where several resolutions intended to force the company into acknowledging the climate threat will come to a vote.

The calls for a DOJ racketeering investigation from Clinton, Sanders, Lieu and Whitehouse, a former state attorney general, are also paying off. The Justice Department told Lieu in March that it had referred the requests to the FBI, a move that doesn't preclude DOJ later filing a civil complaint.

Walker, the Virgin Islands' AG, predicted that his Exxon probe will take longer than the four months it took for his office to secure an $800 million settlement in a separate case against Hess Oil. But otherwise, he said, a thorough inquiry "takes time, and my job is to get it done right, not fast."

Oil companies may face yet another headache if Democrats regain the Senate in November: Lawmakers such as Whitehouse told POLITICO they will push to hold hearings like those in the 1990s where tobacco executives had to testify under oath.

The prospect of intensifying political trouble for Exxon and other major oil companies while a legal case drags on is an integral design feature of activists' campaign against the company. Whether the endgame is the type of multibillion-dollar settlement that crippled cigarette makers, or whether it's a Beltway surrender that forces the company to do more on climate change, no longer matters.

What matters, the company's critics say, is sending a message to the industry that its days of climate obstructionism are over.

In the meantime, Whitehouse is betting that the flood of internal Exxon documents emerging as a result of the investigations will uncover damaging information.

"It wouldn't surprise me if some of these organizations were busily scrubbing their files to get rid of culpatory materials," he said.

Meanwhile, the industry's seemingly united pro-Exxon front belies a paradox: Other American

oil companies are frustrated by the company's stated advocacy of a "revenue-neutral" carbon tax. No Democrat or environmentalist takes that stance seriously, but Exxon's willingness to even utter the phrase makes it an outlier among U.S. drillers and refiners, which fear that a levy on greenhouse gases could gain momentum if Clinton wins in November.

Many in the industry are also skeptical of Exxon's ties to the Democratic front-runner: The company's Washington office includes senior lobbyist Theresa Fariello, who bundles contributions for Clinton's campaign, and former Democratic aide Dan Easley, both of whom attended the Election Day meeting in Lieu's office.

"Exxon was one of the first companies out of the gate on a carbon tax, and they've made no secret they want to get along with the Clinton guys," said one fossil-fuel lobbyist unaffiliated with the company. "Their chickens are coming home to roost."

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Back

Zinke recommends shrinking Bears Ears monument Back

By Esther Whieldon | 06/12/2017 04:07 PM EDT

Interior Secretary Ryan Zinke proposed shrinking the Bears Ears National Monument on Monday, trimming back the controversial Utah monument created by former President Barack Obama during his final days in office.

A preliminary review of the 1.4 million-acre monument that Zinke sent to the White House over the weekend shows his "belief that the monument needs to be right-sized," Zinke said in a statement.

Any move by President Donald Trump to alter the monument designed to protect thousands of sensitive archaeological sites will set off a legal fight with tribes and conservation groups that have complained the Native American ruins there were being damaged and would be threatened by oil and gas development in the area.

Zinke's preliminary recommendations to Trump show he did not plan to go as far as revoking Obama's monument designation — a move that has been sought by the state's congressional delegation.

"Rescinding the monument was an option, but looking at it, there are some antiquities within the monument that I think deserve to be protected," he said in a press call.

Trump has ordered Zinke to review 22 of the national monuments that were established in the past two decades to determine if they should be altered or revoked. The secretary has until Aug. 24 to send his final recommendations to the White House, and Zinke has extended the comment

period on Bears Ears to July 10.

Zinke is also pressing Congress to look at the Bears Ears boundaries "to see whether the lands are more appropriately designated as national conservation areas or national recreation areas," he said. "There's certainly a high demand of recreation. There's certainly a demand for conservation in some parts, but we believe that those areas are better suited under congressionally mandated designations than they are a monument."

The secretary also asked Congress to grant tribes the ability to co-manage specific areas within Bears Ears, and for Congress to clarify how wilderness areas that overlap with monuments should be treated, an issue for Bears Ears and some other monuments under review.

A former congressman from Montana, Zinke cited his concern that the federal government restricts activities on the land it designates as protected, saying that designating a monument the size of Bears Ears where "multiple-use management is hindered or prohibited is not the best use of the land and is not in accordance with the intention of the Antiquities Act."

President Barack Obama created the monument in southeast Utah in December, angering Republicans who accused the administration of federal overreach by ignoring locals who opposed the move and using the Antiquities Act to cut off commercial activity such as mining and oil and gas drilling.

Prior legislative attempts by the Utah delegation to curb federal monuments in the state have failed. Utah Republicans Rob Bishop and Jason Chaffetz did manage last year to get their Utah Public Lands Initiative legislation through the Natural Resources Committee, which Bishop chairs, but it never received a floor vote.

If Trump ultimately decides to alter Bears Ears or the other monuments on the list, he is certain to face legal challenges from environmental groups. "An attack on one monument is an attack on all of them," said Jesse Prentice-Dunn, advocacy director at the Center for Western Priorities.

Past presidents have changed the size of monuments but none have revoked them entirely, and legal questions remain as to whether the law allows a president to fully undo their predecessor's actions.

Zinke last month traveled to the Bears Ears and Grand Staircase-Escalante monuments and this week he will head to New England to visit the Katahdin Woods and Waters National Monument in Maine, which is also under review.

Zinke has repeatedly talked about the need to balance conservation with commercial and recreational demands on public lands, and has already this year ended the moratorium on new coal leases and launched reviews on ways to open up more areas for oil and gas development.

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Back

U.S. biodiesel industry gets early win in trade case Back

By Eric Wolff | 08/22/2017 05:05 PM EDT

The Commerce Department will impose import duties on biodiesel shipments from Argentina and Indonesia as a result of a trade case brought by domestic producers, Commerce Secretary Wilbur Ross said Tuesday.

"The U.S. values its relationships with Argentina and Indonesia, but even friendly nations must play by the rules," Ross said in a statement announcing the rulings.

The department found the Argentine and Indonesian governments set up subsidies in violation of international trade laws, and penalties are needed to even out prices. "The subsidization of goods by foreign governments is something that the Trump administration takes very seriously, and we will continue to evaluate and verify the accuracy of this preliminary determination," Ross added.

Because the ruling is preliminary, companies in Argentina and Indonesia will have to pay a cash deposit on exports to the U.S. to cover potential future penalties. The cash deposit rates will range from 50.29 percent to 64.17 percent of the value of Argentine biodiesel, and from 41.06 percent to 68.28 percent for product from Indonesia.

Commerce also imposed a retroactive penalty so that the deposit rates will apply to biodiesel exports to the U.S. from those countries dating back to May, rather than starting Tuesday, as would normally be the case.

The National Biodiesel Board and 15 biodiesel producers brought the case in response to rapidly increasing imports of biodiesel from the two countries.

"The Commerce Department has recognized what this industry has known all along — that foreign biodiesel producers have benefited from massive subsidies that have severely injured U.S. biodiesel producers," Doug Whitehead, NBB's chief operating officer, said in a statement.

The National Association of Truck Stop Operators opposed the rulings, arguing they would raise fuel prices in the U.S. and ultimately lead to higher costs for consumer goods transported by truck in the U.S. "Any outcome that results in cutting off Americans' access to cleaner burning fuels, such as biodiesel, from foreign markets is a bad day for the United States," David Fialkov, NATSO's vice president of government relations, said in a statement.

Commerce will take comment on the preliminary rulings and then issue final decisions, which are likely to come next year.

Commerce is expected in October to issue a preliminary ruling in a separate case on whether Argentina and Indonesia deliberately dumped biodiesel in the U.S., undermining U.S. producers. NBB and the 15 biodiesel producers brought that action as well.

A memo Commerce released Tuesday on Argentine imports is here. The decision is here. A memo on Indonesian imports may be read here. The decision is here.

To view online click here.

Back

Trump rejects wealthy friends' pleas for help Back

By Alex Guillén and Eric Wolff | 08/22/2017 07:30 PM EDT

Coal magnate Robert Murray has just joined Wall Street billionaire Carl Icahn in an exclusive club — wealthy backers of President Donald Trump who tried and failed to get lucrative concessions from his administration.

Murray, CEO of Murray Energy, one of the nation's biggest and most politically active coal miners, complained in an Aug. 4 letter made public Tuesday that the Energy Department had dragged its feet on his request that it use its emergency powers to force some Rust Belt coal-fired power plants to stay open. Trump was so taken by the idea that he immediately turned to Energy Secretary Rick Perry and ordered him to do it, wrote Murray, who said he had witnessed the conversation.

But DOE said no.

Murray's failure to shift the policy, and Icahn's earlier inability to convince the Environmental Protection Agency to alter its ethanol rule, raises questions about the limits of bulldog business leaders to circumvent the government's bureaucracy, even in an administration run by a sympathetic billionaire.

"These are two people who really don't understand how government works talking to a president who came into office not understanding how government works," said Jeff Navin, a founder of Boundary Stone Partners and former acting chief of staff at the Department of Energy under President Barack Obama. "What they're asking for causes serious legal problems for the agencies they're asking to take these steps."

Some conservatives, meanwhile, praised Trump for sticking up for market principles by refusing to grant favors to individual supporters.

The Trump administration "is committed to making sound policy decisions based on market principles and the rule of law, not political favoritism," said Tom Pyle, president of the industry-funded American Energy Alliance and former head of the Trump transition team at the Energy Department. "This is welcome news for Main Street and a wake-up call for K Street."

Icahn was an early Trump supporter — the two men go back decades — and though Murray

started 2016 backing Texas Sen. Ted Cruz, he eventually boarded the Trump train, hosting a major fundraiser in West Virginia and offering to educate Trump on coal issues. Trump's victory in November meant both had a chance to advance pet policies, especially since it seems both men have regular access to the president.

Yet both met with defeat.

The Energy Department rejected Murray's request that it use a special authority meant to protect the electric grid during emergencies to order FirstEnergy Solutions, part of Ohio-based utility FirstEnergy Corp., to keep open its coal-fired plants supplied by Murray's mines, even if the utility enters bankruptcy proceedings and would otherwise shut them down. Murray said that if those power plants shut down, it would force his company into bankruptcy.

Trump seemed fully supportive in private meetings, Murray revealed in letters to the White House, which were first published by The Associated Press.

At one meeting with the president, Trump turned to Perry in front of Murray "and said three (3) times 'I want this done,'" the coal company owner wrote. During a subsequent meeting with Murray and FirstEnergy Corp. CEO Charles Jones, Trump told an aide to "'tell [National Economic Council Director Gary] Cohn to do whatever these two want him to do.'"

But despite Trump's reported enthusiasm about granting Murray's unusual request, and despite Murray's assurances that other coal producers would benefit as well, the administration this week rejected it. DOE said in a short statement that "the evidence does not warrant the use of this emergency authority."

A White House spokeswoman did not address whether Trump had made the promises to Murray but said the president had acted on behalf of coal miners by killing Obama-era rules.

"Whether through repealing the Clean Power Plan and the 'Waters of the U.S. Rule,' removing the U.S. from the Paris Climate Agreement, or signing legislation to overturn rules and policies designed to stop coal mining, President Trump continues to fight for miners every day," White House spokeswoman Kelly Love said in a statement.

Similarly, Icahn's push to change a federal biofuel program to help his oil refining company CVR Energy suffered defeat earlier in the month. The Wall Street investor for years had railed against the EPA's Renewable Fuel Standard, which requires gasoline refiners to blend ethanol into their fuel, and Icahn's role as an unofficial Trump adviser on regulations presented him the opening he had sought.

In the early weeks of the Trump administration, Icahn presented the White House with language for an executive order to overturn the rule, which was costing his company hundreds of millions of dollars. But Icahn's effort hit a wall of opposition from oil companies and biofuel makers, and by spring, the proposal was largely left for dead. Sources told POLITICO earlier this month that the president would not be changing the biofuel program, though EPA has yet to make the decision official.

Icahn "comes in hot, his guy wins, Trump places a crown on Icahn's head, and Icahn says 'OK, it's corporate raider time,'" said Tyson Slocum, energy director for the nonprofit consumer advocacy group Public Citizen. "He knows hardball tactics. What Carl Icahn doesn't know is D.C."

Last week, Icahn resigned his title, and in another sign that he was wrapping up his affairs in D.C., he settled a court challenge to an enforcement action brought by the Federal Railroad Administration against American Railcar Industries, another Icahn-controlled company. That final settlement largely resembles the inspection regime the agency originally imposed, an FRA spokeswoman said.

One critic said the lack of experience in the new administration appeared to open the door for both Icahn and Murray, even if neither managed to step through it.

"I think we've seen, in this administration, at least, reports of an under-attentiveness to those procedural and institutional safeguards. That creates risk for unsound decisions to be made," said Ali Zaidi, a former Obama White House energy adviser now at the law firm Morrison & Foerster.

Icahn and Murray aren't the only ones seeking special treatment.

Coal billionaire-turned-West Virginia Gov. Jim Justice has proposed a federal subsidy for Appalachian coal in a plan that could net his own mines millions of dollars.

Justice privately pitched Trump on a subsidy that would pay utilities $15 per ton of Appalachian coal burned, and he said in a recent interview the president was "really interested" in the plan, which would cost an estimated $4.5 billion a year and likely require congressional approval.

But Justice's proposal has not been received well by key circles. It's gone over "like a fart in church" with Western coal miners, according to Travis Deti, executive director of the Wyoming Mining Association. And Wyoming's congressional delegation — including Senate Environment and Public Works Chairman John Barrasso, a Republican — panned the idea in a letter to Trump. Democrats, environmentalists and budget-hawk Republicans are also opposed to any coal subsidy.

Justice might look to the results that Icahn and Murray got.

Icahn and Murray "both became completely consumed with their own narrow self-interest, and they completely lost sight that there are a lot of stakeholders — including corporate stakeholders — that may not like their proposals," said Public Citizen's Slocum.

To view online click here.

Back

White House eyes Afghanistan resources to defray costs Back

By Ben Lefebvre | 08/22/2017 03:01 PM EDT

President Donald Trump may press for a U.S. role in tapping Afghanistan's vast mineral reserves to defray the cost of military operations there, a senior adviser to Trump confirmed to POLITICO Tuesday.

Trump, who repeatedly called for the U.S. to take Iraqi oil to pay for its mission in that country, plans to increase troop levels in Afghanistan. But while he vowed in his policy speech on Monday that the U.S. would not engage in "nation-building again," he also said the U.S. would "participate in economic development to help defray the cost of the war to us."

Asked whether Trump was considering grabbing a stake in Afghanistan's vast mineral deposits — estimated at $1 trillion by one U.S. government report — a senior White House adviser said it was on the table.

"We're looking at all those types of options," the adviser said.

A White House spokeswoman said there were no new announcements at the moment.

The war-torn country has an estimated 60 million metric tons of copper and 2.2 billion metric tons of iron ore, plus deposits of magnesium, gold, silver, rubies and other valuable resources spread across the country, according to a U.S. Geological Survey study. It also holds up to 1.6 billion barrels of recoverable oil and 16 trillion cubic feet of natural gas, according to government data — a relative pittance compared to some of its Middle East neighbors, but enough that Exxon Mobil and other oil companies sniffed around the area briefly.

But extracting and processing tons of minerals in a war zone and transporting it out of the mountainous country with few modern roads or bridges is not something that can be done anytime soon, analysts said. Armed guerrilla groups and warlords currently mine the deposits to fund their own operations, according to a study by Global Witness, a nonprofit that campaigns for transparency in mining, oil and gas sectors.

Afghanistan's inherent infrastructure difficulties, both physical and political, blocked the building of a natural gas pipeline through the country in the late 1990s.

In 1997, Unocal, which was later bought by Chevron, joined a group of companies seeking to build a $2.5 billion pipeline transporting natural gas from across the country, but it abandoned the effort. A company executive told the House Foreign Relations Committee in 1998 the lack of a strong government in the country posed a serious challenge to getting any energy infrastructure built there.

Trump can look at China for an example of how things can go wrong on the mining front, said Tony Cordesman, Burke chair in strategy at the Center for Strategic International Studies.

In 2007, two Chinese mining companies obtained Afghan government permission to extract copper from the country's Aynak region. A decade later, the project has stalled amid security concerns, contract disputes and controversy over the Chinese consortium's handling of Buddhist relics at the site.

"Above all it's a security problem. Is there mineral wealth there? Yes. Are we in position to secure a mine? If you don't have security, it is extremely difficult," Cordesman said.

To view online click here.

Back

Dakota Access owner sues green groups Back

By Diamond Naga Siu | 08/22/2017 04:44 PM EDT

Dakota Access Pipeline owner Energy Transfer Partners filed a federal racketeering lawsuit today against Greenpeace International and Earth First!, contending the environmental groups worked together to spread false information about the company to raise money and damage Energy Transfer's business.

"The alleged Enterprise is comprised of rogue environmental groups and militant individuals who employ a pattern of criminal activity and a campaign of misinformation for purposes of increasing donations and advancing their political or business agendas," ETP and its parent company said in a statement. "The Complaint asserts that the attacks were calculated and thoroughly irresponsible, causing enormous harm to people and property along the pipeline's route."

The 187-page complaint additionally alleges that "smaller, more violent eco-terrorist organizations and radicalized individuals" are mishandling their funds and instead of using it to help the environment, they used the money for personal gain.

"Under the 'Greenpeace Model,' raising money and the network's profile is the primary objective, not saving the environment," their complaint wrote. "Greenpeace's most senior leaders have admitted that their goal is not to present accurate facts, but to 'emotionalize' issues and thereby 'pressure' (i.e. manipulate) their donor audiences into parting with their money."

Greenpeace USA General Counsel Tom Wetterer said this is the second "meritless" lawsuit filed against them by the law firm led by President Donald Trump's former personal attorney Marc Kasowitz.

"They are apparently trying to market themselves as corporate mercenaries willing to abuse the legal system to silence legitimate advocacy work," Wetterer said in a statement.

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Back

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 9/28/2017 8:11:33 PM
Subject: Grassley asks Trump to curb expensive travel by administration officials

By Eric Wolff

09/28/2017 04:07 PM EDT

Sen. Chuck Grassley (R-Iowa) wants to know how President Donald Trump will curb private air travel by top members of his administration, including EPA Administrator Scott Pruitt.

"Please detail what steps the administration has taken to ensure that cabinet secretaries use the most fiscally responsible travel in accordance with the public trust they hold and the spirit and letter of all laws, regulations, and policies that apply," Grassley wrote in a letter to President Donald Trump today.

Grassley criticized reports of travel by military aircraft or charter jet by Pruitt, Health and Human Services Secretary Tom Price, and Treasury Secretary Steve Mnuchin. EPA has spent $58,000 on Pruitt's travel this year, including a charter flight to visit to the Gold King Mine in Colorado.

Noting that HHS Secretary Price has said he will not use charter jets while his department's inspector general reviews his travel, Grassley writes, "This development should be copied government-wide."

To view online:
https://www.politicopro.com/energy/whiteboard/2017/09/grassley-asks-trump-to-curb-expensive-travel-by-administration-officials-093653

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Mon 8/21/2017 4:34:41 PM
Subject: Aug. 21 -- Environment & Safety Resource Center Update



Environment & Safety Resource Center Update

August 21, 2017 - Number 34

Analysis : Air Pollution Control Guide | Chemicals Management Guide | Water Pollution Control Guide
Federal Statutes, Regulations and Agency Documents : Federal Register Final Rules | Federal Register Notices | Federal Register Proposed Rules
States—Environment : Alaska | California | Illinois | Indiana | Massachusetts | Texas | Virginia | Washington | Wisconsin

Analysis

Air Pollution Control Guide

Federal

Stack Emissions Monitoring (Quality Assurance). Revised to provide a more in-depth discussion of the procedures approved by the Environmental Protection Agency for use when establishing quality assurance and quality control procedures for continuous monitoring systems.

State

Massachusetts (Fuel Controls and Mobile Sources). Updated to reflect two final rulemakings by the Massachusetts Department of Environmental Protection (MassDEP). The first rule requires the Massachusetts Department of Transportation (MassDOT) to quantify and report greenhouse gas emissions annually from the combustion of fuels in mobile equipment owned or leased by MassDOT and the Massachusetts Bay Transportation Authority. The rule is intended to allow MassDOT to demonstrate whether it has achieved specified emission limits for calendar years 2018, 2019, and 2020. The second rule sets limits on carbon dioxide emissions from passenger vehicles owned or leased by any of the state's executive offices. The rule establishes emission limits that decline each year from 2018 through 2025. Both rules took effect Aug. 11.

Massachusetts (Greenhouse Gas Standards). Updated to reflect two final rulemakings by MassDEP. The first rule amends existing regulations to include sulfur hexafluoride emission limits for gas-insulated switchgear owned by large utilities. The second rule imposes limits to reduce methane emissions from natural gas mains and services for individual natural gas distribution system operators. The rule requires gas operators to report annually the total miles of their main and service pipelines by material type. Both rules took effect Aug. 11.

Massachusetts (Power Plants). Updated to reflect a final rulemaking by MassDEP establishing two new regulations. The first regulation establishes an allowance trading program for carbon dioxide emissions from electricity generation. The regulation also sets an annually declining limit on aggregate carbon dioxide emissions from 21 power plants in Massachusetts. The second

regulation establishes a Clean Energy Standard, which sets a minimum percentage of electricity sales that utilities and competitive suppliers must procure from clean energy sources. The minimum percentage begins in 2018 at 16 percent and increases 2 percent each year, peaking at 80 percent in 2050. The regulations took effect Aug. 11.

Chemicals Management Guide

Federal

Reporting and Recordkeeping Requirements (The TSCA Inventory). Updated to include reference to the Toxic Substances Control Act Inventory notification (active-inactive) rule, which took effect Aug. 11, establishing one-time reporting requirements that the Environmental Protection Agency will use to distinguish between substances listed on the TSCA Inventory that are active in commerce and those that are inactive. The rule requires manufacturers to notify the EPA by Feb. 7, 2018, of Inventory substances that they manufactured or imported for commercial purposes, subject to further conditions detailed in the rule, during the 10-year lookback period from June 21, 2006, to June 21, 2016. Processors also may submit such notifications for substances they processed during the lookback period by Oct. 5, 2018. In addition, the rule sets up forward-looking reporting requirements under which manufacturers and processors must notify the agency of any substance listed on the Inventory as inactive that they plan to reintroduce into commerce for nonexempt commercial purposes. The EPA then will redesignate the substance as active.

Reporting and Recordkeeping Requirements (Chemical Data Reporting Requirements for Inventory Substances). New subsection added to discuss new one-time reporting requirements under the TSCA Inventory notification (active-inactive) rule. Anyone who manufactured or imported a "chemical substance subject to commercial activity designation" during the 10-year lookback period from June 21, 2006, to June 21, 2016, must notify the EPA via a Notice of Activity (NOA) Form A by Feb. 7, 2018, except under specified circumstances. The rule defines a chemical substance subject to commercial activity designation as a substance that was added to the Inventory before June 21, 2006; wasn't reported as having been manufactured in and of the calendar years from 2010 through 2015 (in which case it automatically will be designated as active); isn't a naturally occurring chemical substance as defined in the active-inactive rule; and hasn't yet been designated as either active or inactive. Processors also can submit an NOA Form A by Oct. 5, 2018, if they wish. If the EPA doesn't receive an NOA Form A for a substance subject to commercial activity designation by the appropriate deadline, it will designate the substance as inactive, effective 90 days after the agency identifies the substance for such designation. Anyone who intends to manufacture, import, or process a substance once it is designated as inactive must submit a Notice of Activity Form B, except under specified circumstances. The Inventory notification rule also covers areas such as content and submission information for the notification, recordkeeping requirements, and handling notification obligations when two or more persons are involved in manufacturing or processing a particular volume of a substance.

Reporting and Recordkeeping Requirements (

More...

Water Pollution Control Guide

State

Louisiana (Permit Fees). Updated to reflect an increase in the minimum and maximum annual fees for Louisiana Pollutant Discharge Elimination System permits to $380 and $150,000, respectively, effective July 1.

Louisiana (Sludge Management Program). Updated with a $2,000 annual fee, effective May 20, imposed on permit holders for land application of sewage sludge

Louisiana (Wetlands Protection Applications and Fees). Updated to reflect revised processing fees for water quality certification. As of May 20, the fees are $385 for commercial activities and $37 for noncommercial activities.

Texas (Consumer Confidence Reports and Public Notification). Updated to reflect additional public notification requirements for Escherichia coli (E. coli) maximum contaminant level (MCL) violations. The public must be notified that the presence of E. coli indicates the water may be contaminated with human or animal wastes, suggesting the need for the facility to look for potential problems in water treatment or distribution.

Texas (Drinking Water Revolving Fund). Updated with revised application requirements. The Texas Water Development Board offers loans with terms of up to 20 years for the planning, acquisition, and design of an eligible project; 20 years for the construction of an eligible project; and 30 years for the construction of an eligible project by a disadvantaged community. The board may decide to recommend an environmental impact statement before approving a loan.

Texas (Environmental Management Standards Background). Updated to reflect provisions in both Texas law and Texas Commission on Environmental Quality regulations that provide incentives to encourage the wider adoption of environmental management systems to foster continuous voluntary improvement in environmental performance. Entities with a history of compliance with environmental requirements are given technical compliance assistance and flexibility in the regulatory process.

More...

Federal Statutes, Regulations and Agency Documents

Federal Register Final Rules

21 CFR 133

82 FR 37815, 8/14/17: Ultrafiltered Milk in the Production of Standardized Cheeses and Related Cheese Products: Guidance for Industry; Availability

21 CFR 573

82 FR 38595, 8/15/17: Food Additives Permitted in Feed and Drinking Water of Animals; Gamma–Linolenic Acid Safflower Oil

33 CFR 117

82 FR 38600, 8/15/17: Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, New Smyrna Beach, FL

82 FR 38602, 8/15/17: Drawbridge Operation Regulation; Housatonic River, Stratford, CT

82 FR 38602, 8/15/17: Drawbridge Operation Regulation; China Basin, San Francisco, CA

82 FR 39019, 8/17/17: Drawbridge Operation Regulation; Carquinez Strait, Martinez, CA

82 FR 39019, 8/17/17: Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, Palm Beach, FL

82 FR 39360, 8/18/17: Drawbridge Operation Regulation; Willamette River, Portland, OR

33 CFR 165

82 FR 38603, 8/15/17: Security Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA

82 FR 38603, 8/15/17: Safety Zone, Coast Guard Exercise Area, Hood Canal, Washington

82 FR 39020, 8/17/17:

More...

Federal Register Notices

82 FR 37839, 8/14/17: Proposed Information Collection; Comment Request; Participant Statistical Areas Program

82 FR 37841, 8/14/17: Approval of Subzone Status; Universal Metal Products, Inc.; Pharr, Texas

82 FR 37841, 8/14/17: Silicon Metal From Brazil: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination With Final Antidumping Duty Determination

82 FR 37843, 8/14/17: Silicon Metal From Australia: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination

82 FR 37844, 8/14/17: Certain Aluminum Foil From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination

82 FR 37846, 8/14/17: Initiation of Antidumping and Countervailing Duty Administrative Reviews

82 FR 37847, 8/14/17: Silicon Metal From the Republic of Kazakhstan: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination

82 FR 37849, 8/14/17: Permanent Advisory Committee To Advise the U.S. Commissioners to the Western and Central Pacific Fisheries Commission; Meeting Announcement

82 FR 37849, 8/14/17: Endangered Species; File No. 21516

82 FR 37851, 8/14/17: Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to the U.S. Navy Training and Testing Activities in the Atlantic Fleet Training and Testing Study Area

82 FR 37852, 8/14/17: Combined Notice of Filings

82 FR 37853, 8/14/17: Combined Notice of Filings #2

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Federal Register Proposed Rules

10 CFR 430

82 FR 38613, 8/15/17: Energy Conservation Program: General Service Incandescent Lamps and Other Incandescent Lamps Request for Data

33 CFR 110

82 FR 38643, 8/15/17: Anchorage Grounds; Galveston Harbor, Bolivar Roads Channel, Galveston, Texas

40 CFR 52

82 FR 37829, 8/14/17: Air Plan Approval; Connecticut; Nonattainment New Source Review Permit Requirements for the 2008 8–Hour Ozone Standard

82 FR 38646, 8/15/17: Air Plan Approval; Georgia: New Source Review and Permitting Updates

82 FR 38646, 8/15/17: Air Plan Approval; South Carolina; Interstate Transport (Prongs 1 and 2) for the 2010 1–Hour NO2 Standard

82 FR 38651, 8/15/17: Air Plan Approval; Michigan Minor New Source Review

82 FR 38654, 8/15/17: Air Plan Approval; Georgia; Regional Haze Progress Report

82 FR 38660, 8/15/17: Air Plan Approval; Alabama: Prevention of Significant Deterioration Updates

82 FR 38864, 8/16/17: Air Plan Approval; North Carolina; Transportation Conformity

82 FR 38864, 8/16/17: Air Plan Approval; Vermont; Regional Haze Five–Year Progress Report

82 FR 38865, 8/16/17: Air Plan Approval; AL; VOC Definitions and Particulate Emissions

More...

States—Environment

Alaska

State Register Summaries

AKR\ti18\ch76 - Alaska Regulations 08/15/2017 - Clean Water and Drinking Water Revolving Loan Funds

California

State Register Summaries

CAR\ti13\di2\ch6 - California Regulatory Notice Register 08/11/2017 - Hazardous Materials/Explosives Routes and Stopping Places

CAR\ti8\di1\ch4\sh7\gr16\at109 - California Regulatory Notice Register 08/11/2017 - General Industry Safety Orders/Process Safety Management for Petroleum Refineries

CAR\ti27\di4\ch1 - California Regulatory Notice Register 08/11/2017 - Safe Drinking Water and Toxic Enforcement Act/Glyphosate, Pentabromodiphenyl Ether Mixture

Illinois

State Register Summaries

ILR\ti83\pt590 - Illinois Register 08/11/2017 - Minimum Safety Standards for Transportation of Gas and Gas Pipeline Facilities

ILR\ti62\pt300 - Illinois Register 08/11/2017 - Surface Mined Land Conservation and Reclamation

ILR\ti35\pt652 - Illinois Register 08/11/2017 - Public Water Supply Capacity

Indiana

State Register Summaries

INR\ti326\at1 - Indiana Register 08/09/2017 - Air Pollution Control/Ozone NAAQS

INR\ti327\at19, INR\ti327\at15 - Indiana Register 08/09/2017 - Concentrated Animal Feeding Operations/Confined Feeding Operations

Massachusetts

State Register Summaries

MAR\ag310\ch7.00, MAR\ag310\ch60.00 - Massachusetts Register 08/11/2017 - Air Pollution Control for Mobile Sources

Texas

State Register Summaries

TXR\ti16\ch1 - Texas Register 08/18/2017 - Railroad Commission/Definitions and General Provisions

TXR\ti16\ch1 - Texas Register 08/18/2017 - Railroad Commission/Pleadings

TXR\ti16\ch1 - Texas Register 08/18/2017 - Railroad Commission/Docketing, Notice, and Service

TXR\ti16\ch1 - Texas Register 08/18/2017 - Railroad Commission/Parties and Intervention

TXR\ti16\ch1 - Texas Register 08/18/2017 - Railroad Commission/Discovery

TXR\ti16\ch1 - Texas Register 08/18/2017 - Railroad Commission/Evidence in Contested Cases

TXR\ti16\ch1 - Texas Register 08/18/2017 - Railroad Commission/Hearings

TXR\ ti16\ch1 - Texas Register 08/18/2017 - Railroad Commission/Decisions

TXR\ti16\ch1 - Texas Register 08/18/2017 - Railroad Commission/Rules of Practice

TXR\ti16\ch1 - Texas Register 08/18/2017 - Railroad Commission/Contested Case Proceedings

TXR\ti16\ch1 - Texas Register 08/18/2017 - Railroad Commission/Pleadings, Motions, and Other Documents

TXR\ti16\ch1 - Texas Register 08/18/2017 - Railroad Commission/Notice and Service in Contested Cases

TXR\ti16\ch1 - Texas Register 08/18/2017 - Railroad Commission/Discovery

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Virginia

State Register Summaries

VAR\ti9\ag25\ch194 - Virginia Register 08/21/2017 - VPDES General Permit for Vehicle Wash Facilities and Laundry Facilities

VAR\ti9\ag25\ch720 - Virginia Register 08/21/2017 - Water Quality Management Planning Regulation

VAR\ti9\ag25\ch870 - Virginia Register 08/21/2017 - Virginia Stormwater Management Program

VAR\ti9\ag25\ch720 - Virginia Register 08/21/2017 - Water Quality Management Planning

Washington

State Register Summaries

WAR\ch173-03 - Washington State Register 08/16/2017 - Department of Ecology/Public Records Fees

WAR\ch173-224 - Washington State Register 08/16/2017 - Water Quality Permit Fees

WAR\ch296-79, WAR\ch296-115, WAR\ch296-52, WAR\ch296-59, WAR\ch296-78, WAR\ch296-99 - Washington State Register 08/16/2017 - Safety Standards

Wisconsin

State Register Summaries

WIR\chSPS305 - Wisconsin Administrative Register 08/14/2017 - Licenses, Certifications and Registrations/Liquefied Gas Suppliers

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Environment & Safety Resource Center Update

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 8/2/2017 12:28:06 PM
Subject: Aug. 02 -- EHS State Regulatory Alert



EHS State Regulatory Alert

August 02, 2017 - Number 147

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

California

OCCUPATIONAL SAFETY AND HEALTH
Workers' Compensation/Employee Requests for Change of Physician
California OCCUPATIONAL SAFETY AND HEALTH

Notice announces the decision of the Division of Workers' Compensation to deny a petition submitted by an individual requesting an amendment to regulations under 8 CCR 9781 regarding workers' compensation medical provider networks and employee requests for change of physician. The petitioner requested that claims administrators for all self-insured and insured employers, including those that offer a medical provider network, comply with certain procedures and submit specified information once notified of a change in physician by an employee. The petition is denied because in the case of employees treated through an employer-selected medical provider network, communication is already established with the physician and/or contractual relationships already in place, and automatically requiring the claims administrator to provide the specified information is unnecessary. Contact: John Cortes; DWC, Legal Unit; 510-286-7100

—California Regulatory Notice Register (07/28/2017)

Regulatory Update

California Regions

AIR
NOx Emissions Reductions from Miscellaneous Sources
California Regions AIR

Final rule of the South Coast Air Quality Management District amends regulations under Rule 1147 regarding nitrogen oxide (NOx) emission reductions from miscellaneous sources. The rule removes the NOx emission limit requirement for low temperature ovens and other units with a

heat input rating of less than 325,000 British thermal units per hour and revises the limit for low temperature afterburners, burn-off ovens, incinerators, and related equipment from 30 parts per million (ppm) to 60 ppm. The rule also changes the compliance date for small in-use units to a schedule based on a 35-year lifetime or until the units are replaced, retrofitted, or relocated. In addition, the rule adds exemptions and compliance flexibility and clarifies exemptions for food ovens and for flare type systems. The rule will be submitted to the U.S. EPA as a revision to the state implementation plan. The rule is effective July 7, 2017. Contact: Tracy Goss; South Coast AQMD; 909-396-3106; TGoss@aqmd.gov

—California RegionsRegulations (07/07/2017)

Regulatory Update

AIR
Refinery Fenceline and Community Air Monitoring
California Regions AIR

Notice of the South Coast Air Quality Management District announces a draft proposed rule to adopt regulations under Rule 1180 to require petroleum refineries to install and operate continuous, real-time fenceline and community air monitoring systems. The rule requires refinery operators to submit written plans for establishing and operating such systems, including specifying equipment to be used, the method for disseminating data to the public, and audit procedures. The rule also requires refinery operators to notify the district of downtime for planned maintenance and unplanned equipment failures that impact monitoring data. In addition, the rule requires refinery operators to maintain monitoring records for five years and exempts refinery operators that submit a community air monitoring fee or that comply with a cost-recoverable community air monitoring agreement. A comment due date is not specified. Contact: Dan Garcia; South Coast ACMD; 909-396-3304; dgarcia@aqmd.gov

—California RegionsRegulations (07/26/2017)

Regulatory Update

Connecticut

AIR
Air Quality Permitting for Greenhouse Gases
Connecticut AIR

Proposed rule of the Department of Energy and Environmental Protection amends regulations under RCSA 22a-174-3a and -33 and revises the state implementation plan to update air quality permitting standards for greenhouse gases. The rule removes Greenhouse Gas Tailoring Rule Step 2 provisions to be consistent with EPA's Aug. 15, 2015, final rule. A hearing is scheduled for Aug. 29, 2017, in Hartford. Comments are due Aug. 31, 2017. Contact: Merrily Gere; DEEP, Bureau of Air Management; 860-424-3088; merrily.gere@ct.gov

—Connecticut Law Journal (07/28/2017)

Regulatory Update

Minnesota

PESTICIDES
Fertilizer and Pesticide Best Management Practices
Minnesota PESTICIDES

Notice of the Department of Agriculture, Pesticide and Fertilizer Management Division, announces the availability of draft best management practices to address the use of nitrogen and phosphorus fertilizer and pesticides on turfgrass. Comments are due Sept. 29, 2017. Contact: Gurinderbir Chahal; Department of Agriculture; 651-201-6237; g.chahal@state.mn.us

—Minnesota State Register (07/31/2017)

Regulatory Update

WATER
Buffer Law Implementation/Administrative Penalty Order Plan
Minnesota WATER

Notice of the Board of Water and Soil Resources announces the adoption of the administrative penalty order plan regarding the implementation of the Buffer Program, which addresses water resources riparian protection requirements on public waters and public drainage systems. The plan specifies the enforcement responsibilities of soil and water conservation districts, counties, watershed districts, and the board and provides a model county and watershed district administrative penalty order plan. The guidance is to be used in conjunction with Policy 9, which establishes processes for use by the board in reviewing county and watershed district rules, ordinances, or other official controls concerning enforcement of the riparian protection and water quality practices requirements. Contact: Dave Weirens; BWSR; 651-297-3432; buffers.bwsr@state.mn.us

—Minnesota State Register (07/31/2017)

Regulatory Update

Tennessee

HAZARDOUS WASTE MANAGEMENT
Hazardous Waste Management
Tennessee HAZARDOUS WASTE MANAGEMENT

Notice of the Department of Environment and Conservation, Division of Solid Waste Management, announces a 75-day stay of the effective date for a May 15, 2017, final rule that amends regulations under RRT 0400-12-01-.01 through -.09 (nonconsecutive) regarding hazardous waste management to incorporate revisions to federal standards, as of April 17, 2015. The rule adds and revises definitions related to solid waste and variances, deletes provisions

regarding the comparable fuels exclusion and gasification exclusion, and modifies and clarifies the procedure for verifying reclaimers and intermediate facilities managing hazardous secondary materials. The rule also includes in the list of regulated hazardous waste those wastes generated primarily from processes that support the combustion of coal or other fossil fuels that are co-disposed with excluded fly ash waste, bottom ash waste, slag waste and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels. In addition, the rule adds new exclusions for specified hazardous secondary materials that have been reclaimed and/or transferred, revises permitting procedures, and adds new container and tank management standards and emission standards. Finally, the rule adds emergency preparedness and response requirements. The rule now is effective Oct. 21, 2017. Contact: Jackie Okoreeh-Baah; DEC, Division of Solid Waste Management; 615-532-0825; Jackie.Okoreeh-Baah@tn.gov

—Tennessee Administrative Register (07/25/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Hazardous Waste Management
Tennessee HAZARDOUS WASTE MANAGEMENT

Notice of the Department of Environment and Conservation, Division of Solid Waste Management, announces a 75-day stay of the effective date for a May 15, 2017, final rule that amends regulations under RRT 0400-12-01-.02, -.05 and -.10 to add a common chemical name 1,1,1-trichloroethane to the U226 list of commercial chemical products. The rule also updates language regarding the exclusion of comparable fuel and syngas fuel to conform to federal standards. In addition, the rule replaces the CAS number 137-30-4 with "NA" under waste code K161 in the Treatment Standards for Hazardous Wastes table and corrects a typographical error to the process description to K107. The rule now is effective Oct. 21, 2017. Contact: Jackie Okoreeh-Baah; DEC, Division of Solid Waste Management; 615-532-0825; Jackie.Okoreeh-Baah@tn.gov

—Tennessee Administrative Register (07/25/2017)

Regulatory Update

Washington

GENERAL ENVIRONMENT AND SAFETY
Department of Natural Resources Rulemaking Agenda
Washington GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Natural Resources announces the availability of the semiannual rulemaking agenda for July through December 2017. The topics to be addressed include insurance and security requirements and surface mine reclamation fines and base penalties. Contact: DNR; 360-902-1000

—Washington State Register (08/02/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Elevators, Dumbwaiters, Escalators, and Other Conveyances
Washington OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of the Department of Labor and Industries to amend regulations under WAC 296-96 to update safety standards and fees for elevators, dumbwaiters, escalators, and other conveyances. The rule reflects the 2016 edition of the American Society of Mechanic Engineers code and other related codes to conform with national standards and industry practice. The rule also clarifies various provisions. The agency is establishing a technical advisory committee of subject matter experts and stakeholders to inform the rulemaking andwill accept proposed revisions to the standards from Sept. 1, 2017, until Oct. 5, 2017. Applications for committee membership are due Aug. 25, 2017. Comments are requested, but a due date is not specified. Contact: Alicia Curry; DLI, Field Services and Public Safety Division; 360-902-6244; Alicia.Curry@Lni.wa.gov

—Washington State Register (08/02/2017)

Regulatory Update

PESTICIDES
Department of Agriculture Rulemaking Agenda
Washington PESTICIDES

Notice of the Department of Agriculture announces the availability of the semiannual rulemaking agenda for July through December 2017. The topics to be addressed include use of chemicals and chemically treated materials in certain counties, restricted herbicides, and pesticide worker protection standards. Contact: Joel Kangiser; Department of Agriculture, Pesticide Management Division; 360-902-2013

—Washington State Register (08/02/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Mon 9/25/2017 9:55:24 AM
Subject: Morning Energy, presented by the U.S. Chamber's Global Energy Institute: Climate skeptics find new favorite talking point — Solar world fears gloomy 2018 amid potential tariffs — Cuomo's pipeline rejection raises eyebrows nationally

By Anthony Adragna | 09/25/2017 05:53 AM EDT

With help from Alex Guillén

NEW FUEL FOR THE CLIMATE SKEPTIC FIRES: The small group of climate change skeptics, led by the Heartland Institute, has seized upon a recent peer-reviewed study to vindicate their calls for a debate on the fundamentals of climate change, Pro's Emily Holden reports. The paper concluded the planet can tolerate more greenhouse gas emissions in the near future than previously thought, a finding its authors said does not undercut the basic consensus that human activity is causing temperatures to rise faster than normal. But Heartland Institute President Tim Huelskamp, whose group has submitted nominees for EPA Administrator Scott Pruitt's red team, blue team exercise and EPA's Science Advisory Board, says the report raises more questions. "This is exactly the type of debate discussion scientists need to be having," said Huelskamp, a former Republican congressman from Kansas. "If they were wrong 10 years ago, what makes their new modeling correct?"

Scientists bash mischaracterizations: Authors of the study said their work has been willfully misinterpreted for political purposes. While they expected their conclusions to be mischaracterized, they said they hadn't expected such an intense reaction. "We are not trained in PR.... Our job is to do solid science and communicate that. It's not really our job to guard against every possible critique, especially when they're not real critiques," said Damon Matthews, a study author and Concordia University Research Chair in Climate Science and Sustainability. "[T]here is no scientific result in our story that questions the basics of climate change and the imperatives for mitigation action."

What did the report find? The study found Earth has 20 years at the current rate of carbon dioxide emissions — 10 years more than the Intergovernmental Panel on Climate Change had estimated in its 2013 report — before average global temperatures grow 1.5 degrees Celsius. While previous research suggested countries had a "carbon budget" between 200 billion to 400 billion metric ton of carbon emissions before temperature increases exceeded 1.5 C, their paper pegged the figure above 700 billion metric tons. Some respected scientists have disagreed with the methodology the authors used to come to their conclusions.

WELCOME TO MONDAY! I'm your host Anthony Adragna, and the Glover Park Group's Hayley Moller was first to identify Tip O'Neil as the famous politician appearing in a 1983 episode of *Cheers* (clip here). For today: Which senator made a brief cameo in *Wedding Crashers*? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

FEARS OF A SOLAR SUNSET IN 2018: Experts point to the last time the U.S. slapped steep

tariffs on imported goods as a cautionary tale for President Donald Trump as he ponders whether to erect harsh trade barriers sought by Suniva and SolarWorld USA on imported solar panels, Pro's Eric Wolff reports . Back in 2002, President George W. Bush put a 30 percent tariff on several types of steel imports, but the move led directly to a supply shortfall in the U.S., causing wild fluctuations in prices, according to Tom Werner, CEO of SunPower Corp and a tariff opponent. "There's a very good chance it could end up the same way," said Tori Whiting, a research associate at the Center for International Trade and Economics at the conservative Heritage Foundation. A reminder that we're at this point due to Friday's International Trade Commission ruling that opens the door for Trump to penalize cheap Chinese solar imports through tariffs.

Suniva and SolarWorld USA have both promised to restart production at shuttered factories if they get trade protections, and they reject the notion that tariffs would cost jobs. But getting factories back into operation will take years and attracting capital may prove difficult since tariffs are limited to four years under the law.

RAISING EYEBROWS, NOT PIPELINES, IN THE EMPIRE STATE: Amid speculation he's positioning himself for a possible 2020 presidential bid, New York Gov. Andrew Cuomo has blocked three pipelines in the last 16 months, drawing national attention as his environmental policy has grown decidedly more progressive, POLITICO New York's Marie J. French reports. Cuomo most recently denied a permit for Millennium Pipeline's 7.8 mile project — including a novel legal argument involving concerns about the greenhouse gas emissions from the power plant it would serve — after previously denying two other major pipelines permits over fears of how they'd affect water quality. "I think environmentalists have no choice but to pay some respect to Gov. Cuomo's moves — banning fracking was a big step, and he's followed it up with some other courageous decisions," 350.org co-founder Bill McKibben said. "We hope very much that he'll support the call for 100% renewable energy that's becoming the basic test for politicians going forward."

** **A message from the U.S. Chamber's Global Energy Institute:** American energy is changing our economy. And now, it is changing the world. The U.S. Chamber of Commerce's Global Energy Institute is at the forefront of the policy discussions in Washington and around the nation that will help fuel the global energy revolution. Learn more at www.globalenergyinstitute.org **

GUESSING GAMES: Trump's penchant for leaving himself wiggle room on contentious policy decisions like trade, taxes, immigration, health care and climate change is inducing whiplash in many of the political insiders, business leaders and even foreign governments with a stake in the outcomes, POLITICO's Emily Holden, Andrew Restuccia, Aaron Lorenzo and Ted Hesson report . On the international climate front, diplomats have been left in the dark about what precisely the United States wants since June, when Trump announced his intention to exit the Paris agreement but "begin negotiations" to either reenter the nearly 200-nation accord or join an entirely new deal.

White House spokeswoman Kelly Love said: "President Trump was put into office precisely because he isn't beholden to lobbyists and special interests. If they're upset that they can't stroll

into the White House and drive administration policy anymore, that's a badge of honor for a president who was elected to drain the swamp."

BONN BONN BONNNNN: Trump's decision to leave the Paris climate accord have raised the stakes for international climate negotiations in Bonn, Germany for nations around the world to reiterate their commitment to the accord, Pro's Eric Wolff reports , citing an interview with the top climate negotiator for Fiji who's leading the meeting. "Our aim was changed by President Trump's announcement," Ambassador Nazhat Khan said. "Now we must deliver a visionary [conference]. Every work item for COP 23 is measured for the enhancing and restating of the overall vision."

RELIEF FINALLY BEGINS TO FLOW IN PUERTO RICO: A ship carrying 1.6 million gallons of water, 23,000 cots, dozens of generators and food arrived Sunday in Puerto Rico — the first of many expected in the coming days — as millions of Americans brace themselves for potentially months without electricity and damaged drinking water infrastructure, the Associated Press reports. Rep. Nydia Velazquez plans to request a one-year waiver from the Jones Act, a federal law requiring domestic cargo shipments to move only on U.S. vessels. "We will use all our resources," Velazquez said. "We need to make Puerto Rico whole again. These are American citizens."

Dam worries linger: There were mixed reports on the status of the Guajataca Dam in Northwest Puerto Rico. Some suggested the structure remained in danger of collapse Sunday after authorities previously evacuated 70,000 residents in that area, while others quoted local officials saying the risks were overblown.

Congress plots relief efforts: Lawmakers are beginning to plot potential relief options for the island, which may include tax breaks and more Medicaid funding, POLITICO Financial Services' Colin Wilhelm reports. "This is a natural disaster in Puerto Rico like we haven't seen ever," said Carlos Mercader, executive director of the commonwealth's Federal Affairs Administration. "Think about Katrina but even worse because this is the whole island." In an interview with Colin on Sunday, Puerto Rico Gov. Ricardo Rossello called for Congress to treat Puerto Rico like a state in any comprehensive emergency aid package. Remember Puerto Rico was already dealing with a massive government debt crisis, crumbling infrastructure and a bankrupt electric utility before the storm.

Relief not fast enough for many: Cuomo, who visited Puerto Rico on Friday, jabbed Trump for his focus on the NFL instead of the emerging humanitarian crisis over the weekend: "Instead of arguing with football players, instead of obsessing about how to take health care from the poor, why don't we put the politics aside and focus on helping Americans in desperate need?" he said, according to the Albany Times-Union. Hillary Clinton tweeted : "President Trump, Sec. Mattis, and DOD should send the Navy, including the USNS Comfort, to Puerto Rico now. These are American citizens.

Toxic waste removed in Texas: Tucked away in a Friday press release was the disclosure EPA recovered 517 containers of "unidentified, potentially hazardous material" from Superfund sites in Texas affected by Hurricane Harvey but the agency isn't providing any additional information

about the waste, the Associated Press reports. EPA won't say what sites the material came from, whether they've been identified or if there's a human health threat.

QUID PRO QUO? EPA staff directed staff to take the first toward reversing the proposed veto of Alaska's Pebble Mine in July shortly after Pruitt met with Tom Collier, CEO of Pebble Limited Partnership, CNN reports , citing interviews and government emails. "This is a process issue," Collier told CNN in an interview. "[Pruitt] is not saying he's not going to veto this project. He's just saying that the rule of law says that you do an environmental impact statement first, right? That's Mr. Pruitt's position." Collier said Pebble plans to file mining permit applications in December. Pruitt's move allows the company to submit a permit application but does not guarantee it would be approved.

NATIONAL CLEAN ENERGY WEEK KICKS OFF: A veritable who's who and VIPs of the clean energy world are in town this week to tout the benefits of clean energy technologies and try to rally support in Congress and the administration for the sector's continued growth. Interior Secretary Ryan Zinke and Energy Secretary Rick Perry launch the festivities in earnest on Tuesday at 8 a.m. A full schedule is available here.

LET'S MAKE A DEAL?: California may go along with some changes the Trump administration and automakers would like to see to vehicle emissions rules in the near future, as long as the White House and industry agree to tougher rules that would kick in later. Mary Nichols, chair of the California Air Resources Board, told Bloomberg that she has spoken with White House energy adviser Mike Catanzaro about the administration's review of EPA emissions standards through model year 2025.

If EPA weakens those rules, California would still be able to enforce its own, more stringent standards, which 13 other states also have adopted. That would create a complex regulatory patchwork — or a protracted court fight over California's authority — that all parties would prefer to avoid, if possible. "The price of getting us to the table is talking about post-2025," Nichols told Bloomberg. California would be "willing to talk about specific areas if there were legitimate concerns the companies raised" as part of a larger discussion.

MAIL CALL! REMEMBER THAT TALK WE HAD? Six senators, led by Sheldon Whitehouse, sent a letter to FERC Chairman Neil Chatterjee on Friday requesting the commission move "as quickly as possible" to complete a rule on better integrating energy storage and small renewable energy installation, which Whitehouse and Sen. Ed Markey discussed with Chatterjee prior to his confirmation. At the time of meeting, Whitehouse said he received a commitment the rule would not be "unduly delayed."

CHINA MOVES TO CUT OFF OIL FOR NORTH KOREA: Moving to implement the latest round of U.N. sanctions, China announced Saturday it would ban exports of condensates and liquefied natural gas immediately, Reuters reports. The country also said it would limit exports of refined petroleum products from Oct. 1.

GREENS APPEAL HFC DECISION: ME readers previously learned it was coming, but the Natural Resources Defense Council on Friday formally asked a federal appeals court for an en

banc rehearing of last month's decision striking down an EPA rule limiting use of hydrofluorocarbons, potent greenhouse gases, Pro's Alex Guillén reports in Energy Regulation Watch. The group feels the D.C. Circuit erred in its 2-1 decision and are likely to be joined in their appeal by Honeywell, a U.S. manufacturer.

GREENS OPPOSE FOUR EPA NOMINEES: Ten environmental organizations, including the Sierra Club, League of Conservation Voters and Waterkeeper Alliance, sent a letter to senators Friday urging them to oppose the four nominees expected to shortly come before the Environment and Public Works Committee for confirmation hearings. "Each of these individuals have demonstrated a willingness to advance the agenda of polluters and industry before health protections and safeguards for clean air and clean water," they wrote of the nominations of Matthew Leopold to be general counsel, William Wehrum to run the air office, Michael Dourson to run the Office of Chemical Safety and Pollution Prevention and David Ross to run the water office

MORE CONCERN OVER CADIZ PROJECT: California Sen. Dianne Feinstein released a letter Friday from the Metropolitan Water District questioning of safety and viability of the controversial California water project. David Bernhardt, Interior's number two, previously did legal work on behalf of the Cadiz project while in the private sector and the issue came up repeatedly during his confirmation process. Feinstein, a vocal opponent of the project, accused the Trump administration of trying to "muscle the Cadiz water project through" back in April.

BILL NYE THE BACHELORETTE GUY: A bunch of women dancing in an elevator ahead of a night out and in walks... Bill Nye. Watch here.

QUICK HITS

— Environmental advocates sue the EPA to implement stormwater plan. Boston Globe.

— Tioga oil pipeline spill cleanup nearing milestone after 4 years, but work continues. Bismarck Tribune.

— Interior Secretary Ryan Zinke says Hurricane Harvey recovery at 20%. Austin American-Statesman.

— Failed pressure test may have caused the Valdez oil spill. KTUU.

— Duke Changes Mind; Will Post Coal Ash Disaster Maps. AP.

— Democratic Megadonor Tom Steyer Still Isn't Ruling Out a 2020 Run. The Atlantic.

HAPPENING THIS WEEK

MONDAY

12:00 p.m. — "The National Flood Insurance Program, Zoning Regulations, and Hurricanes:

Lessons for Lawmakers," The Cato Institute, 122 Cannon

TUESDAY

7:30 a.m. — National Clean Energy Week symposium kicks off with remarks from Secretaries Zinke and Perry, Reserve Officers Association, 1 Constitution Avenue NE

9:30 a.m. — Institute for Policy Integrity green states conference, New York University School of Law, 40 Washington Square South, Vanderbilt Hall, New York, N.Y.

10:00 a.m. — "Powering America: Technology's Role in Empowering Consumers," House Energy and Commerce Energy Subcommittee, Rayburn 2123

10:00 a.m. — "Legislative Hearing on 4 Fishery Bills," House Natural Resources Water, Power and Oceans Subcommittee, Longworth 1334

10:00 a.m. — Senate Energy and Natural Resources holds hearing on DOE nominations, Dirksen 366

10:00 a.m. — "Building a 21st Century Infrastructure for America: Water Stakeholders' Perspectives," House Transportation and Infrastructure Water Resources and Environment Subcommittee, Rayburn 2167

12:00 p.m. — "Maryland's Offshore Wind and Energy Efficiency Policies," Women's Council on Energy and the Environment, Dentons, 1900 K Street NW

12:00 p.m. — "The Future of Nuclear Power: Technology, Security and Geopolitics," Global American Business Institute, 1001 Connecticut Avenue NW, Suite 230

12:00 p.m. — "Energy Transition and the Future of Hydrokinetic Energy in the United States," Environmental Law Institute, 1730 M Street, NW, Suite 700

12:30 p.m. — Natural Gas Roundtable hosts David Carroll, president of the International Gas Union, for monthly luncheon, University Club, 1135 16th Street NW

2:00 p.m. — House Natural Resources Indian, Insular, and Alaska Native Affairs Subcommittee hearing on various bills, Longworth 1334

2:00 p.m. — "Examining America's nuclear waste management and storage," House Oversight and Government Reform Interior-Environment Subcommittee, Rayburn 2154

WEDNESDAY

9:00 a.m. — "North America Energy Forum 2017," Wilson Center, 1300 Pennsylvania Ave. NW

10:00 a.m. — Senate Commerce Committee hearing on nominations, Russell 253

10:00 a.m. — "Forest Management to Mitigate Wildfires: Legislative Solutions," Senate Environment and Public Works Committee, Dirksen 406

2:00 p.m. — "Encouraging the Next Generation to Visit National Parks," Senate Energy and Natural Resources National Parks Subcommittee, Dirksen 366

3:00 p.m. — "Global Lessons from the Thawing Arctic," The Study of Environmental Arctic Change, 1200 New York Ave NW

THURSDAY

9:30 a.m. — "The Great American Eclipse: To Totality and Beyond," House Science Space and Research and Technology subcommittees, Rayburn 2318

4:00 p.m. — International Trade Administration holds a meeting by teleconference of the Renewable Energy and Energy Efficiency Advisory Committee, RSVP: Victoria.Gunderson@trade.gov

FRIDAY

9:00 a.m. — "Global Hotspots and Security Challenges: A Conversation with Senator Joni Ernst," Center for Strategic and International Studies, 1616 Rhode Island Avenue NW

THAT'S ALL FOR ME!

** **A message from the U.S. Chamber's Global Energy Institute:** Ten years ago, gasoline prices were at an all-time high, American dependence on foreign oil and natural gas was growing, and our energy future and security was at risk. The U.S. Chamber of Commerce and leaders in American business came together to form an institute to tackle these challenges head on. Now, 10 years later, we're excited to begin our second decade by transitioning to the U.S. Chamber's Global Energy Institute, reflecting America's new role as a global energy superpower. We'll still provide insight and analysis on the big energy issues of our day, along with our unique ability to bring together the entire energy industry and reach thousands in our local and state Chamber network. Learn more about our Institute and the last decade of progress in this video: http://bit.ly/2yeil2S **

To view online:
https://www.politicopro.com/tipsheets/morning-energy/2017/09/climate-skeptics-find-new-favorite-talking-point-024740

Stories from POLITICO Pro

Energized by Trump, climate critics seize on new study Back

By Emily Holden | 09/25/2017 05:04 AM EDT

A small, vocal community of climate change skeptics is using the Trump administration's climate policy rollback and its doubts about humans' role in boosting temperature to dig into unsettled issues — including a new report that indicated countries may have more latitude in curbing emissions.

While the vast majority of the world's scientists agree that human activity like burning fossil fuels is raising temperatures at a pace far faster than would naturally occur, studies are still staking out the specifics about the levels of greenhouse gas the atmosphere can absorb before the Earth reaches dangerous temperature benchmarks and how climate change influences extreme weather events.

A new study published in the peer-reviewed journal Nature Geoscience last week suggests the planet can tolerate more greenhouse gas emissions than previously forecast before reaching a critical point of 1.5 degrees Celsius of warming. Earth's temperatures are already up about 1 degree C above pre-industrial levels. Some respected scientists have disagreed with the methodology the authors used to come to their conclusions, but the study drew wide attention.

The conservative Heartland Institute, one of the biggest voices for U.S. climate skeptics, has seized on the research as proof that scientific models used to forecast temperature changes are wrong and overestimate the rate of global warming.

But the authors behind the study say their work has been willfully misinterpreted for political purposes. Damon Matthews, a study author and Concordia University research chair in climate science and sustainability, said the group had been prepared for its research to mischaracterized, but hadn't expected the reaction to be so intense.

"We are not trained in PR. We don't have the resources to hire PR firms," Matthews said. "We're trying to balance teaching, research, media outreach. Our job is to do solid science and communicate that. It's not really our job to guard against every possible critique, especially when they're not real critiques."

Climate science of any kind is under increasing scrutiny, and EPA Administrator Scott Pruitt has called for public debates about whether humans are causing temperatures to rise. Trump administration officials gathered at the White House last week to hone their messaging on the issue.

Heartland Institute President Tim Huelskamp, a former Republican congressman from Kansas, told POLITICO the new study supports the need for Pruitt's debates.

"This is exactly the type of debate discussion scientists need to be having," he said. "This article proved that there can be a lot of debate about the fundamental issues."

Huelskamp said the study raises the question that "[i]f they were wrong 10 years ago, what makes their new modeling correct?"

Several scientists associated with the Heartland Institute have been nominated to EPA's Science Advisory Board that reviews environmental regulations, according to E&E News. Heartland has also suggested researchers to take part in Pruitt's red-team, blue-team exercise, but Huelskamp declined to release any of their names.

Huelskamp said he saw no scientific consensus supporting man-made climate change, and argued his side has "dozens, hundreds, perhaps thousands that say that is not the case." The mainstream research community has said the climate skeptics overstate their numbers and are amplifying their message through the White House.

Climate scientists fear critics at advocacy groups like Heartland cherry-pick details from research to try to fuel doubt that climate change is real and poses dire threats to the environment and human health.

"[T]here is no scientific result in our story that questions the basics of climate change and the imperatives for mitigation action," Matthews said.

Pierre Friedlingstein, another co-author of the study and chair of mathematical modeling of climate systems at University of Exeter, said the new research showed the Earth has 20 years at the current rate of carbon dioxide emissions before lifting global average temperatures 1.5 C. That's more than the 10 years the Intergovernmental Panel on Climate Change had estimated in its 2013 report, but "certainly not a reason to encourage inaction. The emission mitigation challenge in front of us is still herculean and unprecedented," he said.

Previous research had estimated that countries had a total "carbon budget" between 200 billion to 400 billion metric tons of carbon emissions before temperatures climbed 1.5 C. But the new paper put the figure above 700 billion metric tons. That carbon budget is often used by policymakers to determine what actions they should take to curb climate change, and that's why the authors decided to take a second look.

Stefan Rahmstorf, the head of Earth System Analysis at the Potsdam Institute for Climate Impact Research, who outlined some doubts about the paper's findings in a blog post on RealClimate.org, said the paper didn't alter the science showing action to reduce emissions needed to be taken.

"At this point, debating whether we have 0.2 [degrees] C more or less to go until we reach 1.5 [degrees] C is an academic discussion at best, a distraction at worst. The big issue is that we need to see falling emissions globally very, very soon if we even want to stay well below 2 [degrees] C," he said.

The 2015 Paris climate agreement states the goal of keeping greenhouse gas emissions below the level that would cause 2 degrees C of warming, and the nearly 200 countries that signed on backed a more ambitious goal of keeping a temperature increase at no more than 1.5 degrees C.

Many island nations say that any warming over that level would be catastrophic for them. Fiji will chair the next United Nations meeting on climate change in November in Bonn, Germany,

giving those countries a bigger spotlight.

Asked about the study last week, Fiji's' COP23 Chief Negotiator Ambassador Nazhat Khan said she wanted to wait for the IPCC report to "see exactly how we're doing."

"It would be great news," she said. "We are committed to 1.5 degree target, and it is the 1.5 degree target that is going to give hope. ... On the question of whether things are better, we don't know. We hear on a daily basis of more intense cyclones, and in the Pacific Rim itself we have disappearing shoreline."

Richard Millar, the lead author of the new study and a research fellow at the University of Oxford, said the team tried to be clear that the paper does not argue for fundamentally revising ranges of uncertainty about how strongly the environment responds to carbon dioxide. Instead, the paper reinterpreted data that IPCC used to re-evaluate the world's carbon budget.

"It's because we're so close that we're thinking about how best to use the modeling tools we have available ... to really answer the direct question that's required by policymakers," Millar said.

Rahmstorf's blog suggested the researchers found a bigger carbon budget because they had used a different baseline year when counting rising emissions, and incorporated recent temperature data that may not account fully for Arctic warming.

Millar explained that the research took into account a slowing growth in emissions by developing countries that have begun to back away from coal, and said he was disappointed that the paper's conclusions have been "willfully manipulated."

"We tried our hardest to conduct a press briefing and put out there a clearly written, nontechnical blog trying to explain our finding," he said. "There certainly seemed to be a sort of snowball effect."

A first set of news articles covered the study well, he said, but then opinion writers followed and "facts got lost along the journey."

Matthews said he expects that to continue.

"It's fairly obvious that having people in the Trump administration who are openly questioning the science of climate change is going to give fuel to the people who were already doing that more quietly," he said.

Eric Wolff contributed to this report.

To view online click here.

Back

Tariff threat could foreshadow grim 2018 for solar industry Back

By Eric Wolff | 09/25/2017 05:04 AM EDT

The U.S. solar industry could face a grim 2018 if President Donald Trump slaps stiff tariffs on imported solar panels, according to solar industry and trade experts.

The U.S. International Trade Commission ruling Friday that domestic manufacturing had suffered injury because of solar equipment imports will give Trump the opportunity to hit the Chinese companies that own the lion's share of the global production of photovoltaic cells and modules. Proponents of steep trade barriers sought by Suniva and SolarWorld USA argue the U.S. capacity to build panels will disappear under the wave of imports from Asian countries.

But others, including the solar industry lobby group, warn that instituting tariffs or a floor price as Suniva has recommended would cost 88,000 jobs, double the price of solar installations and set the industry's growth back by years. And the last time the U.S. used the same trade tactic — under former President George W. Bush — could serve as a warning to the Trump administration.

The U.S. installed 14.8 gigawatts of solar capacity last year, fed by imports of 12.8 gigawatts of solar panels in 2016, according to the Energy Information Administration. U.S. production capacity of solar modules is less than 3.0 GW, leaving a gap that will require solar installers to rely on imports to meet the demand, even if companies that may be considering building U.S. manufacturing plants decide to shift operations to the U.S.

"U.S. manufacturing is extremely unlikely to fill in the gap between supply and demand in 2018. A near-zero chance," said Tom Werner, CEO of solar manufacturer and project developer SunPower Corp., who opposes the tariffs.

If Trump institutes tariffs — as administration officials say he is likely to do — he would be the first president since 2002 to use the safeguard provisions of the Trade Act. That year, Bush put a 30 percent tariff on several types of steel imports, a move Werner said led directly to a supply shortfall in the U.S., causing wild fluctuations in prices. One paper showed prices for some steel products jumped 80 percent, and steel-consuming industries shed 200,000 jobs, causing a loss of $4 billion in wages.

"There's a very good chance it could end up the same way," said Tori Whiting, a research associate at the Center for International Trade and Economics at the conservative Heritage Foundation. "That's part of how the market works, and it's the same the case for solar when domestic production doesn't meet domestic demand."

The two petitioners in the case, Suniva and SolarWorld USA, are both in bankruptcy proceedings, but both have promised to restart production at shuttered factories if import measures are put in place. But revving up machinery, buying new equipment, or starting a factory from scratch takes months or even years, and getting investment may be difficult when tariffs are limited to four years under the law.

Recent reports indicate that some companies may consider shifting production to the U.S. if Trump puts trade barriers in place, though there are few firm plans. The most ambitious project underway now is the Tesla and Panasonic panel plant in Buffalo, N.Y., a project that has been delayed because of financial struggles of Tesla's SolarCity arm. It's slated to eventually employ 500 people and reach 1 GW of module and cell production capacity by 2019.

"The idea that Suniva's tariff is going cost jobs is simply not true," a Suniva spokesman said in a statement. "The only thing at question here is how much we're going to grow as an industry, something even our critics acknowledge."

Building new factories takes time. SunPower's Werner said it could take at least a year to get a factory up and running at full capacity, leaving even a diminished U.S. solar market searching for supply, and potentially willing to pay tariff-inflated prices from importers.

That has happened in the lumber industry after Trump imposed tariffs of up to 31 percent on Canadian softwood imports. Strong U.S. demand for construction materials, spurred on by devastation from hurricanes Harvey and Irma, has drawn a steady flow of Canadian lumber — and pushed up material costs for house builders in the U.S. by 20 percent, according to Jerry Howard, chief executive officer of the National Association of Home Builders. That has benefited the Canadian companies, which supply more than a quarter of the lumber to the U.S. market, more than their U.S. counterparts.

But the solar sector is much more price sensitive. Residential rooftop systems already have high upfront costs, and utility-scale projects, which make up the bulk of the U.S. market, can be killed by small changes in panel costs. Solar Energy Industries Association CEO Abigail Ross Hopper said a crash in demand caused by higher prices will diminish the appetite for new factories.

"We have 36,000 workers in the solar manufacturing," she told reporters on a conference call last week. "If prohibitive tariffs are put in place, that number will decrease, not increase."

In 2003, the Bush administration withdrew its steel tariff after the World Trade Organization found that the U.S had violated the international rules. But since then, the division of the WTO that adjudicates trade disputes has become understaffed, and petitioners now face a six-month backlog. If the Trump administration were to implement tariffs around the end of the year, it would likely be at least another year before WTO would weigh in.

"I would be surprised if the WTO made its decision before December 2018, more likely middle of 2019," said Gary Hufbauer, a senior fellow with the Peterson Institute for International Economics. "The other important point about these cases [is] no retroactive relief, so during the next year, at least, and maybe longer, whatever remedy Trump decides, there will be no restitution for the importer."

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Trade panel puts solar tariff decision in Trump's hands Back

By Eric Wolff | 09/22/2017 11:18 AM EDT

A federal trade panel declared Friday that surging imports of solar panels have hurt U.S. manufacturers — a decision that will allow President Donald Trump to penalize Chinese companies but could also choke off the fast-growing green energy industry in the U.S.

The U.S. International Trade Commission voted to uphold a complaint brought by two domestic solar manufacturers that complained that the low-cost imports had damaged their businesses. The decision was opposed by the much larger U.S. solar installation industry, which has seen the influx of the cheap panels spark a boom in construction of giant solar farms and rooftop systems around the country.

The issue will give Trump the opportunity to erect trade barriers he has hailed as key to his strategy to revive domestic manufacturing, and at the same time hit the Chinese companies that have largely evaded previous U.S. import penalties to become the leading suppliers of solar cells and panels. Administration officials say the trade case hasn't been a central one for the president, but they are increasingly confident Trump will favor tariffs when the commission sends the White House its recommendations in the next couple of months.

In a statement, the White House said Trump would make a decision that "reflects the best interests of the United States," and it praised the solar-makers, saying the domestic "solar manufacturing sector contributes to our energy security and economic prosperity."

The case could also give Trump a platform to advance his "America First" agenda and tout his effort to revive the ailing coal sector. Coal companies have complained that the Obama administration waged a regulation-heavy "war on coal" while tilting federal tax incentives and loans to renewable energy sources in order to advance climate change policies.

"[Trump] could easily reward his buddies in the coal industry who would really like to see high-priced solar panels competing with coal for space on the grid," said Clark Packard, a policy analyst and trade lawyer with the conservative think tank R Street Institute, which opposes tariffs. He added: "He may just want to stick it to people — your coastal elites who never would have voted for him who are more likely to use solar panels. He's looking for any circumstance to impose tariffs, it doesn't seem he cares what they are."

Trump has not weighed in on the case so far, though his administration has re-opened the landmark NAFTA agreement with Mexico and China, and he has regularly blasted China and other countries for what he calls unfair trade with the U.S.

"He's a protectionist, there's no doubt about it, and he's not very sympathetic to the renewable energy," Gary Hufbauer, senior fellow for the Peterson Institute of International Economics. "As much as you can predict any president, I think his conclusion is foregone."

The complaint brought by Georgia-based Suniva and Oregon-based SolarWorld USA has brought sharp opposition from most of the U.S. solar industry, which has seen its growth skyrocket as costs for the technology fell to a fraction of what they were a decade ago. Aided by federal tax incentives and state-level programs, large solar power installations have sprung up across the country, driving down costs for those plants to levels that are now competitive with coal and natural gas power power stations. That's lifted employment in the sector to 260,000 even as the number of U.S. companies that make solar cells and panels sinks.

The solar industry has warned that high tariffs would eliminate 88,000 U.S. jobs by boosting costs and making many projects uneconomic just as the industry, which generates $29 billion in revenues, was starting to stand on its own.

"If companies are going to be injured, we're going to be bringing in employees who will lose their jobs, mayors and governors and senators and representatives," said Abigail Ross Hopper, head of the Solar Energy Industries Association. "We're going to be making sure folks understand the impact, and putting a human face to it."

The four members of the ITC will now begin to formulate a remedy to address the injury suffered by the U.S. manufacturers, and they will take recommendations from solar companies. Any remedies taken by the U.S. will not apply to imports from Canada.

Suniva brought the case under Section 201 of the Trade Act, a rarely used but powerful tool that gives the president the ultimate authority to take or discard the recommendations of the commission. Most trade complaints — including two solar cases acted upon by the Obama administration — are limited to imports from specific countries, but Section 201 allows the president to impose tariffs on all imports of a product. The authority was last used by President George W. Bush in 2002 to implemented a tariff on imported steel, but it was withdrawn 15 months later.

The commission will hold hearings on potential remedies on Oct. 3 and send its recommendations to the White House by Nov. 13.

Unlike trade complaints that allege foreign companies had unfair advantages because of subsidies in their home countries or that companies were "dumping" products at below-market prices to squeeze out competitors, a case brought under Section 201 needs only to show that imports were harming the domestic industry. That lower standard appears to have been met by data showing imports from Asian countries surging as some 30 companies in the U.S. shuttered their manufacturing plants.

While solar manufacturers in China ship about 20 percent of the equipment that is imported in the U.S., many Chinese companies have moved production to countries like Malaysia or Vietnam to avoid trade penalties imposed during the Obama administration.

Suniva, which lodged the original complaint and filed for bankruptcy protection earlier this year, has said that putting tariffs or setting a floor price for imported solar equipment would generate

new manufacturing jobs in the U.S.

"President Trump can remedy the industry's injury with relief that ensures U.S. energy dominance that includes a healthy U.S. solar ecosystem and prevents China and its proxies from owning the sun," Suniva, which is itself majority owned by a Chinese company, Shunfeng International, said ahead of Friday's decision.

The company has recommended a remedy that would set a price floor of 78 cents per watt, as well as a tariff that starts at 40 cents per watt and declines over four years — proposals that would more than double the current panel costs. Analysts have said that could erase five years of cost declines made by the industry.

"We are confident there is a way to strengthen and save U.S. solar manufacturing without harming the strong growth that has made America such a powerful market for solar products," said Timothy Brightbill, an attorney at Wiley Rein who is representing SolarWorld. That company is a unit of Germany's SolarWorld Industries GMBH, which has also filed for bankruptcy in its home country.

Several lawmakers and governors had urged the commission to reject the trade complaint, including in a letter sent Thursday by Govs. Brian Sandoval, of Nevada; John Hickenlooper, of Colorado; Charles Baker, of Massachusetts; and Roy Cooper, of North Carolina.

"At a time when our citizens are demanding more clean energy, the tariff could cause America to lose out on 47 gigawatts of solar installations, representing billions of dollars of infrastructure investment in our states," they wrote to ITC Chairman Rhonda Schmidtlein.

A bipartisan group of 16 senators sent a letter last month to the ITC asking it to "carefully consider the negative impact" of an injury finding. Those lawmakers included Georgia Sen. Johnny Isakson and Kansas Sen. Jerry Moran, both Republicans, along with coastal Democrats like Massachusetts Sen. Ed Markey.

Conservative groups that support free trade have also opposed erecting the trade barriers. Earlier this month, a group of six conservative organizations, including the R Street Institute, the American Legislative Exchange Council and the National Taxpayers Union, published an open letter arguing against tariffs. The conservative Heritage Foundation, which was not on the letter, also opposes a policy of tariffs and has been tracking the Suniva case closely.

"We believe that policies that pick winners and losers by imposing tariffs are bad, pretty much no matter what they are," said Tori Whiting, a research associate at the Center for International Trade and Economics at Heritage.

Suniva and SolarWorld are not without their own defenders: Sen. Ron Wyden (D-Ore.) and two members of the Washington House delegation sent a letter of their own in favor of the tariffs, and House members from Georgia and Michigan have both backed the petition. The groups have also been backed by steel manufacturers.

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Businesses struggle with Trump's indecision Back

By Emily Holden, Andrew Restuccia, Aaron Lorenzo and Ted Hesson | 09/24/2017 05:04 PM EDT

President Donald Trump has threatened to pull out of NAFTA, the Paris climate agreement and the Iranian nuclear deal — unless he opts to stay. He decided to revoke legal protections for the DREAMers, then urged Congress hours later to enact new ones. And he has repeatedly demanded that lawmakers enact major legislation on health care, tax reform and a $1 trillion infrastructure plan — without making it clear what he wants the final product to look like.

Of all the factors that have made the president's first year so turbulent, one of the most important has been Trump himself: Combining quick mood shifts, a rancorous White House staff and his own fuzziness on the details, the self-proclaimed dealmaker has left his options way open on a range of contentious decisions — while inducing whiplash in many of the political insiders, business leaders and even foreign governments with a stake in the outcomes.

Some business groups are making long-range decisions based on their best guesses of where the administration will land, while others try to outflank the White House by talking to key lawmakers before Trump does.

"It's exhausting because there are so many places that you have to touch, so many different bases, because you never know who he's listening to," said Brian Wild, a Republican adviser to businesses on energy, tax, labor, transportation and health care at the law firm Brownstein Hyatt Farber Schreck. "You never know who's going to get the final 'yes.'"

One longtime GOP lobbyist added: "You would've never seen a situation with Bush or Obama when a position in the administration got flipped overnight. Sometimes you win, sometimes you lose, sometimes you get half a loaf, but rarely do you ever just change sides."

"I think he thinks of everything as a trial balloon," the lobbyist said of Trump.

The flux is especially vexing for conservatives who were invigorated after Trump won but now worry that their years of pushing to lower tax rates and repeal former President Barack Obama's health care law might have been in vain.

"Nobody is happy," said another Republican lobbyist. "It's very likely that at the end of the year, we'll be left with Obamacare and the same tax code."

White House spokespeople rejected the idea that the president has waffled on policy issues, saying he's been "abundantly clear" that he'll leave the Paris agreement if he doesn't get a better

deal and has been "very clear" he wants Congress to act on immigration.

"President Trump was put into office precisely because he isn't beholden to lobbyists and special interests," White House spokeswoman Kelly Love said. "If they're upset that they can't stroll into the White House and drive administration policy anymore, that's a badge of honor for a president who was elected to drain the swamp. This president makes his decisions based on what's best for Main Street, not K Street."

But the frustration has repercussions far beyond the Beltway. As tax talks between the White House and lawmakers stall, more than half of CEOs surveyed by Business Roundtable said they would have to shelve plans to hire and invest more if an already long-delayed overhaul doesn't move through Congress.

The outcome of the tax debate will determine whether Guy Chemical Co. in Somerset, Pa., can buy extra equipment, hire 10 new employees and give raises to existing staff, company President Guy Berkebile said. But Berkebile, who was recently in Washington to urge lawmakers to lower business tax rates, said he's not getting his hopes up.

"I am already thinking what I will do with the extra money at Guy Chemical if business taxes are lowered," he said. "If tax reform does not get done, I will continue to grind away with the same typical investment I have put back into my company over the past 10 years."

The details of what Trump wants in a tax overhaul are still in flux, complicating his sales pitch to conservative Republicans. The uncertainty includes whether the White House will insist on his oft-stated desire to cut the corporate tax rate to 15 percent, down from 35 percent.

On health care, Trump has spent the entire year pushing Congress to repeal Obamacare but has offered vague, often contradictory clues about what he wants to see take its place. At times he's promised "insurance for everybody," supported a House Republican bill that guaranteed nothing of the sort, or mused about letting Obama's system "explode" on its own or moving on to other issues like taxes.

Trump's tough talk on trade has also left industries he's vowed to support hanging.

The United Steelworkers Union complains that foreign steel imports have "skyrocketed" since April, when the White House suggested the U.S. might limit them for national security reasons. Data from the American Iron and Steel Institute show that steel imports jumped more than 21 percent in the three months following the announcement versus the first three months of the year.

The Commerce Department was supposed to issue recommendations at the beginning of June but has delayed them indefinitely.

Vagueness and wishy-washiness might seem unlikely problems for Trump, who's shown no reluctance to speak his mind and often expresses his thoughts in the most caustic terms — including using the epithet "Rocket Man" last week for North Korean leader Kim Jong Un. He's spent years espousing certain consistently held policy beliefs, such as his charge that "stupid"

trade deals are letting other countries rip off the U.S.

But that doesn't make it any easier to predict the details of what Trump will decide as president, especially on the myriad issues where he's offered no well-formed opinion. And he's changed his mind on a host of issues — such as endorsing an influx of new U.S. troops to Afghanistan after previously calling for a pullout. Or holding a Rose Garden celebration in May after the House passed a bill to repeal Obamacare, only to describe the same bill as "mean" a month later in a meeting with Republican senators. Or deciding in early September to end the Obama-era program that prevented deportations for thousands of young undocumented immigrants who were brought to the United States as children — only to say hours later that he has "love for these people" and wants Congress to "help them."

"Does anybody really want to throw out good, educated and accomplished young people who have jobs, some serving in the military?" he tweeted about the so-called DREAMers a week later. "Really!"

Despite those kind words, 29-year-old Dallas systems engineer Erik Burgos said Trump's decision threatens to turn his world upside-down.

"A lot of uncertainty and fear starts to creep in," said Burgos, who was brought to the U.S. from Mexico at age 2 and later enrolled for protection under the Obama program. After Trump's announcement, Burgos postponed his plans to purchase a house and wonders if Congress will find a fix before his permit expires.

Still, he said, Trump's unpredictability gives him "a glimmer of hope" that his ability to work legally will continue.

Trump is different from most politicians, said Wild, who previously served as an adviser to top Republicans such as then-House Majority Whip Kevin McCarthy and former Speaker John Boehner.

"Typically, all these candidates build out a pretty profound policy notebook throughout the campaign, and then when they get elected they're implementing that," Wild said. But with Trump and his aides, "they're kind of building this policy notebook in real time."

The second Republican lobbyist also blamed congressional leaders for the uncertainty on many policy fronts, noting that House Speaker Paul Ryan and Senate Majority Leader Mitch McConnell have had trouble controlling their divided Republican caucuses on issues like health care.

White House aides insist that the lack of policy detail is sometimes strategic — though they acknowledge that Trump sees himself as a dealmaker, not an ideologue, and is apt to change his mind. A detailed set of legislative principles on issues like tax reform and infrastructure could draw attacks not just from Democrats but from conservatives who are essential to the passage of any bill. And having learned from the earlier collapse of Obamacare repeal efforts, the White House is eager to let Congress take the lead so Trump won't have the sole blame if a bill fails.

Wiggle room exists even in some of Trump's most starkly ideological decisions, on issues he alone controls.

In June, for example, he announced that the U.S. would withdraw from the 2015 Paris climate agreement, a decision championed by his most staunchly nationalist advisers. But he also said his administration would "begin negotiations" to either re-enter the nearly 200-nation accord or join an entirely new deal.

"So we're getting out," Trump said at the time. "But we will start to negotiate, and we will see if we can make a deal that's fair. And if we can, that's great. And if we can't, that's fine."

Since then, international diplomats have been left in the dark about what precisely the United States wants. (Some have even groused privately that Trump should just pull the trigger and leave.) Many people missed the nuance in June about possibly remaining in the deal, until that detail provoked a welter of confusing news headlines last weekend following an international meeting of energy ministers in Montreal.

Despite all the back-and-forth, high-ranking officials only this week had a meeting on aligning their messaging on climate change.

Similar ambiguity reigns about Obama's 2015 nuclear deal with Iran, which Trump denounced at the United Nations this week as "one of the worst and most one-sided transactions the United States has ever entered into." He later said he had decided whether to exit the agreement — but refused to tell anybody, including British Prime Minister Theresa May, what his verdict was.

Trump has also threatened to withdraw from NAFTA unless Mexico and Canada agree to new terms and has raised the idea of a "sunset" provision, in which the agreement would terminate after five years unless the countries agreed to renew the terms.

Such a withdrawal "could endanger literally hundreds of thousands of jobs" and damage security cooperation among the countries, argued John Murphy, senior vice president for international policy at the U.S. Chamber of Commerce. Republican leaders in Congress have expressed alarm about the idea too. But a month after formal talks among the three nations began, it's unclear where the discussions are headed.

"In our trading relationships, we need certainty and security about what the terms of trade are going to be going forward, over multiple years," Murphy said. "Investments are made on the basis of that kind of certainty, and economic growth and job creation flow from it."

U.S. Trade Representative Robert Lighthizer said the countries were "moving at warp speed" to try to strike a deal by the end of the year, but he couldn't guarantee it would happen.

"We don't know whether we're going to get to a conclusion," Lighthizer said. "That's the problem. We're running very quickly somewhere."

In one key domestic policy, Trump has repeatedly pledged a big-ticket plan to rebuild the nation's roads and bridges — and demanded last month that Republican leaders "get back to work" and put "a great Infrastructure Bill on my desk for signing." But his administration hasn't offered much detail on what such a package would entail, aside from a six-page outline it issued last spring. Nor has it been clear how Trump would dole out his proposed $200 billion in new federal infrastructure spending, although Transportation Secretary Elaine Chao said in May that some of the money would go projects meant to "lift the American spirit."

Marcia Hale, the president of the advocacy group Building America's Future, said the administration has done more behind the scenes on infrastructure than may be apparent — though she acknowledged that it has "been a little more, shall we say, hectic than even some of the most recent administrations, and a little less predictable."

"You always know with this administration that things could change quickly, or policies could change quickly, or allegiances could change quickly," Hale said. "So you just go with the flow."

Despite the confusion, some people trying to persuade the administration have found at least one common theme they can use for making their arguments.

"We're telling our clients that ... any argument that has a jobs impact has to be framed as a jobs argument," said Stewart Verdery, CEO of the Republican lobbying firm Monument Policy Group, who has represented tech companies including Amazon and Microsoft. "An intellectual argument, a fairness argument, even a federal spending argument is not nearly as powerful as a jobs argument."

Megan Cassella, Tanya Snyder and Doug Palmer contributed to this report.

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Fiji ambassador: Trump's Paris move raises stakes for Bonn conference Back

By Eric Wolff | 09/22/2017 02:06 PM EDT

The U.S. plan to withdraw from the Paris climate pact has raised the stakes for the upcoming international climate negotiations in Bonn, Germany, to reaffirm the international commitment to the agreement, according to the top climate negotiator for Fiji, which is leading the upcoming meeting.

"Our aim was changed by President Trump's announcement," said Ambassador Nazhat Khan told POLITICO. "Now we must deliver a visionary [conference]. Every work item for COP 23 is measured for the enhancing and restating of the overall vision."

The meeting, like the one in Marrakech, Morocco, last year, was intended to focus on

implementing the 2015 Paris agreement. Most observers had expected next year's meeting in Katowice, Poland, to hold more drama as final decisions are made on funding and transparency around the international agreement.

But, according to Khan, the U.S. intention to withdraw from the agreement changed that.

"After the announcement of President Trump, what states were looking for ... is a very clear direction," she said. "We must act to maintain the direction of Paris together, and we aren't going to have other countries that express reservations. It's very important that we maintain this overall vision. ... The U.S. role has really shaped the way Fiji is approaching COP."

Khan said the U.S. had made clear its at previous international meetings it would remain engaged in the Paris process, despite its intention to leave. She said U.S. willingness to engage is "very encouraging."

WHAT'S NEXT: Fiji will host COP23 in Bonn, Germany, from Nov. 6 through Nov. 17.

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Aid begins to flow to hurricane-hit Puerto Rico Back

By Associated Press | 09/23/2017 11:01 PM EDT

Large amounts of federal aid began moving into Puerto Rico on Saturday, welcomed by local officials who praised the Trump administration's response but called for the emergency loosening of rules long blamed for condemning the U.S. territory to second-class status.

In northwest Puerto Rico, people began returning to their homes after a spillway eased pressure on a dam that cracked after more than a foot of rain fell in the wake of the hurricane.

The opening of the island's main port in the capital allowed 11 ships to bring in 1.6 million gallons of water, 23,000 cots, dozens of generators and food. Dozens more shipments are expected in upcoming days.

The federal aid effort is racing to stem a growing humanitarian crisis in towns left without fresh water, fuel, electricity or phone service. Officials with the Federal Emergency Management Agency, which is in charge of the relief effort, said they would take satellite phones to all of Puerto Rico's towns and cities, more than half of which were cut off following Maria's devastating crossing of Puerto Rico on Wednesday.

The island's infrastructure was in sorry shape long before Maria struck. A $73 billion debt crisis has left agencies like the state power company broke. As a result the power company abandoned most basic maintenance in recent years, leaving the island subject to regular blackouts.

A federal control board overseeing Puerto Rico's finances authorized up to $1 billion in local funds to be used for hurricane response, but Gov. Ricardo Rossello said he would ask for more.

"We're going to request waivers and other mechanisms so Puerto Rico can respond to this crisis," he said. "Puerto Rico will practically collect no taxes in the next month."

U.S. Rep. Nydia Velazquez of New York said she will request a one-year waiver from the Jones Act, a federal law blamed for driving up prices on Puerto Rico by requiring cargo shipments there to move only on U.S. vessels as a means of supporting the U.S. maritime industry.

"We will use all our resources," Velazquez said. "We need to make Puerto Rico whole again. These are American citizens."

A group of anxious mayors arrived in the capital to meet with Rossello to present a long list of items they urgently need. The north coastal town of Manati had run out of fuel and fresh water, Mayor Jose Sanchez Gonzalez said.

"Hysteria is starting to spread. The hospital is about to collapse. It's at capacity," he said, crying. "We need someone to help us immediately."

The death toll from Maria in Puerto Rico was at least 10, including two police officers who drowned in floodwaters in the western town of Aguada. That number was expected to climb as officials from remote towns continued to check in with officials in San Juan.

Authorities in the town of Vega Alta on the north coast said they had been unable to reach an entire neighborhood called Fatima, and were particularly worried about residents of a nursing home.

"I need to get there today," Mayor Oscar Santiago told The Associated Press. "Not tomorrow, today."

Rossello said Maria would clearly cost more than the last major storm to wallop the island, Hurricane George in September 1998. "This is without a doubt the biggest catastrophe in modern history for Puerto Rico," he said.

Rossello and other officials praised the federal government for planning its response in detail before the storm hit, a contrast with what Puerto Rico has long seen as the neglect of 3.4 million Americans living in a territory without a vote in Congress or the electoral college.

"This is the first time we get this type of federal coordination," said Resident Commission Jenniffer Gonzalez, Puerto Rico's non-voting representative in Washington.

A dam upstream of the towns of Quebradillas and Isabela in northwest Puerto Rico was cracked but had not burst by Saturday night as water continued to pour out of rain-swollen Lake Guajataca. Federal officials said Friday that 70,000 people, the number who live in the

surrounding area, would have to be evacuated. But Javier Jimenez, mayor of the nearby town of San Sebastian, said he believed the number was far smaller.

Secretary of Public Affairs Ramon Rosario said about 300 families were in harm's way.

The governor said there is "significant damage" to the dam and authorities believe it could give way at any moment. "We don't know how long it's going to hold. The integrity of the structure has been compromised in a significant way," Rossello said.

Some residents nonetheless returned to their homes Saturday as the water levels in the reservoir began to sink.

"There were a lot of people worried and crying, but that's natural, because the reservoir was about to break through," said Maria Nieves, 43. "They couldn't open the spillway until later in the night."

The 345-yard dam, which was built around 1928, holds back a man-made lake covering about 2 square miles. More than 15 inches of rain from Maria fell on the surrounding mountains.

Officials said 1,360 of the island's 1,600 cellphone towers were downed, and 85 percent of above-ground and underground phone and internet cables were knocked out. With roads blocked and phones dead, officials said, the situation may worsen.

At least 31 lives in all have been lost around the Caribbean due to Maria, including at least 15 on hard-hit Dominica. Haiti reported three deaths; Guadeloupe, two; and the Dominican Republic, one.

Across Puerto Rico, more than 15,000 people are in shelters, including some 2,000 rescued from the north coastal town of Toa Baja. Many Puerto Ricans planned to head to the mainland to temporarily escape the devastation.

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Storm-battered Puerto Rico looks to Washington for help Back

By Colin Wilhelm | 09/22/2017 01:52 PM EDT

As Puerto Rico reels from the devastation of Hurricane Maria, the Trump administration and Congress are pledging to provide more aid to the commonwealth, which is already suffering from a historic debt crisis.

Tax breaks and more Medicaid funding could be a part of a recovery package, and activists would like to see debt relief for the U.S. Virgin Islands attached as well. Though damage

assessments have only begun, the post-Katrina and Sandy relief bills likely will serve as guideposts for Congress.

"This is a natural disaster in Puerto Rico like we haven't seen ever," said Carlos Mercader, executive director of the commonwealth's Federal Affairs Administration. "Think about Katrina but even worse because this is the whole island."

President Donald Trump vowed Thursday to visit Puerto Rico, which lost 100 percent of its electrical power in the Category 4 storm, and House Speaker Paul Ryan promised a second recovery bill in Congress after the House and Senate passed a disaster relief package after Hurricane Harvey.

Maria's crippling impact will also force Puerto Rico and the federal board that Congress created last year to oversee its finances to reassess how to bring the territory out of its debt crunch and decade-long recession.

Hurricanes Maria and Irma greatly complicate the tangled debt web that has ensnared Puerto Rico and the Virgin Islands. The storms come just months after Puerto Rico entered a court-supervised restructuring process for its $70 billion debt — in what amounted to the largest municipal bankruptcy in U.S. history. And with a population of 100,000, the U.S. Virgin Islands owes even more money per resident on the $6.5 billion held by creditors than does Puerto Rico.

Before Maria hit, Puerto Rico Gov. Ricardo Rosselló and the federal oversight board were locked in a battle over furloughs and pension cuts that the board said were necessary to balance the budget. The seven-member, bipartisan board had also approved a fiscal plan submitted by Rosselló that could face significant revisions after the storms.

"There's no way they'll make budget. There's just no way," said Luis Fortuño, who was governor of Puerto Rico from 2009 to 2013, and now a partner at the law firm Steptoe & Johnson. "Both the government and the oversight board had certain assumptions that are out the window now."

That fiscal plan affects every decision made by Puerto Rico's government and charts a course for the commonwealth for the next 10 years. The oversight board has final say over revenue and spending decisions, so it must approve any changes.

Late Thursday, the board essentially gave Rosselló a pass on that budget, allowing him to re-allocate up to $1 billion at his discretion for emergency response efforts. The board also said it would help lobby federal agencies for further assistance.

"Furthermore, if the Government determines increases to the Territory Budget are needed to respond to Hurricane Maria, we stand ready to expeditiously approve such requests, in anticipation of much needed federal funding," the board wrote to Rosselló. "To that end, we will join the Government of Puerto Rico in actively seeking FEMA and any other potential sources of federal funds for the recovery and reconstruction of Puerto Rico."

This month's storms may also temporarily align groups of creditors that have fought the board,

the commonwealth government and each other for years over the billions owed to them by Puerto Rico. Though lobbyists for creditors contacted by POLITICO had not yet made specific plans, they may be willing to cooperate because Puerto Rico will be able to pay its debts quicker if there's a robust recovery.

Ryan also offered words of sympathy and support.

"To our fellow citizens in Puerto Rico, they are front and center in our thoughts and we want them to know the federal response will be there," the House speaker said during a visit to sections of Florida damaged by Hurricane Irma.

Rep. José E. Serrano (D-N.Y.), a member of the House Appropriations Committee, which is likely to write the aid package, said he would reach out to its chair and ranking member over the weekend to urge funding to the territories affected by the storms. He also wants to see a panel set up for Puerto Rico similar to the one established for New York after Superstorm Sandy to guide reconstruction.

"I'm asking President Trump to do the same thing for Puerto Rico [as after Sandy], that looks at the needs they have now and the needs they have in the future," Serrano said.

Trump said yesterday that the U.S. is starting the process of helping Puerto Rico and will work with Rosselló. Mercader, the point person for Puerto Rico with the federal government, said the level of commitment and response from the Trump administration pleasantly surprised him.

"It's been more than what I expected," he said. The commonwealth and federal responders also hoped to bring online a joint operations center in San Juan's convention center by the end of the day Friday.

So far the government has confirmed six storm-related deaths, though the tally could climb much higher. Mercader's office in Washington was deputized to field emergency calls from Puerto Rico as most of the commonwealth's communications went offline.

Entire sections of the island have yet to be heard from, and even local government agencies were having a hard time reaching one another to coordinate, creating a "cloud of uncertainty," Mercader said. Mudslides and flooding continued in areas, and FEMA will send helicopters to try to reach towns that have become inaccessible by road.

In the longer term, the fallout from the recent hurricanes could also bring more attention to the debt crisis in the Virgin Islands.

Eric LeCompte, executive director of Jubilee USA, a religious-affiliated organization that lobbied on behalf of debt restructuring for Puerto Rico last year, said his group would push for the Virgin Islands to be treated as Puerto Rico was in disaster relief legislation.

"Congress is going to have to step in in some new ways," said LeCompte. "At this point, no one's going to get paid anyways."

Jubilee, which has ties to about 650 faith-based groups and organizations, would also push for the U.S. to lead the charge on a temporary debt moratorium on money owed to the International Monetary Fund by non-U.S. Caribbean islands affected by the storms. The U.S. holds more votes than any other country in the IMF.

"We're just looking at delaying payments for six months to a year," during the disaster recovery, LeCompte said.

Puerto Rico's government praised Trump and the Department of Homeland Security for their response efforts. But the territories, used to receiving less attention than states despite their own U.S. citizenship, remain concerned that Congress and the White House will forget them after floodwaters recede and the winds die down.

"There ought not to be a difference" between the response to Harvey's flooding of Texas and Irma and Maria's buffeting of the U.S. Caribbean, Fortuno said.

To view online click here.

Back

Puerto Rico's governor calls for greater federal response to Maria Back

By Colin Wilhelm | 09/24/2017 10:44 PM EDT

Puerto Rico Gov. Ricardo Rossello called on the Pentagon to provide more search-and-rescue help and humanitarian resources to help the beleaguered island recover from "complete devastation" from Hurricane Maria.

"We need more resources from the Department of Defense so we can get helicopters and resources," Rossello told POLITICO in a phone interview Sunday night.

"We know that there are capabilities in the surrounding areas, helicopters, planes and so forth," he said. "And our petition is for us to be able to use them."

A Defense Department spokesperson said in an e-mail that six Navy helicopters and three Marine Osprey planes capable of vertical takeoff and landing had begun search-and-rescue operations and damage assessments.

Days after the category 4 hurricane battered the island, only a handful of municipalities have been able to make contact with San Juan or the outside world. That has prompted the commonwealth government to dispatch runners to make contact, since roads throughout much of Puerto Rico have been made impassable.

Rossello said that in addition to more military resources, he would petition the Trump

administration to lower the threshold for disaster expenditures that the island would need to refund.

He did not criticize President Donald Trump personally and praised promises of help the president made before the hurricane, as well as the response of the Federal Emergency Management Agency. Still, the island awaits a federal disaster declaration for 24 out of its 78 municipalities.

Rossello also called on Congress to treat Puerto Rico like a state in any comprehensive emergency aid package.

"Whatever relief package we have, whatever impact we have, we are U.S. citizens," Rossello said. "We shouldn't be the lesser for it."

He called on the federal government to recognize Puerto Rico's dire fiscal situation and consider the possibility that residents could leave in droves if the commonwealth doesn't recover quickly, compounding the island's troubles.

If Congress doesn't step up, he said, "my fear is we're going to have some side effects that are devastating both for Puerto Rico and the United States. Mainly massive migration that would deteriorate our [economic] base here in Puerto Rico and would provoke significant demographic shifting in other areas of the United States."

To view online click here.

Back

Cantwell slams DOI nominee for water lobbying ties, nondisclosure agreement Back

By Annie Snider | 05/18/2017 01:09 PM EDT

President Donald Trump's nominee for the No. 2 spot at the Interior Department on Thursday argued that the administration may be able to withhold information related to the transition from Congress, including about a Trump administration policy reversal that removed a major roadblock for a controversial water project he had a vested interest in.

During a hearing on David Bernhardt's nomination for deputy Interior secretary, Maria Cantwell, the top Democrat on the Senate Energy and Natural Resources Committee, asked whether nondisclosure agreements signed by members of Trump's transition team could allow administration officials to withhold information from Congress, or whether the federal Whistleblower Protection Act would apply. Bernhardt, a lobbyist for Brownstein Hyatt Farber Schreck, led the Trump transition team for the Interior Department for a period of time.

"I hate to give you a lawyer's answer to a legal question in a hearing, but I think the first question would be whether or not the Whistleblower Act would even apply to the transition because it's

my understanding that Trump for America is a nonprofit entity, so I'm not sure that the legal rubric that falls for government would even apply for that," Bernhardt said.

Cantwell particularly focused on Bernhardt's activities related to Cadiz Inc., a company seeking to build a 43-mile pipeline to pump water from the Mojave Desert to southern California communities. Cadiz has paid $2.75 million in fees to Brownstein Hyatt since 2010, and one of the lobby firm's shareholders is chief executive of the company.

Bernhardt did legal work for the project, and his firm receives part of its compensation in stock shares. So far it has received 200,000 shares in Cadiz and is in line for another 200,000 if the project is built, according to filings with the Securities and Exchange Commission.

The Cadiz project is fiercely opposed by environmentalists and California Democratic Sen. Dianne Feinstein, who say it would deplete a fragile aquifer feeding protected federal land.

The Trump administration last month reversed two Obama administration legal guidances that prevented the Cadiz project from skirting federal environmental review by building the pipeline in a railroad right-of-way. Bernhardt said he had "no involvement" with the issue during the Trump transition, and that neither he nor his firm had benefited financially from the policy shift as far as he knew.

Bernhardt, who has also lobbied for Westlands Water District, a group of powerful Central Valley agricultural growers, has said he will recuse himself from issues related to former clients for one year.

But Cantwell argued that isn't long enough, and that he should recuse himself for the entirety of his tenure.

"I personally think that Westlands and Cadiz represent such large public policy issues with financial interests that it would be better if you recused yourself for the entire time that you were at the department, not just one or two years," she said.

Berhardt said he would clear any issues related to his former lobbying interests with Interior's ethics office.

"If I get a whiff of something coming my way that involves a client or former client or my firm, I'm going to make that item run straight to the ethics office," he testified Thursday.

To view online click here.

Back

Feinstein says Trump trying to push through controversial water project Back

By Annie Snider | 04/04/2017 05:31 PM EDT

Opponents of a controversial California water project are accusing the Trump administration of reopening a loophole to allow infrastructure projects crossing federal land to avoid environmental review.

Last Wednesday, the Bureau of Land Management rescinded a pair of Obama administration memos laying out how any infrastructure project that uses a railroad right-of-way must be related to the railroad itself. These guidelines largely blocked proponents of oil, gas and water pipelines like the contentious Cadiz groundwater pipeline proposed in California's Mojave Desert from avoiding federal environmental review by building their projects along the many existing railroad rights-of-way.

In a statement today, Sen. Dianne Feinstein (D-Calif.) called the Trump administration's move "a blatant attempt to muscle the Cadiz water project through."

"This is clearly just an effort to circumvent an environmental review that any project of this magnitude on federal land would normally undergo," she said.

The proposed Cadiz pipeline would pump groundwater from a fragile desert aquifer across 43 miles of land, much of it federally owned. Project opponents have argued it would draw more water from the aquifer than can be recharged naturally, potentially drying up springs that are critical to wildlife at nearby nature preserve and a newly created national monument.

The project stalled after the BLM told Cadiz in October 2015 it could not use an existing railroad right-of-way and would need to apply for its own. The project has appeared on several recent lists of infrastructure projects being touted to the Trump administration.

WHAT'S NEXT: Cadiz could try again to use the existing railroad right-of-way for its project. However, an Interior Department legal interpretation saying that railroad rights-of-way must be used for purposes related to the railroad remains on the books. The Trump administration could decide to write its own implementing guidelines.

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EHS State Regulatory Alert

September 13, 2017 - Number 176

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California Regions

AIR
Particulate Emissions from Soils with Toxic Air Contaminants
California Regions AIR

Notice announces the intention of the South Coast Air Quality Management District to amend regulations under Rule 1466 regarding control of particulate matter emissions from soils with toxic air contaminants resulting from earth-moving activities at cleanup sites. The rule expands the list of applicable toxic air contaminants to include pesticides, herbicides, other metals, persistent biocumulative toxics, and semivolatile organic compounds. The rule also expands applicability of the control requirements to other government-designated sites. A workshop is scheduled for Sept. 19, 2017, in Diamond Bar. Comments are due Oct. 3, 2017. Contact: Uyen-Uyen Vo; South Coast AQMD, Planning, Rule Development and Area Sources; 909-396-2238; uvo@aqmd.gov

—California RegionsRegulations (09/12/2017)

Regulatory Update

WATER
Mercury and PCBs Wastewater Discharges/San Francisco Bay
California Regions WATER

Notice of the San Francisco Bay Regional Water Quality Control Board announces two tentative orders regarding wastewater discharges to San Francisco Bay and its tributaries. The first order establishes a draft National Pollutant Discharge Elimination System permit (No. CA0038849) for nearly all treated sewage and industrial wastewater dischargers to implement the mercury and polychlorinated biphenyls (PCBs) total maximum daily load wasteload allocations. The second order revises nearly all individual discharge permits to consolidate stormwater provisions and monitoring and reporting requirements into one attachment; to remove biosolids land application management, monitoring, and reporting requirements; and to add a new monitoring category for bypasses relating to essential maintenance. The second order also clarifies reporting of duplicate sample results, updates dioxin toxicity equivalent factors to those established by the World

Health Organization in 2005, and addresses existing modifications set forth in certain individual monitoring and reporting programs. A hearing is scheduled for Nov. 8, 2017, in Oakland. Comments are due Oct. 13, 2017. Contact: James Parrish; San Francisco Bay RWQCB; 510-622-2381; jparrish@waterboards.ca.gov

—California RegionsRegulations (09/12/2017)

Regulatory Update

Colorado

AIR

Motor Vehicle Emissions Inspection Program

Colorado AIR

Final rule of the Department of Public Health and Environment, Air Quality Control Commission, amends regulations under 5 CCR 1001-13, Regulation 11, regarding the motor vehicle emissions inspection program. The rule removes the requirement that the IM 240 test be the sole data used to develop a clean screen low-emitting vehicle index and allows the on-board diagnostic (OBD) test data collected from newer vehicles also to be used to develop the low-emitting vehicle index. The rule also addresses readiness requirements for Envirotest public lanes and self-inspecting vehicle fleets and removes readiness language from OBD inspection passing criteria to clarify that readiness is a determinant of whether or not a vehicle will undergo an OBD inspection. In addition, the rule clarifies that the IM 240 test conducted on 5 percent of OBD-tested vehicles is the pass/fail determinant for those vehicles and addresses OBD test procedures where tampering is detected. The rule is effective Sept. 30, 2017. Contact: Doug Decker; DPHE; Air Quality Control Commission; 303-692-3126; doug.decker@state.co.us

—Colorado Register (09/10/2017)

Regulatory Update

OIL AND GAS INDUSTRY

Liquefied Petroleum Gas

Colorado OIL AND GAS INDUSTRY

Final rule of the Department of Labor and Employment, Division of Oil and Public Safety, amends regulations under 7 CCR 1101-15 regarding liquefied petroleum gas. The rule provides division contact information for obtaining incorporated National Fire Protection Association and National Institute of Standards and Technology codes and standards for a charge. The rule is effective Sept. 30, 2017. Contact: Scott Simmons; DLE, Division of Oil and Public Safety; 303-378-1103; scott.simmons@state.co.us

—Colorado Register (09/10/2017)

Regulatory Update

WATER

Classifications and Numeric Standards/Gunnison and Dolores River Basins
Colorado WATER

Final rule of the Department of Public Health and Environment, Water Quality Control Commission, amends regulations under 5 CCR 1002-35 to revise water quality classifications, standards, and designations for multiple segments in the Gunnison and Dolores river basins. The rule revises water body segmentation and aquatic life, recreation, water supply, and agricultural use classifications. The rule also revises molybdenum, cadmium, nickel, and lead standards; updates antidegradation designations and ambient quality-based standards; and revises temporary modifications. In addition, the rule addresses temperature standards, adds nutrient standards for chlorophyll and total phosphorus, adds a direct use water supply subclassification, addresses site-specific revisions, and corrects the duration of the nitrate standard from chronic to acute on all segments. The rule is effective Dec. 31, 2017. Contact: Blake Beyea; DPHE; 303-692-3656; blake.beyea@state.co.us

—Colorado Register (09/10/2017)

Regulatory Update

WATER
Classifications and Numeric Standards/Upper Colorado River Basin and North Platte River
Colorado WATER

Final rule of the Department of Public Health and Environment, Water Quality Control Commission, amends regulations under 5 CCR 1002-33 regarding classifications and numeric standards for the Upper Colorado River Basin and North Platte River (Planning Region 12). The rule extends the molybdenum temporary modification on Blue River Segment 14 through Dec. 31, 2018, due to delays in the International Molybdenum Association's finalization of their study report on the health effects of molybdenum. The rule is effective Sept. 30, 2017. Contact: Blake Beyea; DPHE, Water Quality Control Commission; 303-692-3656; blake.beyea@state.co.us

—Colorado Register (09/10/2017)

Regulatory Update

WATER
Water Pollution Control Revolving Fund, Drinking Water Revolving Fund
Colorado WATER

Notice of the Department of Public Health and Environment, Water Quality Control Commission, announces a hearing on proposed fiscal year 2018 intended use plans for the water pollution control revolving fund and the drinking water revolving fund. The plans include an increase to the 2018 direct loan limit, the Green Project Reserve loan limit, and the design/engineering grant amount to $3 million each. The plans also include a new proportionality statement, a modified priority scoring model, and updated application of additional subsidization ranges. In addition, the plans clarify that loan terms are for the lesser of 30 years or the projected useful life, or as limited by statute. A hearing is scheduled for Oct. 10, 2017, in Denver. Comments are due Sept. 27, 2017. Contact: Bradley Monson; DPHE; 303-692-2286; bradley.monson@state.co.us

—Colorado Register (09/10/2017)

Regulatory Update

Delaware

WATER
Nutrient Management Certification Regulations
Delaware WATER

Notice of the Department of Agriculture announces changes to and the reopening of the comment period for a July 1, 2017, proposed rule to amend regulations under 3 DEAC 1201 regarding nutrient management certification standards. The rule incorporates by reference state technical standards for nutrient applications, development, and implementation of nutrient management and animal waste management plans, concentrated animal feeding operations (CAFOs), and siting new CAFO facilities. The revisions increase the allowed number of days of temporary field staging from 90 to 120 days. Comments now are Oct. 2, 2017. Contact: Chris Brosch; DDA, Nutrient Management Program; 302-698-4555; chris.brosch@state.de.us

—Delaware Register of Regulations (09/01/2017)

Regulatory Update

Florida

PESTICIDES
Pesticide Active Ingredients
Florida PESTICIDES

Proposed rule of the Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, repeals regulations under FAC 5E-2.040 to remove the obsolete list of pesticide active ingredients subject to supplemental registration fees. Comments are due Oct. 2, 2017. Contact: Kelly Friend; DACS, Division of Agricultural Environmental Services; 850-617-7900; kelly.friend@freshfromflorida.com

—Florida Administrative Weekly (09/11/2017)

Regulatory Update

Kentucky

GENERAL ENVIRONMENT AND SAFETY
Department for Environmental Protection/Administrative Hearings
Kentucky GENERAL ENVIRONMENT AND SAFETY

Final rule of the Energy and Environment Cabinet, Department for Environmental Protection,

adopts regulations under 401 KAR 100:011 to repeal regulations under 401 KAR 100:010 regarding general administrative hearing practice provisions. The rule removes provisions concerning timber harvesting, water resources, water plan operators and well drillers, and general environmental protection that are consolidated under 400 KAR 1:090 in a concurrent rule. The rule is effective Aug. 4, 2017. Contact: Michael Mullins; Energy and Environment Cabinet; 502-782-6720; michael.mullins@ky.gov

—Administrative Register of Kentucky (09/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Energy and Environment Cabinet Hearings/Definitions
Kentucky GENERAL ENVIRONMENT AND SAFETY

Final rule of the Energy and Environment Cabinet, Office of the Secretary, amends regulations under 400 KAR 1:001 to add, revise, and remove definitions relating to administrative hearings. The rule is effective Aug. 4, 2017. Contact: Michael Mullins; Energy and Environment Cabinet; 502-782-6720; michael.mullins@ky.gov

—Administrative Register of Kentucky (09/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Energy and Environment Cabinet/Administrative Hearings
Kentucky GENERAL ENVIRONMENT AND SAFETY

Final rule of the Energy and Environment Cabinet, Office of the Secretary, adopts regulations under 400 KAR 1:100 to establish general administrative hearing practice provisions. The rule relocates provisions concerning timber harvesting, water resources, water plan operators and well drillers, and general environmental protection from 401 KAR 100:010 that are repealed concurrently. The rule is effective Aug. 4, 2017. Contact: Michael Mullins; Energy and Environment Cabinet; 502-782-6720; michael.mullins@ky.gov

—Administrative Register of Kentucky (09/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Energy and Environment Cabinet/Administrative Hearings
Kentucky GENERAL ENVIRONMENT AND SAFETY

Final rule of the Energy and Environment Cabinet, Office of the Secretary, amends regulations under 400 KAR 1:090 regarding administrative hearing practice provisions. The rule relocates provisions under 400 KAR 1:030, 401 KAR 100:010, and 405 KAR 7:091 that are repealed concurrently. The rule also allows pleadings to be filed by email and clarifies provisions. The rule is effective Aug. 4, 2017. Contact: Michael Mullins; Energy and Environment Cabinet; 502-782-6720; michael.mullins@ky.gov

—Administrative Register of Kentucky (09/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Energy and Environment Cabinet/Service of Process
Kentucky GENERAL ENVIRONMENT AND SAFETY

Final rule of the Energy and Environment Cabinet, Office of the Secretary, adopts regulations under 400 KAR 1:031 to repeal regulations under 400 KAR 1:030 regarding administrative service of process, computation of time, and filing documents. A concurrent final rule relocates the provisions under 400 KAR 1:090. The rule is effective Aug. 4, 2017. Contact: Michael Mullins; Energy and Environment Cabinet; 502-782-6720; michael.mullins@ky.gov

—Administrative Register of Kentucky (09/01/2017)

Regulatory Update

MINING
Coal Mining and Reclamation Operations/Administrative Hearings
Kentucky MINING

Final rule of the Energy and Environment Cabinet, Department of Natural Resources, amends and recodifies regulations under 405 KAR 7:092 as 405 KAR 1:110 to update and relocate provisions concerning administrative hearings and assessment conferences relating to surface coal mining and reclamation and coal exploration operations. The rule revises and clarifies hearing procedures to prevent conflict with other hearing provisions of the cabinet. The rule is effective Aug. 4, 2017. Contact: Michael Mullins; Energy and Environment Cabinet; 502-782-6720; michael.mullins@ky.gov

—Administrative Register of Kentucky (09/01/2017)

Regulatory Update

MINING
Noncoal Mining Operations/Administrative Hearings
Kentucky MINING

Final rule of the Energy and Environment Cabinet, Department of Natural Resources, amends and recodifies regulations under 405 KAR 5:095 as 400 KAR 1:120 to update and relocate provisions concerning administrative hearings, informal settlement conferences, and general practice provisions relating to noncoal mineral operations. The rule revises and clarifies hearing procedures to prevent conflict with other hearing provisions of the cabinet. The rule also updates definitions and clarifies procedures and reasons for the cabinet to initiate an administrative hearing. The rule is effective Aug. 4, 2017. Contact: Michael Mullins; Energy and Environment Cabinet; 502-782-6720; michael.mullins@ky.gov

—Administrative Register of Kentucky (09/01/2017)

Regulatory Update

MINING
Surface Mining and Reclamation/General Practice Provisions
Kentucky MINING

Final rule of the Department of Natural Resources, Division of Mine Reclamation and Enforcement, adopts regulations under 405 KAR 7:093 to repeal regulations under 405 KAR 7:091 regarding surface coal mining and reclamation general practice provisions. The rule removes hearing and notice procedures that are consolidated under 400 KAR 1:090 in a concurrent rule. The rule is effective Aug. 4, 2017. Contact: Michael Mullins; DNR, Office of the Commissioner; 502-782-6720; michael.mullins@ky.gov

—Administrative Register of Kentucky (09/01/2017)

Regulatory Update

Nevada

HAZARDOUS MATERIALS TRANSPORTATION
Motor Carrier Safety Standards
Nevada HAZARDOUS MATERIALS TRANSPORTATION

Proposed rule of the Department of Public Safety, Division of Highway Patrol, amends regulations under NAC 706.247 and .297 regarding motor carrier safety standards. The rule establishes procedures for the review, approval, and disapproval of amendments to incorporated federal standards by the director. The rule also provides for the incorporation by reference of federal motor carrier safety and hazardous materials transportation standards. In addition, the rule updates the definition of "commercial motor vehicle." A comment due date is not specified. Contact: DPS, Division of Highway Patrol; 775-687-5300

—Nevada Register (09/11/2017)

Regulatory Update

PESTICIDES
Control of Insects, Pests and Noxious Weeds
Nevada PESTICIDES

Proposed rule of the Department of Agriculture, Seed Division, adopts regulations under NAC 555 to establish requirements for pesticide use on crops grown for seed. The rule provides for designation of areas as nonfood or nonfeed sites for the purposes of registering, labeling, distributing, and using a pesticide on crops grown for seed production. The rule also provides that registration is not required if the pesticide has no established pesticide residue tolerance and is applied to a nonfood or nonfeed site. In addition, the rule prohibits application of a pesticide for which there is no established pesticide residue tolerance to food or feed site. Finally, the rule establishes a list of crops and addresses product registration, labeling, distribution, and use. A comment due date is not specified. Contact: Department of Agriculture; 775-353-3601

—Nevada Register (09/11/2017)

Regulatory Update

South Dakota

AIR
Air Emission Fees/Title V Air Quality Permitting Program
South Dakota AIR

Proposed rule of the Department of Environment and Natural Resources amends regulations under ARSD 74:37:01:03.01, :04, :05, :07, :07.01, :07.02, and :07.03 regarding air emission fees for the Title V air quality permitting program. The rule increases application and administrative fees; annual air emission fees; and annual flat fees for rock crushers, asphalt plants, and coal-fired power plants. The rule also provides for annual adjustments for the various fees based on the consumer price index. A hearing is scheduled for Oct. 18, 2017, in Pierre. Comments are due Oct. 30, 2017. Contact: Kyrik Rombough; DENR; 605-773-3151

—South Dakota Register (09/11/2017)

Regulatory Update

Wyoming

MINING
Uranium Recovery Program
Wyoming MINING

Final rule of the Department of Environmental Quality, Land Quality Division, adopts regulations under Chapters 1 through 9 regarding the Uranium Recovery Program. The rule establishes requirements and incorporates by reference federal standards for uranium and thorium milling activities and for the management and disposal of resulting byproduct materials. The rule addresses radiation protection standards, licensing requirements for source and byproduct material, inspection and enforcement procedures, fees, financial assurance mechanisms, and transportation requirements. The rule is effective Sept. 8, 2017. Contact: Ryan Schierman; DEQ, Land Quality Division; 307-777-7757; ryan.schierman@wyo.gov

—Wyoming Regulations (09/10/2017)

Regulatory Update

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Wed 9/20/2017 5:28:04 PM
Subject: BREAKING NEWS: McConnell spokesman: Senate to vote next week on Graham-Cassidy

The Senate will vote next week on the latest bill to repeal Obamacare, a spokeswoman for Senate Majority Leader Mitch McConnell (R-Ky.) said Wednesday. "It is the Leader's intention to consider Graham/Cassidy on the floor next week," the spokesperson said. The latest proposal, written by Sens. Lindsey Graham (R-S.C.) and Bill Cassidy (R-La.), would turn federal health insurance funding into block grants for states. The bill does not yet have the public support of 50 senators, but GOP insiders are growing more confident it will pass.

Read more: http://www.politico.com/story/2017/09/20/obamacare-repeal-senate-vote-graham-cassidy-242937

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EHS Federal Regulatory Alert

August 18, 2017 - Number 159

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Summaries

AIR
Colorado SIP/Stationary Source Permitting and Air Pollutant Emission Notice Requirements
AIR

Proposed rule of the EPA would approve a portion of revisions to the Colorado SIP regarding permitting of emissions of fine particulate matter (PM-2.5), air pollution emission notices (APENs), and public notice requirements. The revisions remove the significant impact levels for PM-2.5 and significant monitoring concentration provisions. The revisions also clarify that for filing a revised APEN, the thresholds determining changes are based on the emission unit's actual emissions on a pollutant-by-pollutant basis, not total facilitywide emissions. In addition, the revisions address requirements for public notices to be published in either a newspaper of general distribution in the area or through the division website. The agency is not taking action on greenhouse gas and carbon dioxide equivalent revisions, which will be addressed in a separate action. Comments are due Sept. 18, 2017. Contact: Kevin Leone; EPA Region 8, Air Program; 303-312-6227; leone.kevin@epa.gov. Citations: 40 CFR 52

82 FR 39396 (08/18/2017)

Regulatory Update

AIR
Connecticut/Clean Air Act Consent Decree
AIR

Notice of the Justice Department announces a proposed consent decree in United States v. City of Waterbury, Conn. (Civil Action No. 2:17-cv-01377), lodged Aug. 14, 2017, with the U.S. District Court for the District of Connecticut. The consent decree would resolve claims regarding alleged Clean Air Act violations in connection with the defendants' sewage sludge incineration unit at the Waterbury Wastewater Treatment Plant. The proposed consent decree requires the defendants to pay a civil penalty of $104,000 and to bring the unit into compliance with federal requirements for such units constructed before Oct. 14, 2010. Comments are due Sept. 18, 2017. Contact: DOJ, Environment and Natural Resources Division; 202-514-2701. Citations: 40 CFR 62, Subpart LLL

82 FR 39457 (08/18/2017)

Regulatory Update

ENDANGERED SPECIES
Oklahoma/American Burying Beetle Incidental Take Permits
ENDANGERED SPECIES

Notice of the U.S. Fish and Wildlife Service announces the receipt of three applications for incidental take permits under the amended oil and gas industry conservation plan in Oklahoma for the endangered American burying beetle. The applications, from NGPL PipeCo LLC, of Tulsa, Okla.; Wildhorse Terminal LLC, of Houston; and Antioch Operating LLC, of Oklahoma City, relate to geophysical exploration (seismic) and construction, maintenance, operation, repair, decommissioning, and reclamation of oil and gas well field infrastructure and pipelines in the state. Comments are due Sept. 18, 2017. Contact: Marty Tuegel; USFWS, Environmental Review Division; 505-248-6651

82 FR 39445 (08/18/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Alaska/Liberty Development and Production Plan
GENERAL ENVIRONMENT AND SAFETY

Notice of the Bureau of Ocean Energy Management announces the availability of a draft environmental impact statement for the proposed Liberty Development and Production Plan in the Beaufort Sea Planning Area offshore of Alaska. The draft EIS addresses the construction of a new gravel mine west of the Kadleroshilik River, a man-made gravel production island in Foggy Island Bay, and connecting pipeline to the existing Badami Sales Oil Pipeline. Hearings are scheduled for Oct. 2, 3, 4, 5, and 10, 2017, in Nuiqsut, Fairbanks, Katkovik, Utqiagvik, and Anchorage, Alaska, respectively. Comments are due Nov. 16, 2017. Contact: Lauren Boldrick; BOEM, Alaska OCS Region; 907-334-5200

82 FR 39453 (08/18/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
California/Sites Reservoir Project
GENERAL ENVIRONMENT AND SAFETY

Notice of the Bureau of Reclamation announces the availability of a draft environmental impact report/environmental impact statement and draft feasibility report for the Sites Reservoir Project in Colusa and Glenn counties in California. The project would consist of a new offstream surface storage reservoir with two main dams, up to nine saddle dams, and up to three recreation areas. The reservoir would be filled via two Sacramento River diversions/canals and a new inlet/outlet structure and pipeline to allow for diversion of excess river flows. The project also would include modifications to an existing diversion facility at the Red Bluff Pumping Plant in Tehama County. Meetings are scheduled for Sept. 26 and 28, 2017, in Maxwell and Sacramento, Calif.,

respectively. Comments are due Nov. 13, 2017. Contact: Michael Dietl; Bureau of Reclamation; 916-978-5070; mdietl@usbr.gov

82 FR 39454 (08/18/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Environmental Impact Statements
GENERAL ENVIRONMENT AND SAFETY

Notice of the EPA announces the availability of environmental impact statements filed Aug. 7-11, 2017. Contact: Dawn Roberts; EPA, Office of Federal Activities; 202-564-7146. Citations: 40 CFR 1506.9

82 FR 39424 (08/18/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Massachusetts/Nonotuck and Albion Mill Projects
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the receipt of an application from the City of Holyoke Gas & Electric Department to surrender licenses for the Albion Mill Project No. 2766, Albion Mill Project No. 2768, and Nonotuck Mill Project No. 2771 at the Holyoke Canal in Hampden County, Mass. The city has determined that repair costs for the projects are economically unfeasible and proposes to shut and secure all gated intake rack structures, permanently close all tailgate area gates, and disconnect all generating equipment from the projects. Protests and motions to intervene are due Sept. 13, 2017. Contact: David Rudisail; FERC; 202-502-6376; david.rudisail@ferc.gov

82 FR 39419 (08/18/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oregon/Coos Bay Channel Modification Project
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the U.S. Army Corps of Engineers, Portland District, to prepare a draft environmental impact statement concerning the Oregon International Port of Coos Bay's (OIPCB) proposed Coos Bay Channel Modification Project. The project involves widening and deepening the Coos Bay Federal Navigation Project from the ocean to river mile 8.2 to improve navigation efficiency, to reduce shipping transportation costs, and to help with the shipping industry's transition to larger and more efficient vessels. The federal navigation project includes two entrance jetties, two navigation channels, two turning basins, and pile dikes. A meeting is scheduled for Sept. 13, 2017, in Coos Bay. Comments are due Oct. 3, 2017. Contact: Ann Hodgson; USACE; 503-808-4663; coosbaychannelmodEIS@usace.army.mil

82 FR 39417 (08/18/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Withdrawal of Approval of New Drug Application/Baycol

GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the withdrawal of approval of a new drug application for Baycol (cerivastatin sodium) tablets, 0.05 milligrams (mg), 0.1 mg, 0.2 mg, 0.3 mg, 0.4 mg, and 0.8 mg, held by Bayer Healthcare Pharmaceuticals, of Seattle. The applicant requested the withdrawal due to an increase in reports associating cerivastatin with rhabdomyolysis, a potentially fatal condition involving muscle weakness. The withdrawal is effective Aug. 18, 2017. Contact: Kristiana Brugger; FDA, Center for Drug Evaluation and Research; 301-796-3600. Citations: 21 CFR 314.150

82 FR 39442 (08/18/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Grain Handling Facilities

OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of OSHA to seek OMB approval for a continuing information collection request regarding the grain handling facilities standard. The collection concerns requirements for grain handling facilities to develop and implement emergency action plans; to provide employee training; and to issue permits for entering bins, silos, and tanks. The collection also addresses requirements for facilities to de-energize, disconnect, lockout and tag, block off, or otherwise prevent operation of equipment that presents a danger to employees in grain storage structures; to inform contractors of known potential fire and explosion hazards; to develop and implement written housekeeping programs; and to implement preventive maintenance procedures. Comments are due Oct. 17, 2017. Contact: Todd Owen; OSHA, Directorate of Standards and Guidance; 202-693-2222. Citations: 29 CFR 1910.272

82 FR 39459 (08/18/2017)

Regulatory Update

PESTICIDES

Antimicrobial Pesticides Data Requirements

PESTICIDES

Proposed rule of the EPA would correct the antimicrobial pesticides data requirements to clarify that the 200 parts per billion registration level for antimicrobial pesticides is based on total estimated daily dietary intake for an individual and not on the amount of residue present on a single food. The revision is consistent with FDA policy and is a condition of a 2013 settlement agreement between the EPA and the American Chemistry Council. Comments are due Oct. 17, 2017. Contact: Cameo Smoot; EPA, Office of Pesticide Programs; 703-305-5454; smoot.cameo@epa.gov. Citations: 40 CFR 158.2230(d)

82 FR 39399 (08/18/2017)

Regulatory Update

RADIATION
ACRS Reliability and PRA Subcommittee Meeting
RADIATION

Notice of the NRC announces a meeting of the Advisory Committee on Reactor Safeguards (ACRS) Subcommittee on Reliability and Probabilistic Risk Assessment (PRA) to review the update plan for Regulatory Guidance 1.174 on an approach for using PRA in risk-informed decisions on plant-specific changes to the licensing basis. The meeting is scheduled for Aug. 24, 2017, in Rockville, Md. Comments are due Aug. 24, 2017. Contact: Quynh Nguyen; NRC; 301-415-5844; Quynh.Nguyen@nrc.gov

82 FR 39463 (08/18/2017)

Regulatory Update

RADIATION
ACRS Subcommittee on Northwest Medical Isotopes Meeting
RADIATION

Notice of the NRC announces a meeting of the Advisory Committee on Reactor Safeguards (ACRS) Subcommittee on Northwest Medical Isotopes to discuss the construction permit application preliminary safety analysis report and the draft NRC safety evaluation reports for a Mo99 radioisotope production facility. The meeting is scheduled for Aug. 22-23, 2017, in Rockville, Md. Comments are due Aug. 22, 2017. Contact: Kathy Weaver; NRC; 301-415-6236; Kathy.Weaver@nrc.gov

82 FR 39462 (08/18/2017)

Regulatory Update

RADIATION
ACRS Subcommittees on Thermal Hydraulic Phenomena
RADIATION

Notice of the NRC announces a meeting of the Advisory Committee on Reactor Safeguards Subcommittee on Thermal Hydraulic Phenomena. The subcommittee will review AREVA Inc.'s new transient code suite AURORA-B concerning an evaluation model for boiling water reactors. The subcommittee will also hear presentations by and hold discussions with the licensee. The meeting is scheduled for Aug. 21, 2017, in Rockville, Md. Comments are due Aug. 21, 2017. Contact: Zena Abdullahi; NRC; 301-415-8716; Zena.Abdullahi@nrc.gov

82 FR 39462 (08/18/2017)

Regulatory Update

RADIATION
Oregon/Trojan Nuclear Power Plant Spent Fuel License Renewal
RADIATION

Notice of the NRC announces the receipt of a license renewal application from the Portland General Electric Co., of Portland, Ore., to receive, possess, transfer, and store spent fuel from Trojan Nuclear Power Plant in the Trojan Independent Spent Fuel Storage Installation (ISFSI) in Columbia County, Ore. The renewal license would allow for continued storage of spent fuel in the ISFSI for 40 additional years beyond the current March 31, 2019, license expiration date. The application contains sufficient information for the agency to begin its technical review, and the agency will issue a subsequent notice upon its determination that preparation of an environmental impact statement or an environmental assessment is warranted. Hearing requests and petitions to intervene are due Oct. 17, 2017. Contact: Christopher Markley; NRC, Office of Nuclear Safety and Safeguards; 301-415-6293; christopher.markley@nrc.gov. Citations: 10 CFR 72

82 FR 39463 (08/18/2017)

Regulatory Update

TOXIC SUBSTANCES

Chemical Data Reporting/Inorganic Byproduct Chemical Substances

TOXIC SUBSTANCES

Notice of the EPA announces additional meetings of the negotiated rulemaking committee established to develop a proposed rule to limit chemical data reporting requirements for manufacturers of inorganic byproduct chemical substances when such byproducts are subsequently recycled, reused, or reprocessed. The negotiated rule process is mandated by 2016 amendments to TSCA that require a proposed rule to limit such reporting requirements to be published by June 22, 2019. The meetings are scheduled for Sept. 13-14 and Oct. 25-26, 2017, in Washington, D.C. Comments for consideration at the meetings are due Sept. 6 and Oct. 18, 2017, respectively. Comments also will be accepted throughout the advisory process. Contact: Susan Sharkey; EPA, Office of Pollution Prevention and Toxics; 202-564-8789; Sharkey.susan@epa.gov. Citations: 40 CFR 711

82 FR 39402 (08/18/2017)

Regulatory Update

WATER

Water Management Programs to Reduce Legionella Growth and Transmission

WATER

Notice of the CDC requests information regarding effective methods for achieving implementation of water management programs (WMPs) intended to reduce Legionella growth and transmission in buildings at increased risk. WMPs are used to identify hazardous conditions and take steps to minimize the growth and spread of Legionella and other waterborne pathogens in building water systems. The CDC requests comments regarding prevention strategies, stakeholder engagement, costs and feasibility of WMP implementation, and the availability of effective communication strategies. The CDC also requests comments regarding the influence of local regulations, the reasons why a WMP was not adopted, and the possible impact of proposed solutions. The information collected will inform the CDC's efforts to prevent Legionnaires' disease and other diseases due to opportunistic waterborne pathogens. Comments are due Oct. 17, 2017. Contact: Laura Cooley; CDC, National Center for Immunization and Respiratory Diseases; 404-639-2215; travellegionella@cdc.gov

82 FR 39439 (08/18/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 9/27/2017 12:07:25 PM
Subject: Sep. 27 -- EHS State Regulatory Alert

EHS State Regulatory Alert

September 27, 2017 - Number 186

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Alaska

WATER
APDES General Permit/Suction Dredges
Alaska WATER

Notice of the Department of Environmental Conservation announces the availability of a draft Alaska Pollutant Discharge Elimination System (APDES) general permit for wastewater discharges from small suction dredges. The permit applies to suction dredges that process gold placer ores and have intake diameters of less than or equal to six inches and horsepowers less than or equal to 18 for fresh waters or 23 for marine waters. Comments are due Oct. 9, 2017. Contact: Nick Dallman; DEC; 907-451-2142; nicholas.dallman@alaska.gov

—Alaska Regulations (09/25/2017)

Regulatory Update

Arkansas

SOLID WASTE
Used Tire Recycling and Accountability Program
Arkansas SOLID WASTE

Emergency rule of the Department of Environmental Quality, Pollution Control and Ecology Commission, adopts Regulation 36 to implement the Used Tire Recycling and Accountability Program. The rule addresses the electronic uniform used tire manifest system, used tire program accountability and business plans administration, and administrative procedures for tire generators. The rule also addresses rim removal fees, commercial generator fees, and import fees; disbursements from the Used Tire Recycling Fund; and definitions. The program begins Jan. 1, 2018. The rule is effective Aug. 25, 2017, and expires Feb. 21, 2018. Contact: DEQ, Pollution Control and Ecology Commission; 501-682-7890

—Arkansas Register (09/25/2017)

Regulatory Update

California Regions

AIR
Air Toxics Hot Spots Program
California Regions AIR

Notice of the San Diego County Air Pollution Control District announces the availability of the draft 2016 Air Toxics "Hot Spots" Program report. The report summarizes the elements and the current status of the district's program, provides stationary and mobile source emission estimates, and specifies emission reduction efforts. The report also summarizes the status of public notifications and risk reduction plans. A workshop is scheduled for Oct. 10, 2017, in San Diego. Comments are due Oct. 24, 2017. Contact: Archi dela Cruz; San Diego APCD; 858-586-2732; archi.delacruz@sdcounty.ca.gov

—California RegionsRegulations (09/21/2017)

Regulatory Update

AIR
Permit and Air Monitoring Fees
California Regions AIR

Proposed rule of the North Coast Unified Air Quality Management District amends regulations under Rules 405, 406, and 410 regarding stationary and portable source permit fees, federal operating permit fees, and air monitoring fees. The rule establishes exemptions from the greenhouse gas emission surcharge, certain federal operating permit fees, and the facility surcharge for air curtain incinerators. The rule also relocates payment due dates for air monitoring fees and aligns the federal operating permit fee payment terms, timetable, and late penalties with other district fees. In addition, the rule increases the air monitoring fee for four Title V sources within the district by between 1 and 4 percent. A hearing is scheduled for Nov. 9, 2017, in Eureka. Comments are due Nov. 9, 2017. Contact: Jason Davis; North Coast Unified AQMD; 707-443-3093; support@ncuaqmd

—California RegionsRegulations (10/01/2017)

Regulatory Update

WATER
NPDES General Permit/Limited Threat Discharges to Surface Water
California Regions WATER

Notice announces the intention of the Central Valley Regional Water Quality Control Board to amend an Oct. 14, 2016, final order (R5-2016-0076) that revised the National Pollutant Discharge

Elimination System (NPDES) general permit and waste discharge requirements for limited threat discharges to surface water. The final order addressed discharges of treated or untreated groundwater from cleanup sites, wastewater from superchlorination projects, and other limited threat wastewaters to surface waters and revises permit eligibility requirements to allow usage by low-threat dischargers and hard rock mines. The order also establishes new discharge tiers and specifies effluent limitations and monitoring and reporting requirements for permittees. The amendments would authorize the executive director to waive the salinity evaluation and minimization plan requirement in the notice of applicability under limited circumstances and add effluent and receiving water temperature limitations. The amendments also would clarify that screening levels for iron and manganese are evaluated as dissolved metals and that reasonable potential analyses may be conducted based on the annual average effluent concentration. In addition, the amendments would remove the requirement to submit acute whole effluent toxicity data with notice of intent applications for Tier 2 discharges. A hearing is scheduled for Dec. 7-8, 2017, in Rancho Cordova. Comments are due Oct. 27, 2017. Contact: Jim Marshall; Central Valley RWQCB; 916-464-4772; jdmarshall@waterboards.ca.gov

—California RegionsRegulations (09/19/2017)

Regulatory Update

Massachusetts

OCCUPATIONAL SAFETY AND HEALTH
Board of Boiler Rules
Massachusetts OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Fire Services, Board of Boiler Rules, amends regulations under 522 CMR 1.00 through 19.00 to reflect the transfer of the board and the boiler and pressure vessel program from the Department of Public Safety to the DFS. The rule also clarifies the correct minimum boiler output threshold that triggers regulatory compliance. A hearing is scheduled for Oct. 12, 2017, in Stow. Comments are due Oct. 11, 2017. Contact: Holly Bartlett; DFS, Board of Boiler Rules; 978-567-3782; Holly.Bartlett@massmail.state.ma.us

—Massachusetts Register (09/22/2017)

Regulatory Update

Minnesota

GENERAL ENVIRONMENT AND SAFETY
Environmental Review Program
Minnesota GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the Environmental Quality Board to amend regulations under MNR 4410.0200, .2550, and .2600 regarding the Environmental Review Program. The rule addresses procedures for preparing, reviewing, and modifying draft environmental impact

statements and updates definitions. A similar notice was issued on Aug. 21, 2017. Comments are due Sept. 29, 2017. Contact: Erik Dahl; EQB; 651-757-2364; erik.dahl@state.mn.us

—Minnesota State Register (09/25/2017)

Regulatory Update

Ohio

AIR

Alternative Fuel Vehicle Conversion Grant Program

Ohio AIR

Proposed rule of the Department of Environmental Protection adopts regulations under OAC 3745-49-53, -54, and -55 to establish the Alternative Fuel Vehicle Conversion Grant program. The rule provides for reimbursement of business owners of large diesel or gasoline vehicles weighing 26,000 pounds or more for a portion of the cost of replacing or converting the vehicle to run on compressed natural gas, liquefied natural gas, or propane autogas. The rule also addresses permitted uses, eligibility, and prioritization of applications. A hearing is scheduled for Oct. 26, 2017, in Columbus. Comments are due Oct. 26, 2017. Contact: Amanda Payton; DEP; 614-644-2782; amanda.payton@epa.ohio.gov

—Ohio Regulations (09/25/2017)

Regulatory Update

RADIATION

Technologically Enhanced Naturally Occurring Radioactive Material

Ohio RADIATION

Final rule of the Department of Health, Bureau of Environmental Health and Radiation Protection, amends regulations under OAC 3701:1-43-04, -07, -08, and -12 through -17 concerning radiation control for technologically enhanced naturally occurring radioactive material. The rule clarifies provisions, updates the bureau name, and updates references. The rule is effective Sept. 28, 2017. Contact: Kaye Norton; Department of Health; 614-644-8184; Kaye.Norton@odh.ohio.gov

—Ohio Regulations (09/25/2017)

Regulatory Update

TOXIC SUBSTANCES

Childhood Lead Poisoning Prevention

Ohio TOXIC SUBSTANCES

Proposed rule of the Department of Health amends regulations under OAC 3701-30-01 concerning childhood lead poisoning prevention. The rule updates the definition of "public health lead investigator" to include licensed lead risk assessors who have completed approved training and a 40-hour internship under the supervision of a public health lead investigator. A hearing is

scheduled for Oct. 25, 2017, in Columbus. Comments are due Oct. 25, 2017. Contact: Kaye Norton; Department of Health; 614-644-8184; Kaye.Norton@odh.ohio.gov

—Ohio Regulations (09/25/2017)

Regulatory Update

South Carolina

OCCUPATIONAL SAFETY AND HEALTH
Portable Fire Extinguishers and Fixed Fire Extinguishing Systems
South Carolina OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of the Office of State Fire Marshal to amend Regulation 71-8303 concerning portable fire extinguishers and fixed fire extinguishing systems to eliminate unnecessary provisions and update formatting. The rule also updates provisions to conform to federal requirements. A comment due date is not specified. Contact: Jonathan Jones; State Fire Marshal; 803-896-9800; Jonathan.Jones@LLR.SC.GOV

—South Carolina State Register (09/22/2017)

Regulatory Update

Virginia

WATER
Prince William County/State Water Control Law Consent Order
Virginia WATER

Notice of the Department of Environmental Quality, State Water Control Board, announces a proposed consent order with Commonwealth Recycled Aggregates Inc. for alleged State Water Control Law violations at its facility in Bristow for unauthorized discharge of industrial stormwater to an unnamed tributary of Broad Run. The order requires the settling party to pay a civil penalty of $2,943. Comments are due Oct. 19, 2017. Contact: Stephanie Bellotti; DEQ, Northern Regional Office; 703-583-3800; stephanie.bellotti@deq.virginia.gov

—Virginia Register (09/18/2017)

Regulatory Update

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Wed 10/11/2017 9:18:56 PM
Subject: BREAKING NEWS: Trump nominates White House aide Nielsen to be Homeland Security secretary

President Donald Trump on Wednesday said he would nominate White House deputy chief of staff Kirstjen Nielsen to be the next secretary of Homeland Security.

Nielsen will replace John Kelly, who left the Department of Homeland Security this summer to be Trump's chief of staff. Nielsen was Kelly's top aide at the department, and she is a cybersecurity expert and an attorney.

Read more here: http://politi.co/2xztjmw

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 10/17/2017 7:33:12 PM
Subject: FERC chief calls for review of agency enforcement work

By Darius Dixon

10/17/2017 03:29 PM EDT

FERC Chairman Neil Chatterjee told energy lawyers today the time is ripe for FERC to revisit its policies on enforcement following a string of court rulings that rejected the agency's penalties.

FERC's work to police the energy markets is a critical part of the agency's mission, Chatterjee told the Energy Bar Association, but it had "not come without some controversy."

When companies refuse to pay a fine sought by the agency, FERC takes them to court and to ask judges to approve or deny lengthy orders — without considering much additional evidence. The courts have not decided the merits of those cases, but the string of procedural losses has suggested that FERC leadership reconsider how they craft their penalty decisions before heading to court.

"The courts have rejected FERC's interpretation of de novo review five times under the Federal Power Act," Chatterjee said. "The courts have spoken, and I, for one, am listening."

He added that "the proper scope of de novo review is a matter my colleagues and I need to examine so we can chart a new course that is fair and legally defensible."

Chatterjee also repeated his hope that FERC would revisit its position on the Public Utility Regulatory Policies Act.

PURPA, he said, "often feels like it's out of sync" with today's energy landscape, which is "fundamentally different" from when it was conceived.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/10/ferc-chief-calls-for-review-of-agency-enforcement-work-094400

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From: EPA Press Office
Sent: Thur 9/7/2017 10:49:46 PM
Subject: ENVIRONMENTAL LEADERS PRAISE BILL WEHRUM EPA NOMINATION

ENVIRONMENTAL LEADERS PRAISE BILL WEHRUM EPA NOMINATION

Wehrum Nominated to Head Air and Radiation Office

WASHINGTON (September 7, 2017) Today, President Donald J. Trump announced his intention to nominate Bill Wehrum to serve as EPA Assistant Administrator for the Office of Air and Radiation (OAR). Mr. Wehrum has a long history of public service, and previously served as EPA's acting assistant administrator for Air and Radiation from 2005 to 2007 and as EPA's principal deputy assistant administrator and counsel to the assistant administrator for Air and Radiation. He is currently partner and head of the Administrative Law Group at Hunton & Williams LLP where his practice focuses on air quality issues. Mr. Wehrum's career includes over 31 years working in the environmental field through engineering, legal practice, and administrative duties.

His nomination is receiving high accolades from environmental leaders across the country:

Sean Alteri, director, Kentucky Division for Air Quality and 2017 president of the Association of Air Pollution Control Agencies*:* "Considering his education and experience as a chemical engineer and an environmental attorney, Mr. Wehrum will be well-positioned to provide clear, concise direction to address the many diverse, complex air quality issues. As a student of the Clean Air Act, Mr. Wehrum's knowledge and experience will greatly benefit EPA, state, and local air pollution control agencies. We look forward to working with Mr. Wehrum and EPA's senior leadership to improve air quality in Kentucky and throughout our nation. The Kentucky Division for Air Quality supports Mr. Wehrum's nomination to serve as the assistant administrator of EPA's Office of Air and Radiation."

John Cruden, president-elect of the American College of Environmental Lawyers and assistant attorney general, Environment and Natural Resources Division, U.S. Department of Justice (12/2014-1/2017)*:* "I have worked with Bill Wehrum while he was a senior official at EPA during the Bush Administration, and have followed his impressive career in private practice. I believe he is committed to achieving clean air for all citizens and carefully following sound and current science."

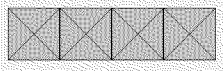
Jeff Holmstead, assistant administrator, Office of Air and Radiation, EPA (2001 –2005): "Bill is committed to the goals of the Clean Air Act and to the rule of law. He is also a person of the highest integrity. I am confident that, within the framework established by Congress, he will work to protect public health and the environment while at the same time pursuing regulatory reforms that will reduce unnecessary regulatory burdens. Truly, there is no better person to serve as the assistant administrator of EPA's Office of Air and Radiation."

Marcus Peacock, EPA deputy administrator (08/2005 – 01/2009): "Bill Wehrum's understanding of the Clean Air Act may be second to none. His desire to pull up his sleeves and actually make the Clean Air Act work as a practical matter is second to none."

Clint Woods, executive director, Association of Air Pollution Control Agencies: "Through his

comprehensive knowledge of the law and experience in the federal government, Bill possesses the background to manage challenging Clean Air Act issues at U.S. EPA and help continue the tremendous air quality progress that has been achieved in our country over the last several decades. Under his leadership, the Office of Air and Radiation will be well-situated to pursue a back-to-basics agenda grounded in cooperative federalism."

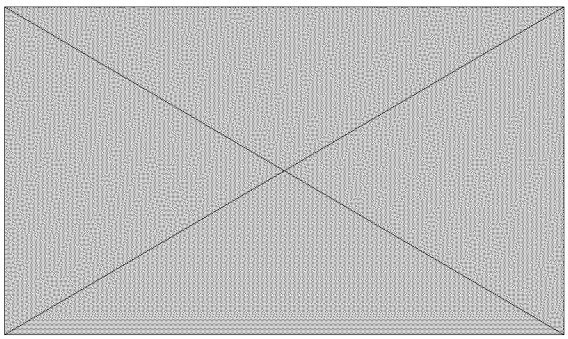
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
Sent: Tue 8/15/2017 10:00:18 AM
Subject: AEI Today: The White House's smart opening play on China

AEI's daily publication of independent research, insightful analysis, and scholarly debate

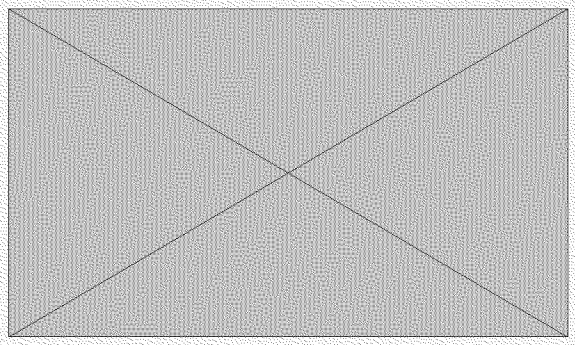


Reuters

The White House's smart opening play on China

Derek Scissors | AEIdeas

The Trump administration announced yesterday an investigation into Chinese actions to coerce the transfer of intellectual property from American companies and individuals, as well as steal it outright. There is a long way to go on this issue, and many mistakes can still be made. But the president's order is a good initial response to predatory Chinese economic policies — and one that is entirely consistent with conservative principles of free trade.



Twenty20

3 crucial questions about tax reform for the middle class

Aparna Mathur | Forbes

As the debate in Congress shifts to tax reform, and in particular to reducing the corporate tax rate, it is worth taking a step back to review what we know and don't know about US corporate income taxes and their impact on American workers. Three important questions: Is America a high-tax or a low-tax country; who actually pays the corporate income tax; and can we really fix the corporate income tax code? It's time we let facts get in the way of opinion.

MORE FROM AEI

China is our last diplomatic hope for North Korea
John R. Bolton | The Hill

New research shows that minimum wage hikes lead to automation. So is that good or bad?
James Pethokoukis | AEIdeas

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No US military scenario in Afghanistan can succeed until Pakistan gets the message
John R. Bolton | Pittsburgh Tribune Review

The Nazi Swastika isn't the only symbol of ideological hate that persists in modern America
Michael Rubin | Washington Examiner

A Wall Street adage that sums up these days of ultra-easy monetary policy
Desmond Lachman | InsideSources

To secure the internet of the future, think outside the net neutrality box
Shane Tews | AEIdeas

Book chapter: Manpower, education, and jobs in Sub-Saharan Africa
Nicholas Eberstadt | Springer International Publishing

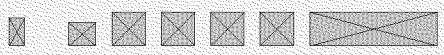
Next month, the Kurds will vote overwhelmingly in favor of independence. What happens then?
Michael Rubin | AEIdeas

Around the web: The foreign-born share of the US population is up, but don't blame high immigration for that
Matt Winesett | AEIdeas

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Wed 8/30/2017 9:16:41 PM
Subject: Today on Climate Beat

August 30, 2017

Today on Climate Beat . . .

. . . we went to the Gulf Coast, where oil and gas companies are opposing a petition from a Louisiana flood agency asking the Supreme Court to overturn a ruling by the U.S. Court of Appeals for the 5th Circuit rejecting its claims that the industry's activities have damaged coastal ecosystems.

Further North, industry attorneys are sounding alarms over legislation pending in the New York legislature that would amend the state constitution to expand residents' "environmental rights," raising concerns about a potential flood of citizen suits against companies in addition to litigation against the state.

And our daily news roundup noted that as Houston begins its long recovery from Hurricane Harvey's massive rainfall, some are wondering whether the storm will change the politics surrounding climate change and federal spending.

READ THE CLIMATE BEAT →

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 11/29/2017 8:49:50 PM
Subject: EPA: Van der Vaart will remain on advisory board

By Alex Guillén

11/29/2017 03:48 PM EDT

Donald van der Vaart will remain a member of EPA's Science Advisory Board after resigning from the North Carolina Department of Environmental Quality, an agency spokesperson said.

"Members of EPA's [Clean Air Scientific Advisory Committee] and SAB are hired as scientists and experts in their fields, not as representatives of their employers," the spokesman said.

His resignation from the NCDEQ "will have no impact on Dr. Van der Vaart's status with the SAB," the spokesperson added.

Van der Vaart was added to SAB last month. He resigned from the NCDEQ this week after alleging the agency was trying to stifle his work.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/11/epa-van-der-vaart-will-remain-on-advisory-board-166561

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Mon 10/23/2017 12:14:19 PM
Subject: Oct. 23 -- EHS Federal Regulatory Alert



EHS Federal Regulatory Alert

October 23, 2017 - Number 203

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Summaries

AIR
Acid Rain Program/Excess Emissions Penalty Adjustment
AIR

Notice of the EPA announces the availability of the annual adjustment factors for excess emissions penalties for failure to comply with certain requirements of the Acid Rain Program. The program limits annual sulfur dioxide and nitrogen oxide emissions of fossil fuel-fired utility units. The excess penalty provisions require units that exceed those limits to pay a penalty based on the number of excess tons emitted times $2,000, as adjusted by an annual adjustment factor. The annual adjustment factors for compliance years 2017 and 2018 are 1.9330 and 1.9705, respectively. Contact: Robert Miller; EPA, Clean Air Markets Division; 202-343-9077; miller.robertl@epa.gov. Citations: 40 CFR 77.6(b)

82 FR 49020 (10/23/2017)

Regulatory Update

AIR
California SIP/San Joaquin Valley PM-2.5 Nonattainment Area
AIR

Proposed rule of the EPA would determine that the deficiency that formed the basis for the May 12, 2016, (81 FR 29498) disapproval of contingency measures submitted for the San Joaquin Valley nonattainment area for the 1997 fine particulate matter (PM-2.5) NAAQS has been corrected. The rule also would approve revisions to the California SIP that establish standards and other requirements for the control of emissions from new on-road and new and in-use off-road vehicles and engines. If finalized, the rule would permanently stop the sanctions clocks that were triggered by the prior disapproval, including offset sanctions that would apply Dec. 13, 2017, and highway sanctions that would apply June 13, 2018. Comments are due Nov. 22, 2017. Contact: Rory Mays; EPA Region 9; 415-972-3227; mays.rory@epa.gov. Citations: 40 CFR 52

82 FR 48944 (10/23/2017)

Regulatory Update

AIR

New York SIP and FIP/Roseton Generating Station

AIR

Proposed rule of the EPA would approve a revision to the New York SIP and withdraw specified federal implementation plan (FIP) provisions for regional haze. The revision establishes best available retrofit technology (BART) emission limits for sulfur dioxide at the Roseton Generating Station, Units 1 and 2, that are equivalent to emission limits set by the FIP. Those portions of the FIP addressing BART for the Roseton units would be withdrawn. Comments are due Nov. 22, 2017. Contact: Irene Nielson; EPA Region 2, Air Programs Branch; 212-637-3586; nielson.irene@epa.gov. Citations: 40 CFR 52

82 FR 48942 (10/23/2017)

Regulatory Update

ENDANGERED SPECIES

Threatened Status for the Chambered Nautilus

ENDANGERED SPECIES

Proposed rule of the National Marine Fisheries Service would list the chambered nautilus as a threatened species. The proposal is in response to the agency's 12-month finding on a petition from the Center for Biological Diversity. Hearing requests are due Dec. 7, 2017. Comments are due Dec. 22, 2017. Contact: Maggie Miller; NMFS, Office of Protected Resources; 301-427-8403. Citations: 50 CFR 223.102

82 FR 48948 (10/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Alaska/Sand Point City Dock Replacement Project

GENERAL ENVIRONMENT AND SAFETY

Notice of the National Marine Fisheries Service announces the issuance of an incidental harassment authorization to the Alaska Department of Transportation and Public Facilities for authorization to take marine mammals that may be affected by the construction of a new dock in Sand Point, Alaska. The authorization allows take of nine species of marine mammals by levels A and B harassment. The authorization is effective Aug. 1, 2018, and expires July 31, 2019. Contact: Rob Pauline; NMFS, Office of Protected Resources; 301-427-8401; ITP.pauline@noaa.gov

82 FR 48987 (10/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Determination Concerning Safety and Effectiveness/Elavil

GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a determination that Elavil (amitriptyline hydrochloride) oral tablets, 10 milligrams (mg), 25 mg, 50 mg, 75 mg, 100 mg, and 150 mg, held by AstraZeneca of Cambridge, U.K., was not withdrawn from sale for reasons of safety or effectiveness. The determination provides that the FDA will not begin procedures to withdraw approval of abbreviated new drug applications (ANDAs) that refer to the drug product and will allow the FDA continue to approve ANDAs that refer to the product if relevant legal and regulatory requirements are met. Contact: Stacy Kane; FDA, Center for Drug Evaluation and Research; 301-796-8363; stacy.kane@fda.hhs.gov

82 FR 49032 (10/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Guidance on Generic Methylphenidate Hydrochloride
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the availability of draft guidance for industry to provide product-specific recommendations on the design of bioequivalence studies to support abbreviated new drug applications (ANDAs) for generic methylphenidate hydrochloride oral extended-release tablets. The guidance is issued in response to a petition from KVK-Tech Inc., of Newtown, Pa., manufacturer of the reference listed drug Ritalin-SR, requesting that the FDA not accept for filing any new ANDAs or approve any already received ANDAs for such generic tablets unless certain bioequivalence criteria are met. Comments are due Dec. 22, 2017. Contact: Xiaoqiu Tang; FDA, Center for Drug Evaluation and Research; 301-796-5850

82 FR 49033 (10/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Nevada/Paiute Pipeline 2018 Expansion Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the schedule for environmental review for the 2018 Expansion Project proposed by Paiute Pipeline Co. of Las Vegas. The project involves the installation of 4.61 miles of pipeline and the replacement of 3.85 miles of pipeline in Douglas and Lyon counties and Carson City, Nev. The project will provide incremental firm transportation services of 5,635 dekatherms per day on Paiute's system. The issuance of the environmental assessment is scheduled for Nov. 27, 2017, and the federal authorization decision is due Feb. 25, 2018. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOnlineSupport@ferc.gov

82 FR 49011 (10/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Ohio/Buckeye Xpress Project
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of FERC to prepare an environmental assessment for the Buckeye Xpress Project in Gallia, Jackson, Lawrence, and Vinton counties in Ohio. The project, proposed by Columbia Gas Transmission LLC, of Houston, involves the installation of 65.7 miles of 36-inch diameter natural gas pipeline and abandonment of 60.8 miles of 20- and 24-inch diameter natural gas pipeline to provide about 275,000 dekatherms per day of additional firm natural gas transportation capacity. The agency's preliminary list of environmental issues includes impacts on water resources and endangered species. Meetings are scheduled for Oct. 24 and 25, 2017, in Ironton and Jackson, Ohio, respectively. Comments are due Nov. 16, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOnlineSupport@ferc.gov

82 FR 49012 (10/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oregon/Jordan Cove Energy and Pacific Connector Gas Pipeline Projects
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces a meeting with representatives of the Confederated Tribes of Grand Ronde to discuss the proposed Jordan Cove LNG Terminal and Pacific Connector Pipeline Projects in Coos, Douglas, Jackson, and Klamath counties in Oregon. The meeting is scheduled for Oct. 24, 2017, via teleconference. Contact: John Peconom; FERC; 202-502-6352; john.peconom@ferc.gov

82 FR 49016 (10/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oregon/Prospect No. 3 Hydroelectric Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC, Office of Energy Projects, announces the availability of a draft environmental assessment for the new license application by PacifiCorp Energy, of Medford, Ore., for the Prospect No. 3 Hydroelectric Project on the South Fork Rogue River in Jackson County, Ore. The existing project, which occupies federal land in the Rogue River-Siskiyou National Forest, includes a concrete diversion dam and spillway, a reservoir, a powerhouse, a transmission line, and a fish passage ladder that produces an average of 35.05 gigawatt-hours annually. The proposed revisions would upgrade certain facilities, increase the project's minimum flow releases and ramping rate limits, and extend the project boundary. The EA concludes that relicensing the project, with appropriate measures, would not constitute a major federal action significantly affecting the quality of the human environment. Comments are due Dec. 1, 2017. Contact: Dianne Rodman; FERC; 202-502-6077

82 FR 49015 (10/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Regulatory Review Period/Inspire Upper Airway Stimulation System

GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a determination of the regulatory review period for the Inspire Upper Airway Stimulation System medical device in response to an application submitted by Inspire Medical Systems Inc., of Maple Grove, Minn. The device is indicated for treatment of a subset of patients with moderate to severe obstructive sleep apnea. Comments are due Dec. 22, 2017. Petitions for a determination of whether the applicant for extension acted with due diligence during the regulatory review period are due April 23, 2018. Contact: Beverly Friedman; FDA, Office of Regulatory Policy; 301-796-3600

82 FR 49029 (10/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Regulatory Review Period/Mitraclip CDS
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a determination of the regulatory review period for the Mitraclip CDS medical device in response to an application submitted by Abbott Vascular Inc., of Santa Clara, Calif., and the Trustees of Columbia University. The device is indicated for the percutaneous reduction of significant symptomatic mitral regurgitation due to primary abnormality of the mitral apparatus in patients who have been determined to be at prohibitive risk for mitral valve surgery by a heart team, which includes a cardiac surgeon experienced in mitral valve surgery and a cardiologist experienced in mitral valve disease, and in whom existing comorbidities would not preclude the expected benefit from reduction of the mitral regurgitation. Comments are due Dec. 22, 2017. Petitions for a determination of whether the applicant for extension acted with due diligence during the regulatory review period are due April 23, 2018. Contact: Beverly Friedman; FDA, Office of Regulatory Policy; 301-796-3600

82 FR 49027 (10/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Regulatory Review Period/Obizur
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a determination of the regulatory review period for the human drug product Obizur [antihemophilic factor (recombinant), porcine sequence (rpFVIII)] in response to patent term restoration applications from Emory University, Baxter International Inc., and Baxter Healthcare SA. The product is indicated for the treatment of bleeding episodes in adults with acquired hemophilia A. Comments are due Dec. 22, 2017. Petitions for a determination of whether the applicant for extension acted with due diligence during the regulatory review period are due April 23, 2018. Contact: Beverly Friedman; FDA, Office of Regulatory Policy; 301-796-3600

82 FR 49031 (10/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

West Virginia/Rover Pipeline Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the schedule for environmental review for an amended application submitted by Rover Pipeline LLC, of Houston, for the Rover Pipeline Project in Marshall County, W.Va. The project would involve construction and operation of facilities at the previously approved and under construction Majorsville Compressor Station. A third 3,550-horsepower natural gas compressor unit would be installed at the compressor station, and new equipment would be run at the Majorsvillle Meter Station, which would bring the station to a total of 10,650 horsepower. The proposed facilities also would increase the point capacity of the stations to 400 million cubic feet per day. The issuance of the environmental assessment is scheduled for Nov. 1, 2017, and the federal authorization decision is due Jan. 30, 2018. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOnlinesupport@ferc.gov

82 FR 49011 (10/23/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Coal Mine Refuse Piles and Impoundment Structures
OCCUPATIONAL SAFETY AND HEALTH

Notice of the Mine Safety and Health Administration announces the submission of a continuing information collection request regarding coal mine operator recordkeeping and reporting requirements for refuse piles and impoundment structures. The collection addresses requirements for operators to submit an annual report and certification on refuse piles and impoundments and to keep records of the results of weekly examination and instrumentation monitoring. Comments are due Nov. 22, 2017. Contact: Sheila McConnell; MSHA, Office of Standards, Regulations and Variances; 202-693-9440; DOL_PRA_PUBLIC@dol.gov. Citations: 30 CFR 77.215, 77.216

82 FR 49043 (10/23/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Nationally Recognized Testing Laboratories/TUVRNA
OCCUPATIONAL SAFETY AND HEALTH

Notice of OSHA announces a final decision to grant an application from TUV Rheinland of North America Inc. (TUVRNA), of Newtown, Conn., for expansion and reduction of its scope of recognition as a nationally recognized testing laboratory. The expansion involves the addition of the test standard for electric vehicle charging system equipment to its scope of recognition. The reduction involves the removal of the standard for intrinsically safe apparatus and associated apparatus for use in Class I, II, and III, Division 1, hazardous (classified) locations. The decision is effective Oct. 23, 2017. Contact: Kevin Robinson; OSHA, Directorate of Technical Support and Emergency Management; 202-693-2110; robinson.kevin@dol.gov. Citations: 29 CFR 1910.7

82 FR 49043 (10/23/2017)

Regulatory Update

PESTICIDES
Pesticide Tolerance Petitions
PESTICIDES

Notice of the EPA announces the receipt of initial filings of petitions to establish new and amended tolerances and exemptions for residues of certain pesticides in or on various food commodities. The notice includes 26 filings for new and amended tolerances and tolerance exemptions for inert and noninert ingredients. Comments are due Nov. 22, 2017. Contact: Robert McNally; EPA, Office of Pesticide Programs; 703-305-7090; BPPDFRNotices@epa.gov. Citations: 40 CFR 180

82 FR 49020 (10/23/2017)

Regulatory Update

TOXIC SUBSTANCES
TSCA Premanufacture and Notice of Commencement
TOXIC SUBSTANCES

Notice of the EPA announces the availability of receipt and status information regarding 42 premanufacture notices and 13 notices of commencement to manufacture new chemicals received by the agency from Aug. 1-31, 2017. Comments are due Nov. 22, 2017. Contact: Jim Rahai; EPA, Office of Pollution Prevention and Toxics; 202-564-8593; rahai.jim@epa.gov

82 FR 49016 (10/23/2017)

Regulatory Update

WATER
Alaska/Cruise Vessel Sewage and Graywater Discharge Records
WATER

Notice announces the intention of the U.S. Coast Guard to seek OMB approval for a continuing information collection request regarding sewage and graywater discharge records for certain cruise vessels operating on Alaskan waters. The collection addresses requirements for vessel owners, operators, and masters to sample and test sewage and graywater discharges and related reporting and recordkeeping. Comments are due Dec. 22, 2017. Contact: Anthony Smith; USCG, Office of Information Management; 202-475-3532. Citations: 33 CFR 159, Subpart E

82 FR 49037 (10/23/2017)

Regulatory Update

WATER
Alternative Compliance for International and Inland Navigation Rules
WATER

Notice of the U.S. Coast Guard announces the submission of a continuing information collection request to the OMB regarding alternative compliance for international and inland navigation rules. The collection allows owners, operators, builders, or agents of a unique vessel to present

reasons why the vessel cannot comply with existing international and inland navigation rules and how alternative compliance can be met. Comments are due Nov. 22, 2017. Contact: Anthony Smith; USCG, Office of Information Management; 202-475-3532. Citations: 33 CFR 81 through 89

82 FR 49036 (10/23/2017)

Regulatory Update

WATER
Department of State International Maritime Organization Meeting
WATER

Notice of the State Department announces a meeting to prepare for three sessions of the International Maritime Organization, including the 29th Extraordinary Council Session (CES29) scheduled for Nov. 23-24, 2017; the 30th Assembly (A30) scheduled for Nov. 27-Dec. 6, 2017; and the 119th Council Session scheduled for Dec. 7, 2017. All three sessions will be held in London. The notice includes possible agenda items for the meetings, including CES29 discussions on resource management and prevention of marine pollution by dumping of wastes and other matter and A30 discussions on committee recommendations and reports. The meeting is scheduled for Nov. 14, 2017, in Washington, D.C. Contact: Staci Weist; 202-372-1376; eustacia.y.weist@uscg.mil

82 FR 49074 (10/23/2017)

Regulatory Update

WATER
Safety Approval of Cargo Containers
WATER

Notice announces the intention of the U.S. Coast Guard to seek OMB approval for a continuing information collection request concerning safety approval of cargo containers. The collection addresses reporting and recordkeeping requirements for owners and manufacturers of cargo containers concerning approval and inspection of such containers. Comments are due Dec. 22, 2017. Contact: Anthony Smith; USCG, Office of Information Management; 202-475-3532. Citations: 49 CFR 450, 451, 452, 453

82 FR 49038 (10/23/2017)

Regulatory Update

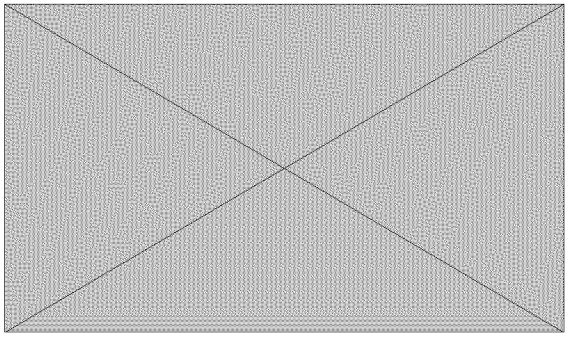
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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
Sent: Wed 11/1/2017 10:05:26 AM
Subject: AEI Today: Cut taxes — and help the poor all at once

Republican House leaders have promised to unveil legislation today to remake America's individual and corporate tax codes.

AEI's daily publication of independent research, insightful analysis, and scholarly debate

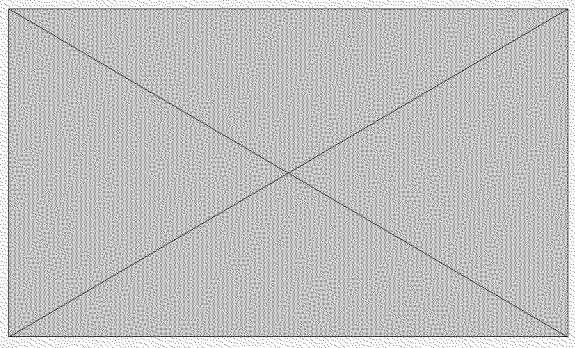


Reuters

Cut taxes — and help the poor all at once

Michael R. Strain | The Washington Post

Republican House leaders have promised to unveil legislation today to remake America's individual and corporate tax codes. Writing in 2015, Michael Strain argues it's past time to toss some popular credits that really just help rich people. "We should move the tax code away from spending money on high-income Americans," writes Strain. "The best way to do this would be to examine the list of tax expenditures, item by item."

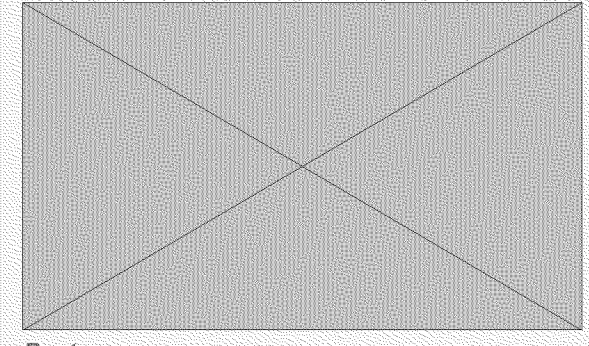


Reuters

Colleges, protect speech or lose funds

Frederick M. Hess and Grant Addison | The Wall Street Journal

Almost every week brings a new campus controversy: a college speech code that goes too far, an invited speaker shouted down by students, a professor investigated for wrongthink. So here's a straightforward idea that would be easy to put into practice: Require schools to assure free speech and inquiry as a condition of accepting federal research funding.



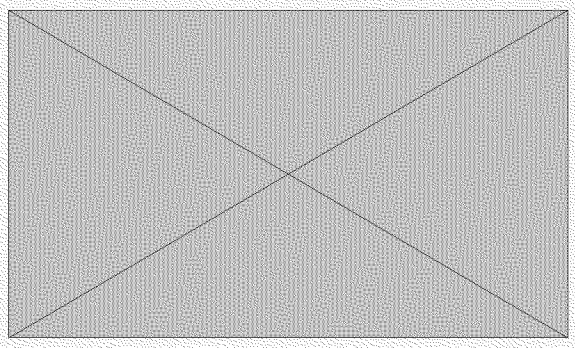
Reuters

President Trump can pardon Manafort. He

shouldn't.

John Yoo | The New York Times

The indictments of former Trump campaign officials Paul Manafort and Robert Gates have some conservatives openly considering desperate measures. The most radical comes from two Republican lawyers, who urged the president to issue a blanket pardon to anyone involved with Russian efforts to influence the 2016 election. Such a move would not violate the Constitution, but it would provoke a political disaster.



Reuters

Report: Tehran stands atop the Syria-Iran alliance

Danielle Pletka | Atlantic Council

The state once known as Syria ceases to exist. The nominal central government of Bashar al-Assad controls only sections of the country, with other portions in the hands of the Islamic State, al Qaeda, and others. That which is in Assad's hands remains so thanks only to the combined intervention of Iranian conventional and Islamic Revolutionary Guard Corps forces, Hezbollah fighters, and the military support of Russia.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Wed 8/23/2017 3:05:35 AM
Subject: BREAKING NEWS: Trump hints Arpaio pardon coming, won't do it at rally

President Donald Trump said he would not pardon former Sheriff Joe Arpaio on Tuesday night because he didn't want to cause "controversy."

But Trump, speaking at a rally in Phoenix, hinted that a pardon would be coming for the former sheriff, who was convicted of federal contempt of court charges. "He'll be just fine," Trump said.

Earlier Tuesday, White House press secretary Sarah Huckabee Sanders said Trump would not be pardoning the sheriff that day, a staunch anti-immigration figure and Trump backer.

Read more: http://www.politico.com/story/2017/08/22/trump-arpaio-pardon-241926

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EHS Federal Regulatory Alert

August 02, 2017 - Number 147

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Summaries

AIR
California SIP/Photochemical Assessment Monitoring System Network
AIR

Proposed rule of the EPA would approve a revision to the California SIP. The revision concerns the establishment of a photochemical assessment monitoring system (PAMS) network in six ozone nonattainment areas within the state. The revision specifies that the South Coast Air Quality Management District (AQMD), the Sacramento Metro AQMD, the San Diego County Air Pollution Control District (APCD), the San Joaquin Valley Unified APCD, and the Ventura County APCD have implemented required PAMS networks and each district has included a provision on meeting quality assurance requirements. Additionally, the revision provides that the air districts have included a provision to assure that PAMS monitors will meet monitoring methodology requirements. Finally, the revision specifies that the air districts have provided assurance that their respective PAMS networks will be phased in over a period of not more than five years. Comments are due Sept. 1, 2017. Contact: Doris Lo; EPA Region 9; 415-972-3959; lo.doris@epa.gov. Citations: 40 CFR 52, 40 CFR 58

82 FR 35922 (08/02/2017)

Regulatory Update

AIR
North Carolina/Clean Air Act Operating Permit Petitions
AIR

Notice of the EPA announces a final order granting two petitions submitted by the Sierra Club objecting to proposed and current Clean Air Act Title V operating permits issued to Duke Energy LLC of Charlotte, N.C. The petitioner objects to the proposed permit issued by the Western North Carolina Regional Air Quality Agency to the Asheville Steam Electric Plant in Buncombe County, N.C., and to the permit issued by the North Carolina Department of Environmental Quality to the Roxboro Steam Electric Plant in Person County, N.C. The petitioner claims that each permit must contain stricter modeling-based numerical emission limits for sulfur dioxide (SO2) to prevent

exceedances of the 2010 SO2 NAAQS. The petitioner also claims that the permits must contain a compliance schedule because each facility has violated its current permit. The EPA administrator issued orders June 30, 2017, granting the petitions. Petitions for review are due Oct. 2, 2017. Contact: Art Hofmeister; EPA Region 4, Air Permits Section; 404-562-9115; hofmeister.art@epa.gov

82 FR 35946 (08/02/2017)

Regulatory Update

AIR
Solid Waste Incineration Unit Negative Declarations/EPA Region 8
AIR

Final rule of the EPA corrects improper references to "Utah" with "Wyoming" in a June 5, 2017, direct final rule (82 FR 25734) that approved negative declarations for several categories of solid waste incineration units in Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming. The correction certifies that there are no existing large municipal waste combustion units within the state of Wyoming that are subject to 40 CFR 60, Subpart Cb. The rule is effective Aug. 4, 2017. Contact: Gregory Lohrke; EPA Region 8, Air Program; 303-312-6396; lohrke.gregory@epa.gov. Citations: 40 CFR 62.12620

82 FR 35906 (08/02/2017)

Regulatory Update

ENDANGERED SPECIES
California/Lost Hills Solar Project
ENDANGERED SPECIES

Notice of the U.S. Fish and Wildlife Service announces the availability of a draft environmental assessment regarding the Lost Hills Solar Project in Kern County, Calif. The notice also announces the receipt of an application from CED Lost Hills Solar LLC for an incidental take permit and a draft habitat conservation plan. The permit would authorize the take of the endangered San Joaquin kit fox for a 45-year period incidental to the construction, operation and maintenance, and decommissioning of the solar project. Comments are requested on biological information on the San Joaquin kit fox; the range, distribution, population size, and population trends of the species; and current or planned activities in the area and their possible impacts on the species. Comments are due Sept. 1, 2017. Contact: Justin Sloan; USFWS, San Joaquin Valley Division; 916-414-6600

82 FR 35986 (08/02/2017)

Regulatory Update

FOOD SAFETY
Animal Drug User Fees
FOOD SAFETY

Notice of the FDA announces the fee rates and payment procedures for fiscal year 2018 for certain animal drug applications and supplements, certain animal drug products, certain

establishments where such products are made, and certain sponsors of such applications and/or investigational drug submissions. The fees are effective for applications submitted on or after Oct. 1, 2017, and expire Sept. 30, 2018. Contact: Lisa Kable; FDA, Center for Veterinary Medicine; 240-402-6888; cvmadufa@fda.hhs.gov

82 FR 35966 (08/02/2017)

Regulatory Update

FOOD SAFETY
Animal Generic Drug User Fees
FOOD SAFETY

Notice of the FDA announces the fee rates and payment procedures for fiscal year 2018 for certain abbreviated applications for generic new animal drugs, certain generic new animal drug products, and certain sponsors of such abbreviated applications and/or investigational submissions for generic new animal drugs. The fees are effective for applications submitted on or after Oct. 1, 2017, and expire Sept. 30, 2018. Contact: Lisa Kable; FDA, Center for Veterinary Medicine; 240-402-6888; cvmagdufa@fda.hss.gov

82 FR 35957 (08/02/2017)

Regulatory Update

FOOD SAFETY
Domestic and Foreign Facility Reinspection, Recall, and Importer Reinspection Fees
FOOD SAFETY

Notice of the FDA announces the fiscal year 2018 fee rates for certain domestic and foreign facility reinspections, failures to comply with a recall order, and importer reinspections. The fees are effective Oct. 1, 2017, and expire Sept. 30, 2018. Contact: Jason Lewis; FDA, Office of Regulatory Affairs; 301-796-5957; Jason.Lewis@fda.hhs.gov

82 FR 35954 (08/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Advisory Committee on Human Research Protections/Request for Nominations
GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Health and Human Services seeks nominations of qualified candidates to be considered for appointment as members of the Secretary's Advisory Committee on Human Research Protections. The committee provides advice and recommendations on matters relating to the continuance and improvement of functions directed toward protections for human subjects in research. The request seeks nominees for four positions that will be vacated during the 2018 calendar year. Nominations are due Sept. 18, 2017. Contact: Julia Gorey; SACHRP, Office for Human Research Protections; 240-453-8141

82 FR 35974 (08/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Biomass Research and Development Technical Advisory Committee
GENERAL ENVIRONMENT AND SAFETY

Notice of the Energy Department, Office of Energy Efficiency and Renewable Energy, announces a meeting of the Biomass Research and Development Technical Advisory Committee. The tentative agenda includes updates on Agriculture Department and DOE biomass research and development activities and presentations on biomass interface with fossil fuels addressing gasification, refineries, carbon dioxide utilization, and current activities by the state of California. The meeting is scheduled for Aug. 15-16, 2017, in Los Angeles. Comments may be submitted at any time. Contact: Mark Elless; DOE, Office of Energy Efficiency and Renewable Energy; 410-997-7778; Mark.Elless@EE.Doe.Gov

82 FR 35939 (08/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
California/General Conservation Plan for Oil and Gas Activities
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the U.S. Fish and Wildlife Service to prepare a draft environmental analysis/document concerning the proposed issuance of an incidental take permit for the draft general conservation plan for oil and gas activities in Santa Barbara County, Calif. The permit would authorize take of the California tiger salamander, the California red-legged frog, and the Lompoc yerba santa that could result from activities relating to geophysical exploration, development, extraction, storage, transport, remediation, and/or distribution of crude oil, natural gas, and/or other petroleum products. Comments are due Sept. 1, 2017. Contact: Rachel Henry; USFWS; 805-677-3312

82 FR 35988 (08/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
De Novo Classification Process for Medical Devices
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the submission of a new information collection request to the OMB regarding draft guidance entitled De Novo Classification Process (Evaluation of Automatic Class III Designation). The collection addresses requirements under the Federal Food, Drug, and Cosmetic Act (FD&C Act) that provide a path to class I or class II designation for medical devices for which general controls, or general and special controls, provide a reasonable assurance of safety and effectiveness, but for which there is no legally marketed predicate device. The FDA requests responses from medical device manufacturers seeking to market medical device products that have been classified into class III under the FD&C Act. The FDA also corrects an error in the agency's 60-day notice (79 FR 47651; 08/14/2014) regarding the estimated hour burden for certain requests. Comments are due Sept. 1, 2017. Contact: Amber Sanford; FDA, Office of Operations; 301-796-8867; PRAStaff@fda.hhs.gov

82 FR 35971 (08/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Guidance for Antibacterial Therapies
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the availability of a guidance for industry concerning antibacterial therapies for patients with unmet medical need for the treatment of serious bacterial diseases. The guidance is intended to assist sponsors in the development of new antibacterial drugs to treat serious bacterial diseases in patients with an unmet medical need, including patients who have a serious bacterial disease for which effective antibacterial drugs are limited or lacking. Comments may be submitted at any time. Contact: Joseph Toerner; FDA, Center for Drug Evaluation and Research; 301-796-1300

82 FR 35973 (08/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Human Drug Compounding Outsourcing Facility Fees
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the fiscal year 2018 establishment and reinspection fees for registered outsourcing facilities that compound human drugs. The small business establishment fee is $5,364, the nonsmall business establishment fee is $17,364, and the reinspection fee for outsourcing facilities is $16,093. The notice provides information on how the FY 2018 fees were determined and specifies the payment procedures for outsourcing facilities. The fees are effective Oct. 1, 2017, and expire Sept. 30, 2018. Contact: Monica Vega; FDA, Office of Financial Management; 301-796-2127

82 FR 35962 (08/02/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Over-the-Counter Monograph Drugs User-Fee Program Meeting
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a meeting to provide an update on discussions regarding a nonprescription (over-the-counter) monograph drug user-fee program that began in July 2016 and an overview of proposed performance goals and procedures related to the potential program. The program would provide funding to supplement congressional nonuser-fee appropriations and would support FDA review of the efficacy and safety of ingredients included in or proposed for inclusion in a monograph. The meeting is scheduled for Aug. 23, 2017, via webcast. Contact: Mary Vienna; FDA, Center for Drug Evaluation and Research; 301-796-4150; OTCMonographUserFeeProgram@fda.hhs.gov

82 FR 35965 (08/02/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Oil and Hazardous Materials Transfer Procedures
HAZARDOUS MATERIALS TRANSPORTATION

Notice announces the intention of the U.S. Coast Guard to seek OMB approval for a continuing information collection request concerning oil and hazardous materials transfer procedures. The collection addresses the requirement for vessels with a cargo capacity of 250 barrels or more of oil or hazardous materials to develop and maintain transfer procedures to provide basic safety information for operating transfer systems. Comments are due Oct. 2, 2017. Contact: Anthony Smith; USCG, Office of Information Management; 202-475-3532. Citations: 33 CFR 155

82 FR 35980 (08/02/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Commercial Diving Operations Variance
OCCUPATIONAL SAFETY AND HEALTH

Notice of OSHA announces the receipt of an application from Jardon and Howard Technologies Inc., of Orlando, Fla., for an interim order and permanent variance from OSHA regulations regarding commercial diving operations that the company conducts as a contractor for NOAA. The variance request addresses requirements concerning the use of inflatable flotation devices and decompression chambers. The agency announces its preliminary finding to grant the permanent variance and to grant an interim order based on the conditions specified in the application. The interim order is effective Aug. 2, 2017. Comments and hearing requests are due Sept. 1, 2017. Contact: Kevin Robinson; OSHA, Directorate of Technical Support and Emergency Management; 202-693-2110; robinson.kevin@dol.gov. Citations: 29 CFR 1905.11

82 FR 35995 (08/02/2017)

Regulatory Update

RADIATION
Electrical Equipment High-Energy Arcing Faults Testing
RADIATION

Notice of the NRC announces a draft test plan for phase 2 of high-energy arcing faults (HEAF) in electrical equipment. The test plan is intended to assess the fire risk presented by HEAF phenomena and to characterize physical parameters, including thermal conditions, pressure effects, and electrical conductive products of combustion created HEAFs occurring in electrical cabinets and bus ducts. Data will be used by the NRC to determine the adequacy of existing HEAF zone of influences damage models. Phase 2 testing will focus on the HEAFs involving aluminum components related to increased physical damage states and potential product of combustion electrical conductivity concerns. Comments are due Sept. 1, 2017. Contact: Nicholas Melly; NRC, Office of Nuclear Regulatory Research; 301-415-2392; Nicholas.Melly@nrc.gov

82 FR 36006 (08/02/2017)

Regulatory Update

RADIATION

Environmental Management Advisory Board/Oak Ridge Reservation

RADIATION

Notice of the Energy Department announces a meeting of the Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation. The board makes recommendations to DOE-EM and site management in the areas of environmental restoration, waste management, and related activities. The agenda includes a discussion of member survey results, presentations by various governmental agency liaisons, presentation of candidates for fiscal year 2018 board officers, and recommendations on FY 2019 Oak Ridge EM budget priorities. The meeting is scheduled for Aug. 19, 2017, in Townsend, Tenn. Comments are requested, but a due date is not specified. Contact: Melyssa Noe; DOE, Oak Ridge Office of Environmental Management; 865-241-3315; Melyssa.Noe@orem.doe.gov

82 FR 35938 (08/02/2017)

Regulatory Update

RADIATION

Environmental Management Advisory Board/Paducah

RADIATION

Notice of the Energy Department announces a meeting of the Environmental Management Site-Specific Advisory Board, Paducah. The board makes recommendations to DOE-EM and site management in the areas of environmental restoration, waste management, and related activities. The meeting is scheduled for Aug. 17, 2017, in Paducah, Ky. Comments are requested, but a due date is not specified. Contact: Jennifer Woodard; DOE, Paducah Site Office; 270-441-6825

82 FR 35939 (08/02/2017)

Regulatory Update

RADIATION

Uranium and Thorium Mill Tailing Standards

RADIATION

Notice of the EPA announces the reopening of the comment period for a Jan. 19, 2017, proposed rule (82 FR 7400) concerning health and environmental protection standards for uranium and thorium mill tailings. The rule would establish standards for byproduct materials produced by uranium in-situ recovery for implementation by the Nuclear Regulatory Commission and NRC agreement states, including both surface and subsurface standards for groundwater protection, monitoring, restoration, and stability. A corrective action approach would be provided to meet constituent concentration standards, specific criteria and procedures for approving termination of long-term stability monitoring would be added, and the NRC and agreement states would determine on a site-specific basis the constituents for which concentration based standards are set. The requirement that the NRC obtain EPA concurrence prior to making site-specific alternate concentration limit determinations would be removed. The proposal supersedes a Jan. 26, 2015, proposed rule (80 FR 4155). Comments now are due Oct. 16, 2017. Contact: Ingrid Rosencrantz;

EPA, Office of Radiation and Indoor Air; 202-343-9286; Rosencrantz.ingrid@epa.gov. Citations: 40 CFR 192.20, 192.31, 192.32, 192.50 through 192.56 (Subpart F)

82 FR 35924 (08/02/2017)

Regulatory Update

TOXIC SUBSTANCES

TSCA Statements of Findings

TOXIC SUBSTANCES

Notice of the EPA announces the availability of two statements of findings that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. The notice specifies that the statements apply to premanufacture notices, microbial commercial activity notices, and significant new use notices submitted to the EPA under TSCA Section 5(a) from April 1-30, 2017. Contact: Greg Schweer; EPA, Office of Pollution Prevention and Toxics; 202-564-8469; schweer.greg@epa.gov

82 FR 35944 (08/02/2017)

Regulatory Update

WATER

Vessel Inspections, Waivers, and Continuous Synopsis Records

WATER

Notice announces the intention of the U.S. Coast Guard to seek OMB approval for a continuing information collection request regarding applications for vessel inspection, waiver, and continuous synopsis record. The collection concerns the requirement for vessel owners, operators, agents, or masters to apply in writing to the Coast Guard before the commencement of inspections for certification (Form CG-3752), to request waivers from the requirements of navigation and vessel inspection (Form CG-2633), or to request continuous synopsis records (Form CG-6039). Comments are due Oct. 2, 2017. Contact: Anthony Smith; USCG, Office of Information Management; 202-475-3532

82 FR 35979 (08/02/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Sun 9/24/2017 11:38:04 PM
Subject: BREAKING NEWS: Trump's travel ban to be replaced with new set of restrictions

President Donald Trump's controversial travel ban will morph into a new set of restrictions on travelers from a larger set of countries, U.S. officials announced Sunday night.

The current policy, which denies visas to citizens of six majority Muslim countries, will be replaced by a new set of travel limits on eight countries, including all but one of those on the previous list. The nations facing travel restrictions under the new policy are Chad, Iran, Libya, North Korea, Somalia, Syria, Venezuela and Yemen, officials said Sunday. Existing visa-holders are exempt, and waivers will remain available for travelers with U.S. ties.

One country on the current list, Sudan, was dropped from the new restrictions, which will take effect Oct. 18.

Read more: http://www.politico.com/story/2017/09/24/trump-travel-ban-iran-korea-syria-243078

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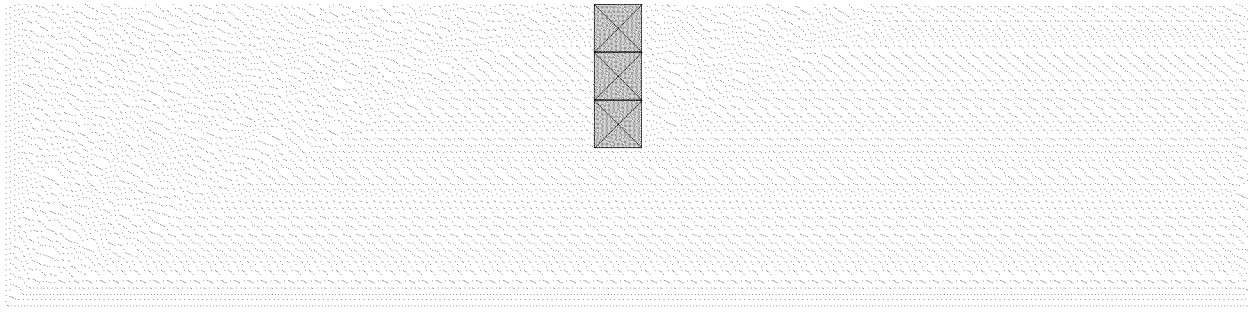
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Security Today
Sent: Wed 9/13/2017 11:26:02 AM
Subject: Child Murders Mystery Solved, Can Cops Unlock iPhone X with Face ID, FBI: Kids Cell Phone Safety





To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Wed 9/20/2017 5:10:49 PM
Subject: Playbook Power Briefing, presented by UC Davis: TRUMP says he made up his mind on the Iran deal -- THE BIG SIX set to announce tax reform framework WEDNESDAY -- GRAHAM says health care bill will get vote next week -- BUZZ: Big changes at NFIB

View online version | Add politicoplaybook@politico.com to your address book.

Today's Playbook Power Briefing presented by UC Davis

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman) and ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

WE HEAR... -- THE BIG SIX is set to to announce its tax reform framework next Wednesday, according to sources involved in the planning. Of course, the timing could change. But Wednesday is the plan as of now -- and our sources say they are likely to stick to it.

FIRST IN PLAYBOOK -- DOWNTOWN BUZZ... BIG CHANGES AT NFIB -- Nearly 20 staffers -- including many senior level employees in the communications and lobbying operation -- have exited the National Federation of Independent Businesses since Juanita Duggan took the helm in late 2015. Veteran NFIBers like Amanda Austin, vice president of government relations and media, Mark Garzone, senior vice president of marketing, and Steve Woods, senior vice president of state affairs, are among those who have departed.

NFIB spokesman Jack Mozloom said the changes are part of a "reorganization" Duggan began in 2016. "There have been some departures, but no more than is typical for any large organization that undergoes significant changes," Mozloom emailed. "Considering the organizational changes and a political environment that has changed dramatically since Mr. Danner's retirement, it's natural for talented employees to seek other opportunities, and it's just as natural for organizations and firms throughout Washington find top-level professionals at NFIB whom they can recruit." Duggan has also brought on several hires, including Catherine Michael, who heads a new public affairs department, David Addington, general counsel, and new top lobbyist John Kurrle.

NEW -- BLOOMBERG'S STEVE DENNIS and **SAHIL KAPUR: "GOP Health Bill Would End Guarantee That Sick People Won't Pay More":** "Under the latest Republican bill, states could get a waiver allowing insurers to charge people more if they or a dependent have a pre-existing condition, or if they get sick and want to keep their insurance. The key provision in the bill has vague language requiring a state to first show how it 'intends to maintain access to adequate and affordable health insurance coverage for individuals with pre-existing conditions.'" https://bloom.bg/2faTpAO

BUSINESS INSIDER: "The new healthcare bill includes an 'Alaska Purchase' to woo a key senator" http://read.bi/2fj4MKD

THE MARCH TOWARD GRAHAM-CASSIDY -- SEN. LINDSEY GRAHAM (R-S.C.) said his health care bill would get a vote on the Senate floor next week. No confirmation yet from Senate Majority Leader Mitch McConnell (R-Ky.). **IF THIS BILL COMES TO A VOTE,** it's going to happen next week.

EARLIER THIS MORNING ... -- BURGESS EVERETT (@burgessev): "Things are getting testy. Graham and McCaskill had a driveby spat in the Senate, then Graham got chippy (a rarity) with reporters" ... ."@kasie asks about pre-existing. Graham: 'Where are you getting this garbage? Where are you getting this garbage? That's complete garbage'" ... **WAPO'S MIKE DEBONIS** (@mikedebonis): "Graham, Cassidy, Santorum leave McConnell ofc after 40 min meeting. 'We're inside the 5 yard line,' Graham says." ***By the way, they were within the five-yard line last time. Not saying they won't do it this time, just pointing that out.***

-- "Kimmel, not Cassidy, is right on health care, analysts say," by Dan Diamond http://politi.co/2wyiYH5

A POLITICO IN HAND -- @seungminkim: ".@senorrinhatch is a @politico reader" http://bit.ly/2w6zr12

TRUMP AT THE U.N. -- The president said that he has made up his mind on whether or not to exit the Iran Deal, per our own Annie Karni, today's pooler. Trump told reporters "I'll let you know what the decision is." Trump also met with Palestinian Authority President Mahmoud Abbas. Trump said that "I think we have a pretty good shot, maybe the best shot ever," at Middle East peace and that he "will do everything within my heart and within my soul to get that deal made."

-- @maggieNYT : "this was a favored tactic in the campaign to build suspense and it really never fails to get a headline"

THE LATEST ON RUSSIA -- "Russians Appear to Use Facebook to Push Trump Rallies in 17 U.S. Cities," by The Daily Beast's Ben Collins, Gideon Resnick, Kevin Poulsen and Spencer Ackerman: "Suspected Russia propagandists on Facebook tried to organize more than a dozen pro-Trump rallies in Florida during last year's election, The Daily Beast has learned. The demonstrations -- at least one of which was promoted online by local pro-Trump activists -- brought dozens of supporters together in real life. They appear to be the first case of Russian provocateurs successfully mobilizing Americans over Facebook in direct support of Donald Trump.

"The Aug. 20, 2016, events were collectively called 'Florida Goes Trump!' and they were billed as a 'patriotic state-wide flash mob,' unfolding simultaneously in 17 different cities and towns in the battleground state. It's difficult to determine how many of those locations actually witnessed any turnout, in part because Facebook's recent deletion of

hundreds of Russian accounts hid much of the evidence. But videos and photos from two of the locations -- Fort Lauderdale and Coral Springs -- were reposted to a Facebook page run by the local Trump campaign chair, where they remain to this day." http://thebea.st/2wz0Kp2

****** **A message from UC Davis:** At UC Davis, unusual collaborations in veterinary medicine, human health and engineering lead to groundbreaking treatments for beloved pets and other animals, from furry to feathered. Those breakthroughs lead to translatable human medicine. It's a One Health approach that benefits the health of all. Learn more at 21stcentury.ucdavis.edu. ******

ON THE PRESIDENT'S MIND -- @realDonaldTrump at 6:14 a.m.: "Big meetings today at the United Nations. So many interesting leaders. America First will MAKE AMERICA GREAT AGAIN!" ... **at 6:40 a.m.:** "After allowing North Korea to research and build Nukes while Secretary of State (Bill C also), Crooked Hillary now criticizes." ... **at 7:00 a.m.:** "Thank you @foxandfriends - great show!" ...

... **at 8:09 a.m.:** "Rand Paul is a friend of mine but he is such a negative force when it comes to fixing healthcare. Graham-Cassidy Bill is GREAT! Ends Ocare!" ... **at 8:16 a.m.:** "I hope Republican Senators will vote for Graham-Cassidy and fulfill their promise to Repeal & Replace ObamaCare. Money direct to States!" ... **at 8:29 a.m.:** "Looking forward to Friday night in the Great State of Alabama. I am supporting 'Big' Luther Strange because he was so loyal & helpful to me!" ***The president also thanked and retweeted several supporters, including evangelical leader Franklin Graham***

-- FORTUNE: "Here's What Ivanka and Melania Trump Are Doing at the United Nations" http://for.tn/2fzRA0K

IN THE COURTS -- "California sues to block Trump's border wall," by Josh Gerstein: "The State of California is suing to block President Donald Trump's plan to construct a wall along the U.S. border with Mexico, the top lawyer for the state told reporters Tuesday. The lawsuit set to be filed in federal court in San Diego will argue that the effort violates federal law and the Constitution by intruding on state authority, California Attorney General Xavier Becerra said.

"'They're violating the Tenth Amendment and infringing on a lot of state laws, not just federal laws, that affect our state. At the same time, they're trying to do something that only Congress can do,' Becerra told journalists in Washington in advance of an official announcement he plans to make in San Diego Wednesday." http://politi.co/2ypAXwT

SAVE THIS TAPE -- ASHLEY PARKER interviews **NIKKI HALEY** in **GLAMOUR --** Haley on speculation that she could be the next secretary of state: "I don't take it seriously. Secretary Tillerson is not going anywhere. I can vouch for that. He is where he is, he continues to be strong in how he handles foreign policy, and I continue to work well with him." http://bit.ly/2xRN8p2

CYBER WAR -- New group of Iranian hackers linked to destructive malware," by WIRED's Andy Greenberg: "For more than five years, Iran has maintained a reputation as one of the most aggressive nations in the global arena of state-sponsored hacking, stealing data from corporate and government networks around the world, bombarding U.S. banks with cyberattacks, and most brazen of all, unleashing multiple waves of computer-crippling malware that hit tens of thousands of PCs across the Middle East. But amidst that noisy mayhem, one Iranian group has managed to quietly penetrate a broad series of targets around the world, until now evading the public eye. And while that group seems to have stuck to traditional spying so far, it may also be laying the groundwork for the next round of destructive attacks.

"Security firm FireEye has released new research into a group it calls Advanced Persistent Threat 33, attributing a prolific series of breaches of companies in the aerospace, defense, and petrochemical industries in countries as wide-ranging as Saudi Arabia, South Korea, and the US. While FireEye has closely tracked APT33 since May of last year, the security firm believes the group has been active since at least 2013, with firm evidence that it works on behalf of Iran's government. And though FireEye describes APT33's activities as largely focused on stealthy spying, they've also found links between it and a mysterious piece of data-destroying malware that security analysts have puzzled over since earlier this year." http://bit.ly/2ypBe2C

THE ADMINISTRATION -- "At EPA, guarding the chief pulls agents from pursuing environmental crimes," by WaPo's Juliet Eilperin and Brady Dennis: "Scott Pruitt's round-the-clock personal security detail, which demands triple the manpower of his predecessors at the Environmental Protection Agency, has prompted officials to rotate in special agents from around the country who otherwise would be investigating environmental crimes. The EPA's Office of Enforcement and Compliance Assurance has summoned agents from various cities to serve two-week stints helping guard Pruitt in recent months. And while hiring in many departments is frozen, the agency has sought an exception to hire additional full-time staff to protect Pruitt." http://wapo.st/2xvF50g

TRUMP'S MAN IN THE VALLEY -- "Is Trump mulling Peter Thiel for a top intelligence advisory post?" by Adam Ciralsky in Vanity Fair: "According to two [White House sources], Thiel has been in discussions to become the chair of the lofty P.I.A.B.--the President's Intelligence Advisory Board. This high-level intelligence post (previously held by Establishment figures such as Brent Scowcroft, Les Aspin, and Warren Rudman) independently monitors America's spy agencies and was established in 1956 to counsel the president. These two sources recounted that Thiel and the administration had been in the process of firming up the details of his role and staffing; then, in August, one of them texted me to say the offer to Thiel was now in limbo. Another White House source, however, told me in September that Thiel remains the president's choice to lead the P.I.A.B." http://bit.ly/2wyGaFp

THE WALL -- "Trump Is Using Targeted Facebook Ads To Reassure Supporters He Will Build The Border Wall," by BuzzFeed's Craig Silverman: "President Donald

Trump is using targeted Facebook ads to reassure supporters that he still plans to build the border wall after his recent public comments caused many to question whether he would keep his promise. ... A White House spokesman told BuzzFeed News the ads are being run by the Trump campaign, and referred all questions to it. The Trump campaign did not respond to emails or phone messages about the ads. The ads are not visible on the timelines of the Trump or Pence Facebook pages. They are therefore so-called 'dark post ads' because they can only be seen by people the campaign chose to target with the message." http://bzfd.it/2ypGOlR

KFILE SPECIALS -- "Trump judicial nominee said transgender children are part of 'Satan's plan', defended 'conversion therapy,'" by CNN's Chris Massie and Andrew Kaczynski: "In a pair of 2015 speeches, President Donald Trump's nominee for a federal judgeship in Texas described transgender children as evidence of 'Satan's plan,' lamented that states were banning conversion therapy and argued that sanctioning same-sex marriage would lead to polygamy and bestiality. Jeff Mateer, the current first assistant attorney general of Texas, was serving at the time as general counsel of the First Liberty Institute, a religious liberty advocacy group known before 2016 as the Liberty Institute." http://cnn.it/2yqQv3x

-- "Roy Moore's foundation shared a video in 2015 calling Obama a Muslim," by Kaczynski and Massie http://cnn.it/2yqRyjZ

"60 MINUTES" THIS SUNDAY -- LESLIE STAHL talks to Sen. John McCain (R-Ariz.) ... **SCOTT PELLEY** is in Houston, reporting on the damage from the hurricane.

COMING ATTRACTIONS -- The National Press Club's 5th annual Spelling Bee is on Sept. 26 from 7-11 p.m. at the National Press Club. Spelling for Congress is Reps. Virginia Foxx (R-N.C.), Don Beyer (D-Va.), Scott Peters (D-Calif..), Suzanne Bonamici (D-Ore.). Jamie Raskin (D-Md.) and Ted Deutch (D-Fla.). The press team is WaPo's Alexandra Petri, POLITICO's Seung Min Kim, Gallup's Art Swift (the reigning champ) and The Atlantic's Molly Ball. ESPN's Clinton Yates and WaPo's Kelsey Snell are MCing, with this year's Scripps National Spelling Bee winner Ananya Vinay as a guest judge. ***Tickets $25, all proceeds benefit NPC's Journalism Institute*** http://bit.ly/2yqfSIW

CLICKER -- "An Immigrant's Path to Congress: Ruben Kihuen's First Year in Photos," by Roll Call's Bill Clark http://bit.ly/2wycR5G

TODAY'S BEYOND THE BELTWAY -- Hurricane Maria pounds Puerto Rico -- Handicapping Chicago's odds at landing Amazon's new HQ http://politi.co/2ypD2c2

--"Republican Andy Ogles' bid for Bob Corker's U.S. Senate seat to get $4 million assist from Lee Beaman," by The Tennessean's Joel Ebert: http://tnne.ws/2w6MteP

BIG SALES -- "Clinton book has sold more than 300,000 copies," by the AP's Hillel Italie: "Clinton's book about her stunning loss in 2016 to Donald Trump sold more than

300,000 copies in the combined formats of hardcover, e-book and audio, Simon & Schuster told The Associated Press on Wednesday. The book's hardcover sales of 168,000 was the highest opening for any nonfiction release in five years, according to NPD BookScan, which tracks around 85 percent of retail print sales." http://bit.ly/2yrzarc

BIRTHDAY -- Former Rep. Walt Minnick (D-Iowa) (h/t Former Rep. John Barrow (D-Ga.)).

WELCOME TO THE WORLD -- Elizabeth Crow, government relations director at the Nature Conservancy, and **Peter Crow,** a new product commercialization manager at 3M, recently welcomed Lee Howard Crow. ***Pic*** http://bit.ly/2wG3MTL

NEW ON THE TWITTERS - CARLOS GUTIERREZ finally joined Twitter (@carlosgutierrez) on Tuesday, getting a little help from Madeleine Albright. http://bit.ly/2xejmKv

****** **A message from UC Davis:** Ranked first in the world for veterinary medicine, UC Davis believes collaborating across disciplines in animal, human and environmental health is the best way to advance the health of all creatures great and small. Using this "One Health" approach to problem solving, our research - much of which is federally funded - is resulting in cost-saving, translatable treatments for cancer, breakthroughs in stem cell therapy, increased awareness and management of emerging zoonotic diseases, better protection for endangered species, and comprehensive responses to environmental crises like oil spills and floods. Learn more about UC Davis health innovation at 21stcentury.ucdavis.edu. ******

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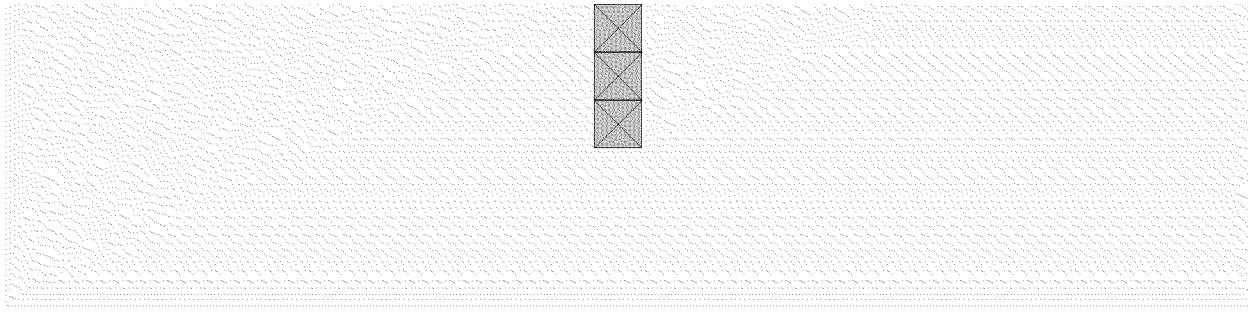
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To: Jackson, Ryan[jackson.ryan@epa.gov]
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Subject: Terror in Spain, Help Make ID in Child Sex Case, Why Trains Hit People, TX Sex Trafficker





To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 9/27/2017 12:06:44 PM
Subject: Sep. 27 -- EHS Federal Regulatory Alert



EHS Federal Regulatory Alert

September 27, 2017 - Number 186

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Summaries

AIR
Delaware SIP/Ozone NAAQS Interstate Transport
AIR

Direct final rule of the EPA approves a portion of a revision to the Delaware SIP concerning the good neighbor interstate transport requirements for the 2008 ozone NAAQS. The revision addresses the demonstration that sources or emissions activity within the state will not contribute significantly to nonattainment or interference with maintenance of the standards in other states. The rule is effective Dec. 26, 2017, unless adverse comments are received by Oct. 27, 2017. Contact: Ellen Schmitt; EPA Region 3; 215-814-5787; schmitt.ellen@epa.gov. Citations: 40 CFR 52.420

82 FR 44932 (09/27/2017)

Regulatory Update

AIR
Delaware SIP/Ozone NAAQS Interstate Transport
AIR

Proposed rule of the EPA would approve a portion of a revision to the Delaware SIP concerning the good neighbor interstate transport requirements for the 2008 ozone NAAQS. The revision addresses the demonstration that sources or emissions activity within the state will not contribute significantly to nonattainment or interference with maintenance of the standards in other states. A concurrent direct final rule adopts the changes, effective Dec. 26, 2017. Comments are due Oct. 27, 2017. Contact: Ellen Schmitt; EPA Region 3; 215-814-5787; schmitt.ellen@epa.gov. Citations: 40 CFR 52.420

82 FR 44984 (09/27/2017)

Regulatory Update

ENDANGERED SPECIES
Southwest Pacific/Marine Mammals Incidental Take
ENDANGERED SPECIES

Notice of the National Marine Fisheries Service announces a request from Lamont-Doherty Earth Observatory (L-DEO), of Palisades, N.Y., for an incidental harassment authorization to take marine mammals incidental to three marine geophysical surveys in the southwest Pacific Ocean within the exclusive economic zone and territorial sea of New Zealand. L-DEO requests authorization to take a small number of 38 species of marine mammals by Level A and B harassment for a period not to exceed one year. The agency proposes to issue a one-year authorization, provided specified mitigation, monitoring, and reporting requirements are incorporated. The agency is preparing an environmental assessment for the requested authorization. Comments are due Oct. 27, 2017. Contact: Jordan Carduner; NMFS, Office of Protected Resources; 301-427-8401

82 FR 45116 (09/27/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Advisory Committee on Human Research Protections Meeting
GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Health and Human Services announces a meeting of the Secretary's Advisory Committee on Human Research Protections. The agenda includes a presentation by the Subpart A Subcommittee on the revised Common Rule's expedited review requirements and a discussion of the meaning of "context" when considering the requirement for single institutional review board (IRB) review. The agenda also includes discussion of the Subcommittee on Harmonization's recommendations on the revised Common Rule's HIPAA exemption, discussion with a representative of the Office for Civil Rights, and a presentation and discussion on recent FDA experiences with IRB review. The meeting is scheduled for Oct. 17-18, 2017, in Rockville, Md., and via webcast. Comments are due Oct. 10, 2017. Contact: Julia Gorey; SACHRP; 240-453-8141; SACHRP@hhs.gov

82 FR 45033 (09/27/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Electric Utilities/Remedial Action Schemes
GENERAL ENVIRONMENT AND SAFETY

Final rule of FERC approves reliability standard PRC-012-2 (remedial action schemes) submitted by the North American Electric Reliability Corp. (NERC). The rule also approves the associated violation risk factors and violation severity levels, implementation plan, and the effective date proposed by NERC. In addition, the rule approves the withdrawal of pending reliability standards PRC-012-1, PRC-013-1, and PRC-014-1 and the retirement of reliability standards PRC-015-1 and PRC-016-1. The rule is effective Nov. 27, 2017. Contact: Syed Ahmad; FERC, Division of Reliability Standards; 202-502-8718; Syed.Ahmad@ferc.gov. Citations: 18 CFR 40

82 FR 44918 (09/27/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
HHS Strategic Plan for FY 2018-2022
GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Health and Human Services, Office of the Secretary, announces the availability of the draft HHS Strategic Plan for fiscal years 2018-2022. The plan describes five strategic goals and associated objectives for achieving the department's mission, including reforming, strengthening, and modernizing the health care system; protecting the health of Americans where they live, learn, work, and play; strengthening the economic and social well-being of Americans; fostering sound, sustained advances in sciences; and promoting effective and efficient management and stewardship. Comments are due Oct. 26, 2017. Contact: Sarah Potter; HHS; 202-260-6518

82 FR 45032 (09/27/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Illinois/Brandon Road Lock and Dam Aquatic Nuisance Species Controls
GENERAL ENVIRONMENT AND SAFETY

Notice of the U.S. Army Corps of Engineers announces an extension of the comment period for a draft integrated feasibility study and environmental impact statement (82 FR 41615; 09/01/2017) for the plan to prevent the spread of aquatic nuisance species between the Great Lakes and Mississippi River basins through the Chicago Sanitary and Ship Canal and other aquatic pathways. The study and EIS evaluate structural and nonstructural options and technologies near the Brandon Road Lock and Dam, in Will County, Ill., to prevent the upstream transfer of aquatic nuisance species. The study and EIS also identify potential adverse impacts that alternatives may have on existing uses and users of the waterways. Comments now are due Nov. 16, 2017. Contact: Andrew Leichty; USACE, Rock Island District; 309-794-5399; Andrew.L.Leichty@usace.army.mil

82 FR 45008 (09/27/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Maine/New England Clean Energy Connect Project
GENERAL ENVIRONMENT AND SAFETY

Notice of the Energy Department, Office of Electricity Delivery and Energy Reliability, announces the issuance of a presidential permit to Central Maine Power Co., of Augusta, Maine, concerning the proposed New England Clean Energy Connect project. The project consists of the construction, operation, maintenance, and connection of an electric transmission line across the U.S. border with Canada in Beattie Township, from which the transmission facilities would extend to the first interconnection with the ISO-New England operated power grid at the applicant's Larrabee Road Substation in Lewiston. The project includes the addition of approximately 146.5 miles of new transmission lines and the construction of a new converter station and line terminal

to transmit up to 1,200 megawatts of power. Comments or motions to intervene are due Oct. 27, 2017. Contact: Christopher Lawrence; DOE, Office of Electricity Delivery and Energy Reliability; 202-585-5260; christopher.lawrence@hq.doe.gov

82 FR 45013 (09/27/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Middle Mississippi River Regulating Works Project
GENERAL ENVIRONMENT AND SAFETY

Notice of the U.S. Army Corps of Engineers announces the availability of the record of decision and final supplement I to the environmental statement for the Middle Mississippi River Regulating Works Project. The project involves construction and maintenance of a navigation channel that is at least nine-feet deep and 300-feet wide on the Mississippi River between the confluences of the Missouri and Ohio rivers. The notice identifies the continue construction alternative, which includes dredging, bankline stabilization, and construction and maintenance of river-training features, as the selected plan. Contact: Kip Runyon; USACE, Regional Planning and Environmental Division North; 314-331-8396; RegWorksSEIS@usace.army.mil

82 FR 45008 (09/27/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
New York/Frankfort Asbestos Superfund Site
HAZARDOUS WASTE CLEANUP

Notice of the Justice Department announces a proposed consent decree in United States v. Mazza & Sons Inc. (Civil Action No. 6:17-cv-01041-GTS-TWD), lodged on Sept. 21, 2017, with the U.S. District Court for the Northern District of New York. The consent decree resolves claims under CERCLA concerning past response costs incurred at the Frankfort Asbestos Superfund Site in Herkimer County, N.Y. The consent decree requires the defendant to pay $250,000 in past response costs to resolve the claims. Comments are due Oct. 27, 2017. Contact: DOJ, Environment and Natural Resources Division; 202-514-2701

82 FR 45070 (09/27/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Advisory Board on Toxic Substances and Worker Health Meeting
OCCUPATIONAL SAFETY AND HEALTH

Notice of the Labor Department, Office of Workers' Compensation Programs, announces a joint meeting of the Advisory Board on Toxic Substances and Worker Health's subcommittees on Medical Advice re: Weighing Medical Evidence and on Industrial Hygienists and Contract Medical Consultants and Their Reports. The agenda includes discussion of results of a meeting with Division of Energy Employees Occupational Illness Compensation medical and industrial hygiene experts and planning for the upcoming full-board meeting. The joint meeting is scheduled for

Oct. 23, 2017, via teleconference. Comments are due Oct. 16, 2017. Contact: Douglas Fitzgerald; DOL; 202-343-5580; fitzgerald.douglas@dol.gov

82 FR 45070 (09/27/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
National Occupational Research Agenda/Construction Sector
OCCUPATIONAL SAFETY AND HEALTH

Notice of the National Institute for Occupational Safety and Health announces the availability of the draft National Occupational Research Agenda for construction. The agenda identifies the most important occupational safety and health research needed to prevent occupational injuries and illness in the construction sector from 2016 to 2026 and provides a national strategic plan for government, higher education, and industry research and development entities. Comments are due Nov. 27, 2017. Contact: Emily Novicki; NIOSH; 404-498-2581; NORACoordinator@cdc.gov

82 FR 45027 (09/27/2017)

Regulatory Update

PESTICIDES
Pesticide Tolerance/Fluazifop-p-butyl
PESTICIDES

Final rule of the EPA establishes tolerances for residues of the herbicide fluazifop-p-butyl in or on various fruit and vegetable products. The rule also revises and removes tolerances for several products that the petitioner requested in addition to the original petition. The rule is issued in response to a petition filed by Interregional Research Project Number 4, of Princeton, N.J. The rule is effective Sept. 27, 2017. Objections and hearing requests are due Nov. 27, 2017. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDFRNotices@epa.gov. Citations: 40 CFR 180.411

82 FR 44936 (09/27/2017)

Regulatory Update

PESTICIDES
Pesticide Tolerances/Oxathiapiprolin
PESTICIDES

Final rule of the EPA establishes tolerances for residues of the fungicide oxathiapiprolin in or on cacao bean at 0.10 parts per million (ppm), roasted cacao bean at 0.15 ppm, chocolate cacao bean at 0.15 ppm, and cacao bean cocoa powder at 0.15 ppm. The rule is issued in response to a petition filed by Interregional Research Project Number 4, of Princeton, N.J. The rule is effective Sept. 27, 2017. Objections and hearing requests are due Nov. 27, 2017. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDFRNotices@epa.gov. Citations: 40 CFR 180.685

82 FR 44942 (09/27/2017)

Regulatory Update

RADIATION

Domestic Licensing of Special Nuclear Material

RADIATION

Notice of the NRC announces the submission of a continuing information collection request to the OMB concerning domestic licensing of special nuclear material. The collection addresses applications for new licenses, amendments, and 10-year renewal for specific and general licenses to receive title to, own, acquire, deliver, receive, possess, use, or initially transfer special nuclear material. Comments are due Oct. 27, 2017. Contact: David Cullison; NRC, Office of the Chief Information Officer; 301-415-2084; INFOCOLLECTS.Resource@nrc.gov. Citations: 10 CFR 70

82 FR 45071 (09/27/2017)

Regulatory Update

RADIATION

Emergency Planning For Research and Test Reactors and Other Nonpower Facilities

RADIATION

Notice of the NRC announces the issuance of Revision 2 to Regulatory Guide 2.6 to provide licensees and applicants with a method for use in complying with emergency planning for research and test reactors and other nonpower production and utilization facilities. The guide approves the most current version of the American National Standards Institute/American Nuclear Society standard (ANSI/ANS-15.16-2015) concerning emergency planning for research reactors. It also expands the scope to address nonpower facilities in addition to research and test reactors. Contact: Geoffrey Wertz; NRC, Office of Nuclear Reactor Regulation; 301-415-0893; Geoffrey.Wertz@nrc.gov. Citations: 10 CFR 50

82 FR 45073 (09/27/2017)

Regulatory Update

RADIATION

Fuel Cycle Facilities/Physical Inventories and Material Balances

RADIATION

Notice of the NRC announces the issuance of a new regulatory guide (RG 5.88) regarding physical inventories and material balances at fuel cycle facilities. RG 5.88, which updates and replaces RGs 5.13 and 5.33, provides implementing guidance for material control and accounting requirements related to the performance, evaluation, and reporting of physical inventories of special nuclear material, including low-enriched uranium, and material balances at fuel cycle facilities. Contact: Glenn Tuttle; NRC, Office of Nuclear Material Safety and Safeguards; 301-415-7230; Glenn.Tuttle@nrc.gov. Citations: 10 CFR 74

82 FR 45074 (09/27/2017)

Regulatory Update

RADIATION
List of Approved Spent Fuel Storage Casks
RADIATION

Direct final rule of the NRC revises the TN Americas LLC Standardized NUHOMS® Horizontal Modular Storage System listing in the list of approved spent fuel storage casks to renew revision 1 of the initial certificate, revision 1 of Amendment Nos. 1 through 11 and 13 of Certificate of Compliance (COC) No. 1004, and Amendment No. 14 of COC No. 1004 for an additional 40 years. The changes require all future amendments and revisions to the COC to include evaluations of the impacts to aging management activities, such as time-limited aging analyses and aging management programs (AMPs), to ensure they remain adequate for any changes to spent fuel storage cask systems, structures, and components within the scope of the renewal. Licensees using a NUHOMS® System at a reactor site must have a program to establish, implement, and maintain written procedures for each AMP described in the AREVA Inc. updated Final Safety Analysis Report. The renewals reflect the change in the name of the COC holder from AREVA to TN Americas. The rule is effective Dec. 11, 2017, unless adverse comments are received by Oct. 27, 2017. Contact: Christian Jacobs; NRC, Office of Nuclear Material Safety and Safeguards; 301-415-6825; Christian.Jacobs@nrc.gov. Citations: 10 CFR 72.214

82 FR 44879 (09/27/2017)

Regulatory Update

RADIATION
List of Approved Spent Fuel Storage Casks
RADIATION

Proposed rule of the NRC would revise the TN Americas LLC Standardized NUHOMS® Horizontal Modular Storage System listing in the list of approved spent fuel storage casks to renew revision 1 of the initial certificate, revision 1 of Amendment Nos. 1 through 11 and 13 of Certificate of Compliance (COC) No. 1004, and Amendment No. 14 of COC No. 1004 for an additional 40 years. The changes require all future amendments and revisions to the COC to include evaluations of the impacts to aging management activities, such as time-limited aging analyses and aging management programs (AMPs), to ensure they remain adequate for any changes to spent fuel storage cask systems, structures, and components within the scope of the renewal. Licensees using a NUHOMS® System at a reactor site must have a program to establish, implement, and maintain written procedures for each AMP described in the AREVA Inc. updated Final Safety Analysis Report. The renewals reflect the change in the name of the COC holder from AREVA to TN Americas. A concurrent direct final rule adopts the changes, effective Dec. 11, 2017. Comments are due Oct. 27, 2017. Contact: Christian Jacobs; NRC, Office of Nuclear Material Safety and Safeguards; 301-415-6825; Christian.Jacobs@nrc.gov. Citations: 10 CFR 72.214

82 FR 44971 (09/27/2017)

Regulatory Update

TOXIC SUBSTANCES
TSCA Premanufacture and Notice of Commencement
TOXIC SUBSTANCES

Notice of the EPA announces the availability of receipt and status information regarding 36

premanufacture notices and 17 notices of commencement to manufacture new chemicals received by the agency from June 1-30, 2017. Comments are due Oct. 27, 2017. Contact: Jim Rahai; EPA, Office of Pollution Prevention and Toxics; 202-564-8593; rahai.jim@epa.gov

82 FR 45015 (09/27/2017)

Regulatory Update

TOXIC SUBSTANCES
TSCA Premanufacture and Notice of Commencement
TOXIC SUBSTANCES

Notice of the EPA announces the availability of receipt and status information regarding 49 premanufacture notices and 30 notices of commencement to manufacture new chemicals received by the agency from July 3-31, 2017. Comments are due Oct. 27, 2017. Contact: Jim Rahai; EPA, Office of Pollution Prevention and Toxics; 202-564-8593; rahai.jim@epa.gov

82 FR 45019 (09/27/2017)

Regulatory Update

WATER
Delaware River and Bay Water Quality Assessment Report
WATER

Notice of the Delaware River Basin Commission announces the availability of the proposed methodology for the 2018 Delaware River and Bay Quality Assessment Report. The biennial report will provide an assessment of how the Delaware River and Bay are attaining designated uses in accordance with Section 305(b) of the Clean Water Act and federal water quality requirements and will identify impaired waters. Comments are due Dec. 31, 2017. Contact: John Yagecic; DRBC; 609-883-9500; john.yagecic@drbc.nj.gov. Citations: 18 CFR 410

82 FR 45009 (09/27/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 10/11/2017 8:40:34 PM
Subject: Oct. 11 -- Energy and Climate Report - Afternoon Briefing

Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Clean Power Plan's Legal Fight Continues Amid Repeal Efforts

Posted October 11, 2017, 12:13 P.M. ET

By Abby Smith

The EPA's proposal to ax the Obama administration's plan to cut carbon emissions from the power sector hasn't silenced the legal back-and-forth over the regulation's merits.

The litigation over the Clean Power Plan has been on ice for months, but supporters and foes of the climate rule are disputing how the U.S. Court of Appeals for the District of Columbia Circuit should proceed with the case. The full court heard oral arguments in the case in September 2016.

The Environmental Protection Agency, in an Oct. 10 status report required by the court, cited its newly signed proposal to repeal the Clean Power Plan, arguing the court should continue to keep the case on hold until the agency's repeal of the regulation is final. The report also noted the EPA is considering "the scope of any potential replacement rule" to cover carbon emissions from existing power plants.

Conservative foes of the Obama regulation say they expect the EPA will ask the court to dismiss the case after it finalizes the repeal.

"I think it would be a futile gesture for the court to adjudicate the regulation that's both stayed [by the Supreme Court] and slated to be repealed," Sam Kazman, general counsel for the Competitive Enterprise Institute, told Bloomberg BNA. "I don't see what that gets anyone except billable hours."

But environmental groups and other supporters of the Clean Power Plan say now, more than ever, is the time for the D.C. Circuit to weigh in on the legality of the regulation.

"As of now, the Clean Power Plan is still on the books," Andres Restrepo, an attorney with the Sierra Club, told Bloomberg BNA.

He said many of the issues litigated in this case will come up in the forthcoming legal fight over the repeal and any potential replacement that the agency offers. The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg, founder of Bloomberg L.P., the global business, financial information and news leader. Bloomberg BNA is an affiliate of Bloomberg L.P.

"It makes sense for the court to go forward with a decision on the merits of the Clean Power Plan," he said. "It will save resources in the long run, clarify" the legal bounds of the EPA's authority under the air act, and "form the basis of the EPA's current action."

Wind and Solar's Future Depends on Taxes, Not Clean Power Plan

Posted October 11, 2017, 8:30 A.M. ET

By Joe Ryan, Brian Eckhouse and Ari Natter

The Trump administration's decision to end the Clean Power Plan may be deeply symbolic, but the battle that matters most for renewable energy will be over taxes.

Wind and solar have been the fastest growing sources of electricity in the U.S. since 2014 as utilities closed a record number of aging coal-fired generators. That's largely because it's become cheaper to build renewable plants than keep coal plants open.

Clean-energy's fiscal advantage stems in part from two tax credits that Congress extended in 2015. Both measures are scheduled to be phased out in the 2020s, but Environmental Protection Agency administrator Scott Pruitt on Monday called for them to be eliminated. That could upend wind and solar's edge.

"Without tax credits, those economics no longer work," said Amy Grace, an analyst at Bloomberg New Energy Finance.

Unlike the Clean Power Plan, tax credits cannot be unilaterally scuttled by the White House. But with Republican Congressional leaders pushing to rewrite the tax code, opponents of the wind and solar tax credits, including those in the Trump Administration, are jockeying to torpedo the measures.

"I would do away with these incentives," Pruitt said, responding to a question about the effectiveness of renewable energy at an event in the heart of Kentucky coal country. "I'd let them stand on their own and compete against coal and natural gas and other sources."

Not Easy

It won't be easy to kill the measures, know formally as the Production Tax Credit and Investment Tax Credit. They have broad support from both Democrats and Republicans from rural districts where wind and solar have become a key source of jobs. Plus, the overall prospects for reforming the tax code remain murky amidst congressional gridlock and Republican infighting.

After Pruitt called for ending the credits for wind and solar, Iowa Republican Senator Chuck Grassley said on Twitter that he would "remind" the EPA chief that the credit for wind farms "will stay on books until 2020, like Congress planned."

Carlos Curbelo, a Republican Congressman from Florida, went further, invoking Jeopardy! game show Alex Trebek as he opined on the odds of a successful repeal of the tax credits.

"Alex, I'll take 'things that are not happening for $800,"' Curbelo wrote on Twitter.

Cheap Enough

Trump's move to kill the Clean Power Plan has not dimmed investor enthusiasm for clean energy. Since the president signed the order to roll back the emissions-curbing rule, almost $30 billion has been spent on solar and wind projects.

In the third quarter alone, clean energy spending in the U.S. hit the highest level in two years, totaling $14.8 billion, data compiled by Bloomberg New Energy Finance show. Renewables are now cheap enough to thrive without subsidies in some parts of the world, including Brazil and Mexico. The difference is demand for electricity is growing in those regions while it has stagnated in much of the U.S.

—With assistance from Christopher Martin.

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Killing Obama's Power Plan Hasn't Stopped the Renewable Boom Yet

Posted October 11, 2017, 8:17 A.M. ET

By Mark Chediak

For a look at what the death of the Clean Power Plan means for renewable energy, consider this: Since President Donald Trump signed the order to roll back the emissions-curbing rule, almost $30 billion has been spent on solar and wind projects.

In the third quarter alone, clean energy spending in the U.S. hit the highest level in two years, totaling $14.8 billion, data compiled by Bloomberg New Energy Finance show.

The investments in solar and wind are a testament to the seemingly unstoppable boom in renewables that has been driven more by economics and state environmental policies than federal regulations. So far this year, U.S. utility giants including Warren Buffett's Berkshire Hathaway Inc., American Electric Power Co. and Xcel Energy Inc. have laid out plans to collectively spend billions on wind farms that'll replace aging coal-plants.

"The Clean Power Plan doesn't make a jot of difference," said Amy Grace, an analyst at Bloomberg New Energy Finance. "Utilities are installing wind and solar because it is cheaper than running existing plants, and corporations are procuring wind and solar because it's economic to do so."

To be sure, energy companies are investing in clean power while they still can. Tax credits make building wind and solar farms cheaper than running existing coal and natural gas-fired power plants, Grace said. Some of these breaks, extended through bipartisan legislation in 2015, start rolling off this year, Grace said.

—With assistance from Jennifer A. Dlouhy.

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Smoke Alarm Efficiency Exemption Clears House

Posted October 11, 2017, 04:19 P.M. ET

By Dean Scott

Smoke alarms, security systems, and other safety devices would remain exempt from energy efficiency standards as part of a bill headed to President Donald Trump's desk after sailing through the House easily today.

The House unanimously approved the Power and Security Systems (PASS) Act (S. 190), which passed the Senate Aug. 1. The bill would extend to July 1, 2023, an exemption from Energy Department energy conservation standards for smoke alarms, carbon monoxide detectors, and home and office security systems.

The House passed the measure under a fast-track suspension procedure, with Democrats widely backing a Senate bill introduced by Sen. Cory Gardner (R-Colo.) and cosponsored by Sen. Maria Cantwell (D-Wash.).

The bill also would authorize the Energy Department to determine whether subsequent updates of the energy efficiency exemption for those devices is necessary.

A coalition of industry groups including the Security Industry Association, National Electrical Manufacturers Association, and Electronic Security Association had urged Congress to pass the bill. Members of the National Electrical Manufacturers Association include Nest Labs Inc. and BRK Brands Inc., which markets alarms under the First Alert brand name.

The measure "will provide much-needed regulatory relief to our members who employ 400,000 Americans in the security industry," the groups told lawmakers in a June letter. "It also ultimately benefits the millions of American consumers that depend on security and life safety systems."

BNP Paribas to Halt Shale, Oil Sands Financing

Posted October 11, 2017, 03:58 P.M. ET

By Fabio Benedetti-Valentini and Russell Ward

BNP Paribas SA pledged to stop financing shale and oil sands projects, expanding earlier commitments in support of global efforts to tackle climate change.

France's largest bank will no longer do business with companies whose main activity stems from oil and natural gas obtained from shale or oil sands, it said in a statement on Oct. 11. The policy covers companies involved in activities ranging from exploration to marketing and trading. The bank added that it won't fund oil or gas projects in the Arctic region.

BNP Paribas said it's committed to bringing its financing and investment activities in line with international efforts to keep global warming below 2 degrees Celsius (3.6 degrees Fahrenheit) by the end of the century. Achieving that goal relies on reducing the world's dependence on fossil fuels, starting with energy from shale and oil sands, the bank said.

The bank said the extraction of fuel from these sources emits high levels of greenhouse gases and harms the environment in other ways. BNP Paribas may be the first large bank to blacklist shale oil, which has enabled the United States to curb oil imports and pushed down energy prices.

Once a global leader in oil financing, BNP has withdrawn from funding coal mines and coal-fired power plants in recent years, along with other big European banks including Societe Generale SA, HSBC Holdings Plc and Credit Agricole SA. Energy excluding electricity represented 4 percent of BNP's total lending commitments, down from 6 percent in mid-2015, according to its filings.

"Our role is to help drive the energy transition," Chief Executive Officer Jean-Laurent Bonnafe said in the statement. "We're a long-standing partner to the energy sector and we're determined to support the transition to a more sustainable world."

Shale Surge

U.S. oil and gas output has surged over the past six years as drillers unlocked oil trapped in shale formations, partly by injecting water, sand and chemicals under high pressure to crack open reservoirs. Banned in France, the process known as hydraulic fracturing, or fracking, has been at the center of controversies about contaminating water sources and causing earthquakes.

Meanwhile, investor sentiment toward oil sands—a heavy crude that is capital intensive to extract—has soured as prices halved from above $100 a barrel over the past three years, with Royal Dutch Shell Plc selling out of its oil sands assets in Canada.

Last year, BNP decided to halt further development of its reserve-based lending business, the key avenue for financing shale companies. In 2012 the bank sold its reserve-based lending activities in the U.S. and Canada to Wells Fargo & Co., including $9.5 billion of loans.

BNP also repeated its target for 15 billion euros ($17.7 billion) in financing for renewable energy projects by 2020 and 100 million euros of investment in startups in areas such as power storage and efficiency.

—With assistance from Ben Sharples, Javier Blas and Donal Griffin.

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Rail Safety Targeted in Fuel Transport Study on Shale Boom

Posted October 11, 2017, 02:54 P.M. ET

By Meenal Vamburkar

Routes used to ship crude oil, natural gas, and ethanol by rail need better and more frequent inspections, according to a report by a national science group that also urged added training for local first responders.

From 2005 to 2015, there were 58 rail incidents involving ethanol shipments and 21 involving crude, according to the study by the National Academies of Sciences, Engineering and Medicine, a Washington-based nonprofit research organization. A July 2016 derailment in Oregon spilled about 40,000 gallons of oil, which ignited and led to the evacuation of about 100 people, the report said. The cause appeared to be track failure.

Pipelines and marine shipping remain the safest form of transportation, according to the study, which was initiated in 2015 and released Oct. 11. It was designed to assess whether the U.S. energy boom was putting strain on the transportation industry and sacrificing safety.

Barges have an "exemplary safety record," even as the total volume of oil they handle has risen, according to the report. That's the result of a federal revamping of industry safety rules following a series of spills nearly 30 years ago, the group wrote. Now, regulators should determine if improved incident- and traffic-reporting systems can help train safety.

"Preventing derailments of this traffic is imperative," the report said, particularly since some of the tank cars in use are designed to older specifications. At the same time, emergency preparedness remains a challenge in rural communities, the report said, where local responders may not have sufficient training to deal with accidents.

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DTE, Enbridge Gas Line, Energy Transfer Project OK'd by FERC

Posted October 11, 2017, 11:24 A.M. ET

By Catherine Traywick

DTE Energy and Enbridge gained approval from federal regulators to start construction of the $2 billion Nexus natural gas line in the Midwest, with certain exceptions, according to a filing posted today.

However, the Federal Energy Regulatory Commission order bars construction at two locations and at proposed horizontal directional drilling sites pending submission of additional environmental information.

The 257-mile pipeline would be able to transport 1.5 billion cubic feet per day of Appalachian gas to Ohio, Michigan, Illinois, and Ontario.

In a separate order, the energy regulator also cleared Energy Transfer Partners L.P. to resume horizontal directional drilling at four sites along Rover natural gas line.

The approval is a major step forward for a project that's been mired in protests and investigations since Energy Transfer razed a historic house in Ohio and disclosed massive spills of drilling fluids associated with laying the pipeline. The setbacks have delayed the project's startup by months, with Energy Transfer saying earlier in August that it won't bring the system fully into service until January.

The Energy Transfer authorization has no bearing on the agency's investigation into the spills in Ohio, order says.

The agency previously allowed the company to move forward with its drilling at other sites including Captina Creek.

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Stops on New England Gas Orders Made Prices Rise, Group Says

Posted October 11, 2017, 01:21 P.M. ET

By Ryan Collins (Bloomberg News) and Adrianne Appel (Bloomberg BNA)

Power companies' approach to booking space on U.S. natural gas pipelines is becoming the latest flash point in the debate over whether to build more of the links in the historically constrained Northeast.

The Environmental Defense fund said in an Oct. 11 report that New England utility companies Eversource Energy and Avangrid Inc. have repeatedly reserved pipeline capacity for large gas deliveries, only to cancel their orders for the power-plant fuel at the last minute. It's a move that, the group said, amplified the run-up in electricity prices during cold snaps and cost customers $3.6 billion over three years.

The practice is permitted by regulations meant to ensure reliable gas supply, and Eversource says it didn't profit from it.

New England, where electricity prices are among the highest in the nation, has been embroiled in a debate over whether to allow companies to build new pipelines to carry more gas into the region. Many power plants use natural gas to generate electricity, and homeowners also use it for heating.

The Environmental Defense Fund said it is not anti-pipeline, but the findings are likely to be used by other environmental groups to argue that more pipelines are not needed.

Capacity Cancellations

The Environmental Defense Fund said in its report that the eleventh-hour capacity cancellations show the gas supply bottlenecks used to justify new pipelines may be less severe than they appear. Eversource pulled out of a $3 billion New England pipeline proposal last year after a court ruling effectively blocked funding for the conduit.

"There were in some instances plenty of available capacity on the pipelines serving the populated areas of the Northeast that bore the brunt of the price increase," N. Jonathan Peress, senior director of energy market policy at the Environmental Defense Fund, said in a phone interview.

Pipelines may not be needed and may not be the most cost-effective solution to energy needs, but as markets operate now, lack of clear price data makes it impossible to tell, Jon Coifman, a spokesman for the environmental group, said.

Caroline Pretyman, a spokeswoman for Eversource, called the group's report misleading. A spokesman for Avangrid didn't respond to a request for comment.

"It is well documented that New England pipeline demand greatly exceeds the supply on cold days," Pretyman said. "Our gas distribution business is carefully regulated and the gas supply we purchase for our customers is a strict pass-through cost—meaning we don't benefit from higher prices derived from withholding."

Gas Reliance

Avangrid and Eversource, like many utilities, lock in the rights to purchase space on gas pipelines for the long term. In 2008, the U.S. Federal Energy Regulatory Commission amended rules to allow such companies to sell extra capacity not needed for customers to a secondary market, where power plants buy the fuel, according to the report. Because utilities are part of a regulated monopoly, most profits from the secondary market have to be given back to the ratepayers in the

form of dividends.

But when utilities cancel scheduled pipeline capacity in the last hours of the trading day—too late for it to be resold—higher electricity bills can result, according to the Environmental Defense Fund report. It's a phenomenon that may become more pronounced as the nation becomes more reliant on gas-fired generation, Peress said.

"New England is probably the leading example in the country of what the implications of increased gas use and increased reliance on gas fired generators" are for consumers, he said.

Pipeline Construction Fight

"The allegations raised in the report are concerning," a spokeswoman for Attorney General Maura Healey (D) told Bloomberg BNA Oct. 10 in an email.

Healey's anti-pipeline stance is well known in Massachusetts: In November 2015, her office issued a report concluding that any additional energy needs of the next 15 years could be met through energy efficiency and demand response.

The fight over natural gas pipeline construction in New England came to a head in Massachusetts in August 2016, when the Supreme Judicial Court ruled that an Eversource and industry pipeline plan backed by Gov. Charlie Baker (R) could not go forward.

The Access Northeast Pipeline was proposed by Eversource, Spectra Energy and National Grid to bring more natural gas from New York starting in 2022. Massachusetts uses 42 percent of the natural gas in New England, according to Eversource, and most of it fuels electricity plants.

Eversource Energy executive vice president Lee Oliver told investors in February the company was pursuing legislation in Massachusetts to give it permission to build the pipeline that was blocked by a Supreme Judicial Court ruling. Massachusetts lawmakers, however, say they have moved on from even considering a bill and instead are debating scores of bills this year that would strengthen the state's renewable energy portfolio.

"I hope [the study] puts a nail in the coffin of the idea that we have a problem with natural gas capacity and need another pipeline to solve it," David Ismay, an attorney with the Conservation Law Foundation, an environmental organization, told Bloomberg BNA Oct. 10.

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NAFTA Negotiators to Tackle Energy Issues During Friday Meeting

Posted October 11, 2017, 02:44 P.M. ET

By Catherine Traywick and Eric Martin

NAFTA negotiators are gathering in Washington for their fourth round of talks to update the trade deal, and energy is on the agenda -- if only for two hours.

U.S., Mexican and Canadian representatives will hold just one energy session late Friday during seven days of talks ranging from gender to the environment. Details haven't been released, but oil and gas companies are pushing for a rule on diluents, a light crude product typically sourced from

the U.S. and added to heavy Canadian oil to help it flow through pipelines. Oil companies want a rule that allows up to 40 percent of diluent in cross-border oil shipments, according to a paper by the American Petroleum Institute, the Asociacion Mexicana de Empresas de Hidrocarburos and Canada's Oil and Natural Gas Producers.

The trade groups want to loosen NAFTA rules so that producers can more easily transport oil, gas and infrastructure across both borders. That includes simplifying the process for certifying hydrocarbons' country of origin and allowing companies to move drilling rigs, vessels and personnel across borders.

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Merkel Faces Coal Insurrection Over Phaseout Date of Fossil Fuel

Posted October 11, 2017, 8:00 A.M. ET

By Brian Parkin

Germany's power, mining and chemical workers warned Chancellor Angela Merkel against embracing a phaseout date for coal under a new government.

The 640,000 member IGBCE union is preparing to respond if Merkel is persuaded by a "hysterical campaign against coal," according to Chairman Michael Vassiliadis Oct. 11. Exploratory talks to form a new government are being held between Merkel, the Free Democrats and Green Party, which has called for a firm end to coal power.

Workers are concerned "they will have to pay" for the costs of a new government said Vassiliadis in a speech to union delegates in Hanover. "Let me tell you this: whoever plans a wedding on the backs of others won't enjoy a honeymoon."

The union's threat is a response to the Greens' election campaign pledge to phase-out coal power in Germany by 2030 and immediately shutter the 20 most-polluting plants. Their suspicions were fueled by Merkel's campaign promises that Germany would meet its 2020 carbon dioxide reduction targets.

Coal plants push emit about a third of Germany's total greenhouse gases. The nation risks missing its pledge to cut the output by 40 percent by 2020 compared with 1990 levels and may only accomplish a 31 percent cut. Merkel has vowed to close the gap without saying how.

Her plans may become clearer Oct. 12 when she meets Vassiliadis in Hanover and later holds a speech. Prospective allies from the Greens and the Free Democrats will be in tow for a panel discussion. The Free Democrats campaigned on clamping down on the soaring costs of Germany's transition to renewable energy and rejected setting a date to phase out coal power.

Some companies and industries say they're also concerned that weak cost control over wind and solar power could erode competitiveness. Their demands—which include a tapering of clean power subsidies and rejection on enforced closures of coal plants—fall short of revamped U.S. policies that would provide aid for the fossil fuel.

The Trump administration yesterday began the process of repealing former President Barack Obama's plan to cut greenhouse gas emissions from power plants, opening a small window for a

revival of coal while prolonging uncertainty over the U.S. electricity mix. The Obama administration "pushed the bounds of their authority" by forcing states to change their power mix, Environmental Protection Agency Administrator Scott Pruitt said.

With union backing, German utilities EON SE, RWE AG, Uniper SE and STEAG GmbH are counting on Merkel to avoid imposing a strict coal phaseout. Europe's biggest power market is dependent on some 140 hard coal and lignite plants, which together supplied about 40 percent of the nation's power last year.

Merkel's decision to wind down nuclear power by 2022 will underscore that dependency, say the power companies and labor unions. Germany's transportation shift to low- and zero-emission vehicles will mean the economy needs even more cheap power, Vassiliadis said.

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U.K. Floats Nuclear Safeguards Bill for Post-Brexit Period

Posted October 11, 2017, 12:46 P.M. ET

By Alex Morales

The U.K. published draft legislation to create a domestic nuclear safeguards system that will replace provisions under the European Union's Euratom treaty once Britain has left the bloc.

The law aims to give certainty to the nuclear industry and sectors such as health care that Britain will maintain a stringent system of checks over radioactive materials after Brexit. The legislation became necessary after government deemed it impossible to withdraw from the EU without also leaving Euratom, putting in doubt everything from the transport of nuclear fuels to cancer treatments.

"We are bringing forward the U.K.'s first new nuclear power plants in a generation, and it is in our mutual benefit to maintain the successful working relationship we have now with Europe and the rest of the world on nuclear matters," Energy Minister Richard Harrington said in a statement. "This is what we will be looking to secure in negotiations with our partners."

Electricite de France SA has already begun work on a new nuclear plant at Hinkley Point in southwest England. Japanese utilities Hitachi Ltd. and Toshiba Corp. also plan new reactors in Britain.

No time line has yet been set for the passage of the law through Parliament, but it needs to be enacted before Britain's scheduled departure from both the EU and Euratom in March 2019. Euratom's main function is to account for nuclear material so it remains in peaceful uses.

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Mexico Energy Skeptical Presidential Candidate Will Undo Reforms

Posted October 11, 2017, 8:53 A.M. ET

By Vanessa Dezem and Adam Williams

Mexico's power suppliers are convinced that Andres Manuel Lopez Obrador, the left-wing presidential candidate who's pledged to roll back the nation's energy reforms, won't be able to deliver on his promises.

The 63-year-old former Mexico City mayor—and current leader in polling for July's election—says the 2013 reforms have failed to lower power and fuel prices for consumers and wants to hand the issue to voters with a national referendum. The shift was driven by current President Enrique Pena Nieto, who opened the country's power, natural gas and oil markets to new competition in an effort to drive down costs and spur investment in areas long dominated by state-owned enterprises.

In the power sector, electricity prices have declined since the reforms were enacted, with record low prices for renewables in the last auction. A more efficient power system is expected to drive a 14 percent decrease in industrial electricity prices to 2040, according to a report from the International Energy Agency. More than half of the nation's power generation is now owned by private investors, including Invenergy LLC and Actis LLP, according to the Mexican Wind Energy Association.

"Mexico has quickly became one of the most important power markets not only in Latin America, but globally," said Paul Abitante, Mexico country manager at Invenergy, a Chicago-based renewable-energy company. "We are confident that Mexico's government and people will recognize the reforms' value and we don't see a scenario where a candidate or a politician takes steps to unwind the reforms."

Others aren't so sure, pointing to the fact that Lopez Obrador could slow the process even if he can't win the two-thirds majority in congress needed to officially undo the reforms.

'Stop Implementing'

"There is no need to change the law," said Miriam Grunstein, chief energy counsel at Brilliant Energy Consulting and nonresident scholar at Rice University's Baker Institute Mexico Center. "They can simply say 'we will stop implementing the energy reform.' There is no obligation to implement it."

Developers are sticking to their investment strategies, confident that Lopez Obrador will be reluctant to reverse changes that are now bearing fruit.

"Companies keep investing in Mexico," said Leopoldo Rodriguez, president of the Mexican Wind Energy Association. "Companies are interested in participating in the market. There is the idea that it's not possible to easily change things."

Mexico's energy mix is shifting, with 24 percent now coming from renewable sources like wind and hydro. Deregulating the electricity market and a series of auctions for new capacity helped the country post record levels of clean-energy investment this year.

Line in the Sand

"Mexico's energy reform was a line in the sand, " said Hector Olea, chief executive officer of Mexico City-based Gauss Energia, which owns solar farms in the country, and president of Mexico's solar energy association. Energy demand in Mexico is expected to increase about 20 percent up until 2040, according to the International Energy Agency. That's attracted billions in new investments.

Polls show that Lopez Obrador would win in all nine of the most likely combinations of candidates in the July 1 election, with at least 24.9 percent of votes, according to data from Mexico City-based

Consulta Mitofsky.

The most likely scenario for a Lopez Obrador presidency would be a partial review of the reform, predicts Luiza Demoro, an analyst at Bloomberg New Energy Finance in Sao Paulo.

"If he wins, Lopez Obrador wouldn't be able to change everything, but he would be able to change energy-auction rules or renewable-energy targets, creating barriers for private companies," Demoro said. "The next power auction in November will be interesting as its prices will show how the market is perceiving these political risks."

Mexico's oil industry is also concerned about what a Lopez Obrador presidency might mean for the blossoming sector. The candidate has said he would review oil contracts awarded to producers including Chevron Corp., Exxon Mobil Corp. and Royal Dutch Shell Plc since the opening of the Mexican industry to private competition in 2014.

A spike in gasoline prices in January 2017 may be one of the reasons Lopez Obrador is criticizing the energy reforms. When the government announced that gasoline prices would increase as much as 20 percent, protesters took the streets across the country to decry the failed promises of the energy overhaul.

Power producers say the long-term benefits will outweigh the short-term issues. Reforms have "prompted foreign and long-term investments and reduced power costs," Gauss Energia's Olea said. "It would be contradictory to reverse something that's working. It would be counterproductive, even politically."

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10,000 Electric Cars Highlight Steep Path to India's Ambitions

Posted October 11, 2017, 8:42 A.M. ET

By P R Sanjai and Rajesh Kumar Singh

Prime Minister Narendra Modi has kicked off India's race to turn all new passenger car sales electric by 2030. The largest order has gone to a company that hasn't commercially started producing the vehicles.

Tata Motors Ltd. hasn't sold a single electric car yet, though Chief Executive Officer Guenter Butschek says its late-mover status is an advantage at a time when technology advances are leading to a fall in costs. Tata along with Mahindra and Mahindra Ltd.—India's sole electric carmaker that plans to boost its vehicle manufacturing capacity to 5,000 units a month—underscore the distance to be covered when compared to China and the U.S.

Ramping up production of electric vehicles in a country where carmakers sell 2.5 million fossil fuel powered units annually is just one part of the problem, finding uninterrupted power supply is another. In addition, non-existent charging infrastructure further widens the gap between India and China, the current global leader. It had 336,000 new registrations in 2016, more than double of 160,000 in the U.S., while India had just 450 cars hitting the roads, according to the International Energy Agency.

"The government needs to set up charging infrastructure to make this electric business model

sustainable," said Ram Kidambi, partner at consultancy firm A.T. Kearney. "Indian automotive companies may be able to supply electric vehicles meeting the deadline. But the problem is what do the car owners do without the charging infrastructure?"

Falling Prices

The pursuit for all electric new car sales in less than a decade-and-a-half is part of Modi's plan to champion the cause of combating climate change. Bloomberg New Energy Finance predicts the target will be "incredibly difficult" in the absence of a clearly defined policy and without subsidies. Chinese firms have benefited from generous funding offered by various regional governments.

India currently has about 350 charging points while China had about 215,000 installed at the end of 2016, according to the BNEF report. It will take about 15 years in India for total cost of ownership for electric vehicles to reach parity with conventional vehicles, around the time the south Asian nation plans to end sale of fossil fueled cars.

India's EV target appears a little too ambitious, said Pawan Goenka, managing director at automaker Mahindra & Mahindra. "It would be little more moderate, though lot more aggressive growth path than what we have seen in other countries, but more moderate than being 100 percent electric vehicles by 2030."

Modi's administration is hoping to fast-track change by leading from the front. The government-backed Energy Efficiency Services Ltd. (EESL), which is tasked with helping the nation reduce emissions and curb fuel imports, is buying 10,000 battery-powered cars from Tata Motors and Mahindra & Mahindra to replace petrol and diesel cars used by the federal government in about four years.

Revenue Source

Electric vehicles open up a new source of revenue for India's money-losing power retailers and could attract their enthusiasm in building the charging infrastructure, according to Shantanu Jaiswal, head of India research at Bloomberg New Energy Finance in New Delhi.

"In areas where the traffic volumes are high, it makes good business sense for distribution utilities," Jaiswal said. "In rural areas though, where concentration of electric cars may not be very high, getting investments may still be a challenge, as we have seen in household electrification."

Automobile ownership in India remains low, with only 18 cars per 1,000 citizens compared to nearly 69 in China and 786 for the U.S., a study by Niti Aayog, a policy planning body, and Colorado-based Rocky Mountain Institute. The scarcity of privately owned four-wheel vehicles and a large number of two-wheelers will enable Indians to leap frog into electric cars space as higher demand could lead to lower prices.

That's what Tata and Mahindra are betting on. Tata is running trials of its electric buses after developing the plug-in versions of its Bolt and Tiago hatchback models. Mahindra has plans to expand its capacity to make electric vehicles almost 10-fold to 5,000 units a month in two to three years.

Tata Motors has a two part strategy—one which includes selling cars to the government—and then rolling out electric buses and trucks to cater to the mass transportation segment. Plans for both are ready, Tata's Butschek said in an interview.

"We have invested a lot in electric vehicle business although we may not be outspoken about the same," he said.

—With assistance from Debjit Chakraborty.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Tue 8/15/2017 9:44:26 AM
Subject: Morning Energy: High-stake solar trade fight gets public spotlight — Trump to sign environmental permitting EO today — Court tells PHMSA to revisit Exxon fine

By Anthony Adragna | 08/15/2017 05:42 AM EDT

With help from Darius Dixon and Annie Snider

SOLAR FLARE UPS? Witnesses step before the International Trade Commission this morning for a public hearing to offer their perspectives on whether President Donald Trump should slap tariffs on solar imports in a case with massive implications for the thriving U.S. industry. Two troubled solar manufacturers — Suniva Inc. and SolarWorld Americas — want the commission to declare imports of cheap foreign parts from Asia have caused "serious injury" to their domestic business. The companies want the U.S. to impose duties on imported equipment in order to revive domestic manufacturing facilities — moves they claim would create thousands of jobs across the industry. "Despite herculean efforts to compete against this onslaught, the imports, which are directly competitive with domestic product, have ground the domestic industry down to a mere shell of its former self," Suniva argued in its pre-hearing brief. And Matt Card, an executive vice president for commercial operations with the company, plans to say the U.S. will "have no control of its own destiny when it comes to power generation from the sun" without tariffs put in place.

Opponents of the petitions argue the two companies' woes stem from bad business calls and that increasing the price of imports would be bad for the industry as a whole, a move that risks destroying jobs at companies that install solar panels on rooftops or develop utility-scale projects, for example. "This is not a case in which the facts support the findings necessary to justify imposition of any relief," the Solar Energy Industry Association and SunPower Corp. wrote in their own brief. Other opponents of the petitions include utilities, union officials, bipartisan groups of senators and House members, venture capital groups and conservative organizations like ALEC and the Heritage Foundation, among others. State elected officials from Minnesota, North Carolina, Georgia, Maryland and Virginia, as well as trade officials from South Carolina, Indonesia, the European Union, Brazil Mexico, Canada and Taiwan are all expected to testify as well.

If you go: The public hearing kicks off today at 9:30 a.m. at the ITC's main hearing room at 500 E Street SW. A full list of scheduled witnesses is available here.

What happens afterward? If the four-member commission ties or votes in favor of the petition, it will hold another public hearing on what to do about the injury to U.S. companies. The final call about what to do would then be left to Trump where it's not clear how the ever-unpredictable White House might handle the matter given the administration's highly-publicized efforts to protect U.S. manufacturing jobs. A vote against the petition by the ITC would kill the effort.

WELCOME TO TUESDAY! I'm your host Anthony Adragna, and DOE's Diane Meck was first up to identify "The Mousetrap" as the play with the longest initial run. (It's awesome, too,

says this Agatha Christie fan.) For today: What entire country did rapper Snoop Dogg try to rent out in 2010 to film a music video? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

ANOTHER EXECUTIVE ORDER COMING: Trump will sign an executive order today at 3 p.m. at Trump Tower "establishing discipline and accountability in the environmental review and permitting process for infrastructure projects," according to the White House, which did not respond to a request for further details. The president has repeatedly bemoaned what he describes as lengthy delays to new projects due to various federal regulatory requirements and signed an executive order expediting environmental reviews back in January. That one directed the Council on Environmental Quality chairman to identify high priority identify high-priority infrastructure projects and work with other agencies to expedite their approvals. Back in June, Trump announced a new office within CEQ that he said would "root out inefficiency, clarify lines of authority and streamline federal and state [and] local procedures so that communities can modernize their aging infrastructure without fear of outdated federal rules getting in their way." Despite those earlier announcements, Trump has still not yet nominated anyone to lead CEQ.

COURT SAYS PHMSA WAS TOO TOUGH ON EXXON: The Obama administration over-penalized Exxon Mobil for its 2013 pipeline spill in Mayflower, Ark., a federal court ruled Monday. The U.S. Court of Appeals for the Fifth Circuit threw out a number of safety violations against Exxon, saying the company met its legal obligations to consider all risk factors associated with the Pegasus Pipeline. The Pipeline and Hazardous Materials Safety Administration's interpretation of its pipeline integrity regulations would leave entities unable to escape legal liability whenever a pipeline spill occurred, the court ruled. "The unfortunate fact of the matter is that, despite adherence to safety guidelines and regulations, oil spills still do occur," Judge Jennifer Walker Elrod, a George W. Bush appointee, wrote for the court. The decision gives the Trump administration (which lacks a permanent PHMSA chief or nominee to fill that slot) an opportunity to lower the $2.6 million fine levied against Exxon.

EYES AND EARS ON GEORGIA: So long as the Vogtle nuclear project remains on the financial and political rocks, regulators on the Georgia Public Service Commission are going to be getting a lot of attention. Commissioners are scheduled to meet this morning for what was probably going to be a routine "administrative session" where they may take up a motion related to the troubled two-reactor project. Last week, Georgia PSC Chairman Stan Wise introduced a 14-point motion he's hoping will be seen as something of a "test vote" on whether the agency is even open to continuing the project — a fairly low, but important, bar at the moment since Southern Co. hasn't given its latest cost estimates for completing (or partially completing) the project. Southern is expected to deliver a recommendation on the future of Vogtle later this month. The PSC meeting starts at 10 a.m. in Atlanta.

ZINKE HIT ON THE HOMEFRONT: The Western Values Project is out this morning with a $500,000 ad buy in Montana hitting Zinke for his ongoing review of several dozen national monuments and calling for him to protect public lands. It's part of a broader $2 million effort from conservation and sportsman groups to hit the former Montana congressman as he prepares to issue his recommendations on the national monuments to Trump. "Secretary Zinke went to

Washington, D.C., and left his Montana values at the door," Chris Saeger, executive director of the Western Values Project, said in a statement.

Side note: Can anyone remember a Cabinet official facing an ad campaign in their home state for their ongoing administration-specific work?

LAST CALL! Just 10 days are left before Zinke's much-anticipated monument recommendations are due to Trump, but today is the last opportunity for the public to comment on a separate — but related — examination of the status of 11 marine national monuments and sanctuaries. The Commerce Department has until late October to issue its own report on everything from the potential for offshore drilling in those areas, to the costs of managing the monuments and sanctuaries and the extent to which state, tribes and other agencies were consulted before those designations were made.

COLORADO RIVER PROGNOSIS COMING TODAY: The Bureau of Reclamation is due this morning to release a key study that will determine whether a water shortage will be declared in the lower basin next year. A year ago, water levels at Lake Mead, the massive reservoir supplying Nevada, southern California and Arizona, looked more likely than not to dip low enough to trigger the first round of mandatory water delivery cuts in 2018. But a wet winter and major water conservation efforts appear to have spared the basin this time. Still, the eyes of the West will be on just how much wiggle room is left above that trigger point, and how likely Reclamation thinks it is that a shortage declaration could come in 2019.

U.S.-Mexico deal moving forward: Meanwhile, a water-sharing agreement between the U.S. and its southern neighbor is making progress, with a number of state water agencies and major users preparing to give their formal sign-off to the deal in the coming weeks. The agreement, an amendment to the treaty governing cross-border water sharing, would replace a deal set to expire at the end of 2017 governing how shortages are shared between the two countries.

SETTLEMENT OFFERED IN DAKOTA ACCESS CASE: Energy Transfer Partners, the company behind the Dakota Access pipeline, would pay $15,000 to settle claims it failed to notify regulators about Native American cultural artifacts discovered the construction process under a settlement proposed Monday by the North Dakota Public Service Commission, the Bismarck Tribune reports. The company now has 10 days to consider the offer.

PENCE 'ABSOLUTELY DETERMINED' ON VENEZUELA: Vice President Mike Pence reiterated during a stop in Cartagena, Colombia, the U.S. was not seriously considering military action against Venezuela but said the "failed state" threatened regional stability. "We are absolutely determined to bring the full measure of American economic and diplomatic power to bear until we see democracy restored," he said, without further elaboration.

COMPLAINT FILED OVER DOE LEAK CRACKDOWN: The Project On Government Oversight has filed a complaint with the Office of Special Counsel over posters at DOE targeting leaks. The groups says those posters do not include legally required language to ensure that employees are aware of their legally protected right to report wrongdoing. "DOE's management communications are likely to erroneously create the impression that government employees and

contractors at DOE, and other agencies, have no legal avenue to blow the whistle on government waste, fraud, and abuse," Danielle Brian, the group's executive director, wrote. "This needs to be remedied, fast." Among the recommendations is a call for senior management at DOE to state whistleblowers disclosing non-classified material would be protected and the immediate removal of the posters in question.

FARMER'S WETLAND CASE HEADS TO PENALTY PHASE: John Duarte, the California nursery owner whose wetlands lawsuit has been held up by agricultural and property rights advocates as a prime example of government overreach, heads back to court this morning for the penalty phase of his case after being found guilty of violating the Clean Water Act by a federal judge in Sacramento. Duarte faces potentially millions of dollars in fines, but has asked the court to assess only a symbolic $1 fee.

At issue is Duarte's use of a plowing method, which the Army Corps of Engineers argues was "deep ripping" that can be damaging to a rare, ecologically important type of wetland called vernal pools. While the Clean Water Act exempts normal farming practices, including plowing, from permitting requirements, it does not exempt deep ripping. A motion to dismiss the case is also pending, with Duarte's legal team arguing that the Army Corps didn't have the authority to bring the lawsuit — only the EPA, which has ultimate authority over Clean Water Act wetlands issues.

PREVIEW OF FALL ACTION: Rep. John Shimkus, Energy and Commerce Environment Subcommittee chairman, told a local Illinois newspaper Monday nuclear waste and drinking water legislation that cleared the full committee could be part of a still-theoretical infrastructure package this fall. "They can be passed on their own, or they could be included in a bigger infrastructure package along with other transportation, energy and water infrastructure programs," he told the River Bender.

DISMISSED: A federal judge ruled Monday an EPA enforcement action against Putnam County Commissioner Ron Foster and two of his companies was not motivated because he made a political donation to Rep. David McKinley, the Charleston Gazette-Mail reports . "Plaintiffs have been unable to demonstrate any other retaliatory conduct by the EPA that is causally linked to the political research document or any other evidence related to political animus on the part of the EPA," U.S. District Judge John T. Copenhaver Jr. wrote in an 83-page opinion.

LIGHTER SIDE OF PRUITT: An Iowa television interview offered a glimpse at the softer side of EPA Administrator Scott Pruitt through a series of rapid-fire questions. The politician he admires most? Former Oklahoma Sen. Don Nickles. How he passes long hours traveling? "We always have a good time as far as good food and fellowship." How baseball can get even better? "I think we need to do more to export the product internationally." A bold prediction? The Chicago Cubs will win the World Series again within five years, noting the Ricketts family that owns the team "are good friends of mine."

THAT'S SOME 24K MAGIC: Singer Bruno Mars will donate $1 million from a concert in Auburn Hills, Mich. to benefit those affected by the Flint water crisis, the Associated Press reports. Mars and tour promoter Live Nation will give the money to the Community Foundation

of Greater Flint. "Ongoing challenges remain years later for Flint residents, and it's important that we don't forget our brothers and sisters affected by this disaster," the singer said in a statement.

QUICK HITS

— Oilfield sand miners encroaching on threatened West Texas lizard. Texas Tribune.

— Billionaire hedge-fund manager Tepper adds contrarian energy stocks. Reuters.

— Without Oil, North Korea Sanctions Won't Stop Kim. Bloomberg.

— Federal government halts drilling at North Dakota well site. AP.

— Security company denies providing illegal services during DAPL protests. Bismarck Tribune.

— California Republicans face backlash for backing climate change program. Los Angeles Times.

HAPPENING TODAY

9:30 a.m. — U.S. International Trade Commission holds public hearing on Suniva trade petition, 500 E Street SW

10:00 a.m. — "Addressing the Water-Energy Nexus in an Integrated and Proactive Way," United States Energy Association, 1300 Pennsylvania Ave NW, Suite 550

THAT'S ALL FOR ME!

To view online:
https://www.politicopro.com/tipsheets/morning-energy/2017/08/high-stake-solar-trade-fight-gets-public-spotlight-024229

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA.com/climate
Sent: Wed 11/29/2017 8:23:48 PM
Subject: Latest News: Barrasso Backs Rule Fix To End Democrats' Holds On Trump's EPA Picks

November 29, 2017

LATEST NEWS

Barrasso Backs Rule Fix To End Democrats' Holds On Trump's EPA Picks

Senate environment committee chairman John Barrasso (R-WY) is publicly supporting GOP efforts to limit debate on executive branch nominees in an effort to end continuing Democratic delays on a suite of Trump administration nominees for EPA and other top environmental policy slots.

Key Trump Picks At Odds Over EPA's Power To Weigh Costs In Air Standards

Key Trump administration environment nominees are at odds over whether EPA has sufficient legal authority to consider compliance costs when setting national ambient air quality standards (NAAQS), even though a unanimous Supreme Court opinion found that the agency lacks such power under the Clean Air Act (CAA).

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Mon 10/23/2017 12:03:55 PM
Subject: Oct. 23 -- EHS State Regulatory Alert

EHS State Regulatory Alert

October 23, 2017 - Number 203

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Indiana

AIR
Attainment Status Designation/Lawrenceburg Township Ozone Area
Indiana AIR

Emergency rule of the Department of Environmental Management, Air Pollution Control Division, amends regulations under 326 IAC 1-4-16 to add the federal redesignation for Lawrenceburg Township in Dearborn County to attainment of the 2008 eight-hour ozone standard. The rule is effective Oct. 16, 2017, and expires Jan. 14, 2018. Contact: Keelyn Walsh; DEM, Office of Legal Counsel; 317-232-8229; kwalsh131@idem.in.gov

—Indiana Register (10/18/2017)

Regulatory Update

Louisiana

ENDANGERED SPECIES
Saltwater Sport and Commercial Fishery/Female Blue Crabs
Louisiana ENDANGERED SPECIES

Proposed rule of the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, amends regulations under 76 LAC VII.346 regarding the harvest of female blue crabs. The rule prohibits the commercial harvest of female blue crabs during March and April of 2018 and 2019. The rule also allows a legally licensed commercial crab fisherman to harvest female blue crabs during the prohibited time frame as long as the blue crabs do not exceed 2 percent of the fisherman's total number of crabs harvested. Comments are due Nov. 30, 2017. Contact: Peyton Cagle; DWF, Office of Fisheries; 225-491-2587; peyton.cagle@la.gov

—Louisiana Register (10/20/2017)

Regulatory Update

ENDANGERED SPECIES
Saltwater Sport and Commercial Fishery/Removal of Abandoned Crab Traps
Louisiana ENDANGERED SPECIES

Proposed rule of the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, amends regulations under 76 LAC VII.367 regarding the removal of abandoned crab traps. The rule temporarily closes a portion of state inside waters to the use the crab traps in order to facilitate the removal of abandoned crab traps. Comments are due Nov. 30, 2017. Contact: Peyton Cagle; DWF, Office of Fisheries; 225-491-2587; peyton.cagle@la.gov

—Louisiana Register (10/20/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Confidential Information Regulations
Louisiana GENERAL ENVIRONMENT AND SAFETY

Proposed rule of the Department of Environmental Quality, Office of the Secretary, amends regulations under 33 LAC I.501 regarding the scope of confidentiality information standards. The rule clarifies the delivery methods and locations of requests for confidentiality of information and records. A hearing is scheduled for Nov. 29, 2017, in Baton Rouge. Comments are due Dec. 6, 2017. Contact: Deidra Johnson; DEQ; 225-219-3168; deidra.johnson@la.gov

—Louisiana Register (10/20/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Hazardous Waste
Louisiana HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Quality, Office of the Secretary, amends regulations under 33 LAC V.108 through .4301 (nonconsecutive) regarding hazardous waste. The rule corrects and clarifies hazardous waste generator requirements for conditionally exempt small-quantity generators, generators, pre-transport, recordkeeping, hazardous waste exports, and tanks. The rule also addresses land disposal restrictions, recyclable materials, and interim status. A hearing is scheduled for Nov. 29, 2017, in Baton Rouge. Comments are due Dec. 6, 2017. Contact: Deidra Johnson; DEQ; 225-219-3168; deidra.johnson@la.gov

—Louisiana Register (10/20/2017)

Regulatory Update

Nevada

AIR

Pollution Control, Inspection of Motor Vehicles

Nevada AIR

Notice of the Department of Motor Vehicles announces an additional workshop and rescheduling of the hearing on a Sept. 18, 2017, proposed rule to amend regulations under NAC 445B.579, .580, .585, .598, .590, and .850 and rescind regulations under NAC 445B.859 through .873 concerning motor vehicle emissions inspection requirements. The rule requires reinspection of certain motor vehicles that have failed an inspection for an improper gas or fuel cap. The rule also removes provisions concerning a program for awarding grants from the Pollution Control Account for projects related to the improvement of air quality. The workshop is scheduled for Nov. 6, 2017, in Carson City and via teleconference in Las Vegas. The hearing now is scheduled for Dec. 4, 2017, in Carson City and via teleconference in Las Vegas. Comments now are due Nov. 3, 2017. Contact: DMV; 775-684-4549

—Nevada Register (10/18/2017)

Regulatory Update

PESTICIDES

Industrial Hemp Pesticide Application

Nevada PESTICIDES

Notice of the Department of Agriculture announces a hearing on a Sept. 18, 2017, proposed rule to adopt regulations under NAC 557 concerning the use of certain pesticides on industrial hemp. The rule provides for creation and publication of a list of pesticides allowed for use on industrial hemp. The rule also establishes a process for requests for evaluation of a pesticide for industrial help application and sets fees for such evaluations. The hearing is scheduled for Nov. 29, 2017, in Sparks and via videoconference in Elko and Las Vegas. Comments are due Nov. 23, 2017. Contact: Megan Zich; Department of Agriculture; 775-353-3670 Mzich@agri.nv.gov

—Nevada Register (10/19/2017)

Regulatory Update

New York

AIR

Fuel Composition and Use/Waste Oils

New York AIR

Notice of the Department of Environmental Conservation announces the expiration of an Aug. 3, 2016, proposed rule that would have amended regulations under 6 NYCRR 200 and repealed and readopted regulations under 6 NYCRR 225-2 regarding the burning of waste oils in combustion, incineration, and process sources. The rule would have established applicability criteria, composition limits, and permitting requirements for waste oils; set monitoring, recordkeeping, and reporting requirements for facilities eligible to burn waste oil; and allowed waste oil to be burned in space heaters at automotive maintenance/service facilities. The rule also would have

defined "residual oil" and updated the definition for "waste oil." The expiration is dated Sept. 30, 2017. Contact: Michael Jennings; DEC, Division of Air Resources; 518-402-8403

—New York State Register (10/18/2017)

Regulatory Update

WATER
Lead Testing in School Drinking Water
New York WATER

Emergency rule of the Department of Health adopts regulations under 10 NYCRR 67-4.1 through .9 regarding lead testing in school drinking water. The rule requires schools to test each potable water outlet for lead, specifies an action level of 15 micrograms per liter for lead in drinking water of school buildings, and establishes initial and future monitoring requirements. The rule also requires schools to develop remedial action plans if the action level is exceeded at any potable water outlet, to notify the school community of results, and to report results to the department. The rule extends a June 21, 2017, emergency rule. The rule is effective Sept. 28, 2017, and expires Nov. 26, 2017. Contact: Katherine Ceroalo; DOH, Bureau of House Counsel; 518-473-7488; reqsqna.health.ny.gov

—New York State Register (10/18/2017)

Regulatory Update

WATER
Susquehanna River Basin Commission Hearing
New York WATER

Notice of the Susquehanna River Basin Commission announces a hearing to receive testimony regarding 18 projects, including new, renewed, and revised applications for groundwater and surface water withdrawals and consumptive water use. The hearing is scheduled for Nov. 2, 2017, in Harrisburg, Pa. Comments are due Nov. 13, 2017. Contact: Jason Oyler; SRBC; 717-238-0423

—New York State Register (10/18/2017)

Regulatory Update

Rhode Island

SOLID WASTE
Recycling and Litter Control Grants
Rhode Island SOLID WASTE

Final rule of the Department of Environmental Management repeals regulations regarding recycling and litter control grants. The rule removes procedures for awarding grants from the Ocean State Cleanup and Recycling Program because the program was discontinued and all such recycling programs were transferred to the Rhode Island Resource Recovery Corp. The rule

is effective Sept. 10, 2017. Contact: Leo Hellested; DEM, Office of Waste Management; 401-222-2797; leo.hellested@dem.ri.gov

—Rhode Island Regulations (10/19/2017)

Regulatory Update

Tennessee

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tank Program
Tennessee HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environment and Conservation, Division of Underground Storage Tanks, repeals and readopts regulations under RRT 0400-18-01-.01 through -.16 concerning the underground storage tank program. The rule addresses monthly walkthrough inspections and updates requirements for periodic testing of spill and overfill equipment for calibration and tightness and airport hydrant systems to conform to federal standards. The rule also requires owners or operators of tanks in temporary closure for greater than one year to determine if a petroleum release has occurred and to conduct a tightness test before such tanks are returned to service. In addition, the rule clarifies the definition of "other responsible party" as it relates to responsibility for releases. A hearing is scheduled for Dec. 14, 2017, in Nashville and via videoconference at various locations. Comments are due Dec. 29, 2017. Contact: Rhonda Key; DEC, Division of Underground Storage Tanks; 615-532-0989; Rhonda.Key@tn.gov

—Tennessee Administrative Register (10/18/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Wed 11/8/2017 7:54:47 PM
Subject: Ex-Trump adviser Icahn subpoenaed by U.S. attorney over biofuels

By Eric Wolff

11/08/2017 02:46 PM EDT

The U.S. Attorney for the Southern District of New York has subpoenaed former White House adviser Carl Icahn for information about his push to change the federal biofuels program, according to a SEC filing issued by his company.

Icahn Enterprises L.P. says in the Nov. 3 10-Q filing that the U.S. attorney recently contacted it "seeking production of information pertaining to our and Mr. Icahn's activities relating to the Renewable Fuels Standard and Mr. Icahn's role as an advisor to the President."

President Donald Trump named his longtime billionaire friend as an unpaid "Special Advisor to the president for Regulatory Reform" in December, though Icahn resigned that position in August after drawing criticism that his efforts to change the RFS would benefit CVR Energy, an oil refining company he owns.

"We are cooperating with the request and are providing information in response to the subpoena," the filing says. "The U.S. Attorney's office has not made any claims or allegations against us or Mr. Icahn."

Reports of Icahn's lobbying to alter the biofuels blending program — and the EPA's subsequent rejection of those changes — are believed to have driven fluctuations in the prices of biofuel credits that refiners must buy to show they are complying with the federal program.

Ethanol producers and some ethics experts complained that Icahn's push to change the federal program was a clear conflict of interest, and Senate Democrats sent letter to the SEC and CFTC demanding investigations.

To view online:
https://www.politicopro.com/agriculture/whiteboard/2017/11/ex-trump-adviser-icahn-subpoenaed-by-us-attorney-over-biofuels-095408

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 8/10/2017 2:38:20 PM
Subject: EPA releases guidance for state coal ash programs

By Annie Snider

08/10/2017 10:35 AM EDT

EPA has released guidance for states looking to establish their own permit programs governing management of coal ash, a controversial new program authorized by Congress last year.

The interim final guidance instructs states on how to apply to EPA to take over the federal program managing waste from coal plants, including what bars must be met to prove that a state's program is as protective as federal requirements.

"As part of EPA's ongoing commitment to cooperative federalism, we continue to consult with our state partners to find the best management strategy for the safe disposal of coal ash in each of their states," EPA Administrator Scott Pruitt said in a statement.

The Obama administration finalized a rule in 2015 governing management and disposal of coal ash following several high-profile disasters, including major spills in Kingston, Tenn., and North Carolina's Dan River. The rule did not let states take over the coal ash permitting program, as EPA allows for many other types of permits — disappointing industry groups and congressional Republicans.

Last year Congress changed that as part of a major water resources law, allowing states to take over permitting so long as their programs are as stringent as federal standards. The new guidance instructs states in how they can do this.

But environmental groups, who had opposed state delegation, have argued that it should be implemented via a formal rulemaking rather than through guidance to ensure that state programs are sufficiently protective and allow for public input.

WHAT'S NEXT: EPA will accept public comment on the interim final guidance for 60 days after it runs in the Federal Register and says it may update the document.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/epa-releases-guidance-for-state-coal-ash-programs-091686

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Media
Sent: Wed 11/1/2017 9:38:15 AM
Subject: Morning Media: The Atlantic turns 160 -- Fox News staffers 'embarrassed' -- Heilemann 'shocked' -- Top NPR editor takes leave -- Palm Beach papers for sale

By Michael Calderone | 11/01/2017 05:36 AM EDT

IF EMERSON, LONGFELLOW AND STOWE returned to present-day America, they probably wouldn't "believe we're still talking about Robert E. Lee," Jeffrey Goldberg, editor-in-chief of The Atlantic, told me. "To abolitionists, this was a settled question" as the Civil War began in 1861.

- The three eminent abolitionist founders of The Atlantic launched the magazine 160 years ago today, just four years before the North and South would collide over slavery - a fact that suddenly seems unsettled in 2017. White House chief of staff John Kelly said Monday night on Fox News that Confederate General Lee was "an honorable man," and claimed that it was failure to "compromise" that led to the Civil War, an inaccurate view some historians consider "strange" and even "dangerous." Press secretary Sarah Huckabee Sanders defended Kelly's remarks at Tuesday's briefing, with White House reporter April Ryan left asking whether the Trump administration believes slavery is wrong.

- "It's an interesting moment to be at The Atlantic," Goldberg said. "It seems as if many of the issues we thought have been settled in our national discourse are actually quite unsettled and they go to the core of what The Atlantic has been about."

- One of The Atlantic's most read stories Tuesday was Adam Serwer's "The Myth of the Kindly General Lee," a piece originally published in June in response to the debate over removing Confederate statues. "Even if one conceded Lee's military prowess, he would still be responsible for the deaths of hundreds of thousands of Americans in defense of the South's authority to own millions of human beings as property because they are black," Serwer wrote. "Lee's elevation is a key part of a 150-year-old propaganda campaign designed to erase slavery as the cause of the war and whitewash the Confederate cause as a noble one."

- Even assuming The Atlantic's founders would be mystified that Lee and the cause of the Civil War were up for debate 152 years after it ended, Goldberg said he thought they'd consider Serwer's piece in keeping with The Atlantic's DNA: "to be a magazine of the American idea, to stand for certain things in American life and world affairs, but ultimately to be a place to argue the meaning of America and what its role in the world should be."

Good morning and welcome to Morning Media. Please send tips to mcalderone@politico.com and @mlcalderone. Jason Schwartz (@JasonSchwartz) and Daniel Lippman (@dlippman) contributed to the newsletter. Archives. Subscribe.

FOX NEWS STAFFERS 'EMBARRASSED' BY MUELLER COVERAGE: CNN's Oliver Darcy reports that some employees were "embarrassed and humiliated" by how the network framed Trump campaign officials being indicted in the ongoing Russia investigation led by

former FBI chief Robert Mueller. "I'm watching now and screaming," one Fox News personality texted Darcy. "I want to quit."

- **"It is another blow to journalists at Fox** who come in every day wanting to cover the news in a fair and objective way," one senior Fox News employee told CNN. The person added, "Fox feels like an extension of the Trump White House."

RELATED: "A week of Fox News transcripts shows how they began questioning Mueller's credibility," by Vox's Alvin Chang.

FOX NEMESIS TESTIFIED OVER MURDOCH'S U.K. DEAL: CNN's Hadas Gold reports: Media Matters president Angelo "Carusone told CNN that he hammered 21st Century Fox on several fronts during the hearing. He cited examples of Fox News publishing inaccurate information as a problem. He also said he told the regulators it's troubling that Fox has commentators who have a direct interest in the matter they speak about, but do not acknowledge the conflict of interest, and said he brought up what he says are Fox's blurred lines between what is news and what is commentary on air."

HEILEMANN 'FLABBERGASTED' BY HALPERIN ALLEGATIONS: John Heilemann, who has worked very closely with Mark Halperin over the past decade, including co-writing two books, starting a politics site and hosting a daily TV show, says he was "shocked" that more than a dozen women have leveled sexual harassment accusations against his longtime collaborator.

- **"I had never heard of, been exposed to** or had any inkling of the notion that he had engaged in any behavior that could be described in even the broadest sense of being sexual harassment or sexual assault," Heilemann told the New York Times.

- **The partnership is over,** but it unclear what happens to the unpublished work. The pair already conducted nearly 300 interviews for the next "Game Change" book, which was canceled last week by Penguin Press (along with HBO killing the film version). "We've done reporting that touches on important things both for history and for the current national dialogue," Heilemann said.

NPR'S TOP EDITOR ACCUSED OF SEXUAL HARASSMENT: The Washington Post's Paul Farhi reports that two women have accused Michael Oreskes, NPR's senior vice president for news and editorial director, of making "unwanted physical contact" when employed two decades ago at The New York Times. NPR said Oreskes has been put on indefinite leave.

- **The quick decision** follows accusations, made in the aftermath of the Harvey Weinstein scandal, against several prominent media figures, including Halperin, Leon Wieseltier and Hamilton Fish.

HOW '"SUPERSTAR" HARASSERS' GOT AWAY FOR SO LONG: The Times' Noam Scheiber writes: "The pattern is so well established that an Equal Employment Opportunity Commission task force, in a report on sexual harassment last year, gave those who benefit from it a name: 'superstar' harassers. 'When the superstar misbehaves, employers may perceive

themselves in a quandary,' the report said. 'They may be tempted to ignore the misconduct because, the thinking goes, losing the superstar would be too costly.'"

SOUND BITES

"Many factors contributed to the Civil War. One caused it: slavery." [Ken Burns]

"Notion that Civil War resulted from a lack of compromise is belied by all the compromises made on enslavement from America's founding." [Ta-Nehisi Coates]

"Personally I'm ok with the lack of compromise on slavery" [Shani Hilton]

"So the WH stance is a 'compromise' could have avoided the Civil War but the compromise of kneeling vs sitting at an NFL game is unacceptable" [James Poniewozik]

"This next civil war will be fought over the origins of the previous Civil War." [Dan Zak]

FACEBOOK, TWITTER TESTIFY ON RUSSIA: POLITICO's Nancy Scola and Ashley Gold report that "top lawyers from Facebook and Twitter said Tuesday that Russian-linked posts and advertisements placed on the social networks after Election Day sought to sow doubt about President Donald Trump's victory."

- Meanwhile, POLITICO's Jason Schwartz writes that 19 major civil rights groups signed a letter knocking Facebook for being all talk and not enough action when it came to combating hateful content on the platform. "We were alarmed to see your platform being abused to promote bigotry, and especially disappointed that it has taken media exposure and congressional oversight to give a degree of transparency into your practices," said the letter, signed by groups like the League of United Latin American Citizens, Muslim Advocates and the NAACP.

TODAY: FLASH BRIEFING on Facebook, Google Hearings: POLITICO and The Information are partnering to offer an insider flash briefing for real-time analysis, key takeaways and the impact that congressional testimony about Russian involvement in the 2016 Election by representatives of Facebook, Google and Twitter will have. Jessica Lessin will moderate a discussion and Q&A featuring POLITICO's Nancy Scola and The Information's Cory Weinberg on the hearings and their impact on legislation, the latest intel about possible connections to the Trump and Clinton campaigns, and insight into how these tech giants are responding to Russian propaganda arms like RT. Sign up for today's Flash Briefing here ($1 trial offer for The Information), and sign up for POLITICO's Morning Tech for all latest tech news in your inbox each morning here.

THE MAR-A-LAGO BEAT: Cox Media Group is selling the Palm Beach Post and Palm Beach Daily News, two small newspapers with outsize influence in the Trump era given their journalists' experience covering the goings-on at the president's winter compound. In March, BuzzFeed noted the Palm Beach papers' influence these days, while Washingtonian looked the following month at the "must-read" Daily News. Veterans of The Post, like columnist Frank Cerabino, know chapter and verse about Trump's dealings in the area, as he detailed in a 2015

POLITICO magazine story.

- The president hasn't always been a fan of the local paper while in Mar-a-Lago. "One of the country's dumbest newspapers - The Palm Beach Post - should be put to sleep," he tweeted in 2013. "It's dying."

- The Austin American-Statesman, another Cox paper, and an especially influential one in Texas, is also up for sale. The American-Statesman employs more than 200 people, according its report on the paper's going on the market.

TODAY: POLITICO's Susan Glasser interviews Senator Ben Cardin and experts on how disinformation is used to destabilize democracies. The event is at 8:30 a.m at the Newseum and will stream live here.

TUNE IN: Hillary Clinton will be on "The Daily Show" tonight.

HONORING WAYNE BARRETT: Applications are now being accepted for The Wayne Barrett Investigative Fund, which honors the legendary investigative journalist, who was one of the first to report deeply and aggressively on Donald Trump. "This fund will support ambitious reporting projects focused on Wayne's major areas of interest: politics and corruption in both New York City and on the national stage," the announcement read.

REVOLVING DOOR

- Sam Scarrow has been hired as associate communications director at Media Matters for America. He most recently was an account executive at BerlinRosen Public Affairs, where he worked since June 2015.

EXTRAS:

- Forbes is shutting down its opinion section.

- The Daily Beast's Lloyd Grove looks at the "Brooklyn bloggers who brought down Paul Manafort."

- The Atlantic's Megan Garber assesses a new Netflix documentary on Joan Didion.

- In New Jersey, news organizations are trying to connect with their readers over potlucks.

- The founder of Wikipedia is launching a news service.

- The Houston Press reports that former wrestler Brother Love has a hit podcast.

To view online:
http://www.politico.com/media/tipsheets/morning-media/2017/11/01/the-atlantic-turns-160-fox-news-staffers-embarrassed-heilemann-shocked-top-npr-editor-takes-leave-palm-beach-papers-for-

sale-001370

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Wed 8/23/2017 2:21:15 AM
Subject: BREAKING NEWS: Trump returns to familiar territory in Phoenix rally

President Donald Trump was back in his natural element on Tuesday night, revving up a stadium of supporters, riffing on his campaign themes and bragging about crowd sizes the day after a scripted, sober address about an increased American military presence in Afghanistan.

Trump seemed to be reveling in the crowd's love from the moment he entered, clapping his hands as he made his way slowly to the podium.

"Wow, what a crowd, what a crowd," were Trump's first words when he stepped to the microphone.

Read more: http://www.politico.com/story/2017/08/22/trump-arizona-phoenix-rally-241923

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From: InsideEPA.com
Sent: Wed 8/2/2017 11:14:41 AM
Subject: The Morning Headlines from InsideEPA.com -- August 2, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

August 2, 2017

Latest News

Utility Asks High Court To Limit EPA's Use Of Projected Emissions For NSR

Michigan utility DTE Energy is asking the Supreme Court to review a divided appeals court ruling that backed EPA's ability to use projected emissions data to pursue a Clean Air Act new source review (NSR) enforcement case against the company, arguing that allowing the ruling to stand violates the air law and EPA's regulations.

Facing Wide-Ranging Calls, EPA Said To Plan Narrow CPP Replacement Rule

EPA is said to be crafting a narrow replacement for the Obama-era Clean Power Plan (CPP) governing greenhouse gases (GHGs) from power plants after a wide range of labor and industry groups urged officials to replace the rule rather than simply repeal it as they may have been planning.

Senators Signal Bipartisan Support To Renew Superfund Cost Assessment

Democratic and Republican senators at an Environment & Public Works Committee panel hearing Aug. 1 signaled their support for asking EPA to renew a long-abandoned effort to estimate costs for remaining Superfund cleanups, which could help inform the panel's work as it probes whether the Superfund program needs fixes.

Top EPA Official Departs, Citing Concerns Over Trump's Deregulatory Agenda

Dr. Betsy Southerland, who has served in top positions in EPA's water and Superfund offices, has left the agency after decades, citing concerns with the Trump administration's deregulatory agenda and its proposed budget cuts, as well as “fake” claims from Administrator Scott Pruitt and other top officials that the agency's rules are responsible for economic and other hardships.

Trump DOJ Maintains Obama-Era Push For Appellate Review Of CWA Rule

The Trump administration in an ongoing Supreme Court case is backing an Obama-era position that suits over EPA's 2015 Clean Water Act (CWA) jurisdiction rule and expected litigation over a pending replacement rule should be heard in appellate courts, at odds with agency Administrator Scott Pruitt's past support for hearing such

suits in district courts.

House FY18 'Report' Backing EPA Programs Poses Agency Discretion Test

Language in the House committee report accompanying the chamber's pending fiscal year 2018 EPA funding bill -- urging preservation of voluntary greenhouse gas-reduction and other initiatives the Trump administration proposes to scrap -- is posing a test for EPA on whether to adhere to or ignore the non-binding language.

Daily Feed

Senate panel schedules vote on DOJ's ENRD nominee

The Senate Judiciary Committee is slated to vote Aug. 3 on whether to confirm Jeffrey Clark, a top environment official in the Bush Justice Department, to head DOJ's environment division in the Trump administration.

Environmentalists doubt settlement in stormwater permit suit

Two local groups say EPA's bid to settle litigation over its novel stormwater permit for Massachusetts is unlikely to succeed since their arguments are “irreconcilable” with industry and municipalities.

States challenge EPA delay of ozone NAAQS designations

The 16 states join environmentalists who are also suing EPA over its decision to delay determinations on whether areas are attaining the agency's 2015 ozone air standard.

Ewire: EPA said to plan 'inside the fence' CPP replacement

In today's Ewire: EPA is said to be planning a scaled-down version of the Clean Power Plan focused only on power plant efficiency improvements. Plus: The agency might 'lack oxygen' to scrap its landmark GHG risk finding.

Rep. Dingell floats bill to prohibit closure of EPA offices

Rep. Debbie Dingell's (D-MI) bill would block any potential effort by the Trump administration to close, consolidate or eliminate EPA's program offices and 10 regional offices.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Sun 9/24/2017 7:38:10 PM
Subject: Kushner used private email to conduct White House business

Presidential son-in-law and senior adviser Jared Kushner has corresponded with other administration officials about White House matters through a private email account set up during the transition last December, part of a larger pattern of Trump administration aides using personal email accounts for government business.

See http://www.politico.com/story/2017/09/24/jared-kushner-private-email-white-house-243071 for the full story.

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From: InsideEPA.com
Sent: Wed 9/13/2017 11:13:58 AM
Subject: The Morning Headlines from InsideEPA.com -- September 13, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

September 13, 2017

Latest News

Massive Hurricanes Spur Climate Debate But Fail To Advance Policies

Two massive hurricanes that have caused devastating flooding damage in the Southeast during the past month have renewed a public debate about how climate change is intensifying extreme weather events, though it remains uncertain whether such discussion will spur additional federal climate mitigation or adaptation policies.

EPA Seeks Industries' Views On Costs, 'Certainty' To Inform CWA Policy

EPA plans to ask representatives from major industrial sectors about key issues that will inform the agency's upcoming Clean Water Act (CWA) jurisdiction rule that is expected to significantly narrow the Obama-era CWA policy, including compliance costs and whether there is a lack of regulatory “clarity” on the law's reach.

CWA Rule Challengers Warn Of 'Chaos' If High Court Backs Appellate Suits

Environmentalists, several states and groups representing major industries are warning of litigation “chaos” if the Supreme Court backs the government's push for appellate review of EPA's 2015 Clean Water Act (CWA) jurisdiction rule, saying it would create permanent confusion over the correct venue for suits over CWA policies.

EPA, States Hold Talks To Improve Enforcement With Enhanced Collaboration

JACKSON HOLE, WY -- EPA and state officials have started discussions on how to improve state and federal cooperation on enforcement, seeking to better align priorities and allocate resources, while addressing their differing perceptions on what aspects of enforcement are currently working or need improvement.

DOD Eyes FY19 To Better Address PFAS Contamination, Cleanup Budgets

As the Defense Department (DOD) faces growing local pressure to remediate per- and polyfluoroalkyl substances (PFASs), a top official says fiscal year 2019 will be the earliest it can comprehensively budget for the cleanups even though DOD began initial testing and cleanup soon after EPA finalized health advisories for two PFASs in

2016.

Plaintiffs Threaten Suit To Force ATSDR, EPA To Pursue National PFAS Study

An attorney representing clients exposed to perfluorinated chemicals in their drinking water and through the workplace is urging the Agency for Toxic Substances and Disease Registry (ATSDR) to work with EPA on a national health study of the human health impacts of exposure to the chemicals, or face a lawsuit to force the study.

OTC Shifts Focus Of Ozone Cuts To Trucks, Natural Gas & Cement Plants

The Ozone Transport Commission (OTC) of 12 Northeast and Mid-Atlantic states is shifting its focus on plans for ozone reductions from its traditional targeting of power plant emissions to other ozone sources including natural gas infrastructure, cement manufacturing plants and truck idling in order to meet EPA's stricter ozone limit.

Daily Feed

Industry seeks to intervene to defend EPA's TSCA rules

Businesses “could lose millions of dollars and years of research invested in a chemical, if an EPA risk evaluation ultimately results in restrictions,” the industry groups said.

OIRA urges agencies to curb regulatory costs in FY18

But an attorney representing environmentalists says that “seeking to lower regulatory compliance costs without regard to the benefits provided by government regulations is just plain crazy.”

Parfitt, ECOS' new president, acknowledges prospects for EPA Region 8

The Wyoming environment director did not rule out taking a position at EPA if it were offered to him, opening the door to his departure from ECOS shortly after his selection to lead the group.

D.C. Circuit sets argument in suit testing CSAPR as haze control

The case set for argument Sept. 17 tests whether utilities' participation in an EPA emissions trading program satisfies certain haze program requirements.

Ewire: Trump's meeting with Pruitt

Is the high-level meeting intended to address the long-delayed Commerce Department report calling for an overhaul of EPA's NSR rules?

Environmentalists defend timeliness of 'hot spot' air guidance suit

Environmentalists say the Clean Air Act's 60-day window to sue does not prevent their suit over an EPA air quality guidance despite filing it months after EPA released the guide.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Tue 9/5/2017 7:05:05 PM
Subject: BREAKING NEWS: Obama: DACA decision goes against 'common sense'

Former President Barack Obama issued a statement Tuesday calling President Donald Trump's decision to rescind DACA "contrary to our spirit, and to common sense."

"We all want safe, secure borders and a dynamic economy, and people of goodwill can have legitimate disagreements about how to fix our immigration system so that everybody plays by the rules," Obama wrote. "But that's not what the action that the White House took today is about."

Obama signed the executive order creating the program in June 2012 and sees it as a major achievement. He promised after the election that any move to get rid of it would prompt him to speak out against his successor.

Read more: http://www.politico.com/story/2017/09/05/obama-daca-decision-goes-against-common-sense-242335

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From: The Washington Post
Sent: Wed 9/20/2017 4:04:26 PM
Subject: Checkpoint: U.S. military closes outpost in southeastern Syria, ceding territory to Iranian proxies



As Trump presses for a border wall, there's a new Coast Guard record for drug seizures at sea

The service has seized more than 455,000 pounds of cocaine through Sept. 11 in the fiscal year that will end Oct. 1, breaking the record of 443,790 pounds set last year.
By Dan Lamothe • Read more »

Disturbing images show Navy hospital staffers mishandling infant, calling babies 'mini Satans'

The hospital said the images are "unacceptable, incredibly unprofessional, and cannot be tolerated."
By Kristine Phillips • Read more »

The Navy, stunned by two fatal collisions, exhausts some sailors with 100-hour workweeks

The revelation comes as Navy leaders face growing pressure to explain what went wrong aboard the USS Fitzgerald and the USS McCain.
By Alex Horton • Read more »

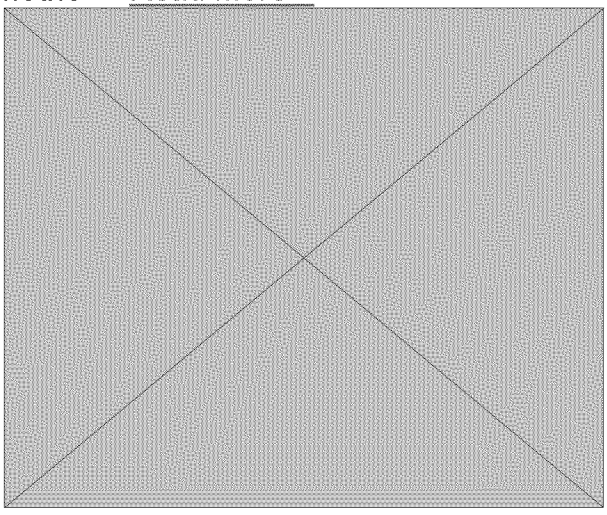
National Guard chief cites 'bigger, larger, more violent' hurricanes as possible evidence of climate change

'I do think that the climate is changing, and I do think that it is

becoming more severe.'

By Dan Lamothe • Read more »

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U.S. military closes outpost in southeastern Syria, ceding territory to Iranian proxies

The base is roughly 40 miles from a key border crossing with Jordan and Iraq.

By Thomas Gibbons-Neff • Read more »

Pentagon chief says he was asked about reintroducing tactical nuclear weapons in South Korea

It's unclear if Defense Secretary Jim Mattis actually would consider doing so.

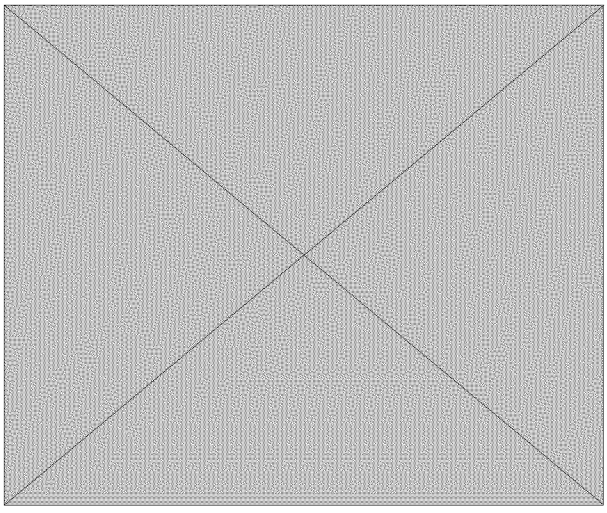
By Dan Lamothe • Read more »

Mattis asked these two men to help determine the future of transgender military service

The Pentagon has until Feb. 21 to establish a plan for carrying out President Trump's controversial ban on transgender personnel.

By Dan Lamothe • Read more »

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The Navy has now fired at least six amid the fallout over deadly accidents

The move is among top removals in the 7th Fleet, home to three major accidents resulting in the deaths of 17 sailors this year.

By Alex Horton • Read more »

U.S. jets drop live bombs in a new show of force aimed at North Korea

The aircraft carried out a simulated attack on the Pilsung training range in South Korea.

By Dan Lamothe • Read more »

Chelsea Manning denies betraying the U.S., feels as if she lives in a 'dystopian novel'

"I see literally a dystopian novel unfolding before my eyes," the former Army analyst who leaked classified documents said in a rare public appearance since her release from prison.

By Ann Gerhart • Read more »

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Fri 10/27/2017 2:03:13 PM
Subject: POLITICO's Morning Energy, presented by Chevron: Energy dominance meets market realities — Multiple congressional probes of Whitefish contract — RFS concessions fuel GOP war of words

By Anthony Adragna | 10/27/2017 10:00 AM EDT

With help from Alex Guillén and Eric Wolff

MY HEART DRILL GO ON? Interior Secretary Ryan Zinke has made opening up more areas for oil and gas drilling a key part of delivering on President Donald Trump's pledge to unleash "energy dominance" but there may not actually be that many takers, Pro's Ben Lefebvre reports. Interior plans to offer 10 million onshore acres in the National Petroleum Reserve in northern Alaska in December and 77 million offshore acres across the entire Gulf of Mexico in March, but the combination of low oil prices and ample private land available for fracking may keep some away. "It's almost like having a fire sale of all the acreage," said Ken Medlock, director of the Baker Institute's Center for Energy Studies at Rice University in Houston. "Wouldn't surprise me at all if there's a lot of acreage that doesn't sell."

Short-term cash infusion: The federal government is likely to make money from the bids themselves, but many companies are likely to sit on the acreage and wait for oil prices to rise before they start drilling. Both the Gulf and Alaska have high production costs given the remoteness of both locations, making new projects in those locations a tough sell to companies. The most likely outcome of the Gulf lease sale is that a modest number of companies may buy acreage next to drilling rigs already in operation. "They're still showing up [to the lease sales], just not buying a lot," Justin Devery, a principal energy researcher at IHS Markit, told Ben.

That irks advocates: When companies leave lands idling the public gets hit twice since the lands cannot be used and they aren't generating income for taxpayers, according to Nada Culver, senior counsel and director at The Wilderness Society's BLM Action Center. "We will lose the ability to use those lands, and at the same time we're not necessarily going to see a return."

Relatedly, the Senate Energy and Natural Resources will hold a Nov. 2 hearing on the potential for oil and gas exploration in ANWR as the committee seeks to meet reconciliation instructions from the budget to raise $1 billion in revenue over the next decade.

AND FOR YOUR RADAR TODAY: Trump huddles with Zinke in the Oval Office today 11:30 a.m. No topic specified, though ME bets Zinke's recommendations on national monument designations will pop up.

TGIF EVERYONE! I'm your host Anthony Adragna, and QEP Resources' Shane Schulz was first to identify Hawaii, Idaho, New Hampshire, Rhode Island and Maine as the five states with two House seats. For today: Which four states have the most congressional seats? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

LET THOSE WHITEFISH LETTERS FLY: Lawmakers penned three separate letters Thursday seeking information related to the $300 million contract awarded to the tiny Whitefish Energy based in Zinke's hometown, Pro's Ben and your ME host report.

-A bipartisan group of House Energy and Commerce lawmakers wants a briefing from Whitefish Energy. "In light of the questions that have been raised about your company's involvement in recovery efforts ... it is important to develop a clear understanding of the facts," they wrote in a Thursday letter to Whitefish Energy CEO Andrew Techmanski.

-House Natural Resources Chairman Rob Bishop and Oversight Subcommittee Chairman Bruce Westerman asked the Puerto Rico Electric Power Authority for all documents related to its decision to ink the Whitefish contract. They also asked more broadly for information on how PREPA enters into third-party contracts and what procedures it must follow if it departs from the normal process. Link.

-Senate Energy ranking member Maria Cantwell and Ron Wyden asked GAO to investigate the contract in a separate letter.

Bipartisan resiliency push for rebuilding: A powerful bloc of senators, including the top Republican and Democrat on the Senate Energy and Natural Resources Committee and the Finance Committee chairman, are pressing the Senate leadership for weather-resilient distributed energy to rebuild the power grids of Puerto Rico and the Virgin Islands, Pro's Emily Holden reports. "Decentralized energy resources operating in microgrids are more likely to remain functioning during and after storms," says the letter , spearheaded by Sen. Al Franken and signed by Sens. Lisa Murkowski, Orrin Hatch, Rob Portman and Cantwell.

Remember that Superfund drinking water story? Sens. Tammy Duckworth and Elizabeth Warren led five of their Democratic colleagues in questioning whether residents on the smaller Puerto Rican island of Vieques had adequate communication infrastructure to heed EPA warnings not to drink water from Superfund sites. "We are unable to guarantee residents there will heed EPA's guidance and avoid the potential adverse health effects associated with drinking contaminated water unless there is sufficient Federal Government presence on the island to provide access to clean drinking water," they wrote in a letter . "We urge you to make monitoring and securing the Vieques site a priority for the duration of recovery."

Another CODEL leaves: A bipartisan group of lawmakers, helmed by House Majority Leader Kevin McCarthy and Minority Whip Steny Hoyer, are visiting the U.S. Virgin Islands, Puerto Rico and the Florida Keys today and Saturday to examine ongoing recovery efforts from the string of recent hurricanes. Also traveling: Bishop, Jeff Denham, Norma Torres and Anthony Brown. Their visit comes as the Rhodium Group released a report Thursday concluding Hurricane Maria caused the "largest blackout in American history." Trump signed into law Thursday legislation H.R. 2266 (115) that provides $36.5 billion to help FEMA with recovery efforts, relieve about half of the National Flood Insurance Program's debt and to keep Puerto Rico's government operational.

Hearing scheduled: The Energy and Commerce Energy Subcommittee announced it would hold a hearing next Thursday to examine the state and federal responses to the storms, as well as ongoing recovery efforts.

Cornyn: Don't force disaster offsets: Count Senate Majority Whip John Cornyn as opposed to OMB Director Mick Mulvaney's plan to seek offsets for the next batch of disaster relief. "I'm as concerned about the deficits and debt as anybody, but this is emergency spending and we need to get help to the people who need the help," he told reporters.

INHOFE: GRASSLEY'S RFS POSTURING 'QUESTIONABLE': Sen. Jim Inhofe isn't a fan of fellow Republicans Chuck Grassley and Joni Ernst holding up EPA nominees last week to extract concessions on the Renewable Fuel Standard. "I think it's questionable in terms of being appropriate," he told ME. "I think [Grassley] used a lot of pressure there that was very effective, I'll say, but that I didn't agree with."

And Ernst bashes new hold: After a delay in the confirmation vote on EPA air nominee Bill Wehrum (who passed out of committee on Wednesday), Sens. Ted Cruz and Mike Lee retaliated by slapping a hold on Bill Northey's selection to become undersecretary for Farming Development and Conservation at USDA. But that move drew swift condemnation from Ernst. "That has nothing to do with Bill Northey, they need to get that right," Ernst told ME, referring to the USDA hold. "I don't see the connection. Bill Northey, he'll be in charge of conservation programs, it will have nothing to do with the RFS. So why are they blocking him because of the RFS? Just because Big Oil doesn't like it."

So is this officially a fight? Senior Republicans downplayed the likelihood their conference would continue to hold up Trump nominees over biofuels. "This happens every day, just happens to be the topic du jour, but we'll work it out," Cornyn told reporters. And EPW Chairman John Barrasso suggested the move might have just been the senators doing what's in the best interest of their states: "Every senator gets to speak for themselves and do whatever they need to do," he told ME.

** **A message from Chevron:** When an endangered butterfly was found near a Chevron refinery, we protected the habitat and still plant the only thing they eat-buckwheat. Watch the video: http://politi.co/2gyQXsp **

DUCKWORTH: JUST WAIT! She's been urging her GOP colleagues to let EPA's final biofuels volumes come out on Nov. 30 before considering Wehrum's nomination on the Senate floor, because Duckworth questions the legality of the reassurances Pruitt sent to corn-state senators last week. "I don't know that it doesn't open the administration to lawsuits from the very same oil interests Mr. Wherum used to represent," she told ME. "I've been pressuring them to not accept just the word of Mr. Pruitt ... It's simple - just wait, let the rulemaking be done. Just wait!"

MAIL CALL! GOTTA SHOW YOUR WORK! A group of 19 members of the Senate Democratic caucus requested all the documents related to EPA's cost-benefit analysis that they argue relied on "mathematical sleights of hand to over-state the costs of industry compliance" but formed an important part of the proposed repeal of the Clean Power Plan. "Denying the science

and fabricating the math may satisfy the agency's paperwork requirements, but doing so will not satisfy the requirements of the law," the letter, led by EPW ranking member Tom Carper , said.

Senators: This won't be popular: Eleven Democratic senators are wagging their fingers at Zinke's decision to dramatically increase entrance fees to many of the country's most popular national parks, such as Grand Canyon, Yellowstone and Yosemite. "We believe that it is especially problematic for your Department to propose fee increases at the same time that the Trump Administration is recommending slashing National Park Service funding levels and holding virtual fire-sales on our public resources at below market value," the letter , led by Cantwell, said. The timing of the increase is especially curious as Zinke proudly boasted of record numbers of visitors just a few months ago.

Wildfire funding must come next: A bipartisan group of eight senators asked Trump in a letter to prioritize federal funding for wildfires in the next round of disaster relief funding. "We urge you to make it a priority that all Americans who need emergency assistance get what they need, whether affected by a hurricane, wildfire, or other disaster," the letter, led by Sen. Kamala Harris, wrote.

LAWSUIT ROUNDUP! 'SUE AND SETTLE' ORDER GETS FIRST TEST: The state of North Dakota says EPA Administrator Scott Pruitt's recent "sue and settle" directive bolsters its own argument to nullify a court order requiring the agency to review oil and gas wastewater rules. Environmental groups complained that EPA had not updated its oil and gas wastewater disposal rules since 1988, despite major changes related to the fracking boom and a statutory requirement that EPA reconsider the rules every three years. In December, they struck a deal that requires EPA to decide whether or not to update those rules by March 2019.

North Dakota says Pruitt's order backs up their request that the D.C. Circuit overturn the consent decree. Pruitt's "sue and settle" order "aligns with North Dakota's argument that the settlement in this case imposed obligations on U.S. EPA that go beyond" the law's requirements, the state wrote in a short letter to the court on Thursday. Environmental groups have pointed out that, in the event EPA does decide to take action, the agency will go through the normal notice-and-comment rulemaking process. Oral arguments are slated for Nov. 7.

Not waiting any longer: Environmental Defense Fund sued EPA Thursday over a series of unfilled FOIA requests concerning Pruitt's ethics conflicts, schedule and plans for agency science, Pro's Emily Holden reports. The agency has faced a flood of public records requests during the Trump era with the Office of Public Affairs warning some may take more than a year - well over statutory limits - to fulfill.

Not a pleasant diversion? A handful of green groups filed a lawsuit in federal district court challenging federal approval of a project that would divert water from the Colorado River to customers in the Front Range area of Colorado, Pro's Esther Whieldon reports. The Windy Gap Firming Project would divert tens of thousands of acre feet of water from the Colorado River each year to help fill a new reservoir on the Front Range area of Colorado.

ANALYSES OF PERRY GRID PROPOSAL RELEASED: Implementing Energy Secretary

Rick Perry's grid resiliency proposal could cost consumers up to $10.6 billion per year, according to new research from the Energy Innovation and the Climate Policy Initiative. Ninety percent of the benefits to the nuclear sector would go to just five companies - Exelon, Entergy, PSEG, NextEra and FirstEnergy - while 80 percent of the benefits to the coal industry would also go to just five companies - NRG, Dynegy, FirstEnergy, American Electric Power and Talen Energy. Former FERC Commissioner Colette Honorable co-authored initial perspectives on the grid proposal comments for Reed Smith here.

THEY'RE GOING TO MIAMI: A large group of Transportation Committee members - Chairman Bill Shuster, Garret Graves, Grace Napolitano, Brian J. Mast, Daniel Webster, Frederica Wilson, Lois Frankel, Mario Diaz-Balart, Carlos Curbelo and Eddie Bernice Johnson - gather this morning at 9:30 a.m. at Port Miami to discuss concepts for the next Water Resources Development Act. Webcast here.

STANDING STRONG: There may be a new political dynamic in Germany, but all the parties involved in talks to form a government agreed Thursday to uphold previously set climate goals for 2020, 2030 and 2050, POLITICO Europe's Emily Schultheis and Cynthia Kroet report. The parties - the center-right CDU/CSU alliance, the liberal Free Democratic Party (FDP) and the Greens - did not, however, discuss all the specific means by which these goals would be reached.

MOVER, SHAKER: Mary Martin is the new chief counsel for both the House Energy and Commerce Energy and Environment subcommittees. She's previously been deputy chief counsel for both subpanels and before that was policy counsel and committee executive to the environment, technology & regulatory affairs division at the U.S. Chamber of Commerce.

QUICK HITS

- EPA: Michigan Should Boost Water Safety in Flint, Statewide. AP.

- Trump pledges to speed up Lake Okeechobee dike repairs. Palm Beach Post.

- Four Quitters Walk Into a Bar... Huffington Post.

- Latest U.S. State to Offer Nukes a Lifeline Is Connecticut. Bloomberg.

-Trump's devotion to coal mining puts Utah dinosaur discoveries in danger, scientists say. Los Angeles Times.

- Trump pick for top environmental post once wrote Texas would be 'better off' as an independent republic. CNN.

- Top Venezuela oil executive Chacin arrested in graft probe -sources. Reuters.

THAT'S ALL FOR ME!

** **A message from Chevron:** This is a story about DOERS, butterflies, and buckwheat. In '75,

the endangered El Segundo Blue butterfly was found near a Chevron refinery. We protected the habitat and planted the only thing they eat-buckwheat. We're still planting and keeping an eye on our littlest neighbor. Watch the video: http://politi.co/2gyQXsp **

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https://www.politico.com/tipsheets/morning-energy/2017/10/27/energy-dominance-meets-market-realities-223031

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Sent: Fri 11/3/2017 12:03:54 AM
Subject: Nov. 03 -- Daily Environment Report



Daily Environment Report

November 03, 2017 - Number 212

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Leading the News

Climate Regulation
EPA Slashes Social Cost of Methane in Bid to Delay Oil and Gas Limits
The EPA slashed by 90 percent its estimate of the costs methane emissions impose on society and the climate as part of its bid to justify delaying Obama-era pollution standards for oil and gas drilling operations.

Climate Science
Climate Science Review May Not Find Its Home in EPA
Mainstream climate scientists and skeptics don't see eye-to-eye on much, but they appear to agree on one thing: The EPA should not run a climate science debate touted by Administrator Scott Pruitt.

Energy
Fossil-Fuel Friendly Tax Plan Spares Oil, Not Solar or Tesla
The tax overhaul proposed in the U.S. House is a better bet for oil and gas companies than solar developers or electric car buyers, keeping with President Donald Trump's decidedly fossil-fuel friendly views.

Energy
Senate Confirms Nominees for Energy, Pipeline Regulator
The Senate confirmed two members of the Federal Energy Regulatory Commission and three nominees to the Energy Department only hours after Sen. Jim Inhofe (R-Okla.) released the hold he had put on the Democratic FERC nominee.

News

Air Pollution

$14B Plan to Clean Up California Ports Gets Green Light

A $14 billion plan to clean up the air at the ports of Los Angeles and Long Beach, Calif., got the approval of harbor commissioners Nov. 2. The twin ports—the largest single source of the diesel particulates and nitrogen oxides in the Los Angeles area—must be fully serviced by zero-emission trucks and cargo-handling equipment by 2035, according to the plan approved unanimously. "No port in the world, no port complex in the world is doing what we're doing, and what ...

Asbestos

Georgia-Pacific Affiliate Files Bankruptcy on Asbestos Woes

A sister company of Georgia-Pacific LLC filed for bankruptcy to help the paper and building materials company shed 62,000 claims for asbestos poisoning.

Aviation

FAA Looking for Cities, States, Companies That Want to Test Drones

States, localities and companies itching to test drone technology for flights over populated areas can now apply to be part of a Transportation Department pilot program, the agency announced Nov. 2.

Biofuels

DowDupont to Exit Biofuel Operations It Once Championed

DowDuPont Inc. plans to divest a business that turns corn waste into motor fuel as part of a drive to cut annual costs by $3 billion a year.

Chemicals

Chemical Firms' Advice Sought by EPA on Test Animal Reductions

The advice of chemical makers and testing laboratories is being sought by EPA so fewer test animals are used in collecting safety information to inform chemical regulations, an EPA scientist said Nov. 2.

Chemicals

Price Gouging Alleged of Makers of Water Treatment Chemical

Many municipally owned utilities find themselves in a tough spot as they sue major chemical manufacturers for allegedly fixing the price of an ingredient used for treating drinking water and wastewater.

Citizen Suits

PG&E Can't Shake Hazardous Waste Suit Over Leaching Utility Poles

Pacific Gas & Electric Co. will once again face a federal hazardous waste suit over discharges from chemically-treated utility poles stored in Northern California service yards.

Climate Policy

Carbon Tax Gains Steam as New York Marks Sandy Anniversary

Carbon tax backers hope the recent hurricanes and fifth anniversary of Sandy are the perfect storm to force New York to put a price on carbon dioxide.

Coal Mining

Correction

In the Nov. 1 story "Arch Coal's Emissions Unenforced as Colorado Cites Uncertainty," the source of information about the volatile organic compounds in the West Elk mine's vented gas stream has been corrected to WildEarth Guardians, citing a report on sampling of gases from the mine.

Cybersecurity

The Next Big Hack Could Turn America's Lights Off

When a serious cyberattack against the U.S. begins, at first you'll blame the weather, or an accident, or corporate incompetence. It'll be a power outage that lasts a few hours at most. But things will start to get more unsettling when reports trickle out that the blackout is the work of hackers, most likely connected to the Russian government.

Energy

Puerto Rico Recovery Delays Making Congress Impatient

Puerto Rico's hurricane recovery efforts are being hampered by logistical problems and bureaucratic infighting six weeks after Maria made landfall, frustrating lawmakers.

Energy

U.S. to Exit Global Anti-Corruption Effort Aimed at Oil Cash

The Trump administration said it will exit a global anti-corruption effort that compels oil, gas and mining companies to disclose the payments they give governments worldwide.

Lead Paint

$1.3M Jury Award Upheld in Baltimore Lead Paint Case

A Maryland landlord will remain on the hook for a $1.3 million jury award to a man exposed to lead paint in a Baltimore rental property as a child, a Maryland appeals court ruled.

Motor Vehicles

Audi Recalls Flagship A8 Sedans in Europe Over Emissions Woes

Audi is recalling its top-of-the-line A8 sedan in Europe after detecting suspicious software, as the luxury-car brand struggles to get to grips with emissions issues more than two years after the diesel-cheating scandal erupted.

Motor Vehicles

Tax Credit for Tesla, Other Electric Cars Axed in GOP Bill

The push by Tesla Inc., General Motors Co. and other carmakers to boost sales of electric vehicles was dealt a blow by House Republicans Nov. 2 when they proposed eliminating a $7,500 per vehicle tax credit that has helped stoke early demand.

Motor Vehicles

Tesla, GM Electric Cars May Start Losing Their Tax Credits

Electric vehicles have caught the eye of many American consumers. But it's not only the cars' green cred that seals the deal. Another big lure: a federal tax credit of up to $7,500 per vehicle. Now that lucrative incentive may be fading away for two reasons. First, buyers of vehicles from leading EV makers such as Tesla Inc. and General Motors Co. could soon use up the maximum value of tax credits for their brands. (They're capped for each manufacturer.) But worse for the ...

Motor Vehicles

Too Few Charging Stations May Slow California Electric Car Goals

In 2012, Gov. Jerry Brown (D) set a goal of putting 1.5 million electric vehicles on California roads by 2025. As of September, the state had 334,393 EVs. To get to 1.5 million, it needs to give drivers a lot more places to charge up. The state, however, wants utilities to play a big role in the buildout of charging stations. The power companies are eager to invest, seeing a growth opportunity, but before that can happen, officials need to sort out who will pay for it.

New Jersey

Ruling Nixes Exxon's Bid for Early Exit in MTBE Cases

ExxonMobil Corp. and ExxonMobil Oil Corp. must face a trial on claims brought by New Jersey over natural resource damages at five gas stations, a federal court in New Jersey ruled Nov. 1.

Pesticides

EPA Farmworker Rule in Limbo, Debate on Pesticide Info Lives On

A delay in implementing new farmworker safety standards is reviving debate on a sensitive provision in the EPA rule: Who gets access to information on pesticides when a farm laborer becomes ill from exposure?

Renewable Energy

Renewables Are Starting to Crush Aging U.S. Nukes, Coal Plants

Building solar and wind farms has started to become a cheaper proposition than running aging coal and nuclear generators in parts of the U.S., according to financial adviser Lazard Ltd.

Renewable Energy

Wind Tax Credit Trimmed in House Bill; Nuclear Breaks Extended

Tax credits cherished by the wind and solar industry would remain in place under a rewrite of the tax code revealed by House Republicans Nov. 2, but the measure would trim the wind energy's production tax credit by more than a third.

Solid Waste

Brazil Threatens Fines for Lagging Industrial Recyclers

Brazil is threatening to fine companies that haven't set up mandatory recycling systems seven years after being required to do so by a solid waste management law.

Toxic Substances

EPA Studying New Lead Cleanup Standards For Cities

The EPA's cautious steps toward a new guideline for cleaning up lead-contaminated soil in American cities could open up disputes between the agency and companies that would foot the cleanup bills.

Water Infrastructure

Financing Costs for Water Utilities May Rise Under GOP Tax Plan

Financing costs of public water and wastewater infrastructure projects could escalate for the private sector under the new Republican plan to ax the tax-exempt status of bonds used for the projects.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 10/11/2017 8:38:49 PM
Subject: Oct. 11 -- Daily Environment Report - Afternoon Briefing

Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

Clean Power Plan's Legal Fight Continues Amid Repeal Efforts

Posted October 11, 2017, 12:13 P.M. ET

By Abby Smith

The EPA's proposal to ax the Obama administration's plan to cut carbon emissions from the power sector hasn't silenced the legal back-and-forth over the regulation's merits.

The litigation over the Clean Power Plan has been on ice for months, but supporters and foes of the climate rule are disputing how the U.S. Court of Appeals for the District of Columbia Circuit should proceed with the case. The full court heard oral arguments in the case in September 2016.

The Environmental Protection Agency, in an Oct. 10 status report required by the court, cited its newly signed proposal to repeal the Clean Power Plan, arguing the court should continue to keep the case on hold until the agency's repeal of the regulation is final. The report also noted the EPA is considering "the scope of any potential replacement rule" to cover carbon emissions from existing power plants.

Conservative foes of the Obama regulation say they expect the EPA will ask the court to dismiss the case after it finalizes the repeal.

"I think it would be a futile gesture for the court to adjudicate the regulation that's both stayed [by the Supreme Court] and slated to be repealed," Sam Kazman, general counsel for the Competitive Enterprise Institute, told Bloomberg BNA. "I don't see what that gets anyone except billable hours."

But environmental groups and other supporters of the Clean Power Plan say now, more than ever, is the time for the D.C. Circuit to weigh in on the legality of the regulation.

"As of now, the Clean Power Plan is still on the books," Andres Restrepo, an attorney with the Sierra Club, told Bloomberg BNA.

He said many of the issues litigated in this case will come up in the forthcoming legal fight over the

repeal and any potential replacement that the agency offers. The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg, founder of Bloomberg L.P., the global business, financial information and news leader. Bloomberg BNA is an affiliate of Bloomberg L.P.

"It makes sense for the court to go forward with a decision on the merits of the Clean Power Plan," he said. "It will save resources in the long run, clarify" the legal bounds of the EPA's authority under the air act, and "form the basis of the EPA's current action."

Wind and Solar's Future Depends on Taxes, Not Clean Power Plan

Posted October 11, 2017, 8:30 A.M. ET

By Joe Ryan, Brian Eckhouse and Ari Natter

The Trump administration's decision to end the Clean Power Plan may be deeply symbolic, but the battle that matters most for renewable energy will be over taxes.

Wind and solar have been the fastest growing sources of electricity in the U.S. since 2014 as utilities closed a record number of aging coal-fired generators. That's largely because it's become cheaper to build renewable plants than keep coal plants open.

Clean-energy's fiscal advantage stems in part from two tax credits that Congress extended in 2015. Both measures are scheduled to be phased out in the 2020s, but Environmental Protection Agency administrator Scott Pruitt on Monday called for them to be eliminated. That could upend wind and solar's edge.

"Without tax credits, those economics no longer work," said Amy Grace, an analyst at Bloomberg New Energy Finance.

Unlike the Clean Power Plan, tax credits cannot be unilaterally scuttled by the White House. But with Republican Congressional leaders pushing to rewrite the tax code, opponents of the wind and solar tax credits, including those in the Trump Administration, are jockeying to torpedo the measures.

"I would do away with these incentives," Pruitt said, responding to a question about the effectiveness of renewable energy at an event in the heart of Kentucky coal country. "I'd let them stand on their own and compete against coal and natural gas and other sources."

Not Easy

It won't be easy to kill the measures, know formally as the Production Tax Credit and Investment Tax Credit. They have broad support from both Democrats and Republicans from rural districts where wind and solar have become a key source of jobs. Plus, the overall prospects for reforming the tax code remain murky amidst congressional gridlock and Republican infighting.

After Pruitt called for ending the credits for wind and solar, Iowa Republican Senator Chuck Grassley said on Twitter that he would "remind" the EPA chief that the credit for wind farms "will stay on books until 2020, like Congress planned."

Carlos Curbelo, a Republican Congressman from Florida, went further, invoking Jeopardy! game

show Alex Trebek as he opined on the odds of a successful repeal of the tax credits.

"Alex, I'll take 'things that are not happening for $800,"' Curbelo wrote on Twitter.

Cheap Enough

Trump's move to kill the Clean Power Plan has not dimmed investor enthusiasm for clean energy. Since the president signed the order to roll back the emissions-curbing rule, almost $30 billion has been spent on solar and wind projects.

In the third quarter alone, clean energy spending in the U.S. hit the highest level in two years, totaling $14.8 billion, data compiled by Bloomberg New Energy Finance show. Renewables are now cheap enough to thrive without subsidies in some parts of the world, including Brazil and Mexico. The difference is demand for electricity is growing in those regions while it has stagnated in much of the U.S.

—With assistance from Christopher Martin.

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Killing Obama's Power Plan Hasn't Stopped the Renewable Boom Yet

Posted October 11, 2017, 8:17 A.M. ET

By Mark Chediak

For a look at what the death of the Clean Power Plan means for renewable energy, consider this: Since President Donald Trump signed the order to roll back the emissions-curbing rule, almost $30 billion has been spent on solar and wind projects.

In the third quarter alone, clean energy spending in the U.S. hit the highest level in two years, totaling $14.8 billion, data compiled by Bloomberg New Energy Finance show.

The investments in solar and wind are a testament to the seemingly unstoppable boom in renewables that has been driven more by economics and state environmental policies than federal regulations. So far this year, U.S. utility giants including Warren Buffett's Berkshire Hathaway Inc., American Electric Power Co. and Xcel Energy Inc. have laid out plans to collectively spend billions on wind farms that'll replace aging coal-plants.

"The Clean Power Plan doesn't make a jot of difference," said Amy Grace, an analyst at Bloomberg New Energy Finance. "Utilities are installing wind and solar because it is cheaper than running existing plants, and corporations are procuring wind and solar because it's economic to do so."

To be sure, energy companies are investing in clean power while they still can. Tax credits make building wind and solar farms cheaper than running existing coal and natural gas-fired power plants, Grace said. Some of these breaks, extended through bipartisan legislation in 2015, start rolling off this year, Grace said.

—With assistance from Jennifer A. Dlouhy.

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High Court Mulls Right Place for Water Rule Review

Posted October 11, 2017, 12:03 P.M. ET

By Amena H. Saiyid

U.S. Supreme Court justices pressed the government on why it insists that a federal appeals court should hear challenges to a regulation that defines what waters receive federal protection.

The issue piqued the conservative and liberal members of the court, who sought to understand the government's position and congressional intent behind the Clean Water Act. The water law limits federal appeals court reviews to specific Environmental Protection Agency actions, such as standards for industrial wastewater discharges.

"Why did they bother?" Justice Stephen Breyer asked Rachel Kovner, assistant to the U.S. Solicitor General, who argued the case.

Kovner told the justices that since the law requires federal appeals courts to review EPA-mandated water pollution permits, those same courts should have jurisdiction over the underlying regulation—the 2015 waters of the U.S. rule—that defines which waters receive those protections.

The Obama-era water jurisdiction rule is in the process of being rescinded and perhaps replaced by the Trump administration. The Supreme Court's decision could determine where challenges to the expected replacement regulation are heard. The federal government wants litigation over the water jurisdiction rule argued in the appeals court, in part to save money, time, and effort. However, most industry groups and some environmental groups prefer the district courts, where they have more time to file challenges and can introduce localized arguments.

EPA Seeks 'Single Best Way' to Work With States

Posted October 11, 2017, 9:02 A.M. ET

By Abby Smith

The EPA will review its oversight responsibilities to find the "single best way" to monitor state actions, part of Administrator Scott Pruitt's promise to "rebalance" the agency's relationship with the states.

The way the Environmental Protection Agency interacts with states "has not been re-evaluated in some time," Henry Darwin, the EPA's chief of operations, told Bloomberg BNA in an interview about the agency's draft four-year strategic plan.

States have "become more sophisticated in the execution of EPA's delegated responsibilities," Darwin said.

The agency will be looking for places to streamline implementation of environmental programs that could involve shifting enforcement and other responsibilities more fully to the states, he said.

Environmental Groups Concerned

Agency and state officials hope such a dialogue could lead to quicker approval of such things as state-crafted implementation plans and environmental permits.

But environmental groups have expressed concern that the agency is looking to pull back on enforcement, suggesting states do not have adequate resources to assume such duties without significant help from the agency.

"If they're going to be handing over some of these authorities to states, if they're not handing over money too, how are the states going to run these programs?" Albert Huang, an attorney with the Natural Resources Defense Council, said.

He also said there are some areas that make more sense to be controlled at the federal level, such as cross-state air pollution or civil rights issues, which is Huang's specialty area.

"When you leave regulations to states, it really depends on that state's view of regulation," he told Bloomberg BNA. "We're going to continue to see states that are behind the ball not get better."

But Darwin said the EPA's review is not to suggest the agency would be "derelict in carrying out our oversight duties. We simply haven't taken a close look" at the EPA-state relationship "in a long time."

Seeking Better Coordination

For regulated companies, the EPA's push could lead to better coordination of requirements and more efficient use of resources, Megan Berge, an attorney with Baker Botts LLP, which represents several utilities, told Bloomberg BNA.

"We've seen in the past instances, where states work hard and engage with industry to develop program plans, only to have them not succeed at the federal level," she said. State regulators often work closely with companies to develop plans to implement federal air quality standards, for example.

If the EPA rejects that plan and instead issues a federal plan for a state, "given the amount of resources and effort that goes into those plans, that can be a tremendous waste," Berge said.

States 'Primary Implementers'

"States are the primary implementers of the majority of environmental programs," Todd Parfitt, Wyoming's top environment official and the president of the Environmental Council of the States, told Bloomberg BNA.

He said oversight by the EPA should focus on "non-discretionary" areas, where the agency is designated by statute as the primary enforcer. And for those areas that are discretionary, the EPA should provide "that flexibility to the states to be the lead agency and make the decisions on how best to implement in their particular state."

Cooperative federalism is one of the three key tenets of the EPA's draft fiscal year 2018-2022 strategic plan, a document produced by the agency every four years that outlines its overarching priorities. Darwin, who served as Arizona's top environment official from 2011-2015, said the EPA hopes to retool its relationship with the states in collaboration with groups like the Environmental Council of States.

He said discussions already have begun among political and career staff at the agency, particularly with the regional offices, to get a better idea of how oversight responsibilities are performed "in an effort to kind of find the single best way to oversee" state actions.

Deeper Conversations

Alexandra Dunn, Environmental Council of States executive director and general counsel, told Bloomberg BNA it is too early in the process to know the states' role in the EPA's review. But she said there will be an opportunity with the new administration "to have conversations go a bit more deeply into oversight of delegated programs and workload sharing."

States made progress during the Obama administration to improve collaboration between the EPA and states in such processes as management of solid waste, Dunn said. But the federal and state agencies still could more effectively divide the workload in other areas, she said.

One step the EPA can take is to allow the states to take the lead on implementation of air quality standards and other environmental protections, Clinton Woods, director of the Association of Air Pollution Control Agencies, told Bloomberg BNA. That means the agency would impose fewer federal implementation plans on states and enable more "timely approvals" of state-crafted plans.

Woods and Dunn also said the EPA's various offices need to deal with state agencies in a more consistent manner. For example, Dunn said some regions have quarterly meetings with their states to review permitting portfolios that allow for "early troubleshooting" on complex permits.

"That is an example of a habit in one region that works well, and perhaps could become intentional across the country," Dunn said.

There also needs to be more robust interaction among state agencies and the EPA's policy, enforcement, research, and other headquarters-based offices, Woods said.

Getting States Involved

David St. Pierre, executive director of the Metropolitan Water Reclamation District of Greater Chicago, told Bloomberg BNA that while he has never had problems working with the EPA, he suggested the EPA could improve integrated planning efforts and provide states greater flexibility when implementing environmental regulations.

But St. Pierre said some flexibility exists already. "It's like any organization. They have tradition. But I've really found that even in those situations, if you come up with an idea that's a better idea, they'll let you try that out."

Woods suggested Pruitt could increase the number of state experts on the EPA's advisory boards. He said his group has supported several such experts who have been nominated to serve on the EPA's Science Advisory Board and its Clean Air Scientific Advisory Committee. Pruitt is in the position to fill several open slots on both advisory panels, and Woods cited comments his group submitted to the agency late last month supporting state experts for those roles.

He said choosing state experts "could be a key element of the overall strategic plan."

More broadly, Dunn and Woods said their groups plan to review the EPA's strategic plan more

closely and provide input to the agency.

The EPA is accepting comments until the end of the month, and Darwin said the agency aims to release numeric targets for each of the plan's measures in February.

—With assistance from David Schultz.

NAFTA Negotiators to Tackle Energy Issues During Friday Meeting

Posted October 11, 2017, 02:44 P.M. ET

By Catherine Traywick and Eric Martin

NAFTA negotiators are gathering in Washington for their fourth round of talks to update the trade deal, and energy is on the agenda -- if only for two hours.

U.S., Mexican and Canadian representatives will hold just one energy session late Friday during seven days of talks ranging from gender to the environment. Details haven't been released, but oil and gas companies are pushing for a rule on diluents, a light crude product typically sourced from the U.S. and added to heavy Canadian oil to help it flow through pipelines. Oil companies want a rule that allows up to 40 percent of diluent in cross-border oil shipments, according to a paper by the American Petroleum Institute, the Asociacion Mexicana de Empresas de Hidrocarburos and Canada's Oil and Natural Gas Producers.

The trade groups want to loosen NAFTA rules so that producers can more easily transport oil, gas and infrastructure across both borders. That includes simplifying the process for certifying hydrocarbons' country of origin and allowing companies to move drilling rigs, vessels and personnel across borders.

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Rail Safety Targeted in Fuel Transport Study on Shale Boom

Posted October 11, 2017, 02:54 P.M. ET

By Meenal Vamburkar

Routes used to ship crude oil, natural gas, and ethanol by rail need better and more frequent inspections, according to a report by a national science group that also urged added training for local first responders.

From 2005 to 2015, there were 58 rail incidents involving ethanol shipments and 21 involving crude, according to the study by the National Academies of Sciences, Engineering and Medicine, a Washington-based nonprofit research organization. A July 2016 derailment in Oregon spilled about 40,000 gallons of oil, which ignited and led to the evacuation of about 100 people, the report said. The cause appeared to be track failure.

Pipelines and marine shipping remain the safest form of transportation, according to the study, which was initiated in 2015 and released Oct. 11. It was designed to assess whether the U.S. energy boom was putting strain on the transportation industry and sacrificing safety.

Barges have an "exemplary safety record," even as the total volume of oil they handle has risen, according to the report. That's the result of a federal revamping of industry safety rules following a series of spills nearly 30 years ago, the group wrote. Now, regulators should determine if improved incident- and traffic-reporting systems can help train safety.

"Preventing derailments of this traffic is imperative," the report said, particularly since some of the tank cars in use are designed to older specifications. At the same time, emergency preparedness remains a challenge in rural communities, the report said, where local responders may not have sufficient training to deal with accidents.

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DTE, Enbridge Gas Line, Energy Transfer Project OK'd by FERC

Posted October 11, 2017, 11:24 A.M. ET

By Catherine Traywick

DTE Energy and Enbridge gained approval from federal regulators to start construction of the $2 billion Nexus natural gas line in the Midwest, with certain exceptions, according to a filing posted today.

However, the Federal Energy Regulatory Commission order bars construction at two locations and at proposed horizontal directional drilling sites pending submission of additional environmental information.

The 257-mile pipeline would be able to transport 1.5 billion cubic feet per day of Appalachian gas to Ohio, Michigan, Illinois, and Ontario.

In a separate order, the energy regulator also cleared Energy Transfer Partners L.P. to resume horizontal directional drilling at four sites along Rover natural gas line.

The approval is a major step forward for a project that's been mired in protests and investigations since Energy Transfer razed a historic house in Ohio and disclosed massive spills of drilling fluids associated with laying the pipeline. The setbacks have delayed the project's startup by months, with Energy Transfer saying earlier in August that it won't bring the system fully into service until January.

The Energy Transfer authorization has no bearing on the agency's investigation into the spills in Ohio, order says.

The agency previously allowed the company to move forward with its drilling at other sites including Captina Creek.

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Clean China Skies Rely on More Ore Mined from Amazon Rainforest

Posted October 11, 2017, 9:16 A.M. ET

By R.T. Watson

A bid by China to clean up pollution in its biggest cities and industrial towns is fueling a push to mine resource riches on the other side of the globe in the Amazon rainforest—one of the most environmentally sensitive areas on Earth.

Smog-laden skies across the world's most-populated country prompted the government to impose curbs on a domestic steel industry that uses coal-fired blast furnaces to melt iron ore. That's led to increased demand for higher-grade ore from overseas that can produce more steel with fewer emissions, and profit margins on those shipments have surged.

Exports by Brazil, one of the biggest suppliers, are headed for a fourth straight record in 2017. Top producer Vale SA is shifting production from low-grade reserves in the southeast that have been mined for a century to develop more high-grade deposits in the isolated northern regions of the Amazon, where environmentalists fear further damage to the world's largest rainforest.

"It's a contradiction," said Frederico Martins, an official at the Brazilian government's Chico Mendes Institute for Biodiversity Conservation who monitored Vale's operations in the Amazon when he was managing the Carajas national forest for a decade. "China wants to clean up 20 years of pollution over there, yet impacting things more here."

The incentive for Brazil to produce more is growing, especially for Vale, which is seeking to reduce $22 billion of debt it ran up during a three-year price slump that ended in 2016.

"Brazilian iron-ore shipments will grow significantly over the next four years," as demand increases for higher-grade supplies, said Paul Robinson, director of non-ferrous metals at CRU Group, a mining-industry consultant based in London.

Brazil currently accounts for about 22 percent of global iron-ore trade, and most of the country's shipments come from Vale, according to Fitch.

Retaining Talent

China is the world's largest metals consumer and by far the biggest importer of iron ore. Only the country's coal-fired electricity generators pollute more than its steel makers, according to Greenpeace. The government is closing the dirtiest plants and increasing commitments to expanded use of solar power and electric vehicles.

Aside from reducing costs associated with pollution, China also wants cleaner cities to retain the talents of its expanding middle class, which is better educated and more mobile, according to Matthew Kahn, a professor of economics at the University of Southern California in Los Angeles. He led a study examining the careers of politicians and mayors in 100 Chinese cities over eight years.

"China's original growth model was to have its own heavy factories in steel and other industries, and this created output and pollution," Kahn said. "But now that China is transitioning to a human capital economy, smart, talented people want to live in cities with blue skies that look like San Francisco."

The risk for Brazil is that it loses more of its rain forest, which Greenpeace estimates has shrunk by about a fifth in the past four decades as farmers moved in to plant soybeans or sugar and miners began digging up minerals.

In the Carajas national forest, where S11D is being developed, Vale says it protects about 8,200

square kilometers of natural habitat, or about five times the total area where it operates. The company has developed technologies and management systems to minimize the impact on the environment, its press department said by email.

Still, satellite images of the region show a dramatic amount of deforestation around locations where mining began in the 1980s. More than 40,000 people worked on developing S11D since 2010, and the company now employs about 2,700 workers full time, plus at least 10,000 indirect jobs.

"Mining attracts a migratory flow," said Martins at the Chico Mendes Institute for Biodiversity Conservation, adding that the impact on rural areas is significant. "When the flow settles in the region, it does so in an irregular way, and that puts pressure on the forest as land is converted into rural and urban areas."

—With assistance from Jasmine Ng.

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Merkel Faces Coal Insurrection Over Phaseout Date of Fossil Fuel

Posted October 11, 2017, 8:00 A.M. ET

By Brian Parkin

Germany's power, mining and chemical workers warned Chancellor Angela Merkel against embracing a phaseout date for coal under a new government.

The 640,000 member IGBCE union is preparing to respond if Merkel is persuaded by a "hysterical campaign against coal," according to Chairman Michael Vassiliadis Oct. 11. Exploratory talks to form a new government are being held between Merkel, the Free Democrats and Green Party, which has called for a firm end to coal power.

Workers are concerned "they will have to pay" for the costs of a new government said Vassiliadis in a speech to union delegates in Hanover. "Let me tell you this: whoever plans a wedding on the backs of others won't enjoy a honeymoon."

The union's threat is a response to the Greens' election campaign pledge to phase-out coal power in Germany by 2030 and immediately shutter the 20 most-polluting plants. Their suspicions were fueled by Merkel's campaign promises that Germany would meet its 2020 carbon dioxide reduction targets.

Coal plants push emit about a third of Germany's total greenhouse gases. The nation risks missing its pledge to cut the output by 40 percent by 2020 compared with 1990 levels and may only accomplish a 31 percent cut. Merkel has vowed to close the gap without saying how.

Her plans may become clearer Oct. 12 when she meets Vassiliadis in Hanover and later holds a speech. Prospective allies from the Greens and the Free Democrats will be in tow for a panel discussion. The Free Democrats campaigned on clamping down on the soaring costs of Germany's transition to renewable energy and rejected setting a date to phase out coal power.

Some companies and industries say they're also concerned that weak cost control over wind and solar power could erode competitiveness. Their demands—which include a tapering of clean power

subsidies and rejection on enforced closures of coal plants—fall short of revamped U.S. policies that would provide aid for the fossil fuel.

The Trump administration yesterday began the process of repealing former President Barack Obama's plan to cut greenhouse gas emissions from power plants, opening a small window for a revival of coal while prolonging uncertainty over the U.S. electricity mix. The Obama administration "pushed the bounds of their authority" by forcing states to change their power mix, Environmental Protection Agency Administrator Scott Pruitt said.

With union backing, German utilities EON SE, RWE AG, Uniper SE and STEAG GmbH are counting on Merkel to avoid imposing a strict coal phaseout. Europe's biggest power market is dependent on some 140 hard coal and lignite plants, which together supplied about 40 percent of the nation's power last year.

Merkel's decision to wind down nuclear power by 2022 will underscore that dependency, say the power companies and labor unions. Germany's transportation shift to low- and zero-emission vehicles will mean the economy needs even more cheap power, Vassiliadis said.

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U.K. to Boost Low-Pollution Energy Supplies as It Limits Bills

Posted October 11, 2017, 02:51 P.M. ET

By Jessica Shankleman

The U.K. government on Oct. 12 will move to boost energy supplies while ratcheting back pollution and limiting upward pressure on customer bills.

The moves will benefit developers of offshore wind farms led by Dong Energy A/S and companies like Tesla Inc., which is seeking to spread cutting-edge technologies from electric cars to home battery systems. It's also aimed at capping the charges that the Big Six utilities including Centrica Plc can charge on some consumers. And it may give a lift to fringe projects like spreading hydrogen as a transport fuel.

Britain's effort is in line with goals set out by the European Union and almost 200 countries agreed to under the Paris Agreement on limiting fossil-fuel emissions causing global warming. It contrasts the measures President Donald Trump's administration took this week to dismantle regulations in the U.S. meant to restrain coal and other polluting fuels. For Prime Minister Theresa May's government, boosting clean-energy is necessary to replace aging power plants due to finish their life in service.

"We've shown beyond doubt that renewable energy projects are an effective way to cut our emissions while creating thousands of good jobs and attracting billions of pounds worth of investment," Energy Minister Richard Harrington said Wednesday.

The Department for Business, Energy and Industrial Strategy will release details of its program in two separate statements. It will issue a clean power plan in the morning setting out policies for reducing emissions in the next decade. That will be followed by draft legislation outlining measures to protect utility customers with a cap on prices.

Government Goals

The government already has committed to slashing greenhouse gases by 80 percent by 2050, compared to 1990 levels. Following are some of the winners and loser from the government's work:

The Big Six utilities—Centrica Plc, SSE Plc, Innogy SE, EON SE,Iberdrola SA and Electricite de France—have the most to lose with the government seeking to impose a price cap on bills they charge to some customers.

Carbon capture and sequestration technologies are seen as vital to reducing emissions as they allow pollution power plants and factories to scrub emissions from their chimneys and bury them deep underground. Yet CCS is still too expensive and complex to be rolled out on a commercial scale globally.

Carbon capture and storage technology may get a boost. It has been stuck without funding since the Treasury scrapped a 1 billion-pound ($1.3 billion funding competition in 2015. Claire Perry, the government's climate minister, said last week CCS systems are "vital" to tackling the issue.

Offshore wind developers such as Dong will be at the forefront of a government auction for power-purchase contracts aimed at stimulating emerging renewables technologies. The government on Wednesday set aside 557 million pounds for the contests, which will happen in 2019.

Nuclear power will get support. After approving the first new atomic plant in more than a generation, the government wants more plants to flourish and replace the ones that are aging out of the system and is seeking to build one of the world's first small modular reactors in the 2020s. Electricite de France SA is working on the Hinkley Point plant in western England, and the government wants more nuclear to ensure steady supplies of electricity in the decades ahead.

Tidal power research projects, like the one in Swansea Bay, may have more certainty about their future. The government is working on a response to an independent review that suggested projects like the one sponsored by Tidal Lagoon Plc would create jobs and ensure power supplies. Perry said last week promoters would have to "be patient" for news on the projects, suggesting a decision may not be in Thursday's plan.

Heat and efficiency projects are likely to benefit. The government wants to stimulate use of electric cars and encourage owners of drafty buildings to invest in insulation.

Clean transport developers such as electric car makers and those promoting hydrogen as a road fuel, like Royal Dutch Shell Plc, may also find incentives in the government's program. After tilting the market toward diesel, the government now is anxious to reduce particulate pollution that caused health problems.

Green Groups: Plan Will Fall Short

Green groups such as WWF already expect the long-overdue plan to fall short of what is needed to put Britain on track to meet its greenhouse gas targets. Without new policies, the U.K. will spew about 30 percent more carbon dioxide than it has budgeted, the group says.

ClientEarth, a group of environmental lawyers, is consider taking the government to court if the latest plan fails to put the U.K. on track to meet its targets.

"The government needs to produce policies of real substance,'' said Jonathan Church, a lawyer at

ClientEarth.

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Mexico Energy Skeptical Presidential Candidate Will Undo Reforms

Posted October 11, 2017, 8:53 A.M. ET

By Vanessa Dezem and Adam Williams

Mexico's power suppliers are convinced that Andres Manuel Lopez Obrador, the left-wing presidential candidate who's pledged to roll back the nation's energy reforms, won't be able to deliver on his promises.

The 63-year-old former Mexico City mayor—and current leader in polling for July's election—says the 2013 reforms have failed to lower power and fuel prices for consumers and wants to hand the issue to voters with a national referendum. The shift was driven by current President Enrique Pena Nieto, who opened the country's power, natural gas and oil markets to new competition in an effort to drive down costs and spur investment in areas long dominated by state-owned enterprises.

In the power sector, electricity prices have declined since the reforms were enacted, with record low prices for renewables in the last auction. A more efficient power system is expected to drive a 14 percent decrease in industrial electricity prices to 2040, according to a report from the International Energy Agency. More than half of the nation's power generation is now owned by private investors, including Invenergy LLC and Actis LLP, according to the Mexican Wind Energy Association.

"Mexico has quickly became one of the most important power markets not only in Latin America, but globally," said Paul Abitante, Mexico country manager at Invenergy, a Chicago-based renewable-energy company. "We are confident that Mexico's government and people will recognize the reforms' value and we don't see a scenario where a candidate or a politician takes steps to unwind the reforms."

Others aren't so sure, pointing to the fact that Lopez Obrador could slow the process even if he can't win the two-thirds majority in congress needed to officially undo the reforms.

'Stop Implementing'

"There is no need to change the law," said Miriam Grunstein, chief energy counsel at Brilliant Energy Consulting and nonresident scholar at Rice University's Baker Institute Mexico Center. "They can simply say 'we will stop implementing the energy reform.' There is no obligation to implement it."

Developers are sticking to their investment strategies, confident that Lopez Obrador will be reluctant to reverse changes that are now bearing fruit.

"Companies keep investing in Mexico," said Leopoldo Rodriguez, president of the Mexican Wind Energy Association. "Companies are interested in participating in the market. There is the idea that it's not possible to easily change things."

Mexico's energy mix is shifting, with 24 percent now coming from renewable sources like wind and hydro. Deregulating the electricity market and a series of auctions for new capacity helped the

country post record levels of clean-energy investment this year.

Line in the Sand

"Mexico's energy reform was a line in the sand, " said Hector Olea, chief executive officer of Mexico City-based Gauss Energia, which owns solar farms in the country, and president of Mexico's solar energy association. Energy demand in Mexico is expected to increase about 20 percent up until 2040, according to the International Energy Agency. That's attracted billions in new investments.

Polls show that Lopez Obrador would win in all nine of the most likely combinations of candidates in the July 1 election, with at least 24.9 percent of votes, according to data from Mexico City-based Consulta Mitofsky.

The most likely scenario for a Lopez Obrador presidency would be a partial review of the reform, predicts Luiza Demoro, an analyst at Bloomberg New Energy Finance in Sao Paulo.

"If he wins, Lopez Obrador wouldn't be able to change everything, but he would be able to change energy-auction rules or renewable-energy targets, creating barriers for private companies," Demoro said. "The next power auction in November will be interesting as its prices will show how the market is perceiving these political risks."

Mexico's oil industry is also concerned about what a Lopez Obrador presidency might mean for the blossoming sector. The candidate has said he would review oil contracts awarded to producers including Chevron Corp., Exxon Mobil Corp. and Royal Dutch Shell Plc since the opening of the Mexican industry to private competition in 2014.

A spike in gasoline prices in January 2017 may be one of the reasons Lopez Obrador is criticizing the energy reforms. When the government announced that gasoline prices would increase as much as 20 percent, protesters took the streets across the country to decry the failed promises of the energy overhaul.

Power producers say the long-term benefits will outweigh the short-term issues. Reforms have "prompted foreign and long-term investments and reduced power costs," Gauss Energia's Olea said. "It would be contradictory to reverse something that's working. It would be counterproductive, even politically."

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BNP Paribas to Halt Shale, Oil Sands Financing

Posted October 11, 2017, 03:58 P.M. ET

By Fabio Benedetti-Valentini and Russell Ward

BNP Paribas SA pledged to stop financing shale and oil sands projects, expanding earlier commitments in support of global efforts to tackle climate change.

France's largest bank will no longer do business with companies whose main activity stems from oil and natural gas obtained from shale or oil sands, it said in a statement on Oct. 11. The policy covers companies involved in activities ranging from exploration to marketing and trading. The bank added that it won't fund oil or gas projects in the Arctic region.

BNP Paribas said it's committed to bringing its financing and investment activities in line with international efforts to keep global warming below 2 degrees Celsius (3.6 degrees Fahrenheit) by the end of the century. Achieving that goal relies on reducing the world's dependence on fossil fuels, starting with energy from shale and oil sands, the bank said.

The bank said the extraction of fuel from these sources emits high levels of greenhouse gases and harms the environment in other ways. BNP Paribas may be the first large bank to blacklist shale oil, which has enabled the United States to curb oil imports and pushed down energy prices.

Once a global leader in oil financing, BNP has withdrawn from funding coal mines and coal-fired power plants in recent years, along with other big European banks including Societe Generale SA, HSBC Holdings Plc and Credit Agricole SA. Energy excluding electricity represented 4 percent of BNP's total lending commitments, down from 6 percent in mid-2015, according to its filings.

"Our role is to help drive the energy transition," Chief Executive Officer Jean-Laurent Bonnafe said in the statement. "We're a long-standing partner to the energy sector and we're determined to support the transition to a more sustainable world."

Shale Surge

U.S. oil and gas output has surged over the past six years as drillers unlocked oil trapped in shale formations, partly by injecting water, sand and chemicals under high pressure to crack open reservoirs. Banned in France, the process known as hydraulic fracturing, or fracking, has been at the center of controversies about contaminating water sources and causing earthquakes.

Meanwhile, investor sentiment toward oil sands—a heavy crude that is capital intensive to extract—has soured as prices halved from above $100 a barrel over the past three years, with Royal Dutch Shell Plc selling out of its oil sands assets in Canada.

Last year, BNP decided to halt further development of its reserve-based lending business, the key avenue for financing shale companies. In 2012 the bank sold its reserve-based lending activities in the U.S. and Canada to Wells Fargo & Co., including $9.5 billion of loans.

BNP also repeated its target for 15 billion euros ($17.7 billion) in financing for renewable energy projects by 2020 and 100 million euros of investment in startups in areas such as power storage and efficiency.

—With assistance from Ben Sharples, Javier Blas and Donal Griffin.

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U.K. Floats Nuclear Safeguards Bill for Post-Brexit Period

Posted October 11, 2017, 12:46 P.M. ET

By Alex Morales

The U.K. published draft legislation to create a domestic nuclear safeguards system that will replace provisions under the European Union's Euratom treaty once Britain has left the bloc.

The law aims to give certainty to the nuclear industry and sectors such as health care that Britain will maintain a stringent system of checks over radioactive materials after Brexit. The legislation became necessary after government deemed it impossible to withdraw from the EU without also leaving Euratom, putting in doubt everything from the transport of nuclear fuels to cancer treatments.

"We are bringing forward the U.K.'s first new nuclear power plants in a generation, and it is in our mutual benefit to maintain the successful working relationship we have now with Europe and the rest of the world on nuclear matters," Energy Minister Richard Harrington said in a statement. "This is what we will be looking to secure in negotiations with our partners."

Electricite de France SA has already begun work on a new nuclear plant at Hinkley Point in southwest England. Japanese utilities Hitachi Ltd. and Toshiba Corp. also plan new reactors in Britain.

No time line has yet been set for the passage of the law through Parliament, but it needs to be enacted before Britain's scheduled departure from both the EU and Euratom in March 2019. Euratom's main function is to account for nuclear material so it remains in peaceful uses.

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Stops on New England Gas Orders Made Prices Rise, Group Says

Posted October 11, 2017, 01:21 P.M. ET

By Ryan Collins (Bloomberg News) and Adrianne Appel (Bloomberg BNA)

Power companies' approach to booking space on U.S. natural gas pipelines is becoming the latest flash point in the debate over whether to build more of the links in the historically constrained Northeast.

The Environmental Defense fund said in an Oct. 11 report that New England utility companies Eversource Energy and Avangrid Inc. have repeatedly reserved pipeline capacity for large gas deliveries, only to cancel their orders for the power-plant fuel at the last minute. It's a move that, the group said, amplified the run-up in electricity prices during cold snaps and cost customers $3.6 billion over three years.

The practice is permitted by regulations meant to ensure reliable gas supply, and Eversource says it didn't profit from it.

New England, where electricity prices are among the highest in the nation, has been embroiled in a debate over whether to allow companies to build new pipelines to carry more gas into the region. Many power plants use natural gas to generate electricity, and homeowners also use it for heating.

The Environmental Defense Fund said it is not anti-pipeline, but the findings are likely to be used by other environmental groups to argue that more pipelines are not needed.

Capacity Cancellations

The Environmental Defense Fund said in its report that the eleventh-hour capacity cancellations show the gas supply bottlenecks used to justify new pipelines may be less severe than they appear.

Eversource pulled out of a $3 billion New England pipeline proposal last year after a court ruling effectively blocked funding for the conduit.

"There were in some instances plenty of available capacity on the pipelines serving the populated areas of the Northeast that bore the brunt of the price increase," N. Jonathan Peress, senior director of energy market policy at the Environmental Defense Fund, said in a phone interview.

Pipelines may not be needed and may not be the most cost-effective solution to energy needs, but as markets operate now, lack of clear price data makes it impossible to tell, Jon Coifman, a spokesman for the environmental group, said.

Caroline Pretyman, a spokeswoman for Eversource, called the group's report misleading. A spokesman for Avangrid didn't respond to a request for comment.

"It is well documented that New England pipeline demand greatly exceeds the supply on cold days," Pretyman said. "Our gas distribution business is carefully regulated and the gas supply we purchase for our customers is a strict pass-through cost—meaning we don't benefit from higher prices derived from withholding."

Gas Reliance

Avangrid and Eversource, like many utilities, lock in the rights to purchase space on gas pipelines for the long term. In 2008, the U.S. Federal Energy Regulatory Commission amended rules to allow such companies to sell extra capacity not needed for customers to a secondary market, where power plants buy the fuel, according to the report. Because utilities are part of a regulated monopoly, most profits from the secondary market have to be given back to the ratepayers in the form of dividends.

But when utilities cancel scheduled pipeline capacity in the last hours of the trading day—too late for it to be resold—higher electricity bills can result, according to the Environmental Defense Fund report. It's a phenomenon that may become more pronounced as the nation becomes more reliant on gas-fired generation, Peress said.

"New England is probably the leading example in the country of what the implications of increased gas use and increased reliance on gas fired generators" are for consumers, he said.

Pipeline Construction Fight

"The allegations raised in the report are concerning," a spokeswoman for Attorney General Maura Healey (D) told Bloomberg BNA Oct. 10 in an email.

Healey's anti-pipeline stance is well known in Massachusetts: In November 2015, her office issued a report concluding that any additional energy needs of the next 15 years could be met through energy efficiency and demand response.

The fight over natural gas pipeline construction in New England came to a head in Massachusetts in August 2016, when the Supreme Judicial Court ruled that an Eversource and industry pipeline plan backed by Gov. Charlie Baker (R) could not go forward.

The Access Northeast Pipeline was proposed by Eversource, Spectra Energy and National Grid to bring more natural gas from New York starting in 2022. Massachusetts uses 42 percent of the

natural gas in New England, according to Eversource, and most of it fuels electricity plants.

Eversource Energy executive vice president Lee Oliver told investors in February the company was pursuing legislation in Massachusetts to give it permission to build the pipeline that was blocked by a Supreme Judicial Court ruling. Massachusetts lawmakers, however, say they have moved on from even considering a bill and instead are debating scores of bills this year that would strengthen the state's renewable energy portfolio.

"I hope [the study] puts a nail in the coffin of the idea that we have a problem with natural gas capacity and need another pipeline to solve it," David Ismay, an attorney with the Conservation Law Foundation, an environmental organization, told Bloomberg BNA Oct. 10.

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10,000 Electric Cars Highlight Steep Path to India's Ambitions

Posted October 11, 2017, 8:42 A.M. ET

By P R Sanjai and Rajesh Kumar Singh

Prime Minister Narendra Modi has kicked off India's race to turn all new passenger car sales electric by 2030. The largest order has gone to a company that hasn't commercially started producing the vehicles.

Tata Motors Ltd. hasn't sold a single electric car yet, though Chief Executive Officer Guenter Butschek says its late-mover status is an advantage at a time when technology advances are leading to a fall in costs. Tata along with Mahindra and Mahindra Ltd.—India's sole electric carmaker that plans to boost its vehicle manufacturing capacity to 5,000 units a month—underscore the distance to be covered when compared to China and the U.S.

Ramping up production of electric vehicles in a country where carmakers sell 2.5 million fossil fuel powered units annually is just one part of the problem, finding uninterrupted power supply is another. In addition, non-existent charging infrastructure further widens the gap between India and China, the current global leader. It had 336,000 new registrations in 2016, more than double of 160,000 in the U.S., while India had just 450 cars hitting the roads, according to the International Energy Agency.

"The government needs to set up charging infrastructure to make this electric business model sustainable," said Ram Kidambi, partner at consultancy firm A.T. Kearney. "Indian automotive companies may be able to supply electric vehicles meeting the deadline. But the problem is what do the car owners do without the charging infrastructure?"

Falling Prices

The pursuit for all electric new car sales in less than a decade-and-a-half is part of Modi's plan to champion the cause of combating climate change. Bloomberg New Energy Finance predicts the target will be "incredibly difficult" in the absence of a clearly defined policy and without subsidies. Chinese firms have benefited from generous funding offered by various regional governments.

India currently has about 350 charging points while China had about 215,000 installed at the end of 2016, according to the BNEF report. It will take about 15 years in India for total cost of ownership for electric vehicles to reach parity with conventional vehicles, around the time the south Asian nation

plans to end sale of fossil fueled cars.

India's EV target appears a little too ambitious, said Pawan Goenka, managing director at automaker Mahindra & Mahindra. "It would be little more moderate, though lot more aggressive growth path than what we have seen in other countries, but more moderate than being 100 percent electric vehicles by 2030."

Modi's administration is hoping to fast-track change by leading from the front. The government-backed Energy Efficiency Services Ltd. (EESL), which is tasked with helping the nation reduce emissions and curb fuel imports, is buying 10,000 battery-powered cars from Tata Motors and Mahindra & Mahindra to replace petrol and diesel cars used by the federal government in about four years.

Revenue Source

Electric vehicles open up a new source of revenue for India's money-losing power retailers and could attract their enthusiasm in building the charging infrastructure, according to Shantanu Jaiswal, head of India research at Bloomberg New Energy Finance in New Delhi.

"In areas where the traffic volumes are high, it makes good business sense for distribution utilities," Jaiswal said. "In rural areas though, where concentration of electric cars may not be very high, getting investments may still be a challenge, as we have seen in household electrification."

Automobile ownership in India remains low, with only 18 cars per 1,000 citizens compared to nearly 69 in China and 786 for the U.S., a study by Niti Aayog, a policy planning body, and Colorado-based Rocky Mountain Institute. The scarcity of privately owned four-wheel vehicles and a large number of two-wheelers will enable Indians to leap frog into electric cars space as higher demand could lead to lower prices.

That's what Tata and Mahindra are betting on. Tata is running trials of its electric buses after developing the plug-in versions of its Bolt and Tiago hatchback models. Mahindra has plans to expand its capacity to make electric vehicles almost 10-fold to 5,000 units a month in two to three years.

Tata Motors has a two part strategy—one which includes selling cars to the government—and then rolling out electric buses and trucks to cater to the mass transportation segment. Plans for both are ready, Tata's Butschek said in an interview.

"We have invested a lot in electric vehicle business although we may not be outspoken about the same," he said.

—With assistance from Debjit Chakraborty.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Tue 10/17/2017 6:54:03 PM
Subject: BREAKING NEWS: Judge blocks Trump's latest travel ban order

A federal judge in Hawaii on Tuesday blocked the latest version of President Donald Trump's travel ban.

U.S. District Court Judge Derrick Watson granted a temporary restraining order, concluding that Trump appeared to run afoul of federal immigration law when he issued a proclamation last month restricting travel to the U.S. by citizens of eight countries.

Six of the eight nations are majority Muslim, but the judge's ruling does not focus on that issue.

The restraining order, sought by the state of Hawaii, a local Muslim cleric and others, came hours before the restrictions in the new directive were set to kick in at midnight.

Read more: http://www.politico.com/story/2017/10/17/judge-blocks-trumps-latest-travel-ban-order-243875

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Thur 9/7/2017 10:42:03 PM
Subject: BREAKING NEWS: Court rejects Trump administration attempt to include extended family in travel ban

An appeals court on Thursday rejected the Trump administration's attempt to deny grandparents, aunts, uncles and cousins of Americans an exemption from President Donald Trump's travel ban executive order.

A three-judge panel of the 9th U.S. Circuit Court of Appeals unanimously declined to overturn a district court judge's ruling that the administration was taking too narrow a view of an exception the Supreme Court carved out from the travel ban in June.

The appeals court panel also cleared the way for a greater flow of refugees, declining to disturb a lower court order that those already assigned to resettlement agencies can enter the U.S. despite Trump's order.

The revised travel ban Trump issued in March suspends issuance of U.S. visas to residents of six majority-Muslim countries and halts admission of refugees from across the globe. The Supreme Court has set arguments on the ban's legality for October 10.

Read more: http://www.politico.com/story/2017/09/07/court-rejects-trump-administration-attempt-to-include-extended-family-in-travel-ban-242461

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Sent: Mon 8/14/2017 11:40:36 PM
Subject: Aug. 15 -- Daily Environment Report



Daily Environment Report

August 15, 2017 - Number 156

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Leading the News

Biofuels
FS Bioenergia's Brazil Corn Ethanol Plant Seen as First of Many
Brazil's first ethanol plant to exclusively use corn, in a country that makes nearly all of its ethanol from sugar cane, has begun industrial-scale operations and is expected to lead to as many 10 other such nearby plants during the next decade.

Energy
Perry's Hanford Tour Highlights Tricky Role for Energy Department
Energy Secretary Rick Perry's first visit to the Hanford Nuclear Site Aug. 15 comes as state and local officials wait to hear how the Trump administration will manage the complex, decades-long cleanup of the former nuclear weapons production facility.

Proxy Voting
Vanguard Gets More Aggressive on Corporate Climate Risk
Vanguard Group says it's raised risks from climate change in talks with more companies over the past year than ever before.

Special Report

Energy
Lapsed Tax Credits Leave Renewables Twisting in the Wind
The Bergey Windpower Co. factory south of Oklahoma City can produce 1,500 small-scale turbines annually. But current output is only a fraction of that capacity.

News

Coal Mining
U.S. Faulted for Not Weighing Climate in Signal Peak Coal Permit
The U.S. Office of Surface Mining didn't adequately examine the impact of coal combustion on greenhouse gas emissions for an underground project in the Bull Mountains of central Montana, a federal judge ruled.

Dumping
Preliminary Decision in Argentine Biodiesel Case Delayed
Commerce Department officials will wait a little longer in deciding whether producers/exporters from Argentina and Indonesia are dumping biodiesel in the U.S. market, according to a Commerce notice.

Energy
Energy Department Sued Over Grid Reliability Study Records
The Sierra Club launched an early challenge to a highly anticipated grid reliability study, filing a lawsuit over the Energy Department's alleged failure to provide records of any communication between department officials and the power sector.

Energy
Top Energy Regulator Vows to Keep Coal in U.S. Power Mix
The newly minted head of the Federal Energy Regulatory Commission wants to preserve coal's share of America's power mix.

Energy
Whatever Happened to Indonesia's Mighty Oil and Gas Industry?
Once a cornerstone of the economy, Indonesia's oil and gas sector is in a slump, even as the country's appetite for energy soars.

Natural Gas
Fast, Dirty Natural Gas Plants Get Boost from Electric Cars
Britain's goodbye to fossil-fuel cars by 2040 could boost the need for dirtier natural gas-powered stations.

Oil & Gas
Can Some Nebraska Farmers Kill the Keystone XL Pipeline?
"When I first started this, it was about my house," said Shannon Graves, who owns a hardware store in Polk, Neb.—population roughly 300—and lives less than 100 yards from the proposed route of the Keystone XL pipeline. "I just wanted to protect my home."

Pesticides
EPA's Pesticide Industry Fee Accounting Has 'Weakness': Audit
The EPA can't be certain how much money is in its pesticide registration coffers, and that concerns the agency's watchdog.

Renewable Energy
Australian State Scores Second Energy Hit With SolarReserve Plant
South Australia committed to a 20-year contract to buy power from what is slated to be the world's largest solar thermal power plant incorporating storage a month after the state was

named as the location for the world's biggest lithium-ion battery.

Renewable Energy

First Solar to Profit If Trump Slaps Tariffs on Panel Imports

First Solar Inc. is standing on the sidelines of a trade dispute that could give its products a significant leg up.

CORRECTION

The Aug. 14 story "Utilities Face More Emissions Cuts in Massachusetts" mischaracterized Eversource's support for the state's tighter greenhouse gas limits. The story has been corrected.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 8/30/2017 8:31:59 PM
Subject: Court rejects bid to lift EPA delay of chemical safety rule

By Alex Guillén

08/30/2017 04:28 PM EDT

The U.S. Court of Appeals for the D.C. Circuit today declined a request from environmental groups and United Steelworkers to immediately reinstate a chemical safety rule that was put on hold by EPA Administrator Scott Pruitt.

Pruitt delayed the rule, known as the Risk Management Plan update or the Chemical Disaster Rule, through 2019, saying he needed time to review and potentially revise or repeal it.

In a short order today, a three-judge panel said only that the environmentalists and labor group "have not satisfied the stringent standards for a stay pending court review." However, the judges did put the case on a fast track and gave the parties until Sept. 13 to suggest an expedited briefing schedule.

The order was issued by Judges Brett Kavanaugh, a George W. Bush appointee, and Cornelia Pillard and Robert Wilkins, both Barack Obama appointees.

The rule, written in the wake of several high-profile deadly explosions at chemical and fertilizer facilities, set tighter requirements for safety and reporting.

WHAT'S NEXT: Although the case was placed on a fast track, the suit may not see oral arguments until late this year or 2018.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/court-rejects-bid-to-lift-epa-delay-of-chemical-safety-rule-092297

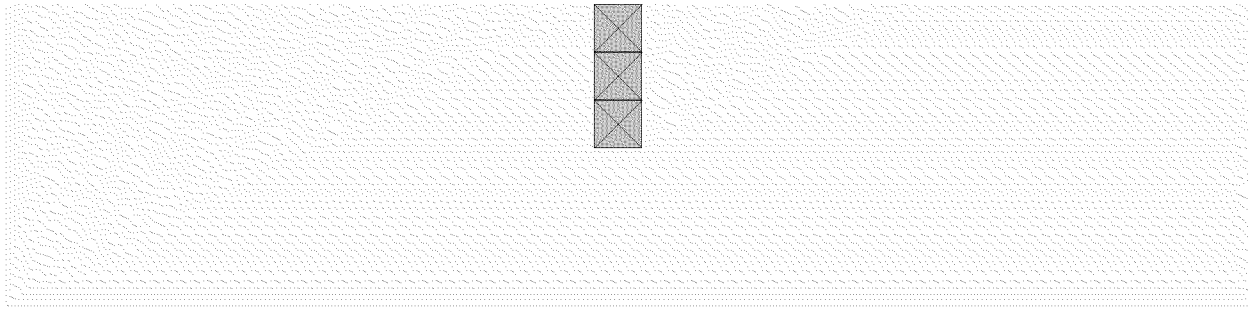
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Security Today
Sent: Mon 10/23/2017 11:30:19 AM
Subject: Serial Killer in Tampa? Flight Fire Risk, ESB 4 Christened, BP Nabs MS-13, After the Storm





To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 8/23/2017 12:03:43 AM
Subject: Aug. 22 -- Energy and Climate Report



Energy and Climate Report

August 22, 2017 - Number 162

News

Biofuels
U.S. Proposes Duties on Biodiesel From Argentina and Indonesia
Biodiesel producers in Indonesia and Argentina are benefiting from government subsidies, and their exports to the U.S. should be slapped with duties of as much as 68 percent, according to the initial results of a Commerce Department probe.

Coal Mining
Colorado Governor Backs Arch Coal's $12 Million Royalty Cut
Colorado Gov. John Hickenlooper (D) is supporting a request that would save Arch Coal $12 million a year in federal royalties, a spokeswoman for the governor tells Bloomberg BNA.

Emissions Trading
California Auction Raises $640 Million for Greenhouse Gas Fund
California raised an estimated $640 million for its greenhouse gas fund by auctioning permits to curb carbon emissions—a result that analysts said shows restored confidence in the state's cap-and-trade program.

Energy
Brazil's Utility Giant Soars as Government Plans Privatization
Brazil's troubled state-run utility Eletrobras jumped the most in almost two decades on a government proposal to privatize the company amid the country's deep fiscal crisis.

Energy
Energy Transfer Told to Revise Rover Gas Line Drill Plans
Energy Transfer Partners must submit revised horizontal directional drilling plans for the Rover natural gas pipeline along with other information before FERC will allow the company to resume drilling in certain areas, the agency said in an Aug. 22 filing.

Energy
White House Denies Murray Emergency Request, Despite Trump Backing
The White House denied requests from Murray Energy Corp. to issue an emergency order to keep Murray's coal mines and FirstEnergy Corp. coal plants operating and the companies out of bankruptcy, despite President Donald Trump's promises to back the requests.

Mining
Supplying Lithium Gets Trickier as Electric Revolution Looms
Hidden within the salt flats high in the Andes mountains of South America are vast deposits of the lithium that Elon Musk may need for his electric-car revolution. But extracting the

mineral from brine ponds created by Orocobre Ltd. has proved more difficult than expected.

Motor Vehicles

Ford Offers U.K. Drivers Cash to Scrap Dirty Diesel Engines

Ford Motor Co. became the latest automaker to offer cash to U.K. drivers if they scrap the most polluting vehicles on the roads, targeting about 15 million cars and vans across the country.

Oil & Gas

Colorado Governor Orders Pipeline Rule Update After Fatal Accidents

Colorado Gov. John Hickenlooper (D) Aug. 22 directed the state's Oil and Gas Conservation Commission to upgrade its rules on inspection and pressure-testing of natural gas flow lines, one of a series of steps he has taken to improve safety following two deadly accidents. Hickenlooper announced in all seven steps the state will take involving the oil and gas industry. In April, two men were killed when a leaking flow line connected to a natural gas well owned by Anadarko Petroleum Co. ...

Oil & Gas

Power Plant Emissions Should Be Part of Pipeline Review: Court

Carbon emissions from gas-burning power plants should have been considered in federal regulators' review of a Florida natural gas pipeline, a federal appeals court ruled Aug. 22, siding with conservation groups.

Pipeline Safety

Energy Transfer Suit Claims Greenpeace Incites Eco-Terrorism

Energy Transfer Partners LP accused Greenpeace International, Earth First! and other groups of inciting terrorist acts and vandalism to generate publicity and raise money for their causes while hampering the ability of the Dakota Access pipeline majority owner to raise money for projects.

Renewable Energy

China's Top Wind Utility Lifts Profit With Policy Help

China Longyuan Power Group Corp., the nation's biggest developer and operator of wind farms, said government-led efforts to boost clean energy consumption supported higher first-half profit.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Wed 8/16/2017 2:05:53 PM
Subject: POLITICO's Morning Energy: Trump launches new salvo to speed project permitting — Another twist in Sumner nuclear saga — LCV campaign targets monument review

By Anthony Adragna | 08/16/2017 10:00 AM EDT

With help from Alex Guillén, Darius Dixon, Doug Palmer and Emily Holden

ANOTHER ENVIRONMENTAL REVIEW PUSH THUDS: Before he veered off-message by arguing there were "very fine" people among the neo-Nazis and KKK members in Charlottesville, President Donald Trump actually signed an executive order Tuesday that aims to hit a two-year goal for completing federal environmental permitting for infrastructure projects by designating a lead federal agency for each major project. "It's going to be a very streamlined process," he said at a Trump Tower press conference. "And, by the way, if it doesn't meet environmental safeguards, we're not going to approve it." The order tasks the White House Council on Environmental Quality (still without a nominee to lead it) with developing a government-wide action plan to speed environmental permitting reviews and with sorting out any disputes between agencies.

Most controversial among the order's provisions was the revocation of an Obama-era flood standard requiring new federally funded projects be built to withstand the stronger storms likely fueled by climate change - a move that earned broad condemnation. R.J. Lehmann, a senior fellow with the conservative R St. Institute, called the revocation "shortsighted and ill-considered." Republican Rep. Carlos Curbelo , whose South Florida district sees frequent flooding, called Trump's decision "irresponsible and it will lead to taxpayer dollars being wasted on projects that may not be built to endure the flooding we are already seeing and know is only going to get worse." And Sierra Club Executive Director Michael Brune said axing the standard was "actively wasting taxpayer dollars, endangering schools and hospitals, and threatening the lives of people around the country for no other reason than his apparent contempt for the public."

Supporters of Trump's reversal of the Obama-era initiative were limited mainly to home builders and some Republicans in Congress. "President Trump made the correct decision to repeal this onerous regulation that was written to make a political statement on climate change rather than for practicality," Louisiana Rep. Ralph Abraham , whose state has been ravaged by more frequent flooding, said in a statement. And National Association of Home Builders Chairman Granger MacDonald praised Trump's action to kill the standard that would "needlessly hurt housing affordability" and said it would "provide much-needed regulatory relief for the housing community and help American home buyers."

What about infrastructure? Trump attempted to call attention to his $1 trillion initiative to rebuild the nation's roads, tunnels and bridges - but provided hardly any detail about what that forthcoming proposal may actually contain, Pro Transportation's Lauren Gardner reports. National Economic Council Chairman Gary Cohn said the White House continued to hope action on infrastructure would come this year but told reporters it would "come on the heels of taxes," another complex issue without a firm proposal ready for congressional consideration.

WELCOME TO WEDNESDAY! I'm your host Anthony Adragna, and the American Chemistry Council's Andrew Fasoli was first to name Liechtenstein as the country Snoop Dogg tried to rent out. For today: What iconic rock n' roller died 40 years ago today? (No Googling, as always; h/t reader Craig Meyers.) Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @A nthonyAdragna, @Morning_Energy and @POLITICOPro.

SCANA PULLS ABANDONMENT APP FOR SUMMER (FOR THE MOMENT): After markets closed on Tuesday, SCANA announced that it is yanking the paperwork it filed with regulators to abandon the V.C. Summer nuclear project. Nuclear supporters shouldn't get too excited just yet. Since it decided to pull out of the project two weeks ago, the company brass have met with state lawmakers concerned about the political and financial fallout of Summer's undoing-and the billions of dollars SCANA intends to pass onto its customers. "The purpose of these ongoing meetings is to discuss their concerns and to explain the path that led us to the abandonment decision," SCANA CEO Kevin Marsh said in a statement. Terminating the project, he reiterated, was their "least desired option" but still "the prudent decision."

South Carolina's 2007 Base Load Review Act established a six-month clock for regulators to review the abandonment plan, while the state's governor and legislators are scrambling for options to minimize the impact on consumers or rescue the project. Marsh is holding a conference call with analysts at 8:30 a.m. today.

ME FIRST - GREENS LAUNCH 'FINAL PUSH' AGAINST MONUMENT REVIEW: The League of Conservation Voters is launching a final $100,000 push today across multiple platforms against the Trump administration's review of nearly two dozen previously-designated national monuments. The campaign will urge people to urge Interior Secretary Ryan Zinke against making changes to the designations and promote videos highlighting support of public lands. LCV also plans to use Facebook and Instagram to push Reps. Paul Gosar, Steve Pearce, Doug LaMalfa and Doug Lamborn to stop their support of the review.

BRING ON THE LOBBYING MUSCLE: Five European natural gas companies hoping to build a controversial pipeline to deliver Russian gas to Germany hired a U.S. lobbying firm this month, Pro's Ben Lefebvre reports, citing disclosure forms. The five European companies - Shell International, Engie, Uniper SE, OMV Aktiengesellschaft and Wintershall Nederland - will be represented by McLarty Inbound lobbyists including Richard Burt, a former ambassador to Germany. Edward Chow, a senior fellow at the Center for Strategic and International Studies' Energy and National Security Program, said the companies could be reacting to the combination of a more aggressive U.S. energy policy under Trump and Congress' tougher line on Russia.

COAL VERSUS THE WORLD: The coal lobby has taken some offense to an initial draft of the Department of Energy's upcoming grid study. The American Coalition for Clean Coal Electricity wants the report to pin losses in coal and nuclear generation on natural gas and Obama-era regulations on fossil fuels, not renewable power. The group wants DOE to look at how increasing reliance on natural gas might cause grid reliability problems when gas is not available, according to a new paper . ACCCE also counters the draft study's findings that EPA

regulations played only a minor role in coal retirements and that coal has been one of "the largest energy subsidy beneficiaries."

COURT STOPS MONTANA COAL MINE EXPANSION: A U.S. District Court judge in Montana this week tossed out the Interior Department's 2015 approval of a coal mine's expansion in the state, ruling that the agency failed to study the climate change-related effects of transporting and burning that coal. Environmental groups argued that Interior had calculated the economic benefits of expanding Signal Peak Energy's Bull Mountain mine (including local employment and state tax revenue) without also considering the costs of burning that coal. Judge Donald W. Molloy ag reed, and was especially critical of Interior for concluding that the effect of the expansion's emissions would be "too uncertain to predict" while also concluding that the expansion would have no effect "because other coal would be burned in its stead."

"This conclusion is illogical, and places the Enforcement Office's thumb on the scale by inflating the benefits of the action while minimizing its impacts," he wrote in his Monday ruling. Molloy, a Clinton appointee, vacated Interior's previous environmental assessment, ordered a halt to any mining in that area. Interior must revisit these issues and likely conduct a full environmental impact statement if mining is to resume. Environmentalists quickly cheered the ruling. "The company and a government agency tried to cut corners once again. Thankfully the court didn't let that happen," said Anne Hedges of the Montana Environmental Information Center.

ITC HEARS SOLAR TRADE TESTIMONY: Industry groups led by the Solar Energy Industries Association, state government officials and representatives of foreign governments all urged the International Trade Commission at a hearing Tuesday not to grant petitions from U.S. solar manufacturers Suniva and SolarWorld Americas for steep tariffs on imported solar cells and modules, Pro Trade's Luis Sanchez reports . Some like Sibylle Zitko, a representative for the European Commission, argued "'inefficiencies" and "bad investments" were more to blame for the U.S. manufacturers' struggles rather than cheap solar imports. ITC has until Sept. 22 to make an injury determination and if the commission sides with Suniva and SolarWorld then Trump would have until Jan. 12, 2018, to make a decision on a remedy and present his plan to Congress.

WHAT A CRAZY STORY: Did you know EPA has a fugitive website? ME neither, but it now boasts a new member thanks to a case involving radioactive waste and a prison escape. James Kenneth Ward illegally dumped radioactive waste at several spots throughout North Dakota but then escaped while on prison transport in Wyoming. He's considered violent and dangerous. More here.

OIL SECTOR: ISDS MUST STAY IN NAFTA: The American Petroleum Institute is insisting that access to investor-state dispute settlements remain a part of NAFTA, which is the subject of trade talks happening this week. "ISDS is a neutral, international arbitration procedure," the group said in a new brief on its website. "ISDS is necessary to ensure that, when US oil and natural companies invest abroad, they can seek protection for their investments if they do not have access to developed and independent court systems."

On the other side, Sen. Sherrod Brown came out hard against the provision, writing in an op-ed that the new NAFTA must "do away with special courts that allow multinational corporations to

undermine U.S. laws and take advantage of American workers. These corporate courts are called investor-state dispute settlement and they've got to go."

NEW EFFORT TO BOOST CORPORATE SUSTAINABILITY: The Harvard Business Review, along with top corporate leaders, is today launching a new effort called the Future Economy Project to help companies lay out blueprints for improving their sustainability efforts. Partners in the effort include: Virgin's Richard Branson; Instagram COO Marne Levine; Dow Chemical's Andrew Liveris; PepsiCo's Indra Nooyi; former Treasury Secretary Hank Paulson; Unilever's Paul Polman and Alphabet's Eric Schmidt. The effort will result in a list of principles.

PENCE CONFIDENT ABOUT VENEZUELA SOLUTION: Vice President Mike Pence expressed confidence economic and diplomatic pressure would resolve Venezuela's ongoing woes during a Tuesday speech in Buenos Aires, Argentina. "We will continue to act until the Maduro regime restores democracy, holds free and fair elections, releases all of its political prisoners, and ends the repression of the Venezuelan people," he said.

REPORT: HFC DECISION COULD BOOST POLLUTION: A new research note from Energy Innovation concludes a federal appeals court ruling striking down an effort from EPA to ban hydrofluorocarbons could lead to the equivalent of between 3.6 billion and 9.5 billion metric tons of carbon dioxide in the atmosphere in 2050, compared to emissions that would have been avoided with the rule in place. It also warns the court's decision, which is likely to be appealed, could hamper U.S. options for upholding its international commitments made last year to reduce HFC emissions.

ANOTHER AD HITS VIRGINIA PIPELINE: The Natural Resources Defense Council released an ad Tuesday opposing construction of Dominion Energy's Atlantic Coast natural gas pipeline and urging Virginia to conduct a far more thorough environmental review of the proposed project. The ad argues that the company has a history of water pollution violations associated with their pipelines and asks "how can we trust them to build an unnecessary 600-mile pipeline?" It's backed with a six-figure ad buy and encourages Virginians to weigh in during the public comment period.

NEW CLIMATE TOOL FOR CITIES UNVEILED: Quantified Ventures and Neighborly, backed with financial support from the Rockefeller Foundation, are unveiling a challenge today to have two U.S. cities issue the first publicly marketed environmental impact bonds. Proceeds from the bonds will go toward green infrastructure projects like stormwater management or other resilience efforts aimed at protecting vulnerable or low-income communities.

MOVER, SHAKER: Connecticut's John Betkoski III has assumed the role of president of the National Association of Regulatory Utility Commissioners; he replaces Robert Powelson, who recently became a FERC commissioner.

TWEETED: Former New Jersey GOP Gov. and EPA Administrator Christine Todd Whitman on Tuesday in response to a retweet of a train running over someone with a CNN logo for a head. "Have you no shame @realDonaldTrump? Retweeting a Trump train running over a reporter isn't even acting like an adult, much less a president."

QUICK HITS

- The Energy Market's Facts Of Life. Bloomberg Businessweek.

- Trump Has Broad Power to Block Climate Change Report. ProPublica.

- Testimony: Group that tampered with northern Minnesota pipeline valve to claim 'necessity' defense. Inforum.

- How Ohio is trying to keep Asian Carp out of Lake Erie. Cleveland.com.

- China imposes import bans on North Korean iron, coal and seafood. BBC.

- US: 'Zero' chance of Colorado River water shortage in 2018. AP.

THAT'S ALL FOR ME!

To view online:
http://www.politico.com/tipsheets/morning-energy/2017/08/16/trump-launches-new-salvo-to-speed-project-permitting-221901

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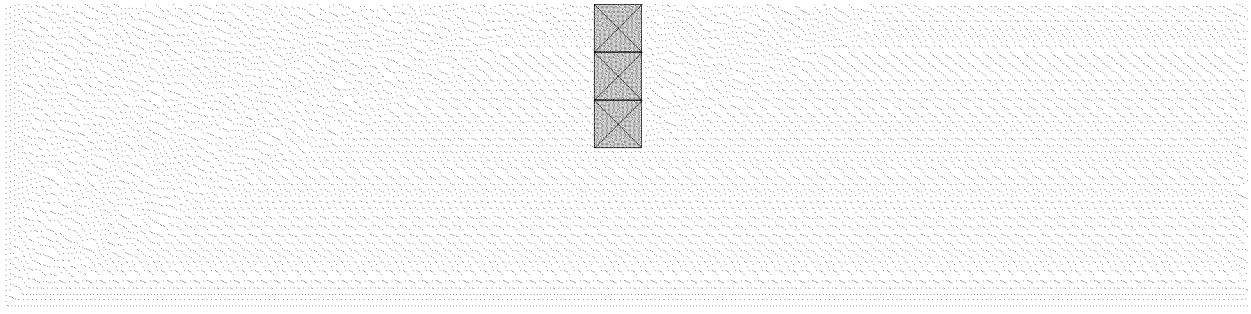
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Sun 9/24/2017 5:05:03 PM
Subject: Steelers team boycotts anthem

Every player on the Pittsburgh Steelers except one stayed in the locker room during the National Anthem for Sunday afternoon's game against the Chicago Bears, an apparent pushback against President Donald Trump's statements over the weekend attacking the NFL. That player stood near the entrance to the field.

The action by the Steelers came as an increasing number of players throughout the league - including members of the two NFL teams playing in London - were kneeling or otherwise making gestures in the spirit of former 49ers quarterback Colin Kaepernick, who remains without an NFL contract.

See http://www.politico.com/story/2017/09/24/trump-attacks-nfl-again-243062 for full coverage.

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From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Wed 9/13/2017 10:30:23 AM
Subject: POLITICO Playbook, presented by CTIA: RYAN and PELOSI to meet about Dreamers, as TRUMP huddles with moderates at the White House -- TIM SCOTT's pre-WH dinner -- FLYNN backed non-profit nuclear program -- SPOTTED at Kennedy Center -- B'DAY: Matt Mackowiak

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Today's POLITICO Playbook presented by CTIA

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

Listen to today's Audio Briefing | Subscribe on iTunes | Visit the online home of Playbook

Driving the Day

Good Wednesday morning. SPOTTED: Jared and Ivanka at Masseria last night... **SEN. TIM SCOTT (R-S.C.)** having dinner with J.D. Vance, Sean Parker and Steve Case at Fiola Mare last night.

WHAT D.C. WILL BE TALKING ABOUT TODAY ...

-- SPEAKER PAUL RYAN is meeting with **HOUSE MINORITY LEADER NANCY PELOSI** at 5 p.m. to discuss legislative options to protect Dreamers, Heather Caygle scoops. http://politi.co/2w7Tf8s To say this is an early-stage conversation would be an understatement. They're just touching gloves. (**CHEAT SHEET,** courtesy Steve Shepard and the good folks at Morning Consult -- "Poll: Majority wants Congress to establish path to citizenship for DACA recipients" http://politi.co/2h0Bpx2)

-- PRESIDENT TRUMP is meeting with a bipartisan group of moderate House lawmakers, including the Problem Solvers Caucus. http://politi.co/2joKaBV **REMEMBER, MR. PRESIDENT:** Often times, conservatives have enough clout to outweigh anything moderates want to do.

-- SEN. TIM SCOTT will be at the White House this afternoon to meet with the president.

THE BIG PICTURE -- THE UNTOUCHABLE PRESIDENT - "Teflon Donald Trump: Democrats have attacked the president every which way, but polling and focus groups show none of it's working," by Isaac Dovere: "Democrats tried attacking Donald Trump as unfit for the presidency. They've made the case that he's ineffective, pointing to his failure to sign a single major piece of legislation into law after eight months in the job.

They've argued that Trump is using the presidency to enrich himself, and that his campaign was in cahoots with Russia. None of it is working. Data from a range of focus groups and internal polls in swing states paint a grim picture for the Democratic Party heading into the 2018 midterms and 2020 presidential election.

"It suggests that Democrats are naive if they believe Trump's historically low approval numbers mean a landslide is coming. The party is defending 10 Senate seats in states that Trump won and needs to flip 17 House seats to take control of that chamber. The research, conducted by private firms and for Democratic campaign arms, is rarely made public but was described to POLITICO in interviews with a dozen top operatives who've been analyzing the results coming in." ***With cameos by Bill Burton, Matt Canter, Steve Israel, Guy Cecil, Peter Hart, Anson Kaye, Ali Lapp, and Celinda Lake***
http://politi.co/2y4WNWa

JOSH DAWSEY SCOOPS -- FLYNN BACK ON THE HOT SEAT: "Flynn backed for-profit nuclear scheme inside Trump transition": "As a top official in President Donald Trump's transition team, Lt. Gen. Michael Flynn actively promoted a private-sector scheme to build dozens of nuclear reactors across the Middle East known informally in the transition as the 'Marshall Plan.' But he did not publicly disclose that backers of the plan had paid him at least $25,000. Flynn communicated during the transition with the backers of the for-profit plan, billed as a way of strengthening ties between the U.S. and Arab allies looking to develop nuclear power capability.

"Meanwhile, the Trump adviser expressed his support for the plan with people inside the transition-and discussed its merits with others beyond Trump Tower, according to sources within and close to the Trump team at that time. Flynn's consulting work for the company has been previously reported, but not the extent of his involvement during the Trump transition, nor the full amount he was paid for it. ... Robert Kelner, a Flynn lawyer, declined to comment.

"Flynn has not been accused of wrongdoing in the matter, and it is unclear if he faces any legal liability. But the new details underscore the way Flynn seemed to commingle his private consulting work prior to Trump's election and his semi-official duties afterward-something that has drawn legal scrutiny and created political headaches for a Trump White House that granted him access to the government's deepest secrets."
http://politi.co/2xYtDHy

THE TAX REFORM PUSH -- The White House is pushing outside groups to ramp up its messaging machine to launch a full on sales pitch for a tax overhaul. **NANCY COOK** emails us: "[O]n Tuesday, a member of the White House press shop blasted out an email to outside stakeholder groups titled 'Trump Tax Cut Blitz!' with suggested articles to push out and tweet about the administration's efforts. The email also listed five different events that the president, senior administration officials, and Cabinet secretaries including Treasury Secretary Mnuchin and SBA Administrator Linda McMahon were participating in to boost a potential tax overhaul, according to the note obtained by POLITICO."

HOUSE WAYS AND MEANS CHAIRMAN KEVIN BRADY -- along with GOP leadership -- is holding a Republican conference meeting today on tax reform. **COLIN WILHELM** notes to us that "No new details expected, just early effort to engage members more and avoid the feeling of a top down effort."

-- WAPO'S DAMIAN PALETTA, SEAN SULLIVAN and **KELSEY SNELL: "Trump's push for tax cuts is coming up against a familiar challenge: Divided GOP":** "Trump advisers and top congressional leaders, hoping to assuage conservatives hungry for details, are working urgently to assemble a framework that they hope to release next week, according to White House aides and lawmakers. But after months of negotiations, the thorniest disagreement remains in view: how to pay for the giant tax cuts Trump has promised.

"Negotiators agree with the goal of slashing the corporate income tax rate and also cutting individual income taxes. But they have yet to agree about which tax breaks should be cut to pay for it all. In private talks, Trump advisers are pressing to eliminate or reduce several popular tax deductions, including the interest companies pay on debt, state and local income taxes paid by families and individuals, and the hugely popular mortgage interest deduction." http://wapo.st/2woPkPA

-- NANCY COOK and **RACHAEL BADE: "Republicans suspicious of 'Democrats' Cohn and Mnuchin as tax plans take shape:** Conservatives are wondering if Gary Cohn and Steven Mnuchin will work to keep the GOP's right flank happy on tax reform rather than appeal for Democratic votes to get a package passed" http://politi.co/2xjVi8y

BREAKTHROUGH -- "Senate Finance leaders announce 5-year CHIP deal," by Rachana Pradhan: "The Senate Finance Committee has agreed to a five-year funding extension for the Children's Health Insurance Program, the tax-writing panel's top Republican and Democrat announced Tuesday evening. The announcement from Chairman Orrin Hatch (R-Utah) and ranking member Ron Wyden (D-Ore.) came with Congress careening toward an end-of-the-month deadline to extend federal funding for a program that covers roughly 9 million low-income children. ... The proposed legislation would maintain Obamacare's 23 percent increase in the federal matching rate to states for 2018 and 2019 and begin to ratchet it down in 2020, according to GOP and Democratic aides. The bump is set at 11.5 percent in 2020 and would be totally eliminated starting in 2021." http://politi.co/2wZRs3K

****** **A message from CTIA and America's wireless industry:** The global race to deploy 5G wireless is on-and America needs to win. Government action on spectrum and infrastructure policy will allow U.S. wireless companies to invest $275 billion, create more than 3 million jobs, and add $500 billion to the economy, according to Accenture. Learn more at CTIA.org. ******

FOR YOUR RADAR -- "White House Weighs Lowering Refugee Quota to Below 50,000," by NYT's Julie Hirschfeld Davis and Miriam Jordan: "The Trump administration

is considering reducing the number of refugees admitted to the country over the next year to below 50,000, according to current and former government officials familiar with the discussions, the lowest number since at least 1980. ... In his first days in office he took steps to radically reduce the program that resettles refugees in American cities and towns, capping the number admitted at 50,000 as part of his executive order banning travel from seven predominantly Muslim countries. ... But in recent weeks, as the deadline approached for Mr. Trump to issue the annual determination for refugee admissions required by the Refugee Act of 1980, some inside the White House - led by Stephen Miller, Mr. Trump's senior adviser for policy - have pressed to set the ceiling even lower." http://nyti.ms/2f5pWfj

--WAPO: "Supreme Court agrees with Trump administration, says some refugees can be barred for now": http://wapo.st/2f4iDV1

-- "Top White House Official to Discuss Climate Change at U.N.," by NYT's Lisa Friedman: "Gary D. Cohn, the chief White House economic adviser, is convening senior climate and energy ministers from about a dozen nations in advance of next week's United Nations General Assembly meeting, the White House confirmed Tuesday. The breakfast in New York next Monday will be held against a backdrop of devastation in the United States and the Caribbean from two monster hurricanes that scientists say may have been made more ferocious by warming trends." http://nyti.ms/2vT3ZDa

AMAZON'S TOP SELLING BOOKS -- 1. Hillary Clinton: "What Happened." ... 3. Katy Tur: "Unbelievable: My Front-Row Seat to the Craziest Campaign in American History".

THE LATEST ON NORTH KOREA ...

-- "North Korea defiant over U.N. sanctions as Trump says tougher steps needed," by Reuters' Jack Kim in Seoul and Roberta Rampton in Washington: "The North's Foreign Ministry said the resolutions were an infringement on its legitimate right to self-defence and aimed at 'completely suffocating its state and people through full-scale economic blockade.' 'The DPRK will redouble the efforts to increase its strength to safeguard the country's sovereignty and right to existence and to preserve peace and security of the region by establishing the practical equilibrium with the U.S.,' it said in a statement carried by the official KCNA news agency." http://reut.rs/2y4pbaR

-- "Amid NKorea crisis, Mattis focuses on U.S. doomsday arsenal," by AP's Robert Burns: "As North Korea flaunts its new nuclear muscle, Defense Secretary Jim Mattis is spotlighting the overwhelming numerical superiority of America's doomsday arsenal. On Wednesday he is dropping in on ground zero of American nuclear firepower: Minot Air Force base in North Dakota, home to more than 100 land-based nuclear missiles as well as nuclear bomb-toting aircraft. He also will receive briefings at Strategic Command, whose top officer would command nuclear forces in war." http://politi.co/2xYiQNr

WHAT FOGGY BOTTOM IS READING -- "U.S. Is Said to Test Support for

Extending Iran Nuclear Limits," by Bloomberg's Nick Wadhams: "Secretary of State Rex Tillerson is turning to U.S. allies in Europe as he seeks a way to salvage the 2015 nuclear accord with Iran a month before President Donald Trump faces a deadline to decide whether to walk away from what he's called 'the worst deal ever.' U.S. diplomats have approached European officials to see if they would join in demanding an extension to limits on Iran's uranium enrichment that are set to expire in 2025." https://bloom.bg/2joQdX9

PUTIN WATCH -- "Russia Sought A Broad Reset With Trump, Secret Document Shows," by BuzzFeed's John Hudson: "In the third month of Donald Trump's presidency, Vladimir Putin dispatched one of his diplomats to the State Department to deliver a bold proposition: the full normalization of relations between the United States and Russia across all major branches of government. The proposal, spelled out in a detailed document obtained by BuzzFeed News, called for the wholesale restoration of diplomatic, military, and intelligence channels severed between the two countries after Russia's military interventions in Ukraine and Syria. The broad scope of the Kremlin's reset plan came with an ambitious launch date: immediately." http://bzfd.it/2f3wdrO

TRUMP INC. -- "How India Became the World Leader in Trump Projects," by Blake Schmidt in Bloomberg: "In western India, a pair of shiny black Trump buildings with gold insignia tower over the city of Pune. In nearby Mumbai, a 75-story Trump skyscraper will be one of the tallest in the megacity. In a swanky suburb of Delhi, two Trump partners have big plans. And in Kolkata, a new Trump tower is under way. ... India has become the only major developing country where his business is roaring. It has the most construction projects with Trump licensing deals of any country outside of the U.S. ... Asked about potential conflicts in India, the Trump Organization said it's 'very proud of the success we have achieved in that market with five active properties under various stages of development.'" https://bloom.bg/2xYHrS7

FROM LONDON PLAYBOOK -- WOODY SPEAKS: "The new U.S. ambassador in London Woody Johnson made his inaugural speech last night and he had words to cheer the hearts of Brexiteers. 'As far as the president is concerned, the United Kingdom, our most enduring ally, is always at the head of the line,' Johnson said. 'The United States is committed to standing with the U.K. through Brexit.' He also sought to reassure Brits that he is a long-standing friend of President Trump, and that 'when you get to know him, you'll like him.'" ***Prepared remarks*** http://bit.ly/2wUYec2 ... ***Subscribe to London Playbook*** http://politi.co/2xfDPuK

-- SECRETARY OF STATE REX TILLERSON is in London today.

THE JUICE ...

-- THE SENATE LEADERSHIP FUND, the outside group aligned with GOP leadership, continues to pound Roy Moore in the Alabama Senate race. The group dropped $714,075 in TV and radio ads this week, according to an FEC filing.

-- NANCY GIBBS is stepping down as editor-in-chief of Time after 32 years with the company and 4 years leading the magazine. Rich Battista and Alan Murray have not yet named her replacement. ***Gibbs' staff memo*** http://politi.co/2wZO5sl ... ***Battista and Murray email*** http://politi.co/2h05ey4

-- SPEAKER PAUL RYAN in August "transferred $2 million to the NRCC, bringing his total haul for House Republicans' campaign arm to nearly $30 million in 2017," Elena Schneider reports. "Ryan's fundraising accounted for more than half of what the NRCC raised in August, just before a round of GOP retirements put more battleground districts at risk ahead of a potentially difficult -- and expensive -- 2018 election for House Republicans." http://politi.co/2w7f1Jn

POLITICO celebrated the launch of its London Playbook last night at the Institute for Government in London. POLITICO European Editor Matt Kaminski and POLITICO CEO Patrick Steel kicked off the soiree. London Mayor Sadiq Khan sent kind words. The fete brought together Anna, EU Playbooker Ryan Heath and London Playbooker Jack Blanchard for the first time. ***Pics*** http://politi.co/2wWBzfv

JOE POMPEO in Vanity Fair -- **"Maggie Haberman and Glenn Thrush Take the Next Step with Trump":** "The announcement that New York Times White House correspondents Maggie Haberman and Glenn Thrush have agreed to do a Trump book for Random House, as I first reported Tuesday, was both bombshell journalism news and something of a foregone conclusion. ...

"But the duo's ambition for the as-yet-untitled book ... is to do something that goes beyond the palace intrigue (though there'll be plenty of that as well) to tell a larger story about who Trump is, why the country chose him, and what it all says about America and where we're headed. They've told people that they want the book to be 'durable,' and that, 'We want this to mean something.' ...

"The Haberman-Thrush collaboration enters an already-crowded field of Trump books.Joshua Green's recently published account of the Donald Trump-Steve Bannon partnership reached No. 1 on the New York Times list. Mark Halperin and John Heilemann are working on a third installment in their Game Change series; Politico Playbook columnists Anna Palmer and Jake Sherman have inked a deal for a book on the backroom dramas of Capitol Hill; Amy Chozick and Katy Tur landed campaign memoirs; and Rosie Gray has a biography of Breitbart News in the making." http://bit.ly/2eVUfBw

--NYT: "Twelve, an imprint of Grand Central Publishing, will release the book by Michael Isikoff and David Corn in March. According to the publisher, the book, tentatively titled 'The Russian Connection,' will go behind the scenes of Russia's attempts to influence the election, and will also analyze Trump's decades-long dealings with Russia as well as the historical relationship between the two countries." http://nyti.ms/2y4i0zB

Playbook Reads

[redacted]

PHOTO DU JOUR: Jean Chatelier walks through a street flooded by Hurricane Irma to retrieve his uniform from his house to return to work today at a supermarket in Fort Myers, Fla., on Sept. 12. | David Goldman/AP Photo

JUST POSTED - JIM RUTENBERG in the upcoming Times Magazine, **"RT, Sputnik and Russia's New Theory of War:** How the Kremlin built one of the most powerful information weapons of the 21st century - and why it may be impossible to stop." http://nyti.ms/2fhCOM6

DATAPOINT -- "Sanders will introduce universal health care, backed by 15 Democrats," by WaPo's Dave Weigel: "'This is where the country has got to go,' Sanders said in an interview at his Senate office. 'Right now, if we want to move away from a dysfunctional, wasteful, bureaucratic system into a rational health-care system that guarantees coverage to everyone in a cost-effective way, the only way to do it is Medicare for All.' Sanders's bill, the Medicare for All Act of 2017, has no chance of passage in a Republican-run Congress. But the bill is already backed by most of the senators seen as likely 2020 Democratic candidates -- if not by most senators facing tough reelection battles in 2018." http://wapo.st/2x0AG4V

JON MEACHAM in the NYT, **"'What Happened'? They Lost. With Her Memoir, Hillary Clinton Joins a Haunted Club":** "She had packed for victory. There had been a white suit for election night at the Javits Center beneath a glass ceiling; white was the color of the suffragists who, a century earlier, had at last won the franchise for women. But now, in the morning hours after Donald J. Trump's White House upset, Hillary Clinton donned gray and purple for her concession to the country. ... For there had been a different plan.

"The gray and purple, she writes, was the 'one I had intended to wear on my first trip to Washington as President Elect.' And so Clinton's starkly titled 'What Happened' now joins what we might call the Kempton Collection, after the New York columnist Murray Kempton, who always believed that the real story was to be found not amid the sprays of Champagne among winners but in the tragic bleakness of the losers' locker rooms." http://nyti.ms/2eUxNbR

BEN SMITH in BuzzFeed, **"There's Blood In The Water In Silicon Valley: The bad new politics of big tech":** "The blinding rise of Donald Trump over the past year has masked another major trend in American politics: the palpable, and perhaps permanent, turn against the tech industry. The new corporate leviathans that used to be seen as bright new avatars of American innovation are increasingly portrayed as sinister new centers of unaccountable power, a transformation likely to have major consequences for the industry and for American politics. That turn has accelerated in recent days: Steve Bannon and Bernie Sanders both want big tech treated as, in Bannon's words in Hong

Kong this week, 'public utilities.'

"Tucker Carlson and Franklin Foer have found common ground. Even the group No Labels, an exquisitely poll-tested effort to create a safe new center, is on board. Rupert Murdoch, never shy to use his media power to advance his commercial interests, is hard at work. 'Anti-trust is back, baby,' Yelp's policy chief, Luther Lowe, DM'd me after Fox News gave him several minutes to make the antitrust case against Yelp's giant rival Google to its audience of millions." http://bzfd.it/2wYGQRf

****** **A message from CTIA and America's wireless industry:** Tomorrow's 5G networks will create 3 million jobs, add $500 billion to the economy, and fuel innovation and entrepreneurialism across every sector. If policymakers move quickly to release more spectrum and modernize infrastructure rules, the wireless industry stands ready to invest $275 billion to build these next-gen networks, according to Accenture. This will drive breakthrough advancements in remote health care, connected vehicles, energy, education and beyond-making our lives better and safer. But the race to deploy 5G wireless networks is underway-and we're at a critical moment. The EU, China, Japan, South Korea and others are doing everything they can to win. If policymakers act now, the U.S. can continue our global leadership in wireless. Learn how at CTIA.org. ******

SCOTUS WATCH -- "Supreme Court blocks ruling against Texas redistricting," by Josh Gerstein: "A sharply divided Supreme Court has blocked a lower court ruling that a congressional district map Texas adopted in 2013 violates the Constitution and is the product of intentional racial discrimination. The high court announced Tuesday night that the justices voted, 5-4, along partisan lines to block a three-judge panel's ruling that Texas needed to redraw the maps or face having them redrawn by the court. The stay will remain in place until the Supreme Court receives and acts on an appeal expected to be filed by the State of Texas." http://politi.co/2xwTBFY

FUN READ -- "Trump ambassador qualifications: Wrote a cookbook, sang in a church choir," by Yahoo's Olivier Knox: "Following in his predecessors' footsteps, President Trump has tapped generous political supporters to join the ranks of America's ambassadors. Among their official, administration-vetted qualifications: church choir singer, cookbook writer, and Fox News punditry. ... [T]he 'Certificates of Competency' that the Trump administration is required to produce for the Senate Foreign Relations Committee can make for interesting reading." https://yhoo.it/2fhbhur

Playbookers

SPOTTED: Transportation Secretary Elaine Chao sitting in coach on a Delta flight from Detroit to DCA after giving a speech on self-driving cars ... at Scarlet Oak in Navy Yard: Steny Hoyer dining with a bunch of Dem. members including Reps. Lois Frankel (D-Fla.), Annie Kuster (D-N.H.), Grace Meng (D-N.Y.) and Cheri Bustos (D-Ill.) ... Rep. Matt Gaetz (R-Fla.) last night at 801 Bar ... Leon Panetta lunching in the back corner booth of

the Capital Grille on Pennsylvania yesterday

OUT AND ABOUT - PBS and Bank of America hosted an advance screening of "The Vietnam War," Ken Burns' new mini-series last night at the Kennedy Center. Martha Raddatz hosted a Q&A with Sen. John McCain (R-Ariz.), John Kerry, Chuck Hagel, Burns and co-filmmaker Lynn Novick after they showed six clips from the astounding 18-hour documentary, which premieres on Sunday at 8 p.m. The Lumineers also played the cover of Bob Dylan's "Subterranean Homesick Blues." Vietnam war veterans in the audience were asked twice to stand up so that they could be recognized by the crowd. ***Preview*** http://bit.ly/2wpH2ak ... ***PICS -- the McCain-Kerry-Hagel panel*** http://bit.ly/2y4yW90 ... ***Bank of America CEO Brian Moynihan*** http://bit.ly/2fhxZCC ... ***The Lumineers*** http://bit.ly/2gZGQwu

SPOTTED: Brian Moynihan, Anne Finucane, Larry Di Rita, Don Baer, Mike Barnicle, Transportation Secretary Elaine Chao, Teresa Heinz Kerry, Bob Kerrey, Diane Lane, Cindy McCain, Sen. Sheldon Whitehouse (D-R.I.), Reps. Jim Cooper (D-Tenn.), Joe Kennedy (D-Mass.), and Kurt Schrader (D-Ore.), former Sen. John Warner (R-Va.), Admiral Mike Mullen, Bob Woodward, Valerie Jarrett, David Bradley, Bret and Amy Baier, Greta Van Susteren and John Coale, Peter Baker, Maureen Orth and Luke Russert, Bob Costa and his dad (***pic*** http://bit.ly/2vSSc8d), Mark Ein, Tammy Haddad ...

... Amy Weiss and Peter Kadzik, Betsy and Jonathan Martin and his parents, Annie Linskey, James Hohmann, Alice Lloyd, Steve Ricchetti, Ryan Williams, Julia Convertini, Craig Gordon, Ben Chang, Reggie Love, Lauren Pratapas, Mark Ein, Jeremy Peters, Jane Harman, Stephanie Cutter, Wendy Sherman, Amb. John Negroponte, Michael Moroney and Francesca Chambers.<???R;q<

SPOTTED at the opening night of Nobu: D.C. Mayor Muriel Bowser, former Baltimore Mayor Stephanie Rawlings Blake, John Falcicchio, Spike Mendelsohn, Dannia Hakki and Vinoda Basnayake ... at WeWork Apollo on H Street in DC last night: Robby Mook, Matt Rhoades and Eric Rosenbach of Harvard's Belfer Center hosting a forum on their bipartisan "Defending Digital Democracy" initiative to prevent hacking in campaigns -- ***Lauren Dezenski's story this morning on the initiative*** http://politi.co/2wVWNKm

SPOTTED at Ron Dermer's annual Rosh Hashanah bash yesterday at his residence in Maryland: Boris Epshteyn, Sam Feist, Josh and Ali Rogin, Max Weinberg of the E street band, Ruth Marcus, Norm Eisen, Eli Lake, Michael Wilner, Aaron David Miller.

WHITE HOUSE DEPARTURE LOUNGE -- PAM STEVENS is out of the Trump administration after two and a half months as associate director of external affairs in the Office of Drug Control Policy. Her last day was Monday. She told us: "I enthusiastically accepted a position at the Office of Drug Control Policy ... to set-up the office of External Affairs in anticipation of a nominee for Drug Czar. As that has been now been accomplished with President Trump's selection of Rep. Tom Marino (R-Pa.), I am now, as expected, moving on to another role."

--Evan Walker, who most recently worked in the Office of Digital Strategy for President Trump, is moving over to the House Republican Conference to work for Chair Cathy McMorris Rodgers (Wash.) to be senior digital strategist. Walker has also been content and creative director at the RNC.

TRANSITIONS -- Alec Zimmerman has been promoted to communications director of the Republican Party of Wisconsin. He joined as press secretary in January. ... **Mario H. Lopez** , president of the Hispanic Leadership Fund, has been named by FCC Chairman Ajit Pai to serve on the FCC's Advisory Committee on Diversity and Digital Empowerment.

WELCOME TO THE WORLD -- @EricTrump: ".@LaraLeaTrump and I are excited to announce the birth of our son, Eric 'Luke' Trump at 8:50 [Tuesday] morning." ***Pic*** http://bit.ly/2x0sCRi

BIRTHWEEK (was Monday): Rick Parnell, who steps down as COO of the UN Foundation on Oct. 1 (hat tip: Caleb Tiller)

BIRTHDAY OF THE DAY: Vivian Schiller, editor in chief at Weber Shandwick and a Twitter, NBC, NPR and NYT alum. **A trend she thinks is undercovered:** "News literacy. It's not just about making sure students consume and share the 'right' news, it's fundamentally about teaching kids to think critically as they navigate the world through their mobile devices. Our education system has failed to modernize in the face of the vastly different way the kids experience the world." **Read her Playbook Plus Q&A:** http://politi.co/2xxK41k

BIRTHDAYS: Matt Mackowiak, Austin-based GOP consultant ... Erin Antosh ... Tavis Smiley ... Jennifer Pflieger ... Rep. Peter Roskam (R-Ill.) (h/t Dave Pasch) ... Rep. Ro Khanna (D-Calif.), celebrating by attending the Washington Nationals vs. Atlanta Braves baseball game tonight, hosted by House Minority Whip Steny Hoyer ... Rep. Ann Wagner (R-Mo.) ... Rep. Roger Williams (R-Tex.) ... Rep. Cedric Richmond (D-La.) ... Michael Weisel (h/t Jon Haber) ... Katie Connelly, VP at Benenson Strategy Group ... Todd Thurman (h/t Brian Darling) ... Jose Morales of the National Democratic Redistricting Committee ... Mark Mellman ... Denise Matyka (h/ts Teresa Vilmain) ... Politico's Henry "CJ" Jackson, a "big time Arsenal fan, husband to Johanna, father to Hugh" (h/t Ben Chang) ... Reuters' Ginger Gibson ... Alexandra Varipapa ... Politico's Lindsay Knight ... Richard Pollock, senior investigative reporter at The Daily Caller News Foundation ... Donald Garrett, management analyst in the IG's office at the VA ...

... Kelsey Smith, Leader Pelosi's director of scheduling/advance ... Colorado State Rep. Jonathan Singer is 38 (h/t Jewish Insider) ... Casey Dolan Labbancz, Andrea Mitchell's senior producer (h/t Olivia Petersen) ... Marian Cannon Schlesinger, the first wife of Arthur M. Schlesinger Jr., the Harvard historian, counselor to and chronicler of John F. Kennedy, is 105. She's celebrating "in her house where she's lived for three-quarters of a century right off Harvard Square" (h/t David Andelman) ... Ryan Hambleton ... Sanette

Tanaka, senior product designer at Vox Media and a WSJ alum ... TV producer Fred Silverman ... Politico alum Kathryn Smith ... Cornyn alum Tina Gray ... Gary Ritterstein, senior analyst at Lake Research Partners ... Danielle Burr of Peck Madigan Jones ... Robin Denton Meszoly ... James Ferrari ... Bill Wright ... Douglas Knight.

****** **A message from CTIA and America's wireless industry:** We need new rules for new 5G networks. New policies that will allow the U.S. to win the race to 5G and enable breakthrough advancements in healthcare, transportation, energy and more. First, a pipeline of low-, mid-, and high-band spectrum will help meet today's mobile needs and enable the 5G networks of tomorrow. Second, every level of government must modernize their rules for the building of small cell wireless infrastructure. Third, permanent and common sense federal regulations for interstate services like mobile broadband will preserve an open internet and protect consumer privacy while promoting innovation and investment. Finally, America's tax structure must be updated to spur billions of dollars in new 5G investment. Learn more about how wireless is working to invest in America's future at CTIA.org. ******

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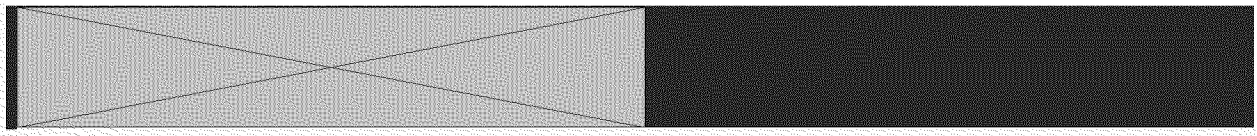
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Subject: Federal Insider: Induction of union-busting Reagan into Labor's Hall of Honor shocks union



Induction of union-busting Reagan into Labor's Hall of Honor shocks union

By Joe Davidson

Before serving as president of the United States, actor Ronald Reagan was president of the Screen Actors Guild. (AP)

Isn't it weird that someone who could contend for the title of America's Greatest Union Buster will be inducted into the Labor Department's Hall of Honor?

More than strange, the union representing Labor Department employees says honoring former president Ronald Reagan is shocking.

But Labor Secretary Alexander Acosta thinks inducting Reagan is a fine idea. So does the Sergeants Benevolent Association of New York City, a union that nominated him. No date for the induction has been announced.

"Well before he led this nation, Ronald Reagan led the Screen Actors Guild during its first three strikes," Acosta said when he announced the planned induction during remarks at the Ronald Reagan Presidential Library in Simi Valley, Calif., last month. "As President of the Screen Actors Guild, President Reagan negotiated never-before-seen concessions for SAG members, which included residual payments and health and pension benefits. As President of this nation, Ronald Reagan continued to recognize the contributions of unions to a free society. His support for Solidarity in Poland prompted a flourishing of freedom that ultimately led to the collapse of Communism."

Curiously — or not — Acosta's statement didn't mention Reagan's role in busting the Professional Air Traffic Controllers Organization (PATCO). In 1981, he fired more than 11,300 air traffic controllers when they did not end an illegal strike. PATCO then was decertified by the Federal Labor Relations Authority. When it comes to labor organizations, Reagan's presidential actions overshadow his tenure with the Screen Actors Guild, which has its

own controversy.

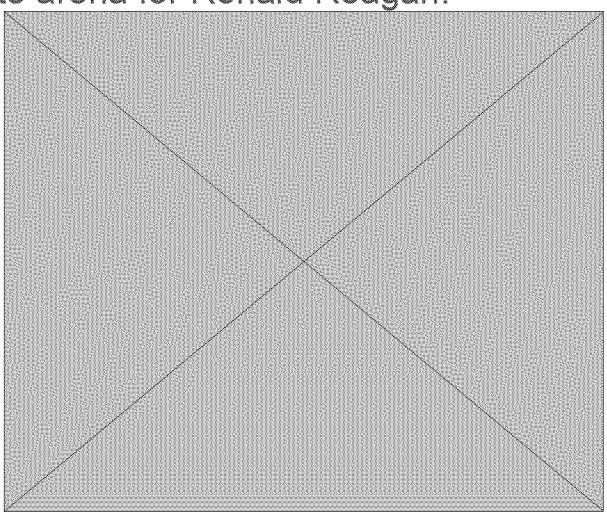
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[Magazine: Recalling the 1981 air traffic controllers strike]

Oddly, officials of PATCO's successor, the National Air Traffic Controllers Association, had no comment on the induction. But Alex Bastani, president of the American Federation of Government Employees Local 12 at the Labor Department, expressed his union's "shock and disappointment" in a letter to Acosta, urging him to reconsider. Bastani called Reagan's PATCO firings a "cruel act of industrial violence."

In a bit of hyperbole, however, Bastani didn't help his argument by claiming the firings "created the enormous division of rich and poor at third world levels, which is the root cause of the racism, sexism, homophobia and xenophobia that paralyzes our nation to this very day."

Those -isms and phobias were around long before Reagan, but Bastani made a good point when he said the "temple honoring the work of men and women who sacrificed themselves to create an American middle class and who championed the causes of America's the working poor, is not the appropriate arena for Ronald Reagan."



Speaking of communism, Bastani also noted Reagan's connection, as a union president, to one of the shameful episodes in recent American political history: the Red Scare.

"It is a historical fact that he surrendered the names of dues paying members to the House Committee on Un-American Activities — a Joseph McCarthy

Does being a veteran guarantee someone a federal job? No, but it

orchestrated witch hunt," Bastani wrote. "We recognize Mr. Reagan had the right to pursue his own personal political agenda. However, he did not have the right to take these actions while representing union members who were being harassed and bullied by the federal government simply for exercising their first amendment rights."

The Washington Post obituary of Reagan, by Lou Cannon, a former Post reporter and Reagan biographer, does not confirm that Reagan supplied names. But, Cannon wrote: "As president of the Screen Actors Guild, which he led in a successful strike against the movie producers, he helped implement the blacklist that prevented suspected communists from working in movies. At the same time, Reagan opposed what he viewed as an indiscriminate effort by the House Un-American Activities Committee to smear liberals who had unwittingly joined leftist organizations."

Reagan, ironically and apparently unwittingly, also was on the board of a communist front. In a July 4, 1960, letter to Playboy mogul Hugh Hefner, Reagan explained: "Following World War II my interest in liberalism and my fear of 'neo-fascism' led to my serving on the board of directors of an organization later exposed as a 'Communist Front,' namely the 'Hollywood Independent Citizens Comm. of the Arts, Sciences & Professions'."

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union members and was able to achieve landmark progress that benefits every member of the Screen Actors Guild to this day," said John Houbusch, executive director of the Ronald Reagan Presidential Foundation and Institute. "His Foundation welcomes the Department of Labor's highest honor and believes Secretary Acosta's award is more than well deserved."

Despite Reagan's attack on a labor organization, the Sergeants Benevolent Association (SBA) nominated him for the Hall of Honor because "he was a turning point for this country," said SBA President Ed Mullins, noting Reagan's status as the only U.S. president who led a major union. Mullins also said Reagan's economic policies helped working people.

Mullins said he understands the objections because of the PATCO episode, but added "Reagan had a big impact on the nation."

That's true, but impact can be good or bad. Reagan was terrible for organized labor, which makes the SBA backing peculiar.

Q&A for federal workers: Veterans preference in hiring

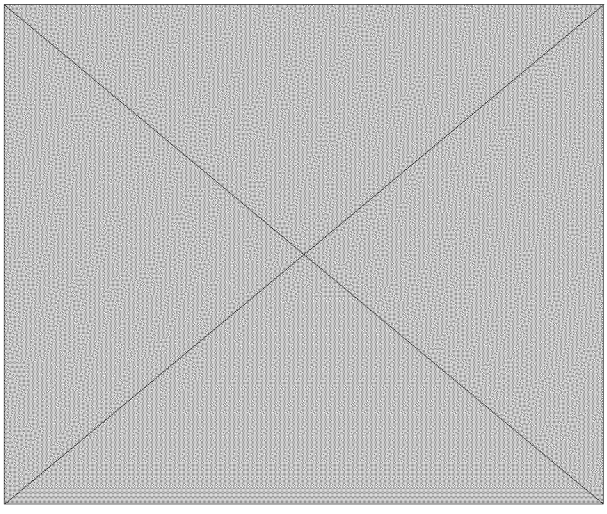
When Reagan is inducted, he will join others whose positive contributions to working people are beyond question. “The Labor Hall of Honor celebrates the bravery of strong, dedicated labor pioneers like Mother Jones, Cesar Chavez and A. Philip Randolph,” Bastani said in his letter. Bayard Rustin, Dolores Huerta, the pioneers of the farmworker movement and the workers of the Memphis sanitation strike also are the list of labor heroes and heroines.

As a labor leader, Reagan was not in their league.

certainly helps.

By Eric Yoder • Read more »

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA.com
Sent: Fri 8/18/2017 11:14:22 AM
Subject: The Morning Headlines from InsideEPA.com -- August 18, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

August 18, 2017

Latest News

CWA Suit May Be Vehicle For High Court To Limit Deference On EPA Rules

Appellate judges say a suit they are overseeing centering on a decades-old EPA and Army Corps of Engineers rule excluding some wetlands from the Clean Water Act (CWA) could, if ultimately appealed to the Supreme Court, be a vehicle for the justices to try limiting courts' deference to regulators' interpretations of the wetlands rule.

10th Circuit's Small Refiner Ruling Signals Circuit Split On EPA Deference

The U.S. Court of Appeals for the 10th Circuits' recent 2-1 ruling scrapping EPA's decision to deny a small refiner a renewable fuel standard (RFS) exemption relies in part on a 1944 Supreme Court test for when courts should defer to agencies' decisions, signaling a split with other circuits that use the high court's 1984 *Chevron* deference test.

EPA Plans To Reconsider Heavy Truck GHG Rules For Trailers, Glider Kits

EPA says it will reconsider the trailer and glider kit portions of its heavy- and medium-duty vehicle greenhouse gas rules, though it is not yet clear if the agency intends to simultaneously stay implementation of those provisions ahead of looming compliance deadlines.

Landmark Precedent On U.S. Superfund Liability Spreads To Another Circuit

A federal district court judge in Arizona is relying heavily on a recent landmark ruling from a neighboring appellate circuit to find that the United States is an “owner” under Superfund law, and therefore potentially liable for remediating uranium mining contamination on Navajo Nation land, though liability has yet to be allocated in either case.

Automakers' Hurdle Easing Vehicle Rules: Diffusing Trump-California Fight

Automakers are welcoming the Trump administration's review of Obama-era greenhouse gas and fuel economy standards for light-duty vehicles but if they are to

win new regulations easing the standards as soon as model year 2021 they will have to mediate between the administration and California officials who strongly oppose any roll back.

Daily Feed

Sunstein, Obama's regulatory czar, praises Trump infrastructure order

While he praised the order, he also identified additional changes that should be made to address permitting delays, including overhauling NEPA.

West Virginia solicitor, chief CPP litigator, departs

The state's departing Solicitor General argued the case against EPA's Clean Power Plan in September on behalf of states challenging the climate rule.

EPA updates, expands environmental justice screening tool

EPA adds data on water pollution but it is not clear if the agency plans to add climate indicators officials had previously said would be added.

EPA extends comment deadline for CWA rule repeal

EPA is granting a 30-day extension -- until Sept. 27 -- of the deadline for public comments on its proposed repeal of the Obama-era Clean Water Act jurisdiction rule.

Ewire: State AGs land new resource to fight Trump rollbacks

In today's Ewire: NYU Law School is launching a new center to help state attorneys general fight Trump's regulatory rollbacks. Plus: TSCA rules and lead-pipe replacements.

D.C. Circuit delays EPA's AFO air reporting mandate

EPA wins a delay until Nov. 14 for complying with an appellate court's mandate to extend air emissions reporting requirements to previously exempt animal feeding operations.

Read all the latest EPA news, analysis and documents →

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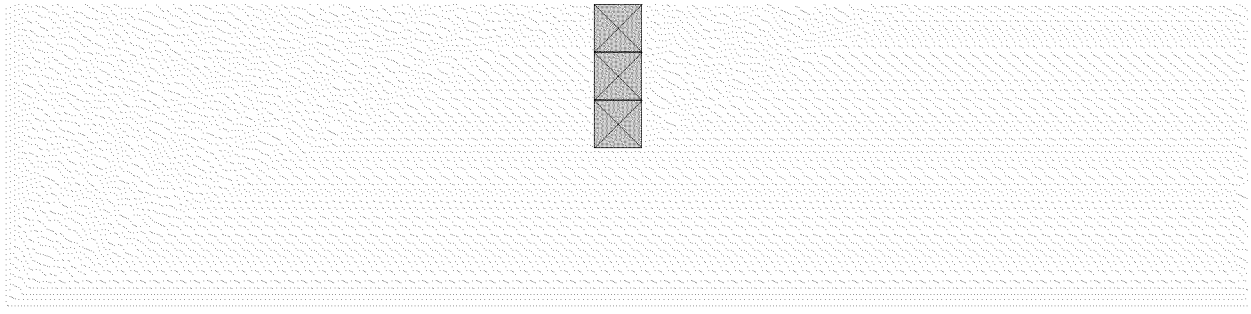
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From: American Security Today
Sent: Wed 9/27/2017 11:25:06 AM
Subject: Gutsy Female Cop Shot, Mexico Search Relief, Sex Money Murder, High Flying Pilot





To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Fri 10/27/2017 2:03:04 PM
Subject: POLITICO's Morning Score: Roy Moore, Senate GOP embrace each other — NRCC adds 31 candidates to Young Guns list — Heiler forms exploratory committee

By Daniel Strauss | 10/27/2017 10:00 AM EDT

With Zach Montellaro

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

DAILY ROLL TIDE - "Moore, Senate GOP embrace each other" by Campaign Pro's Daniel Strauss: "Roy Moore wasn't Washington Republicans' first choice in the Alabama Senate race. But he was Alabama Republicans' choice, and now Washington is getting on board. ... Moore still appears to have the strongest relationships with other anti-establishment Republicans. Paul and Lee are among the hosts listed for a high-profile fundraiser in Washington next week, along with former Sen. Jim DeMint, Senate Conservatives President Ken Cuccinelli, and Faith and Freedom Coalition founder Ralph Reed. ... Moore is also set for a big boost from the White House, which also backed Strange in the primary. President Donald Trump, who threw his support behind Moore when he won the nomination, has said publicly that he expects to sit down with Moore soon. And [Moore campaign chairman Bill] Armistead said Trump and Vice President Mike Pence have committed to come down to Alabama in support of Moore." **Full story.**

- "Jones TV spending nears $1.4M in Alabama" by Campaign Pro's Daniel Strauss: "Democrat Doug Jones booked at least $525,000 worth of TV ads covering next week in Alabama's special Senate election, according to the ad tracker Advertising Analytics, on top of over $855,000 already aired or booked in October. Jones' ad spending, which is nearing $1.4 million since the general election between him and Republican Roy Moore began, is an indication that donations have continued to flow into the Democrat's campaign. Jones finished September with just over $1 million in his campaign account." **Full story.**

- "Why Roy Moore's Law-School Professor Nicknamed Him Fruit Salad" by The New Yorker's Charles Bethea: "George Thomas Wilson, a retired magazine-marketing and P.R. professional now living in New York City, has never forgotten his first criminal-law class, at the University of Alabama School of Law, in 1974. It was taught by Clint McGee, who graduated from the law school himself, in 1940. Early in the class, McGee called on one of Wilson's classmates, a United States Military Academy graduate named Roy Moore. 'And, for the entire hour, McGee kept him standing and talking, standing and talking,' Wilson told me recently. 'Finally, at the end of the hour, McGee said to him, 'Mr. Moore, I have been teaching in this school for thirty years, and in all of that time you're the most mixed-up person I've ever taught. I'm going to call you Fruit Salad.'" **Full story**.

NEW YOUNG GUNS - "NRCC gives 31 candidates 'On the Radar' designation" by Campaign Pro's Elena Schneider: "The NRCC announced its first round of competitive GOP challengers today, adding 31 candidates to its Young Guns 'On the Radar' program. The candidates - representing a range of districts, from battleground to Democratic-leaning seats - reached committee-set goals 'to ensure their campaigns remain competitive, well-funded and communicative within their districts,' according to an NRCC statement. In several districts, two or more GOP candidates made the list, including the two candidates jockeying to take on Florida Rep. Stephanie Murphy and the three Republicans vying to run against Illinois Rep. Brad Schneider." **Full story.**

COASTAL DIVIDE - "Northeastern Republicans vote against House budget, Californians vote yes" by Campaign Pro's Elena Schneider: "Twenty Republican House members, including battleground incumbents from high-tax states, voted against the Senate GOP's budget, a key hurdle before Congress can tackle tax reform. Eleven GOP members from the New Jersey and New York delegations voted against the budget, many of whom had voiced concern over the plan to curb state and local tax deduction. ... The full list of New Jersey and New York incumbents who voted against the budget: Reps. Dan Donovan (NY-11), John Faso (NY-19), John Katko (NY-24), Pete King (NY-02), Leonard Lance (NJ-07), Frank LoBiondo (NJ-02), Tom MacArthur (NJ-03), Chris Smith (NJ-04), Elise Stefanik (NY-21), Claudia Tenney (NY-22), Lee Zeldin (NY-01)." **Full story.**

VIRGINIA GUBERNATORIAL RACE - "IMGE Virginia poll: Northam 48, Gillespie 44" by Campaign Pro's Kevin Robillard: "A Republican firm's new poll of the Virginia governor's race shows Democratic Lt. Gov. Ralph Northam with a slim lead over former RNC Chair Ed Gillespie and finds voters being turned off by President Donald Trump's endorsement of Gillespie. The poll, conducted by GOP firm IMGE Insights and paid for by Pfizer, had Northam at 48 percent and Gillespie at 44 percent in the governor's race, with Libertarian nominee Cliff Hyra earning 5 percent of the vote and 4 percent of voters undecided. A late September poll from the same firm gave Northam a 45 percent to 41 percent lead over Gillespie, with Hyra earning 4 percent. ... The poll's results fit in with many of the recent surveys on the race. A Fox News poll released last week showed Northam leading 48 percent to 41 percent, a Christopher Newport University poll gave the Democrat a 4-point edge and a Roanoke College poll showed him leading 50 percent to 44 percent." **Full story.**

Days until the 2017 election: 11.

Days until the 2018 election: 375.

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

MEANWHILE IN ARIZONA - Jay Heiler, a member of the Arizona Board of Regents, is

forming an exploratory committee for a Senate run, according to The Arizona Republic. Former Arizona Gov. Jan Brewer is chairing the committee. Other members listed in the press release: "Treasurer - [former] Gov. Fife Symington; Foster Friess; Mike Ingram; Karrin Taylor Robson; Bob Mulhern, Managing Director, Colliers; Rich Wilson, CEO Trademark Construction; Maria Baier, Phoenix Suns; Tom Foley; [state] Representative Don Shooter; [state] Representative Maria Syms."

- American Bridge increases Arizona research: Democratic opposition research firm American Bridge is stepping up its effort to find dirt on potential GOP candidates in Arizona. It's looking at former state Sen. Kelli Ward, state Treasurer Jeff DeWit, former Arizona GOP chair Robert Graham, former Maricopa County Sheriff Joe Arpaio, and current and former Reps. Martha McSally, Matt Salmon, Trent Franks and David Schweikert. They're also filing 20 FOIA requests on the eight candidates rumored to be considering a bid, and already have over 200 hours of footage on the candidates.

DROP IT LIKE ... - "FEC drops case on foreign donations in 2016 Senate race" by Campaign Pro's Maggie Severns: "The Federal Election Commission voted recently to drop a complaint alleging foreign spending in a 2016 Senate race, newly released documents show. The complaint - one of the first foreign spending cases to come before the commission after the 2016 elections - charged that a real estate developer named Nicholas Mastroianni arranged for foreign nationals to funnel $75,000 to a super PAC backing former Rep. Patrick Murphy using LLCs to conceal the donations. ... The four Republican and Independent commissioners voted to close the case on Sept. 20, while Democrat Ellen Weintraub dissented." **Full story.**

FLORIDA SENATE NUMBERS - A new Mason-Dixon poll has Democratic Sen. Bill Nelson and GOP Gov. Rick Scott tied in a theoretical 2018 Senate race, each with 44 percent. The poll was conducted from Oct. 17-19, and 625 registered voters were interviewed. The margin of error is plus or minus four percentage points.

SHOT - @realDonaldTrump at 10:11 a.m. Thursday: "Ed Gillespie will be a great Governor of Virginia. His opponent doesn't even show up to meetings/work, and will be VERY weak on crime!"

CHASER - Gillespie to The Washington Post's Paul Schwartzman in early October, the first time he tweeted his endorsement: "I don't recall having asked anyone for their endorsement. ... I guess I'm just confused why this is newsworthy. ... Just to be clear, I didn't ask him not to endorse."

CHANGING OF THE GUARD - Lucien Smith has been named chairman of the Mississippi Republican Party. Per a press release: "Today, the Mississippi Republican Party's State Executive Committee elected Lucien Smith to serve as the Party's new State Chairman. Smith ran unopposed after being nominated by Governor Phil Bryant who was present for today's election. ... Lucien currently serves as the 12th Chairman of the Mississippi Republican Party following his unanimous election by the State Executive Committee. He previously served as Chief of Staff to Governor Phil Bryant and Counsel to Governor Haley Barbour. ... A Jackson native with deep roots in Oktibbeha and Clay Counties, Lucien and his wife Bethany have one

son, Liam, and are expecting a daughter in February 2018."

CODA - QUOTE OF THE DAY: "The Republicans went through their tea party phase," former NRCC chair Tom Davis told The Wall Street Journal. "Now, Democrats are going through their herbal tea party phase."

To view online:
https://www.politico.com/tipsheets/morning-score/2017/10/27/roy-moore-senate-gop-embrace-each-other-223045

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Mon 7/31/2017 5:02:56 PM
Subject: Playbook Power Briefing: TRUMP welcomes KELLY in new role -- RNC staffers asked to save all documents related to 2016 election -- Amazon mentioned more than POTUS on earning calls

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By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman), DANIEL LIPPMAN (daniel@politico.com; @dlippman), ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

Good Monday afternoon. THE NEW WASHINGTON -- THE DAILY MAIL posts near daily photos of Ivanka and Jared leaving their Kalorama house. http://dailym.ai/2tX4MpJ

WHAT TRUMP IS SAYING ABOUT HIS NEW CHIEF OF STAFF -- At a Cabinet meeting: "This is our first Cabinet meeting with General Kelly. He will be chief of staff, as you know. We all know him, we respect him, admire what he's done. And at Homeland, what he has done has been nothing short of miraculous. As you know, the border was a tremendous problem and they're close to 80 percent stoppage. And even the President of Mexico called me -- they said their southern border, very few people are coming because they know they're not going to get through our border, which is the ultimate compliment. ...

"But, overall, I think we're doing incredibly well. The economy is doing incredibly well, and many other things. So we're starting from a really good base. I predict that General Kelly will go down, in terms of the position of chief of staff, one of the great ever. And we're going to have a good time, but, much more importantly, we're going to work hard and we're going to make America great again.

ON NORTH KOREA: "We'll handle North Korea. We're going to be able to handle them. It will be handled. We handle everything. Thank you very much."

-- TRUMP also held a cabinet meeting today, Kelly's first as chief of staff. **ATTORNEY GENERAL JEFF SESSIONS** sat across the table from Trump. Trump did not mention him in his remarks before the pool. ***Pic from Jennifer Jacobs*** http://bit.ly/2ucAPxv

-- EARLIER, at Kelly's swearing in, the president said "we have a tremendous base" and "the country is optimistic. And I think the general will just add to it."

TOP ED -- "Take it from this former colleague: John Kelly will bring order to the White House chaos," by Blain Rethmeier (one of Kelly's confirmation sherpas) in the Washington Examiner: "For newly-minted staff or those thinking about a position (not to mention currently entrenched factions) my advice is to fall in line, at least for now, and put your faith in the new chief of staff. His steady authority, quiet courage, and straightforward style make you want to follow his lead." http://washex.am/2ucrkyb

FROM THE WHITE HOUSE -- @realDonaldTrump at 8:16 a.m. : "If ObamaCare is hurting people, & it is, why shouldn't it hurt the insurance companies & why should Congress not be paying what public pays?" ... **at 8:28 a.m.:** "Highest Stock Market EVER, best economic numbers in years, unemployment lowest in 17 years, wages raising, border secure, S.C.: No WH chaos!"

SILENCE -- @MaxBoot : "Not one word re Russia's expulsion of US Embassy personnel. Trump replies to ALL other slights, no matter how minor."

HAPPENING THIS AFTERNOON -- @CNN: "Trump awards his first Medal of Honor today. Here's who's getting it." cnn.it/2uO8jWj

VICE PRESIDENT MIKE PENCE touched down in Tbilisi, Georgia at around 6:10 p.m. local time. He was greeted by Georgian Prime Minister Giorgi Kvirikashvili and his wife and U.S. ambassador to Georgia Ian Kelly and his wife, per pooler Ashley Parker of the Washington Post. The Pences and the Kvirikashvilis are dining at Funicular Restaurant.

****** **A message from Morgan Stanley:** Now that President Trump has announced his intention to withdraw the U.S. from the 2015 Paris Agreement, what does it mean for the stated goals of the accord, and what might be the impact on markets and investors? Read more from Morgan Stanley. ******

WHAT BURGESS EVERETT IS READING -- "LePage rallies his supporters against Susan Collins," by Bangor Daily News's Michael Shepherd: "Gov. Paul LePage looks to be leading a Republican civil war against U.S. Sen. Susan Collins' 2018 gubernatorial bid - before anyone's sure she'll declare one and as she sits at the center of the national health care debate.

The governor railed against the moderate Republican senator at a Saturday pig roast put on by the Somerset County Republican Committee in Canaan, where an attendee said LePage repeatedly mentioned working to defeat Collins if she runs for governor next year....

"[C]ollins is also considering a Blaine House run in 2018 and has said she'd make a decision on running by the fall. Few in Maine politics are certain she'll declare one besides LePage, who said in a Thursday radio interview that he thinks she's planning on it. "If the Republican base -- which is the 290,000 people that voted for me (in his 2014 re-election) -- tell her, 'We don't want you; you're not winning the primary,' she'll back down," he said in a video provided by the attendee at the Canaan event under conditions of anonymity." http://bit.ly/2tRCLvl

SAVE THOSE EMAILS -- "RNC Tells Staff To Preserve All Documents Related To 2016 Campaign," by BuzzFeed's' Henry Gomez: RNC "employees have been asked to preserve all documents related to last year's presidential campaign - a step RNC lawyers describe as precautionary, but necessary, as investigations continue into

Russia's meddling in the election. 'Given the important role that the RNC plays in national elections and the potentially expansive scope of the inquiries and investigations, it is possible that we will be contacted with requests for information,' reads a July 28 memo to staff from the RNC counsel's office. 'Therefore, we must preserve all documents potentially relevant to these matters until they are resolved or until we are informed by all necessary parties that preservation is no longer necessary.'" http://bzfd.it/2ucQE77

CAMPAIGN WATCH -- "Dem campaign chief vows no litmus test on abortion," by The Hill's Ben Kamisar and Reid Wilson: "Democrats will not withhold financial support for candidates who oppose abortion rights, the chairman of the party's campaign arm in the House said in an interview with The Hill. Rep. Ben Ray Lujan (D-N.M.) said there will be no litmus tests for candidates as Democrats seek to find a winning roster to win back the House majority in 2018." http://bit.ly/2uch4FZ

-- MANY DEMOCRATS TELL US that if they ever want to get back into power, they'll have to embrace a big-tent strategy. They did it in 2006, and ended up with the majority.

-- @gdebenedetti: "Long expected news in MT: State Auditor @MattRosendale formally says he'll challenge @jontester, becoming the biggest GOP name to jump in."

FUN READ -- "How Anthony Scaramucci Made It Into 'Wall Street 2' -- And Donald Trump Got Cut," by The Daily Beast's Marlow Stern: "In both of the scenes, presented in split-screen, Scaramucci is talking to clients by phone, and in the later one, at around the film's 40-minute mark, he even appears to channel his new boss, using one of Trump's favorite made-up words. 'Churchill Schwartz has a yuge position in this thing and I want to get you in that stock,' he says. The Mooch's brief cameos, which amount to less than fifteen total seconds of screen time, didn't come cheap. According to sources close to the production, in exchange for the cameos-and the SkyBridge Capital logo being displayed prominently during a charity gala sequence in the film -- Scaramucci ponied up around $100,000. Former president George W. Bush didn't nickname him 'Gucci Scaramucci' for nothing. That, of course, is more screen time than Donald Trump received. ... According to [Oliver] Stone, Trump was 'good' but came with 'two pages of prerequisites' for his scene. ... Furthermore, the New York Daily News reported that those involved with Trump's barbershop scene had to sign a contract stating that they would not touch his cotton candy hair." http://thebea.st/2vdyAOj

BUSINESS BURST -- "Executives Are More Worried About Amazon Than President Trump," by Bloomberg's Julie Verhage: "What keeps corporate leaders up at night? It isn't the chaos in Washington or rising worker pay. It's what Amazon.com Inc. is, or could be, doing to their business models. ... Looking at the last 90 days of earnings calls and other corporate events such as investor days, a trend emerges. Amazon comes up a lot. It was mentioned a staggering 635 times over that time frame, while President Trump came up just 162 times and wages were discussed 111, according to data compiled by Bloomberg. It's become even more pronounced over the past 30 days, with Amazon garnering 165 mentions compared with 32 for Trump and 22

for wages." https://bloom.bg/2ucUMUy

TODAY'S BEYOND THE BELTWAY -- Charlie Baker has big donor weekend -- Trump draws flak in New York for police speech http://politi.co/2ucgt7x

SPOTTED at Congressional Country Club Sunday at the Golf Parent Child Championships: Norah O'Donnell and Geoff, Riley and Grace Tracy and Bret and Daniel Baier.

TRANSITIONS -- Valerie Jarrett has joined the board of directors for Lyft. ... **Joe Nolan,** former deputy chief of staff for Sen. Thom Tillis, joined the federal affairs team at SAS, Inc.

ENGAGED - Following a trip to El Salvador with Attorney General Jeff Sessions, DOJ spokesman **Devin O'Malley,** a Portman, Cotton and Christie alum, proposed to **Amanda Kitchen,** director of statesmen and cabinet memberships for the RGA, in the pouring rain in Deltaville, Va., on Saturday. "The couple was in town to plant a bush along the Rappahannock River in honor of Amanda's recently deceased grandmother, and Devin had the ring hidden in the dirt. The couple celebrated at a surprise dinner with family and a number of Amanda's friends at Stella's in Richmond." Kevin Benacci (who works for Josh Mandel) introduced the couple at Pearl Dive. *Pic* http://bit.ly/2vaRSUZ ... ***Instapic*** http://bit.ly/2wcPpGp

****** **A message from Morgan Stanley:** What's the real impact of President Trump's move to pull the U.S. out of the global accords to combat climate change? Current country commitments are insufficient to hold global warming to under 2° Celsius from preindustrial levels, the stated goal of the accords, so little changes in the immediate future. Meanwhile, countries abroad in Europe and China have doubled down on their investments to combat climate change. Trump's decision diverges from what many companies and investors have been signaling lately, and Morgan Stanley's view is that most sectors are currently driven by economics and technology rather than policy. Read more from Morgan Stanley. ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 10/17/2017 6:53:42 PM
Subject: Two EPW Republicans wary of Wehrum support for biofuels

By Anthony Adragna

10/17/2017 02:51 PM EDT

Two Republicans on the Senate Environment and Public Works Committee wouldn't commit today to backing Bill Wehrum's nomination to run EPA's air office, citing concerns about his support for biofuels policy — and raising the prospect that their meeting this afternoon with EPA Administrator Scott Pruitt could determine his fate.

"Sen. [Joni] Ernst does not believe she received straightforward answers from Mr. Wehrum during the hearing, and she would like more clarity from him and Administrator Pruitt on how they will enforce the Clean Air Act — specifically the RFS," a spokeswoman for Ernst told POLITICO, referring to the Renewable Fuel Standard.

Asked whether she would support the nomination, Deb Fischer told POLITICO: "I think I'll know more about that after I meet with the administrator."

Republicans hold an 11-10 majority over Democrats on the committee, so just one GOP defection would sink the Wehrum nomination. The panel is slated to vote on four EPA nominations Wednesday morning.

Another EPW Republican from a major corn state, South Dakota Sen. Mike Rounds, told reporters he would back Wehrum. He plans to attend the meeting with Pruitt this afternoon.

WHAT'S NEXT: A group of corn-state senators is scheduled to meet with Pruitt this afternoon. Wehrum's nomination is scheduled for a vote in EPW Wednesday morning.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/10/two-epw-republicans-wary-of-wehrum-support-for-biofuels-094391

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 9/7/2017 8:15:03 PM
Subject: Sep. 7 -- Energy and Climate Report - Afternoon Briefing

Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Energy Regulator Nominees Back Technology-Neutral Stance

Posted September 07, 2017, 02:24 P.M. ET

By Rebecca Kern

Republican and Democratic nominees for the Federal Energy Regulatory Commission agreed that the agency should be technology neutral when it comes to regulating electric power generation, differing from a pro-coal stance of the current FERC chairman.

"FERC is not an entity whose role includes choosing fuels for the generation of electricity," Kevin McIntyre, who was nominated for a Republican commissioner seat, said at a Sept. 7 Senate Energy and Natural Resources Committee confirmation hearing. McIntyre, who was also nominated to serve as chairman of the commission, is currently an attorney in the Washington offices of the Jones Day law firm.

Richard Glick, who has been nominated to fill a Democratic commissioner seat, also said "FERC doesn't have authority to prop up technologies." Glick is currently a Democratic general counsel for the committee.

The comments contrast with commentary from those made by Neil Chatterjee, the agency's temporary chairman, in an Aug. 14 FERC podcast. Chatterjee, the former energy aide for Senate Majority Leader Mitch McConnell, said that coal-fired power plants are a crucial part of America's energy mix that needed to be "properly compensated to recognize the value they provide."

Committee Chairman Sen. Lisa Murkowski (R-Alaska) told reporters after the hearing that she wants to hold a vote on the nominees by late next week. If the two nominees are confirmed by the Senate, it will bring FERC back to a full panel of five commissioners.

"It is my intention to urge my colleagues to get their questions in and to ask you to be rapid with your responses so that you can be moved through and so that you can get to work," Murkowski said during the hearing.

Democrats' Last-Ditch Effort to Aid Climate Fund Falls Short

Posted September 07, 2017, 01:37 P.M. ET

By Dean Scott

A last-ditch Democratic effort to restore U.S. spending for a United Nations climate fund was narrowly repelled by Republican Senate appropriators Sept. 7 in a major step for President Donald Trump's campaign to zero out international aid to address climate change.

The Senate Appropriations Committee voted, 14-15, to reject a proposal by ranking Democrat Sen. Patrick Leahy (Vt.), that would have provided $750 million in fiscal 2018 for the Green Climate Fund fund that helps developing nations adapt to climate change impacts and pursue low-carbon development.

Leahy proposed to amend the $51.2 billion fiscal 2018 spending bill covering the State Department and foreign operations. The bill advanced by the Senate Appropriations Subcommittee on State, Foreign Operations, and Related Programs didn't included funds for the climate program.

The Obama administration, over objections of the Republican-led Congress, sent a total of $1 billion to the climate fund, which was created by developed nations to encourage poorer, developing nations to sign on to a global climate change accord reached in Paris in 2015.

Trump's Trade Barrier Push Threatens U.S. Energy Profits, Critics Say

Posted September 07, 2017, 11:35 A.M. ET

By Brian Dabbs

Trade expansion poses the biggest potential boon to U.S. energy companies, yet the Trump administration's rhetoric threatens that prospect, said several speakers at an event to discuss NAFTA renegotiations.

President Donald Trump has so far chosen to prop up the U.S. oil and gas industry by rolling back environmental regulations, but that rollback will only save energy behemoths like ExxonMobil Corp., Chevron Corp., "pennies on the dollar," David Goldwyn, chairman of the Atlantic Council's Energy Advisory Group, said at the Sept. 7 event.

Trump's attacks on Mexico, typified by a call to build a border wall on Mexico's tab, may derail cross-border pipeline projects already underway, Jeff Schott, a trade specialist at the Peterson Institute for International Economics, said. In fact, the administration's pledge to crack down on free trade, typically regarded as duty-free trade, with Mexico and other countries, jeopardizes huge opportunities for U.S. companies, experts said.

"If there is any concern about some destabilization in the bilateral relationship, investors will pull back, slow down, or even reverse investments," Schott, who also advises the U.S. Trade Representative, said.

Renegotiating NAFTA

The U.S., Canada, and Mexico concluded Sept. 5 the second round of North American Free Trade Agreement renegotiations in Mexico City. Top trade officials from the three countries are now scheduled to meet for a third round in Ottawa at the end of this month.

At the outset of negotiations in mid-August, Robert Lighthizer, the U.S. trade representative, said the

U.S. aims to improve trilateral energy relations, but didn't elaborate on ways to achieve that.

Mexico was virtually excluded from energy negotiations in NAFTA, which entered into effect in 1994. Mexico's Constitution prevented foreign development of domestic resources, but sweeping constitutional changes in 2013 ended the state-owned Mexican fossil fuel company Petróleos Mexicanos' (Pemex) 75-year monopoly in the energy sector.

And in early December 2016, Mexico awarded deepwater development rights to Chevron, Exxon Mobil, Total SA, and China-owned CNOOC Ltd. in its competitive oil auction.

The preservation of that access is a top priority for U.S. companies, Rep. Michael McCaul (R-Texas) told Bloomberg BNA after speaking at the event, sponsored by the Atlantic Council, a Washington-based think tank that focuses on international affairs. McCaul led a congressional delegation to Mexico in June.

EU Firm on Climate Pledges Despite U.S. Withdrawal From Pact

Posted September 07, 2017, 02:11 P.M. ET

By Stephen Gardner

Full implementation of the 2015 Paris climate accord should be advocated by the European Union at the forthcoming UN climate summit despite U.S. President Donald Trump's decision to pull out of the agreement, the European Parliament's environment committee decided Sept. 7.

The committee voted 54-0, with six abstentions, for a nonbinding resolution that sets out EU priorities for the Nov. 6-17 meeting in Bonn, Germany. Among its main goals, the EU should push for more climate funding to aid poorer countries and prepare for 2018 when a "facilitative dialogue" on countries' emissions reductions commitments will start, the resolution says.

At the 2018 dialogue, the parties to the Paris agreement will assess their progress in reducing greenhouse gas emissions and plan their next steps after 2020. The resolution says the EU should set an example by "revisiting its own mid- and long-term goals and policy instruments" as early as possible. The EU pledged in the Paris agreement to reduce its emissions 40 percent from 1990 levels by 2030.

Ulriikka Aarnio, international climate policy coordinator with the group Climate Action Network Europe, told Bloomberg BNA Sept. 7 the Bonn summit primarily would focus on technical preparations for the 2018 assessments, which would be a "first stocktake" of the success countries have had in reducing emissions to meet their goal of keeping global warming to within 2 degrees Celsius compared to pre-industrial levels.

A draft of the resolution ahead of the environment committee vote emphasized keeping the implementation of the Paris agreement on track and did not mention the U.S. decision to exit the agreement. However, an amendment to the resolution approved by lawmakers said that the U.S. decision was a "step backwards."

The U.S. withdrawal from the Paris Agreement does not take effect until 2020, and the country has the right to participate as a party at the Bonn summit, Aarnio said. Negotiators from the rest of the world wanted to press ahead with implementation of their climate commitments, she said, and "no-one is really keen to discuss Trump and the U.S. situation any more."

The European Parliament will vote to make the resolution on the Bonn summit final during a plenary session Oct. 2-5.

China Eyes 707 Megawatts of Pilot Wind Farms Free of Subsidies

Posted September 07, 2017, 8:07 A.M. ET

By Bloomberg News

China, the world's biggest clean-energy investor, selected 707 megawatts of wind power pilot projects that will receive the same subsidy-free payment for electricity as coal plants.

The projects are in the Chinese regions of Hebei, Heilongjiang, Gansu, Ningxia and Xinjiang, according to a Wednesday statement on the National Energy Administration's website.

Project developers won't receive renewable energy certificates for the electricity they generate, which will only be consumed in places where it's produced.

The move is part of the nation's efforts to push wind power's costs down to parity with coal. China currently subsidizes the portion that renewable power prices exceed that of coal.

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Brazil's Rattled Wind Power Supply Chain Looks Ahead

Posted September 07, 2017, 01:35 P.M. ET

By Michael Kepp

Suppliers in Brazil are hoping the upcoming energy auctions will kick-start a jittery wind-power sector that's trying to deal with the country's worst recession in decades, officials from several companies told Bloomberg BNA.

Brazil is home to six major foreign and local turbines makers in addition to hundreds of equipment component suppliers. Most had set up shop after the government began holding energy auctions in late 2009, signaling the push for wind power in Brazil.

During the past two years, however, a prolonged national recession has haunted Brazil, the world's ninth largest wind market in installed capacity. This in turn has caused ripple effects for those in the supply chain that produce and distribute the parts and pieces for wind power equipment.

"WEG's component suppliers, dependent on a constant flow of orders, have maintained investments to supply us and we've guaranteed them a minimum of orders to keep them afloat," said Joao Paulo Gualberto da Silva, wind power director for WEG Energy S.A., a local equipment maker. "But we've also told them to tighten their seat belts for the next two years."

Gaulberto da Silva cited other supply-chain hurdles, including transportation bottlenecks and the need for Brazil's Development Bank "to fine-tune" the eligibility conditions for wind farm developers wanting low-cost government financing.

"Specialized trailers for hauling wind turbine blades have a 5-meter lateral width which, in Brazil, means that, besides hiring a private escort, they also need a federal police escort," Gualberto da Silva told Bloomberg BNA. "And from mid-July to mid-August this year, the federal police ran out of money to pay for such escorts, which caused delays in delivering our wind equipment orders."

Eager for Auctions

The country has not held an auction for future wind power since December 2015 and has scheduled two end-year energy auctions, both of which will sell wind power. One auction will be held Dec. 18 and the other Dec. 20. Supply chain companies like German equipment supplier Wobben welcomed the auction news since it means wind farm developers that win future supply contracts likely will place equipment orders.

"I'm fairly optimistic about the next future wind auctions because the wind sector has experienced repressed demand for the last three or four years," said Julio Cesar Pinheiro Goes, purchasing director in Brazil for Nordex SE, a German wind turbine maker. "This recession is temporary because the market runs in cycles. We'll survive this moment."

But Rogerio Zampronha, president of the Brazilian arm of Denmark's Vestas Wind Systems A/S, the world's biggest wind turbine maker, said, "A lack of economic predictability in Brazil makes life difficult for wind equipment suppliers here. We need some [government] guarantee that there will be wind auctions each year."

Rosana Santos, product and strategy marketing director in Brazil for General Electric, one of the country's biggest wind turbine makers, had a more optimistic outlook on the supply chain. "Brazil needs to auction between 2,000 and 2,500 megawatts of wind power a year to maintain a healthy supply chain. And because of repressed demand, I'm hoping that at the two December auctions developers sell from 1,500 megawatts to 2,000 megawatts of future wind power," she told Bloomberg BNA.

South Korea Pours Millions Into Building Solar Panels on Landfills

Posted September 07, 2017, 9:36 A.M. ET

By Elaine Ramirez

Landfills are not just for garbage anymore. At least not in South Korea where the government and a landfill operator are coordinating to place solar power facilities at four disposal sites.

South Korea plans to install enough solar power generation facilities to supply 80,000 households by 2021 with a 390.3 billion won ($344.2 million) infrastructure project as the new Moon Jae-in government aims to transform the power matrix into 20 percent renewable energy by 2030.

"The metropolitan area is playing a leading role in realizing a resource recycling society through the expansion of energy facilities," Kim Dong-jin, director of resource circulation at the Ministry of Environment, said in the statement. "We plan to develop the landfill as a new renewable energy mecca and as a success model for responding to the new climate era."

The three-phase project to construct 250 megawatts of solar power generation facilities over four landfills in Incheon, west of capital Seoul, is expected to become a "win-win model" of mutual profit between metropolitan landfill management, local governments, power generation companies, foreign investors, and local residents, the ministry said in a Sept. 4 statement.

The initial stage of the project, to produce a 10-megawatt capacity facility, which was approved last month, is being produced by a consortium of Thai investor Pea Encom, Hong Kong investor NWS Group, Landfill Site Management Corp., Korea Western Power, Korea Southern Power, LG Serveone, Seoul Energy Corporation, Incheon U-City, and some local residents, Park Sang-cheol, deputy director of the ministry's waste-to-energy division resource circulation bureau, told Bloomberg BNA on Sept. 6.

The plan, he said, "is finalized in the sense that 250 megawatts will be achieved by 2021, but specific investors and details are yet to be decided."

The solar power produced will be mainly used for commercial sale and facility operations, Park said.

New Energy Paradigm

President Moon Jae-in, who entered office in May, has maintained South Korea's commitments to the Paris climate accord of lowering emissions by 37 percent of business-as-usual levels by 2030. He has also vowed to phase out nuclear and coal plants, and replace them with clean energy to create a renewable energy supply of 20 percent of total power, up from 6.6 percent as of 2015, according to Korea Energy Agency data. Solar power contributes about 10.7 percent of the country's renewable energy, according to 2015 data.

South Korea plans to expand the supply of renewable energy such as biogas, landfill gas, and solar power by turning waste and idle sites in the metropolitan area into renewable energy hubs, the environment ministry said.

Suk Chan-woo, sales manager for local wind and solar device producer Eco Power, said demand for solar power facilities this year is similar to last year's but is expected to increase.

"Of course the policy will work positively for the industry," he told Bloomberg BNA on Sept. 6. "We are planning on increasing production, but not just yet as nothing is finalized [with contracts]."

Seok Sang-Il, energy and chemical engineering professor at South Korea's Ulsan National Institute of Science and Technology, said as long as solar energy was not to much more expensive than power generated by state-run Korea Electric Power Corp. and didn't cause a public inconvenience, it's a good way to boost the country's renewable energy matrix.

Hydro power faces constraints in water storage and dam construction, while the wind in the country does not blow in the right direction for efficient power generation, he noted.

"Once you exclude all of these, solar energy is the alternative in the end," he said.

"There is a lot of unused land [at landfills] so the proportion of renewable energy used can increase greatly" with the solar facility installations, he added.

But Seok said this project alone wouldn't be enough to help South Korea reach its 20 percent renewable energy goal, since the amount of waste is fixed along with the amount of energy that can be taken from it.

"The government is trying to increase the solar and wind power so that will play a major role in reaching the rate" of the 20 percent renewable energy goal, he said.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Mon 8/14/2017 11:39:44 PM
Subject: Aug. 14 -- Energy and Climate Report



Energy and Climate Report

August 14, 2017 - Number 156

News

Biofuels
FS Bioenergia's Brazil Corn Ethanol Plant Seen as First of Many
Brazil's first ethanol plant to exclusively use corn, in a country that makes nearly all of its ethanol from sugar cane, has begun industrial-scale operations and is expected to lead to as many 10 other such nearby plants during the next decade.

Coal Mining
U.S. Faulted for Not Weighing Climate in Signal Peak Coal Permit
The U.S. Office of Surface Mining didn't adequately examine the impact of coal combustion on greenhouse gas emissions for an underground project in the Bull Mountains of central Montana, a federal judge ruled.

Dumping
Preliminary Decision in Argentine Biodiesel Case Delayed
Commerce Department officials will wait a little longer in deciding whether producers/exporters from Argentina and Indonesia are dumping biodiesel in the U.S. market, according to a Commerce notice.

Energy
Energy Department Sued Over Grid Reliability Study Records
The Sierra Club launched an early challenge to a highly anticipated grid reliability study, filing a lawsuit over the Energy Department's alleged failure to provide records of any communication between department officials and the power sector.

Energy
Lapsed Tax Credits Leave Renewables Twisting in the Wind
The Bergey Windpower Co. factory south of Oklahoma City can produce 1,500 small-scale turbines annually. But current output is only a fraction of that capacity.

Energy
Perry's Hanford Tour Highlights Tricky Role for Energy Department
Energy Secretary Rick Perry's first visit to the Hanford Nuclear Site Aug. 15 comes as state and local officials wait to hear how the Trump administration will manage the complex, decades-long cleanup of the former nuclear weapons production facility.

Energy
Top Energy Regulator Vows to Keep Coal in U.S. Power Mix
The newly minted head of the Federal Energy Regulatory Commission wants to preserve

coal's share of America's power mix.

Energy
Whatever Happened to Indonesia's Mighty Oil and Gas Industry?
Once a cornerstone of the economy, Indonesia's oil and gas sector is in a slump, even as the country's appetite for energy soars.

Natural Gas
Fast, Dirty Natural Gas Plants Get Boost from Electric Cars
Britain's goodbye to fossil-fuel cars by 2040 could boost the need for dirtier natural gas-powered stations.

Oil & Gas
Can Some Nebraska Farmers Kill the Keystone XL Pipeline?
"When I first started this, it was about my house," said Shannon Graves, who owns a hardware store in Polk, Neb.—population roughly 300—and lives less than 100 yards from the proposed route of the Keystone XL pipeline. "I just wanted to protect my home."

Proxy Voting
Vanguard Gets More Aggressive on Corporate Climate Risk
Vanguard Group says it's raised risks from climate change in talks with more companies over the past year than ever before.

Renewable Energy
Australian State Scores Second Energy Hit With SolarReserve Plant
South Australia committed to a 20-year contract to buy power from what is slated to be the world's largest solar thermal power plant incorporating storage a month after the state was named as the location for the world's biggest lithium-ion battery.

Renewable Energy
First Solar to Profit If Trump Slaps Tariffs on Panel Imports
First Solar Inc. is standing on the sidelines of a trade dispute that could give its products a significant leg up.

CORRECTION
The Aug. 14 story "Utilities Face More Emissions Cuts in Massachusetts" mischaracterized Eversource's support for the state's tighter greenhouse gas limits. The story has been corrected.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 8/30/2017 8:15:49 PM
Subject: EPA issues waiver for higher ethanol blends to fight Harvey shortages

By Eric Wolff

08/30/2017 04:13 PM EDT

EPA issued a waiver today to allow the sale of gasoline with 15 percent ethanol in 12 states and the District of Columbia, effectively ending the summer restriction on sales of the fuel because of Hurricane Harvey.

EPA Administrator Scott Pruitt says in the waiver letter the refinery closures and the disruption of the Colonial Pipeline have created fuel shortfalls, and the waiver will help ease that pressure. Retailers in some states can't sell fuel blends above E10 in the summer to avoid violating the Clean Air Act, but the law gives the administrator authority to waive those requirements in emergencies. In practical terms, the waiver allows retailers in these states to sell winter formulated gasoline early, as well as higher blends of ethanol.

"These shortages can be reduced by waiving the requirement to sell low-volatility summer [conventional gasoline]," Pruitt said in the waiver letter.

About 20 percent of the country's refining capacity is offline after Harvey battered the Gulf Coast region. Gasoline prices at the pump were up six cents a gallon today from a week ago, according to AAA.

The Renewable Fuels Association asked EPA on Monday to allow the waiver.

"Consumers facing likely gasoline supply issues as a result of Hurricane Harvey are one important step closer today to a high octane, lost cost alternative," RFA CEO Bob Dinneen said in a statement.

The waiver applies to Alabama, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia and the District of Columbia.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/epa-issues-waiver-for-higher-ethanol-blends-to-fight-harvey-shortages-092293

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 8/11/2017 12:26:17 PM
Subject: Aug. 11 -- EHS Federal Regulatory Alert

EHS Federal Regulatory Alert

August 11, 2017 - Number 154

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Summaries

ENDANGERED SPECIES
California/Morro Shoulderband Snail
ENDANGERED SPECIES

Notice of the U.S. Fish and Wildlife Service announces the receipt of an application from two individuals for a 10-year incidental take permit authorizing take of the endangered Morro shoulderband snail incidental to the construction and maintenance of a single-family residence on an existing legal parcel and associated infrastructure in Los Osos, Calif. The application package also includes a draft low-effect habitat conservation plan, a draft low-effect screening, and an environmental action statement. The notice also announces the agency's preliminary determination that the proposal will have a minor or negligible effect on the species and that approval of the habitat conservation plan and issuance of the permit qualify for categorical exclusion under the National Environmental Policy Act. Comments are due Sept. 11, 2017. Contact: Julie Vanderwier; USFWS, Ventura Fish and Wildlife Office; 805-677-3400

82 FR 37602 (08/11/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Canine Lymphoma Vaccine Field Test
GENERAL ENVIRONMENT AND SAFETY

Notice of the Animal and Plant Health Inspection Service announces the availability of an environmental assessment for a field test of an unlicensed canine lymphoma vaccine, live listeria vector, in 15 states. The EA also addresses the issuance of a veterinary biological product license for the vaccine following satisfactory completion of the field test. The agency intends to issue a finding of no significant impact for the field test and product licensing. Comments are due Sept. 11, 2017. Contact: Donna Malloy; APHIS, Center for Veterinary Biologics, Policy, Evaluation, and Licensing; 301-851-3426

82 FR 37557 (08/11/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Environmental Impact Statements
GENERAL ENVIRONMENT AND SAFETY

Notice of the EPA announces the availability of environmental impact statements filed July 31-Aug. 4, 2017. Contact: Dawn Roberts; EPA, Office of Federal Activities; 202-564-7146. Citations: 40 CFR 1506.9

82 FR 37583 (08/11/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Florida/Pelagic Longline Exempted Fishing Permit
GENERAL ENVIRONMENT AND SAFETY

Notice of the National Marine Fisheries Service announces the availability of a final environmental assessment regarding an exempted fishing permit for evaluation of pelagic longline (PLL) catch and bycatch rates from within two different sub-areas in the northern portion of the East Florida Coast PLL closed area. The applicant seeks to compare those rates to rates obtained from outside the area over a 12-month period. The agency is authorizing 720 longline sets, each consisting of 600 16/0 or larger circle hooks, per year to occur between six vessels and to be distributed between two sub-areas of the closed area. Scientific staff or agency observers will monitor 40 percent of sets occurring in both sub-areas. Contact: Craig Cockrell; NMFS; 301-427-8503

82 FR 37566 (08/11/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Maryland/FDA Headquarters Proposed Master Plan
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the General Services Administration to prepare an environmental impact statement for the proposed master plan for the consolidation of the FDA headquarters at the Federal Research Center at White Oak, in Silver Spring, Md. The EIS will consider the effects of increasing the campus population by up to 18,000 employees over 15 years and will consider a range of alternatives, including taking no action, for the proposed master plan. A meeting is scheduled for Sept. 12, 2017, in Silver Spring. Comments are due Sept. 25, 2017. Contact: Paul Gyamfi; GSA, National Capital Region; 202-440-3405; paul.gyamfi@gsa.gov

82 FR 37591 (08/11/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Public Utilities Open Access Same-Time Information System

GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of FERC to seek OMB approval for a revised information collection request regarding the open access same-time information system (OASIS) and standards for business practices and communication protocols. The collection addresses responses from public utilities that own, control, or operate facilities for transmitting energy in interstate commerce that are required to provide certain information on transmission operations on OASIS. The collection also addresses requirements that utilities personnel engaged in transmission system operations function independently from those engaged in marketing functions. The revisions update the collection's respondent count and hours burden for responses based on efficiency gains and changes in business practice standards. Comments are due Oct. 10, 2017. Contact: Ellen Brown; FERC; 202-502-8663; DataClearance@FERC.gov

82 FR 37580 (08/11/2017)

Regulatory Update

RADIATION

List of Approved Spent Fuel Storage Casks

RADIATION

Notice of the NRC confirms the effective date of a June 6, 2017, direct final rule (82 FR 25931) to revise the NAC International Passive MAGNASTOR® Transfer Cask System listing within the list of approved spent fuel storage casks. The rule adds Amendment No. 7 to the certificate of compliance (No. 1031) to incorporate revised seismic requirements to appendices of the technical specifications. The rule is effective Aug. 21, 2017. Contact: Keith McDaniel; NRC, Office of Nuclear Material Safety and Safeguards; 301-415-5252; Keith.McDaniel@nrc.gov. Citations: 10 CFR 72.214

82 FR 37511 (08/11/2017)

Regulatory Update

RADIATION

Occupational Radiation Protection at DOE Facilities

RADIATION

Final rule of the Energy Department updates values regarding occupational exposure to radioactive material dispersed in the air as the result of DOE activities. The rule updates the air immersion derived air concentration value for any single radionuclide with a decay mode other than alpha emission or spontaneous fission and with radioactive half-life less than two hours, adjusted for an eight-hour workday, or 1E-06 microcuries per milliliter. The rule also updates activity information values for the radionuclides Rh-102 to 6.4E+05 microcuries and for Rh-102m to 3.0E+05 microcuries. The rule is effective Sept. 11, 2017. Contact: James Dillard; DOE, Office of Environment, Health, Safety and Security; 301-903-1165; james.dillard@hq.doe.gov. Citations: 10 CFR Part 835, Appendices C and E

82 FR 37512 (08/11/2017)

Regulatory Update

TOXIC SUBSTANCES
TSCA Inventory Notification/Commercial Activity
TOXIC SUBSTANCES

Final rule of the EPA establishes TSCA chemical substance inventory notification procedures as required under the 2016 amendments to TSCA. The rule establishes a retrospective electronic notification of chemical substances on the TSCA inventory manufactured for nonexempt commercial purposes during the 10-year time period ending on June 21, 2016. Notifications will be used to distinguish active substances from inactive substances, and active and inactive designations will be included on the TSCA inventory. The rule also establishes procedures for forward-looking electronic notification for chemical substances designated as inactive and specifies that the agency will change the designation to active upon receipt of a valid notice. In addition, the rule establishes procedures for submission of retrospective and forward-looking activity notifications, provides details of the notification requirements, and specifies exemptions from such requirements and procedures for handling claims of confidentiality. The rule is effective Aug. 11, 2017. Contact: Myrta Christian; EPA, Office of Pollution Prevention and Toxics; 202-564-8498; christian.myrta@epa.gov. Citations: 40 CFR 710.1, 710.3, 710.23 through 710.39

82 FR 37520 (08/11/2017)

Regulatory Update

WATER
Idaho/State NPDES Program Submission
WATER

Notice of the EPA announces the submission of a National Pollutant Discharge Elimination System (NPDES) program application by the state of Idaho for approval to administer its state pollutant discharge elimination system program. The application includes an implementation plan to transfer to the Idaho Department of Environmental Quality the administration of specific program components in four phases over a four-year period, beginning July 1, 2018, or upon program approval. The EPA would retain permitting authority for facilities on tribal reservations or discharging to tribal waters. Hearings are scheduled for Sept. 11, 12, 13, 14, and 15, 2017, in Idaho Falls, Twin Falls, Boise, Lewiston, and Coeur d'Alene, Idaho, respectively. Comments are due Oct. 10, 2017. Contact: Karen Burgess; EPA Region 10, NPDES Permits Unit; 206-553-1644; burgess.karen@epa.gov. Citations: 40 CFR 123

82 FR 37583 (08/11/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA Environment & Energy
Sent: Mon 10/23/2017 11:04:12 AM
Subject: First Move: Regulatory Bills Revived in House • Toxic Substance Law's Questions

What you need to know to start your day.

Regulatory Bills Revived in House • Toxic Substance Law's Questions

By Chuck McCutcheon

Two regulatory bills that passed the House but stalled in the Senate last year resurface this week on Capitol Hill, as Republicans hope a Donald Trump presidency can give the measures the extra push to become law.

One of the bills would abolish "sue-and-settle" rulemaking by federal agencies. Interest groups often sue when an agency misses a legal deadline to take action or review its existing standards; rather than go through a long court battle, those agencies choose to settle to try to save time and money.

EPA leader Scott Pruitt recently announced that his agency would no longer settle court cases brought by environmental groups seeking to force it to take overdue actions.

House Democrats say environmental groups need the sue-and-settle tool to prod agencies to act when they're dragging their feet. But Democrats don't have the numbers in the House to stop the bill: Their only hope to save the practice will be in the Senate.

The other bill the House will take up would bar some federal agencies from entering into settlements that steer funds to third-party groups. Republicans disliked the way the Justice Department under President Obama required a donation to an outside group when the agency settled a lawsuit with a corporation or individual as a term o those agreements.

As Amena H. Saiyid recently reported, the National Fish and Wildlife Foundation go a check for $7 million from Princess Cruises—part of a $40 million settlement the cruise line made with the feds in 2016 to resolve allegations that it illegally dumped oil waste and falsified oil spill records.

Stephen Lee will cover debate on the two bills.

The changes spelled out in the landmark 2016 toxic substances law present

challenges as well as opportunities—and raise many questions, say Beveridge & Diamond's Mark Duvall, Ryan Carra, and Tim Serie in a Practitioner Insights piece coming later today.

Among the questions they explore are how the EPA decides which chemical substances to address, how to influence whether the agency designates a substance as low-priority, and how to influence whether it conducts a risk evaluatior for a substance.

Other Stories We're Covering

- Four nominees for top-level EPA jobs, including ones for the chemical and air offices who have drawn opposition, will get Senate committee votes at a hearing rescheduled from last week.
- A European Commission committee scheduled a Wednesday vote among representatives of European countries on a 10-year renewal of glyphosate on the continent; Stephen Gardner is covering.
- The House natural resources panel will hold a Wednesday hearing on how states can be empowered to manage the sage grouse, a bird found in 11 Western states whose numbers are dwindling. Alan Kovski will monitor.
- An international conference in Manila this week seeks to explore how countries can protect wildlife and their ecosystems; Adam Allington is tracking.
- Air pollution in India's capital soared off the charts again as Indians shot off firecrackers to celebrate a Hindu festival despite a court's banning of fireworks sales.

An Indian pedestrian protects his face in New Delhi.
DOMINIQUE FAGET/AFP/Getty Images

This Week's Events

On The Hill

- **Tuesday, 10 a.m. • Hurricanes** • House energy committee's oversight panel assesses public health preparedness during the recent hurricane season.
- **Wednesday, 10 a.m. • Wildfires** • Senate environment committee looks at draft legislation to address wildfires.
- **Thursday, 10 a.m. • Cyber** • Senate energy committee discusses technology that can protect electric grids against cyberattacks.

Elsewhere

- **Monday, 10 a.m. • Asia Water** • Wilson Center events looks at Asia's mountains and potential for new approaches to water and climate security.
- **Monday, 10 a.m. • Green Bonds** • Environmental Finance newsletter holds its third annual Green Bonds America conference in New York.

- **Monday, 3 p.m. • Chemicals** • Newly expanded North Carolina science advisory board meets to discuss chemicals' environmental impacts.
- **Tuesday-Thursday, All Day • Sustainability** • Sustainable business conference in Huntington Beach, Calif., includes former Vice President Al Gore among its speakers.
- **Tuesday, 6 p.m. • Flint Water Crisis** • Michigan Democratic Rep. Dan Kildee and the Lifetime Network screen film in Washington about Flint, Mich., water-contamination crisis.
- **Wednesday, 1 p.m. • Climate** • Harvard's health and environment center sponsors discussion of carbon-footprint calculations.
- **Wednesday-Thursday, All Day • Climate Risk** • Environmental scientists discuss climate risk at Maine workshop.

Quote of the Day

"I don't spend any time with polluters. I prosecute polluters. What I'm spending time with are stakeholders who care about outcomes."
—EPA head Scott Pruitt in Time magazine, pushing back against environmentalists' criticism that he devotes too much attention to conversing with polluting industries.

Around the Web

- The EPA continues to remove climate references from its website, an environmental group says.
- A lack of ocean-observation technology and research ships hurtU.S. ability to track changes in climate, a new National Academies report says.
- A pipeline that can pump nearly 900,000 barrels of tar sands oil across the Canadian border daily has won Trump administration approval.
- More than two-dozen accidents have occurred at BP's Alaska oil and gas operations this year, including five that risked dozens of workers' lives, BuzzFeed finds.
- The House may take up a bill this week aiming to open the way for storage of spent fuel from commercial nuclear power plants at Nevada's Yucca Mountain.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Wed 11/8/2017 6:17:36 PM
Subject: Playbook Power Briefing, presented by Morgan Stanley: Judge issues GAG ORDER in MANAFORT and GATES cases -- CBO issues new preliminary estimate for ACA mandate repeal -- GOP Senate leaders to brief conference TOMORROW on tax reform

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Today's Playbook Power Briefing presented by Morgan Stanley

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman), DANIEL LIPPMAN (daniel@politico.com; @dlippman) and ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

TEXAS REP. AL GREEN said on the House floor that the chamber will vote on a resolution to impeach Donald Trump before Christmas.

Good Wednesday afternoon. THE CBO said that repealing the Obamacare mandate would reduce the deficit by $338 billion from 2018 to 2027 in a preliminary estimate. The savings would come from reduced spending on ACA subsidies. ***More from Jen Haberkorn*** http://politi.co/2zqT3zf

FIRST IN PLAYBOOK -- OHIO SEN. ROB PORTMAN, a member of the Senate Finance Committee, huddled with conservative outside groups this afternoon to discuss tax reform. The meeting -- hosted by the American Action Network, whose offices are down the street from the White House -- comes as the Senate prepares to release its tax reform bill. **PORTMAN** told the group that last night's electoral results give Republicans even more of a reason to get results and get tax reform done, according to one attendee. **SPOTTED** : American Action Forum president Doug Holtz-Eakin, AAN Executive Director Corry Bliss, America Rising's Jeff Larson, American Crossroads' Steven Law, America First Policies' Erin Montgomery, White House Senate leg affairs liaison Amy Swonger, Treasury's Shannon McGahn, Derrick Dockery from Speaker Paul Ryan's office, Bill Miller of BRT and Mattie Duppler from the National Taxpayers Union.

-- ALSO A SCOOP: COMING OFF OF A GOOD NIGHT FOR DEMS -- DOUG JONES, who is running against Roy Moore in Alabama, is making the trek to Washington to raise money next Tuesday. DSCC Chair Jon Tester (Mont.) and Sens. Mark Warner (Va.) and Martin Heinrich (N.M.) are listed as special guests for the fundraiser. Hosts include: Jeff Forbes, Zach Williams, Libby Greer, Jay Driscoll, Elizabeth Lowery and Jenny DiJames.

GET READY -- "Senate GOP to unveil tax bill that diverges from House plan," by Seung Min Kim and Josh Dawsey: "GOP leaders will brief the conference on the details of their long-awaited tax overhaul legislation on Thursday morning at 11:30 a.m. in the Strom Thurmond room at the Capitol, according to two sources. The session is meant to

walk senators who are not on the tax-writing Finance Committee through the intricacies of the GOP's tax bill before unveiling it to the public. The plan is expected to have significant differences from the House legislation." http://politi.co/2yhGLrv

-- **STEVEN MNUCHIN** to Bloomberg's Michael McKee: "Our strong preference is that the corporate tax rate starts next year." https://bloom.bg/2AvaFdG

NOT CHANGING COURSE -- "EPA's Pruitt vows to continue rolling back rules despite alarming climate report," by USA Today's Ledyard King: "EPA Administrator Scott Pruitt said a newly released government report that lays most of the blame for the rise of global temperatures to human activity won't deter him from continuing to roll back the Obama-era Clean Power Plan, a major rule aimed at combating climate change. 'We're taking the very necessary step to evaluate our authority under the Clean Air Act and we'll take steps that are required to issue a subsequent rule. That's our focus,' Pruitt said in an interview with USA TODAY Tuesday. 'Does this report have any bearing on that? No it doesn't. It doesn't impact the withdrawal and it doesn't impact the replacement.'" https://usat.ly/2j9MzAW ... ***The government report*** http://bit.ly/2jdvDcV

THE LATEST ON RUSSIA -- "Judge issues gag order in Manafort, Gates case," by Josh Gerstein: "The federal judge overseeing the criminal case against former Trump campaign chairman Paul Manafort and his associate Rick Gates has issued a gag order limiting comments to the media and the public by lawyers, defendants and witnesses in the case. U.S. District Court Judge Amy Berman Jackson's directive Wednesday doesn't ban such statements outright, but prohibits any remarks that 'pose a substantial likelihood of material prejudice to this case.'" http://politi.co/2zr0EOv

-- **"Russia investigators probe 2016 GOP platform fight,"** by Josh Meyer: "U.S. investigators are focusing on an enduring mystery of the 2016 election: whether Trump campaign officials made the Republican Party platform more friendly to Russia as part of some broader effort to collude with the Kremlin, according to congressional records and people familiar with the probes.

"Congressional investigators have interviewed ex-Donald Trump aides and advisers including J.D. Gordon, the national security policy representative at last year's GOP convention, about the campaign's push to remove proposed language from the 2016 Republican platform that called for giving weapons to Ukraine. People involved with crafting the platform also were expecting interest from special counsel Robert Mueller's team, such as witness interviews or producing documents, some of those sources said." http://politi.co/2AsGAv7

-- **"Inside secret court hearing in Mueller's Trump-Russia probe:** Audio reveals details of George Papadopoulos' July arraignment in closed Virginia courtroom," by Josh Gerstein http://politi.co/2AsHl7r

ROLLBACK -- "New Trump Rules Pare Back Obama's Opening to Cuba," by WSJ's Louise Radnofsky and Felicia Schwartz: "The Trump administration on Wednesday

continued its bid to pare back former President Barack Obama's campaign to normalize ties with Cuba, announcing regulations tightening travel and financial transactions by Americans. ...

"The changes being detailed Wednesday are mainly connected to the ability of individuals to travel to the island while also curtailing some business interactions, though leaving much of Mr. Obama's shift in place. Under rules that will come Wednesday from the Treasury Department and the State Department, many Americans who want to visit Cuba will have to do so by traveling through operators who are subject to U.S. jurisdiction and be accompanied by a representative of a sponsoring organization that is also subject to U.S. jurisdiction." http://on.wsj.com/2As4yqx

****** **A message from Morgan Stanley:** Consumers want new and now, a trend pushing athletic-wear brands to rethink how fast they can design and manufacture footwear. The rise of "fast fashion" is pushing brands to continuously roll out new models. The shift poses both a challenge and an opportunity. Read more. ******

AFTERNOON READ -- MICHAEL KRUSE in **POLITICO MAGAZINE -- "Johnstown Never Believed Trump Would Help. They Still Love Him Anyway":** "A year later, the local unemployment rate [in Johnstown, Pa.] has ticked down, and activity in a few coal mines has ticked up. Beyond that, though, not much has changed -- at least not for the better. Johnstown and the surrounding region are struggling in the same ways and for the same reasons. The drug problem is just as bad. 'There's nothing good in the area,' [Pam] Schilling said the other day in her living room. 'I don't have anything good to say about anything in this area. It's sad.' Even so, her backing for Trump is utterly undiminished: 'I'm a supporter of him, 100 percent.'

"What I heard from Schilling is overwhelmingly what I heard in my follow-up conversations with people here that I talked to last year as well. Over the course of three rainy, dreary days last week, I revisited and shook hands with the president's base -- that thirtysomething percent of the electorate who resolutely approve of the job he is doing, the segment of voters who share his view that the Russia investigation is a 'witch hunt' that 'has nothing to do with him,' and who applaud his judicial nominees and his determination to gut the federal regulatory apparatus. But what I wasn't prepared for was how readily these same people had abandoned the contract he had made with them. Their satisfaction with Trump now seems untethered to the things they once said mattered to them the most." http://politi.co/2yiArAh

THE FUTURE IS HERE -- "Uber Partners With NASA in Vision for Managing Flying Cars," by Bloomberg's Natalie Wong and Edward Ludlow: "The ride-sharing startup has said it plans to roll out an on-demand vertical take-off and landing (VTOL) network in Dallas and Dubai by 2020, and Wednesday added Los Angeles to the list. But many regulatory hurdles will need to be cleared before that can happen, including approval by the Federal Aviation Administration, which will have to figure out how flying cars can get along with airplanes, helicopters and drones in the sky. On Tuesday, Uber took a step toward resolving that by signing an agreement with the National Aeronautics and Space

Administration to develop new traffic concepts that will enable safe and efficient operations of robotic flight systems, the company said." https://bloom.bg/2AtdpYT

FLASHBACK -- POLITICO, NOV. 4: "On Election Night last year, Trump ripped up his speech and made a personal appeal for national unity. It was a glimpse of a presidency that might have been." http://politi.co/2AjqKTp

-- WASHINGTON POST, NOV. 7: "The victory speech was a glimpse of a presidency that might have been." http://wapo.st/2Akfg1a

ELI LAKE in Bloomberg View, "The Promising Crisis in Saudi Arabia: Purging rivals is often a bad sign. But in this case it may show an impatience to reform": "To start, Trump's son-in-law, Jared Kushner, has been cultivating his own relationship with the Saudi crown prince and heir apparent in the last year. ... And even though Kushner is a foreign-affairs amateur compared with the pros in the cabinet, his instincts are not wrong. Mohammed bin Salman has publicly stated his desire to move Saudi Arabia in the direction in which U.S. presidents from both parties have prodded the kingdom for decades. This includes a willingness to target not only fundraising for terrorist groups, but also the radical clerics who spread a hateful and extremist ideology; allowing women to drive and participate more in public life; allowing outside foreign investment; and modernizing a sclerotic military." https://bloom.bg/2zsH6t0

DANIEL'S POSTCARD FROM THE FAITH ANGLE FORUM -- ANDREW SULLIVAN, speaking on the effects of overuse of technology: "One of the great mistakes that people make is thinking that being online constantly and on your phone constantly is simply an addition to what you're already doing. ... But I think that over time you realize that in fact it's not. It really is either/or. You're either present or you're in that world, in this world of constant distraction, news and ideas and a world that is not actually happening around you or even with people you connect with. ... I realize that of the 8 or 9 hours I spent a day online, I wasn't spending with my friends, I wasn't spending with my husband, I wasn't spending actually reading anything. I was absorbing information which is a very different thing." ***Sullivan's NYMag cover story, "I Used to Be a Human Being"*** http://slct.al/2zFs3yX

MEDIAWATCH -- JOE BIDEN will appear on all four hours of NBC's "Today" on Nov. 13. He'll also appear on "The Late Show with Stephen Colbert" that night.

JOB SEARCH -- Listing at the NRA for "Field Representative, South Texas" ***Job posting on Daybook*** http://bit.ly/2jcXb1J

HOT TRAILER -- The first trailer for "The Post," starring Meryl Streep and Tom Hanks as WaPo's Katharine Graham and Ben Bradlee in the aftermath of the New York Times' big Pentagon Papers scoop, posted yesterday. http://bit.ly/2ygo0EU

SPORTS BLINK -- "Secret services: The hidden sports finances of Army, Navy and Air Force," by USA Today's Brent Schrotenboer and Steve Berkowitz: "All three

U.S. service academy sports programs are part of treasured federal institutions that are funded by taxpayer dollars. Yet unlike other public universities directly funded by taxpayer support, Navy, Air Force and Army say they don't have to disclose coaches' employment contracts and other financial records that even private schools must provide.

"The bigger question is why. A USA TODAY Sports inquiry found the answer lies in loopholes and outsourcing that is largely a result of the academies getting pulled into the vortex of the big-spending world of major-college sports." https://usat.ly/2jdddZt

SPOTTED -- Gary Cohn and his wife at Cafe Milano last night ... former DHS Secretary Tom Ridge on the Dulles shuttle, chatting up and asking about the families of the shuttle's staff (who recognized him immediately, according to our tipster) ... Sen. Mark Warner (D-Va.) dining at Nobu DC last night before attending the Virginia victory rally

SPOTTED at a book party last night for Ken Stern and his new book "Republican Like Me: How I Left the Liberal Bubble and Learned to Love the Right" ***($16.79 on Amazon*** http://amzn.to/2znF3ZO): Host Amb. Bobby Mandell, Susan Eisenhower, Susan Lagana, Kate Stack, Ben Chang, Luxembourg Amb. Sylvie Lucas, Adm. Mike Lyden, Steve Menashi.

OUT AND ABOUT -- GCI, Alaska's largest telecom provider, hosted an event at NCTA headquarters in Washington last night celebrating the completion of a rural broadband network. **SPOTTED:** Sens. Lisa Murkowski (R-Alaska) and Dan Sullivan (R-Alaska), Reps. Don Young (R-Alaska) and Patrick McHenry (R-N.C.), Nick Hanson, Greg Chapados, Tina Pidgeon, Meg Baldino, Heather Handyside, Michael Powell, Tina Pelkey, Mike Dubke, Carl Forti, Chris Maloney, Mike Pawlowski, Larry Burton, Robyn Engibous ***Pic of Murkowski and Nick Hanson doing a 'seal hop'*** http://bit.ly/2ygmiDu

BONUS BIRTHDAY -- Ashley Balcerzak, a federal politics reporter at the Center for Public Integrity (hat tip: Dave Levinthal)

****** **A message from Morgan Stanley:** It has become commonplace for consumers to see new footwear styles online and shop for them instantly-followed by speedy delivery. For the world's largest athletic brands, the shift toward "new and now" poses both a challenge and an opportunity. Revamping the lengthy design and manufacture process for footwear can be arduous, while streamlining the process to incorporate new technology for creating prototypes and 3D printing can speed production of key materials. These and other innovations could boost revenues, improve margins, reduce operational risk, and finally, win more market share in an already booming category. Since 2007, global sales of athletic wear have increased 61%, and faster supply chains can help sustain that growth for years to come. As brands shift investments toward digital design and automated manufacturing, digitization could have a significant impact on supply chains. Read more. ******

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From: Morning Energy
Sent: Thur 8/10/2017 2:06:22 PM
Subject: POLITICO's Morning Energy: Trump's 2-for-1 reg order gets day in court — A detour on the road from Montreal to Kigali — Heartland backing Pruitt's uphill climate fight

By Esther Whieldon | 08/10/2017 10:00 AM EDT

With help from Emily Holden and Alex Guillén

TRUMP'S 2-FOR-1 REG ORDER GOES TO COURT : A federal judge will hold a hearing this morning on President Donald Trump's "2-for-1" regulatory executive order that directed agencies to identify two rules for revision or repeal for every one they finalized. Three groups - the Natural Resources Defense Council, Public Citizen and the Communications Workers of America - will argue Trump's order is unlawful and endangers public welfare by threatening health and safety rules. The administration says Trump's order is a valid exercise of presidential authority and doesn't require agencies to do more than identify potential rules to cut. The White House also argues it is too early to challenge the order, and the groups must wait for an agency to act on it before going to court. The 10 a.m. hearing at the U.S. District Court will be held before Judge Randolph D. Moss, an Obama appointee.

A DETOUR ON THE ROAD FROM MONTREAL TO KIGALI: Finding ways to get the U.S. to comply with an international treaty to limit the use of a heat-trapping chemical got more difficult this week, Pro's Eric Wolff reports. The D.C. Circuit Court's decision to block EPA from using a key section of the Clean Air Act to rein in hydrofluorocarbons means there won't be a simple way for the U.S. to implement the Kigali amendment to the Montreal Protocol.

The way is long, and uncertain: Treaty backers now must not only sell the Senate on ratification, they must persuade both chambers of Congress to write implementing legislation if the treaty is affirmed. Either that or they'll have to persuade EPA Administrator Scott Pruitt to use the agency's power to regulation chemicals under the Toxic Substances Control Act. And even though the move is backed by business interests, getting Pruitt to write a new climate regulation would be no small feat. Treaty proponents must still convince a skeptical Trump administration, which has been dismissive of both multi-party treaties and climate science, on bringing the treaty to Congress.

Green groups are looking for a short cut: NRDC's David Doniger says they group is exploring an en banc appeal of Tuesday's court ruling. If that were to succeed, the rule would go back into effect, and treaty backers can go back to focusing on the Senate.

HEARTLAND BACKING PRUITT'S UPHILL CLIMATE FIGHT: The Heartland Institute, a group that rejects climate science, is voicing its support for EPA's Pruitt to challenge a finding that EPA must limit greenhouse gas emissions. The group's comments follow POLITICO's reporting that other conservative allies of the administration haven't endorsed that strategy. "A lot of resources will be expended in fighting this," H. Sterling Burnett, a Heartland research fellow, told ME. "Ultimately if you don't overturn the endangerment finding, Trump or whoever comes after him will have to impose their own carbon restrictions. ... You can't get around it."

Burnett argues climate models are often wrong and can't show with certainty that humans are causing climate change. A draft report from federal climate scientists that emerged on Tuesday contradicts that view. Burnett says Pruitt could challenge the endangerment finding on procedural or scientific grounds and should pursue both, although EPA might not finish the fight before the end of the Trump administration.

FALSE ALARM AT EPA: D.C. Police and Federal Protective Service officers responded to reports of gunshots inside EPA's Pennsylvania Ave. headquarters around 5 p.m. Wednesday, but authorities said the reports of gunshots were "unfounded," no one was injured and the building was secure."

Welcome to Thursday! I'm your guest host, Esther Whieldon. Joe McClelland of FERC was the first to answer that Abigail Fillmore was the first First Lady to keep her day job as a teacher for more than a year after she married Millard Fillmore, the future 13th U.S. president. Joe also knew that Abigail met her husband in 1819 when she was his teacher at New Hope Academy in New York. Today's trivia question: Name the first female artist to be commissioned by the U.S. government to sculpt a statue (Hint, the statue is in the Capitol). Bonus points if you can name the statue, where the artist is buried today and what sculpture marks her grave. Send me your guesses, tips, energy gossip and comments at ewhieldon@politico.com and follow us on Twitter @esthernow, @aadragna, @bjlefebvre, @Morning_Energy, and @POLITICOPro.

ONE IN FIVE MINE INSPECTORS MEDICALLY UNFIT: As many as one in five federal mine inspectors doesn't meet the physical requirements necessary to do the job, Ian Kullgren reports. The Labor Department said on Wednesday it would create individualized assessment plans for employees who do not pass routine physical exams.

CALL IT THE REVERSE CARBON TAX: West Virginia Governor and new Republican Jim Justice, who made billions as a coal magnate, says President Donald Trump is "really interested" in his plan to subsidize Appalachian coal production, according to news reports. The subsidy would involve the Department of Homeland Security paying eastern utilities $15 per ton of Appalachian coal burned, according to Bloomberg . Justice says he has discussed the plan, which analysts peg at costing more than $1.6 billion annually, with Vice President Mike Pence, Jared Kushner and Energy Secretary Rick Perry. The subsidy likely would face opposition from Western coal producers, the natural gas industry, and the wind and solar sectors.

Why DHS? Justice says a healthy reliance on coal for electricity is the best protection against terror attacks on energy infrastructure, echoing an argument made frequently by EPA Administrator Scott Pruitt. "Can you imagine what would happen if we lost the power in the east for a month, or two months, or three months?" Justice said. "It would be like a nuclear blast went off. You would lose hundreds of thousands of people. It would be just absolute chaos beyond belief.'

COMMISSION REJECTS CALL TO CLOSE SUNIVA TRADE HEARING: The US International Trade Commission on Wednesday rejected a request by the Solar Energy Industries Association and SunPower Inc. to close a portion of the agency's Aug. 15 hearing to the public.

The commission ruled it has already obtained enough confidential information from solar companies and SEIA to consider all of the group's arguments "without resorting to the extraordinary measure" of closing part of the hearing.

INTERIOR AIMS TO EXPAND HUNTING, FISHING IN WILDLIFE REFUGES: Following up on Secretary Ryan Zinke's pledge to create more opportunities for sportsmen to use public lands, the Interior Department's Fish and Wildlife Service is proposing to allow more hunting and fishing in 10 wildlife refuges in Georgia, South Carolina, Indiana, Minnesota, North Dakota, Oklahoma, Oregon and Wisconsin. The agency will accept comments on the proposed rule for 30 days after publication in the Federal Register, which is expected this morning. For the 2017-2018 season, FWS is also adding refuge-specific regulations on topics such as hunting dog use, ATV riding and minimum age requirements.

ZINKE OKS LAND DONATION NEAR ELK STOMPING GROUNDS: Zinke on Wednesday gave BLM the thumbs to accept the donation of about 4,000 acres of a former ranch that would for the first time allow public access to prime elk hunting grounds in the Sabinoso Wilderness in Northeastern New Mexico. The public has been cut off from the 16,000-acre area because it is surrounded by private land. But the Wilderness Land Trust bought a closed down ranch bordering Sabinoso and has offered to donate it. New Mexico Sens. Tom Udall, Martin Heinrich and Zinke toured the Sabinoso by horseback in late July.

CERES REPORT SAYS AUTOMAKERS NEED TO EVOLVE FASTER: A new report out today by Ceres that says that the increasing importance of operating costs and synergy between autonomous vehicles and electrification, fuel efficiency and electrification are key to automakers succeeding in the fast changing marketplace. The report argues that automakers are blaming their financial woes on fuel economy standards but that the standards are actually stimulating investment in advanced technologies "that are necessary for automakers' long-term financial health, especially given oil price volatility."

NOAA CLIMATE REPORT DUE OUT TODAY: The National Oceanic and Atmospheric Administration and American Meteorological Society are slated to release their annual check up on the state of the planet's climate this afternoon. More than 450 scientists from over 60 countries contributed to the report, which will highlight such indicators as greenhouse gases, temperature, sea level rise and glacier sizes. The report comes just days after the controversy over an earlier report that US scientists feared could be altered by the Trump administration.

QUICK HITS:

- The Sea Level Did, in Fact, Rise Faster in the Southeast U.S., NYT

- Exclusive: Tesla developing self-driving tech for semi-truck, wants to test in Nevada, Reuters

- Power Hungry: The States That Use The Most And Least Energy Per Capita, Forbes

- U.S. oil industry pushes back on sanctions against Venezuela, Washington Post

- Sunoco Reaches Settlement on Natural Gas Pipeline, AP

That's all for ME!

To view online:
http://www.politico.com/tipsheets/morning-energy/2017/08/10/trumps-2-for-1-reg-order-gets-day-in-court-221803

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Daily Environment Report

August 23, 2017 - Number 162

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Leading the News

Energy
White House Denies Murray Emergency Request, Despite Trump Backing
The White House denied requests from Murray Energy Corp. to issue an emergency order to keep Murray's coal mines and FirstEnergy Corp. coal plants operating and the companies out of bankruptcy, despite President Donald Trump's promises to back the requests.

News

Biofuels
U.S. Proposes Duties on Biodiesel From Argentina and Indonesia
Biodiesel producers in Indonesia and Argentina are benefiting from government subsidies, and their exports to the U.S. should be slapped with duties of as much as 68 percent, according to the initial results of a Commerce Department probe.

Coal Mining
Colorado Governor Backs Arch Coal's $12 Million Royalty Cut
Colorado Gov. John Hickenlooper (D) is supporting a request that would save Arch Coal $12 million a year in federal royalties, a spokeswoman for the governor tells Bloomberg BNA.

Emissions Trading
California Auction Raises $640 Million for Greenhouse Gas Fund
California raised an estimated $640 million for its greenhouse gas fund by auctioning permits to curb carbon emissions—a result that analysts said shows restored confidence in the state's cap-and-trade program.

Energy

Brazil's Utility Giant Soars as Government Plans Privatization

Brazil's troubled state-run utility Eletrobras jumped the most in almost two decades on a government proposal to privatize the company amid the country's deep fiscal crisis.

Energy

Energy Transfer Told to Revise Rover Gas Line Drill Plans

Energy Transfer Partners must submit revised horizontal directional drilling plans for the Rover natural gas pipeline along with other information before FERC will allow the company to resume drilling in certain areas, the agency said in an Aug. 22 filing.

Mining

Supplying Lithium Gets Trickier as Electric Revolution Looms

Hidden within the salt flats high in the Andes mountains of South America are vast deposits of the lithium that Elon Musk may need for his electric-car revolution. But extracting the mineral from brine ponds created by Orocobre Ltd. has proved more difficult than expected.

Motor Vehicles

Ford Offers U.K. Drivers Cash to Scrap Dirty Diesel Engines

Ford Motor Co. became the latest automaker to offer cash to U.K. drivers if they scrap the most polluting vehicles on the roads, targeting about 15 million cars and vans across the country.

Oil & Gas

Colorado Governor Orders Pipeline Rule Update After Fatal Accidents

Colorado Gov. John Hickenlooper (D) Aug. 22 directed the state's Oil and Gas Conservation Commission to upgrade its rules on inspection and pressure-testing of natural gas flow lines, one of a series of steps he has taken to improve safety following two deadly accidents. Hickenlooper announced in all seven steps the state will take involving the oil and gas industry. In April, two men were killed when a leaking flow line connected to a natural gas well owned by Anadarko Petroleum Co. ...

Oil & Gas

Power Plant Emissions Should Be Part of Pipeline Review: Court

Carbon emissions from gas-burning power plants should have been considered in federal regulators' review of a Florida natural gas pipeline, a federal appeals court ruled Aug. 22, siding with conservation groups.

Pipeline Safety

Energy Transfer Suit Claims Greenpeace Incites Eco-Terrorism

Energy Transfer Partners LP accused Greenpeace International, Earth First! and other groups of inciting terrorist acts and vandalism to generate publicity and raise money for their causes while hampering the ability of the Dakota Access pipeline majority owner to raise money for projects.

Regulatory Policy

Regulatory Activity Dips to New Lows in Trump Administration

The pace of regulatory activity has dipped to new lows in the first six months of the Trump administration, bringing welcome relief to businesses beset by rules from the prior administration, but dismaying public safety and civil rights advocates who fear crises are coming.

Renewable Energy

China's Top Wind Utility Lifts Profit With Policy Help

China Longyuan Power Group Corp., the nation's biggest developer and operator of wind farms, said government-led efforts to boost clean energy consumption supported higher first-half profit.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Mon 10/2/2017 5:02:45 PM
Subject: Playbook Power Briefing, presented by Koch Industries: TRUMP on VEGAS: 'Act of pure evil,' will visit city on Wednesday -- THE POLITICAL REALITY: Congress UNLIKELY to tighten gun laws -- AT LEAST 58 dead, 500+ injured

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Today's Playbook Power Briefing presented by Koch Industries

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman), ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

TRUMP TO LAS VEGAS WEDNESDAY -- POTUS ON THE DEADLIEST MASS SHOOTING IN MODERN U.S. HISTORY: "He brutally murdered more than 50 people and wounded hundreds more. It was an act of pure evil." http://politi.co/2fKJMN2 ... ***The president's full statement*** http://politi.co/2xaGiuO

THE PRESIDENT AND FIRST LADY are leading a moment of silence at 2:45 p.m., the White House announced. **SARAH SANDERS** will brief the press at 2 p.m.

THE LATEST FROM NEVADA -- "Mass shooting on the Strip stuns Las Vegas; 58 dead, 515 injured," by The Nevada Independent's Jackie Valley and Megan Messerly: Las Vegas police said a man opened fire at about 10:08 p.m. from the 32nd floor of the Mandalay Bay Resort and Casino down into a crowd of about 22,000 at an outdoor concert happening across the street, killing 58 and injuring 515 more. The shooting triggered panic in the city's tourist-heavy corridor and flashing lights up and down the boulevard. The initial death toll would make the shooting the worst mass shooting in recent U.S. history, following the killing of 49 people at Pulse nightclub in Orlando in 2016.

"Police identified the lone suspect of the mass shooting, who they believe killed himself prior to police entering a hotel room where he was located, as 64-year-old Stephen Paddock from Mesquite. Las Vegas Metro Sheriff Joseph Lombardo said early Monday morning Paddock was found with 'an excess of 10 rifles.' Lombardo said police have located a female person of interest named Marilou Danley out of the country and that she was not with Paddock when he checked into the hotel, though Paddock was using some of Danley's identification. He said police have had conversations with Danley and believe her 'at this time not to be involved.'

"Police did not release a possible motive described Paddock as a 'lone wolf-type actor,' and that the mass shooting did not appear to be an act of terrorism 'at this point,' talking with reporters early Monday morning. An FBI official at a later press conference confirmed that there did not appear to be any connection between Paddock and

extremist groups such as ISIS." http://bit.ly/2xaaNkO

-- "Las Vegas Shooter Stephen Paddock Had Recent Large Gambling Transactions," by NBC News' Pete Williams, Tracy Connor and Kalhan Rosenblatt http://nbcnews.to/2x9dHGx

-- POLITICAL REALITIES: Congress is extraordinarily unlikely to tighten gun laws. In the last decade, there have been a spate of high profile shootings -- including of two members of Congress -- and those have not sparked movement on this issue ... But, this also will make it harder for the NRA and other gun-rights advocates to push their agenda. The House was considering gun-related legislation -- but we have to imagine that will be difficult to move on at this point.

-- DEPT. OF IF PAST IS PRECEDENT: WHAT THE NEXT 24-48 HOURS WILL LIKELY LOOK LIKE : Democrats have already started to say the nation needs tighter gun laws. Republicans, by and large, will say Congress should wait for all the facts, and will note that more stringent restrictions on gun purchases would not solve every shooting and would not stop someone who wants to kill from getting a gun.

-- TRUMP'S FULL DANCE CARD: Largest mass shooting in American history in Las Vegas ... Historic storm in Puerto Rico (administration needs Congress to OK another $13 billion) ...Clean up in Texas and Florida... Rewriting the tax code... A border security/DACA package ... Government shutdown in roughly two months.

-- @JenniferJJacobs: "White House canceled only 2 other press photo opportunities of day, with prime minister of Thailand. Removes chances to ask Trump questions." ... "Admin event on deregulation has been closed to the press, and a routine Pentagon briefing called off, too, in wake of the Vegas shooting."

WHITE HOUSE, per pooler Marissa Schultz of the N.Y. Post: "The President has spoken to the Governor of NV, The Mayor of Las Vegas and the [Sheriff.] We will continue to update as appropriate."

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THE FAMILY -- "Las Vegas shooter's brother lives in Orlando, 'completely dumbfounded' by massacre," by the Orlando Sentinel's David Harris http://bit.ly/2fL3BUJ

-- BUZZFEED'S Ryan Broderick is tracking all of the hoaxes related to the shooting that are circulating online http://bzfd.it/2flvLj1

SWAMP CHECK -- "Trump says he's trying to 'reduce size of government' -- but he's really not," by USA Today's Paul Singer: "The few thousand jobs Trump has not filled are a drop in the bucket for a federal workforce that stood at about 2.8 million in August, more or less unchanged since December. The federal workforce is now back to 2013 levels after dipping to about 2.7 million in 2014. And if you include state and local workers -- some of whom are paid for by federal government block grants -- government employment nationwide has been at a seven-year high since last September, hovering about 22.3 million." https://usat.ly/2fL1Sie

RUSSIA WATCH -- "HP Enterprise let Russia scrutinize cyberdefense system used by Pentagon," by Reuters' Joel Schectman, Dustin Volz and Jack Stubbs: "Hewlett Packard Enterprise allowed a Russian defense agency to review the inner workings of cyber defense software used by the Pentagon to guard its computer networks, according to Russian regulatory records and interviews with people with direct knowledge of the issue.

"The HPE system, called ArcSight, serves as a cybersecurity nerve center for much of the U.S. military, alerting analysts when it detects that computer systems may have come under attack. ArcSight is also widely used in the private sector. The Russian review of ArcSight's source code, the closely guarded internal instructions of the software, was part of HPE's effort to win the certification required to sell the product to Russia's public sector, according to the regulatory records seen by Reuters and confirmed by a company spokeswoman." http://reut.rs/2fKfOJh

OBAMAS TO NEW YORK? -- PAGE SIX'S EMILY SMITH: "Obamas eyeing Upper East Side apartment": "The Obamas have been looking at 10 Gracie Square on the Upper East Side, situated between East End Avenue and East River Drive and near the mayor's residence Gracie Mansion, according to sources who have seen the couple arriving at the building for viewings. Built in 1930, the white-glove, full-service, pre-war building has 15 floors and 43 apartments. Other notables who have lived there include Gloria Vanderbilt, conductor André Kostelanetz and New Yorker critic Alexander Woollcott." http://pge.sx/2yTFqZ0

NEW SUPER PAC PLAYER -- THE ATLANTIC'S ROSIE GRAY -- "A New Pro-Trump Super PAC Takes Aim at the Republican Establishment": "Jeff Giesea, Mike Cernovich, and Jack Posobiec, organizers of the 'Deploraball' party to celebrate President Trump's inauguration earlier this year, are behind the super PAC, which is being called #Rev18. All three are known quantities in the pro-Trump alternative media that emerged during the campaign and presidency, powered by Trump's rise; they have since distanced itself from more extreme alt-right figures, often favoring the term 'new right.' Cernovich has become known as an occasional breaker of news about the White House, while Posobiec rose to prominence after playing a key role in the #MacronLeaks story. The trio plans to back anti-establishment primary challengers in the midterms." http://theatln.tc/2x94RbH

VALLEY WATCH -- "Facebook rolls out new ad policies amid Russia

investigation," by Nancy Scola: "Facebook -- in response to the use of its advertising offerings by Russian operatives to influence the 2016 U.S. presidential election -- says it is making changes to better understand how one-off advertisements factor in advertisers' broader strategic goals. Facebook will require its human and machine ad-reviewers to pay greater attention to the complete circumstances around ad purchases and their intended audience, the company said on Monday. Moreover, those reviewers will screen ads for what the company described as subtle expressions of violence. The company said it will add more than 1,000 human reviewers to its ad teams around the world." http://politi.co/2xaoYX1

AFTERNOON READ -- BEN SCHRECKINGER'S debut in **GQ -- "How Mike Flynn, Jr. Is Dealing with Being Trapped Inside the Mueller Investigation":** "Essentially, says a senior Trump transition official, the Flynns may try to mount a Pretty Average Dude defense. The myriad legal hassles the Flynns now face stem not from nefarious intent, the official argued, but from the fact that Flynn Jr. was in charge of the Flynn Intel Group's paperwork and was unqualified for his position. That's not to say, the official stressed, that Flynn Jr. would become 'the fall guy,' just that he believed Junior was in way over his head. 'I wouldn't expect him to know who Farrah Fawcett is, let alone a FARA filing,' said the official.

"According to a person who worked closely with the Flynn Intel Group and told me they are cooperating with Mueller's team, Flynn Jr. -- who accompanied his father to Moscow for a December 2015 gala hosted by the Russian state broadcaster RT -- made several other forays abroad with his father, which, this person says, are now one focus of investigative scrutiny. 'I've been asked about trips and what I know about who went where and why and how long they were gone,' said the person, who declined to elaborate on exactly who was asking the questions." http://bit.ly/2fKYl38

MEDIAWATCH -- "Gawker Is for Sale and Its Articles Could Be Deleted," by WSJ's Jonathan Randles: "As it stands, the site is potentially more valuable to a person who wants articles removed than it is to a person who wants the archive preserved, a person familiar with the matter said, pointing to venture capitalist Peter Thiel who secretly financed Hogan's case, the ruling on which drove it out of business. A new owner of Gawker could also face legal pressure to remove articles, people familiar with the matter said." http://on.wsj.com/2xalbJd

TODAY'S BEYOND THE BELTWAY -- Illinois Republicans still furious with Rauner over HB40 signing -- The New Jersey angle to the Trump presidency
http://politi.co/2fLeJAR

DESSERT -- "The World According to Dan Brown," by NYT's Sarah Lyall: "Anyone who has read Dan Brown's work -- and with 200 million copies of his books in print, you know who you are -- is familiar with his signature technique of inserting little chunks of expository information into the narrative. Among the topics addressed in his latest thriller, 'Origin': the wide-ranging talents of Winston Churchill, the elusive appeal of abstract art, the exciting peculiarities of Gaudi's Sagrada Familia cathedral and the

latest insane developments in the world of artificial intelligence. This is central to the Brown approach, because he himself prefers literature that is instructive and, ideally, not wholly invented. 'I feel like if I'm going to take time reading, I better be learning,' he said recently." http://nyti.ms/2xainMi

TRANSITIONS -- Sery Kim started as senior adviser to the assistant secretary of public affairs at the Department of Health and Human Services last week. ... **Daniel Bucheli** has returned to the Hill as Rep. Mike Coffman's (R-Colo.) communications director and deputy chief of staff. He was the national press secretary at the White House Office of National Drug Control Policy, but resigned after two weeks "because I really did not see it as a good fit for myself," he told us in an email.

ENGAGED -- Andrew Reagan, DCCC alum and campaign manager at the Environmental Defense Fund, got engaged on Saturday to **Leslie Tisdale,** communications director and congressional liaison for the U.S.-China Economic and Security Review Commission. "He surprised his new bride-to-be at a tucked away meadow near the Anacostia River. He planned a surprise brunch with friends and family. They met at a Halloween party in 2015 on Capitol Hill. He was dressed as Ronald Reagan and she was dressed as Charlie Blackwood from 'Top Gun.'" ***Pic*** http://bit.ly/2yjLPzi

WEEKEND WEDDINGS -- Cara Edmundowicz, a GOP fundraiser who runs the 1735 Group LLC and an RGA alum, on Saturday married **Philip Aftuck,** a senior associate at The Bernstein Companies, at Lowndes Grove Plantation in Charleston, South Carolina. "We met while attending GW in 2006; we were friends first, but have officially been together for 9 years." *Pic* http://bit.ly/2fL8w7T

SPOTTED: Phil Cox, Marie Sanderson, Paige Hahn, Amy Allman Dean, Mary Ann Laconte, Caitlin Mackintosh Schroder, Danielle Cleveland, Brian Sanderson, Creigh Behnke, Mike Senich, Heather Dodgins (Jeffreys), Rachel Wolbers, Erika Gudmundson, Emily Aden, Adam and Tracy Bernstein and Joe and Shelly Galli.

--"Britni Rillera, Anthony Lynn" -- N.Y. Times: "Ms. Rillera, 31, is a federal-affairs lobbyist in Washington for the Trust for Public Land, a San Francisco organization that works to establish parks and other protected areas. ... Mr. Lynn, 35, is a strategy management consultant in the federal services division, in Washington, of the consultancy Accenture. ... The couple met in 2007 in a Senate cafeteria on Capitol Hill at a luncheon for young African-American Senate staff." ***With pic*** http://nyti.ms/2fCsNJ4

****** **A message from Koch Industries:** According to the World Health Organization, 633 million people lack access to safe water worldwide. At Koch, we are addressing this global crisis with innovative membrane filtration technologies to help turn surface and wastewater back into clean drinking water. It's already making a difference in places such as São Paulo, Brazil, one of the world's largest cities. This is one of the many challenges that our more than 70,000 employees across America are working on each day. From water and agriculture, to renewable fuels, energy efficiency and other

advancements that help people improve their lives, our team members are encouraged to think like entrepreneurs and challenge the status quo. Here, everyone is encouraged to speak up with ideas to create greater long-term value for society, our customers and businesses, while also reducing waste so more natural resources are available to meet future needs. Go behind the scenes at **ChallengeAccepted.com**. ******

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Subject: POLITICO's Morning Transportation: Infrastructure déjà vu — More execs quit manufacturing board — NTSB, safety group analyze highway crashes

By Brianna Gurciullo and Stephanie Beasley | 08/16/2017 10:00 AM EDT

INFRASTRUCTURE DÉJÀ VU: President Donald Trump signed an executive order Tuesday intended to cut the federal environmental permitting process down to two years and make sure one agency is in charge of a project's forms. As our Lauren Gardner reports for Pros, the order "is another drip in the trickle of actions Trump has taken to highlight his interest in bolstering the nation's infrastructure," but the president's plan for $1 trillion in private and public investment remains elusive. (Here's the text of the executive order, and a fact sheet on the Trump administration's infrastructure-related executive orders and budget proposal.)

Toot your own horn: Transportation Secretary Elaine Chao said in a statement Tuesday that DOT has pinpointed "more than two dozen policies and rules" to make the permitting process quicker. She also highlighted INFRA, the grant program that DOT overhauled so its criteria better lined up with the Trump administration's focus on drawing in funding from sources other than the federal government.

Gut check: Tuesday's announcement, during a maelstrom of otherwise bad press for the president, seemed tailor-made to try to shift the dialogue back to one of his signature issues. But the real prize - the $1 trillion plan Trump pledged on the campaign trail - is little more than a few ideas on paper. The administration continues to promise more details this fall.

Speaking of timetables: Gary Cohn, the director of the National Economic Council, told reporters Tuesday that an infrastructure package will "come on the heels" of a tax overhaul. "We hope it's this year," Cohn said. "We need to get taxes done between now and Thanksgiving. We need to get infrastructure going. As soon tax comes out of the House and goes to the Senate, we'll put infrastructure in the House."

IT'S WEDNESDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Don't forget to send tips, feedback, and lyrics to sbeasley@politico.com or @Steph_Beasley and bgurciullo@politico.com or @brigurciullo.

"We count only blue cars, skip the cracks in the street / And ask many questions, like children often do." (h/t Kristina Webb at The Palm Beach Post)

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) that are all about flying, driving, commuting and sailing?

'HERE COMES THE WATER': The executive order that Trump issued Tuesday also rescinds the Federal Flood Risk Management Standard. The standard, instituted by President Barack Obama, "requires that new federally funded projects ... be built to withstand the stronger storms

and additional flooding projected to occur as the climate changes," Pro Energy's Annie Snider reports , noting that it "has not actually taken effect yet; each federal agency is tasked with developing its own regulation for implementing the standard, and none have yet been finalized."

TWEET DU JOUR: Anyone who watched the video of Trump's comments about his executive order knows that he spent much more time talking about what happened in Charlottesville, Virginia, than about infrastructure. NBC News' Kristin Donnelly tweeted this pic of new White House Chief of Staff John Kelly listening as Trump spoke at Trump Tower.

'STUCK IN THE MIDDLE WITH YOU': When asked Tuesday about Trump's attacks on her husband, Senate Majority Leader Mitch McConnell (R-Ky.), Chao had this to say: "I stand by my man. Both of them."

HOW TIMELY: As the Trump administration continues to refine its infrastructure policy, the Association of Equipment Manufacturers has released a new poll that it says shows the majority of people across the country support the idea of investing in infrastructure as an economy booster. Out of 3,481 people surveyed in urban, rural and suburban areas, about 89 percent believed that infrastructure investments would strengthen the economy, AEM said. Eighty-two percent believed investments in infrastructure would also create more jobs.

THE NUMBERS ARE PILING UP: Scott Paul, the president of the American Alliance for Manufacturing, and AFL-CIO President Richard Trumka are among the latest batch of executives to resign from Trump's manufacturing council over the president's response to violence in Charlottesville. "I'm resigning from the Manufacturing Jobs Initiative because it's the right thing for me to do," Paul tweeted Tuesday morning. Trumka quit after Trump made additional comments about the topic during his Tuesday infrastructure presser.

DHS PERSONNEL UPDATE: After having been floated as a potential successor to FAA Administrator Michael Huerta, Miami-Dade Aviation Department Director and CEO Emilio Gonzalez is now rumored to be in the running for a senior position at DHS, sources say. CyberScoop's Shaun Waterman writes that Gonzalez is on a short list of candidates for the department's top spot, along with Acting Secretary Elaine Duke and former Deputy DHS Secretary James Loy, among others. But sources tell MT that if Gonzalez is being considered for an agency position, it would more likely be for something like TSA deputy administrator or - again - at FAA. The White House did not respond to a request for comment.

NOT QUITE OUT OF THE WOODS: Motor vehicle deaths decreased slightly during the first six months of this year, but the numbers are still higher than they were two years ago, according to preliminary data from the National Safety Council. The group estimates that 18,680 people have been killed in vehicle crashes since January, while 2.1 million were seriously injured. The data indicates a 1 percent dip, or 250 fewer deaths, from the same period in 2016. However, the estimated death toll is still 8 percent higher than it was in 2015, NSC notes. The numbers are "leveling off," but addressing prevention of future deaths will require "improvements in technology, engaging drivers and investing in our infrastructure," said NSC President and CEO Debbie Hersman. The group said motor vehicle fatality trends could be affected by recent improvements in the U.S. economy and lower gas prices.

NO, SPEED RACER, NO: NTSB released the full version of its most recent study on speeding-related crashes. The agency first released findings from the study at a press event late last month. The data connects speeding to at least 112,580 highway crash fatalities between 2005 and 2014. NTSB has said that although the risks of speeding are on par with driving under the influence of alcohol, the former issue does not receive nearly as much attention nor does it carry the same "social consequences." The NTSB recommends increased use of automated speed enforcement technologies and more consistent state and local reporting of speeding-related crashes, among other items.

A4A's CRYSTAL BALL: Airlines for America predicts that 16.1 million people will take flights with U.S. carriers from Aug. 30 to Sept. 5. (Programming note: Labor Day is Sept. 4.) That would be a 5 percent increase from the same stretch in 2016, when approximately 15.4 million travelers flew with U.S. airlines. A4A anticipates that Hartsfield-Jackson Atlanta International Airport, Los Angeles International Airport and Chicago O'Hare International Airport will be the "busiest" hubs in the country from that Wednesday to Tuesday.

'HERE COMES THE OIL TRAIN': New Jersey Senate Democrats, who hold a majority in the state's upper house, are looking to vote to override Republican Gov. Chris Christie's veto of a bill to increase oversight of oil trains. The measure "would require the operators of trains carrying hazardous materials to have emergency response plans on file with the state Department of Environmental Protection," Ryan Hutchins reports for POLITICO New Jersey Pro. "Christie conditionally vetoed the measure in July over concerns it could make information about the locations of the trains available to terrorists." (To override Christie's veto, two-thirds of both houses would have to vote "yes.")

KNIVES OUT: House Transportation Committee member Todd Rokita and Rep. Luke Messer, both Republicans from Indiana, are engaged in what POLITICO's Maggie Severns and Kevin Robillard have dubbed "the GOP's nastiest primary."

FOR YOUR RADAR: Chao will visit Alaska next week and meet with Republican Sen. Lisa Murkowski, who told the Ketchikan Daily News that she plans to talk to Chao about replacing an Alaska Marine Highway System ferry.

QUOTE DU JOUR: "We've gotten some deals done on the train ... I mean, you're looking for somebody, and you know you have a captured audience for about a minute. For the Senate, that's a long time." -Sen. Ben Cardin (D-Md.), who spoke to The Washington Post's Martine Powers for a story about the Senate's subway.

MT MAILBAG: A group of mostly shippers sent a letter this week to the leaders of two congressional panels with jurisdiction over the Surface Transportation Board, asking them to "urge" the board to launch a formal investigation into CSX's service issues. The Rail Customer Coalition - a group that includes the Auto Alliance, Global Automakers, the Farmers Union and others - also asked the chairmen and ranking members of the Senate Commerce and House Transportation committees to "examine the ramifications of the CSX service breakdown, and whether there are adequate means available to the STB to mitigate the adverse impacts to the rail

network."

ICYMI: The STB sent a letter to Hunter Harrison, the president and CEO of CSX, this week asking that the company give the board's staffers certain performance metrics ahead of the calls they are holding every week with CSX officials. The board will publish the information to its website.

SHIFTING GEARS: Andrea Waldock Niethold, formerly Rep. Lou Barletta's (R-Pa.) chief of staff, is Canadian National Railway Company's new director of government affairs in D.C. ... David Quinalty is leaving the Senate Commerce Committee, where he's been policy director for communications and technology, to work for Waymo as its leader of federal policy and government affairs, Pro Technology's Steven Overly reports .

THE AUTOBAHN:

- "Companies linked to Mike Pence seek an upper hand in infrastructure policy." International Business Times .

- "New Boston transit chief Ramirez has no transit experience." The Associated Press .

- "Uber's former self-driving chief urged calling out Musk." Bloomberg.

- "Helicopter involved in Charlottesville crash was involved in previous incident." The Washington Post .

- "German government steps in to keep Air Berlin flying." POLITICO Europe .

- "NTSB documents offer insight but no cause for Silver Spring building explosion that killed 7." The Washington Post .

- "Alarming airport security holes: Are we vulnerable to another 9/11-type attack?" Forbes .

- "Uber settles with FTC over data-privacy protections." The Wall Street Journal.

- "Metro adds cell service between Metro Center and Stadium-Armory stations." DCist .

- "The world's shipping companies are going super-sized." Bloomberg.

THE COUNTDOWN: DOT appropriations run out in 45 days. The FAA reauthorization expires in 45 days. Highway and transit policy is up for renewal in 1,141 days.

To view online:
http://www.politico.com/tipsheets/morning-transportation/2017/08/16/infrastructure-deja-vu-221907

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Today's POLITICO Playbook presented by Morgan Stanley
08/02/2017 06:48 AM EDT

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

Happy hump day from Denver. **SOME NEWS --** We asked **COLORADO GOV. JOHN HICKENLOOPER** during a Playbook Exchange event here if he would run for the White House on a ticket with **OHIO REPUBLICAN GOV. JOHN KASICH.** He said: "I don't think Kasich would ever do that ... You never know. You never say. He's an easy person to work with. He's strongly opinionated. And quick to his opinion. But he also knows as much about the federal budget, and understands health care at a deeper level than almost any other governor I know. ... I don't think it's in the cards. But I do like the idea of working with him in some context at some point." The governor told us Trump has told him he's taken notice of his appearances on TV.

-- WILL HICKENLOOPER RUN AGAINST SEN. CORY GARDNER (R-COLO.)? He said he was "disappointed" with Gardner's stance on health care. "That's not the Cory Gardner I thought I knew." Hickenlooper said he is "not ruling anything out." When asked what he thinks about when he considers running for a seat in Washington, Hickenlooper joked, "I think why me? What did I do to hurt you?" ***Video of the event at S&P Global's Denver office*** http://bit.ly/2ujrpA8

SPOTTED : Reince Priebus and Anthony Scaramucci both dining Tuesday afternoon at the Lafayette restaurant at the Hay Adams. Reince was with one other person, Scaramucci was with four. They were at separate tables.

READ THIS STORY, about how Treasury Secretary Steven Mnuchin is pushing for a clean debt ceiling increase and, in part, is banking on Democrats to carry it. http://politi.co/2vs7LXJ . It's very hard to see how this is not going to be a huge legislative fight in the fall. Conservatives are going to want to notch a legislative

achievement alongside lifting the debt limit. Democrats are out of power in every sense, and will want a clean increase but won't want to be seen as carrying it. The ceiling needs to be lifted by the end of September. Government funding also runs out then. And the White House has said they want to finish tax reform by the end of October.

TOP TALKER -- BEHIND THE CURTAIN -- "Full transcript: Trump's Wall Street Journal interview, " by Josh Dawsey and Hadas Gold: "President Donald Trump called his son-in-law a 'good boy' while thanking Wall Street Journal editor-in-chief Gerard Baker for a positive editorial about Jared Kushner and said the leader of the Boy Scouts told him his jamboree speech was 'the greatest speech ever made to them.' The comments, made to The Wall Street Journal and obtained in a transcript by POLITICO, show Trump holding forth at length with Baker and engaging in a familiar back and forth. Baker, according to the transcript, asked many of the questions and took the lead byline on the main piece about the interview as well, an unusual step for the editor in chief of a paper with a large White House reporting staff. The Journal has not published a full transcript of the interview. ...

"Matt Murray, the Journal's deputy editor-in-chief, warned staffers in a conference call in recent days about leaking the transcript, saying it would be a breach of trust, according to several sources familiar with the call. 'Damn right I told them that. It's true,' Murray said on Tuesday via a Journal spokesperson. According to the transcript, Ivanka Trump stopped by the Oval Office during the interview, telling Baker she heard he was there and wanted to say hello. ... Baker told Ivanka Trump, 'It was nice to see you out in Southampton a couple weeks ago,' an apparent reference to a party thrown last month attended by many politicos, business titans and media elites thrown by Washington Post heiress Lally Weymouth ... Ivanka Trump and Baker also chatted about their daughters, both named Arabella." ***With the full transcript*** http://politi.co/2vhPWKC

BREAKING -- EARLY LEAD FOR DEMOCRATS -- NEW POLITICO/MORNING CONSULT POLL -- "Poll: Democrats surge ahead on generic ballot," by Steven Shepard: "Republicans trail Democrats by 7 percentage points on the generic congressional ballot, according to a new POLITICO/Morning Consult poll, the Democratic Party's greatest advantage on the generic ballot since the poll began asking the question this past spring.

"The survey, conducted last Thursday through Saturday, shows a generic Democrat leading a generic Republican, 44 percent to 37 percent, with 19 percent of registered voters undecided. The two parties were tied, 40 percent apiece, in the previous week's poll." http://politi.co/2uiOgMm

TRUMP'S WEDNESDAY -- THE PRESIDENT will announce a legal immigration overhaul with Sens. Tom Cotton (R-Ark.) and David Perdue (R-Ga.). He'll also meet with Sen. Rob Portman (R-Ohio) in the afternoon.

VICE PRESIDENT MIKE PENCE in Montenegro made brief remarks to the pool. Per WaPo's Ashley Parker, Pence said: "As you mentioned, NATO is made up of large

countries and small countries, but the United States of America has no small ally."

NEXT UP -- "U.S. Plans Trade Measures Against China," by WSJ's Jake Schlesinger and Bob Davis: "The Trump administration is planning trade measures to force Beijing to crack down on intellectual-property theft and ease requirements that American companies share advanced technologies to gain entry to the Chinese market. The administration is considering invoking a little-used provision of U.S. trade law to investigate whether China's intellectual-property policies constitute 'unfair trade practices,' according to people familiar with the matter. That would pave the way for the U.S. to impose sanctions on Chinese exporters or to further restrict the transfer of advanced technology to Chinese firms or to U.S.-China joint ventures. ...

"One big question hanging over the White House review is whether the administration pursues any complaint through the World Trade Organization, or whether it chooses to impose penalties on its own without first seeking permission from the international body, which some Trump advisers have argued is incapable of dealing with China's trade practices. Trump aides have regularly vowed to pursue a more unilateral approach to trade but have so far done little along those lines. It is unclear how long the administration's internal review will take before an announcement is made. Officials at one point had signaled that an announcement could come as soon as this week." http://on.wsj.com/2vrtXB6

-- ANDREW RESTUCCIA and **DOUG PALMER:** "Trump's aides have been deeply divided on trade, with top trade adviser Peter Navarro and chief strategist Steve Bannon calling for aggressive measures even as others like National Economic Council Director Gary Cohn have urged caution. But an administration official said the decision to launch a Section 301 investigation won broad support among the president's ideologically diverse staff." http://politi.co/2uiKpi2

MONEY CHASE -- AP'S JULIE BYKOWICZ: "Trump's fundraising prowess is the engine of the [RNC] and a lifeline for every Republican planning to rely on the party for financial help during next year's congressional races. Leaning heavily on Trump's appeal among small donors, the party has raised $75 million in the first six months of the year, more than double what the [DNC] had raised by the same point in President Barack Obama's first year." http://bit.ly/2wI5F8v

DRAIN THE SWAMP! -- "Trump Loyalist Mixes Businesses and Access at 'Advisory' Firm," by NYT's Nick Confessore and Ken Vogel: "Mr. Lewandowski started his new business, Lewandowski Strategic Advisors, in May, according to corporate documents filed in Delaware, eight days after he announced he would part ways with the Washington lobbying firm he helped found, Avenue Strategies. Mr. Lewandowski has recently discussed expanding the new firm by adding, among others, two more Trump insiders -- the former Trump deputy campaign manager David Bossie and George Gigicos, who stepped down Monday as Mr. Trump's White House advance director -- according to two associates.

"Among the first new clients of Lewandowski Strategic Advisors is an Ohio-based company called Community Choice Financial. The company is a leader in the payday lending industry, which has faced heightened federal scrutiny in recent years. ... Mr. Lewandowski, who is known for his keen understanding of Mr. Trump's news media tastes and habits, used an appearance on NBC's 'Meet the Press' on Sunday to press his new client's interests, calling for Mr. Trump to oust the bureau's director, Richard Cordray, an Obama holdover who has led the effort to pass new payday lending requirements. ... Rejecting a question from the 'Meet the Press' host, Chuck Todd, about whether he had 'a client that wants to see' Mr. Cordray fired, Mr. Lewandowski said: 'No, no. I have no clients whatsoever.'" http://nyti.ms/2vrrcQt

THE LATEST ON HEALTH CARE ...

-- "Republicans in Congress Bypass Trump to Shore Up Health Law," by NYT's Robert Pear and Thomas Kaplan: "Congressional Republicans moved on Tuesday to defuse President Trump's threat to cut off critical payments to health insurance companies, maneuvering around the president toward bipartisan legislation to shore up insurance markets under the Affordable Care Act. Senator Lamar Alexander of Tennessee, the influential chairman of the Senate Health, Education, Labor and Pensions Committee, announced that his panel would begin work in early September on legislation to 'stabilize and strengthen the individual health insurance market' for 2018. ...

"In the House, two Republicans, Representatives Tom Reed of New York and Charlie Dent of Pennsylvania, teamed with Democrats to promote incremental health legislation that would also fund the cost-sharing subsidies. The moves were a remarkable response to the president's repeated threats to send health insurance markets into a tailspin. They offered tangible indications of cooperation between the parties after Republican efforts to scrap the Affordable Care Act collapsed in the Senate last week, all but ending the seven-year Republican quest to overturn President Barack Obama's signature domestic achievement. Lawmakers from both parties concede that the health law needs improvement, as consumers face sharp premium increases and a shrinking number of insurance options in many states." http://nyti.ms/2f7tMEj

****** **A message from Morgan Stanley**: Making an Impact Now: Millennials want more access to sustainable investing while still in their early earning years. Now, they have it. Learn more. ******

TOP-EDS -- LANHEE CHEN and **TEVI TROY** in the **WASHINGTON POST: "How Republicans can fix Obamacare now":** "On the legislative front, there are several rifle-shot provisions that could be attached to must-pass pieces of legislation, such as continued funding for the Children's Health Insurance Program. The Congressional Budget Office estimates that medical liability reform could save almost $50 billion over 10 years. And allowing the purchase of insurance across state lines would help expand insurance markets, consequently, improving options for consumers in states burdened by heavy insurance mandates. Republicans could also eliminate the Independent

Payment Advisory Board, a government body that has drawn bipartisan criticism for the extraordinary power it has to make significant cuts to the Medicare program." http://wapo.st/2vhxotW

-- SEN. JAMES LANKFORD (R-Okla.) in the **WSJ**, **"How To Make The Senate Work Again:** Keep The Filibuster But Change Other Rules That Promote Delay": "How do we get the Senate working again? First, we should reduce floor debate time for executive nominees from 30 hours to eight or less. The Senate could debate and vote on five or more nominees a week, instead of just one or two. Interestingly, this rule change was adopted for a short time by the Senate in 2013, under Harry Reid, as part of a temporary agreement to fill nominations. It worked then, and it would work now. Second, we should lower the vote threshold on the 'motion to proceed,' which begins legislative debate and amendment consideration, from 60 votes to 51." http://on.wsj.com/2w4oxZT

IF YOU READ ONE THING -- ANNIE KARNI: "In Trump's White House, the women are the survivors": "Kellyanne Conway's office has a different vibe than other corners of the West Wing. Unlike some of the drab work spaces belonging to her male counterparts, whose offices look as impersonal as the day they moved in, Conway's office is decorated with colorfully framed, oversized family photos mounted on the walls and a copy of Ivanka Trump's book 'Women Who Work' prominently on display. The comfy digs are a sign that Conway, the White House counselor who recently has been keeping a lower profile, is planning on being here for the long haul - even though some of her colleagues, including chief strategist Steve Bannon and recently departed chief of staff Reince Priebus, have at times tried to cut her out of the information loop.

"Meanwhile, former colleagues like Priebus, Anthony Scaramucci, Sean Spicer, Michael Flynn, Michael Dubke, Michael Short and Boris Epshteyn have been fired, or simply resigned to save themselves. Even Bannon, according to multiple people close to President Donald Trump, has been the target of the president's recent frustrations and anger, and he has been trying to lower his genius-behind-the-throne profile in order to avoid sharing Priebus' unhappy fate. Conway, however, is not alone in surviving the snakepit. The quiet endurers of Trump's tumultuous White House, by and large, are the women who serve in his administration. That fact that may seem ironic in an administration run by a man who has launched sexist attacks on everyone from morning show host Mika Brzezinski to his former campaign opponent Hillary Clinton - and who in the past has been accused by more than a dozen women of groping or kissing them against their will.

"But the women of the West Wing, at least so far, have had the more stable ride. is not alone. Former Goldman Sachs partner Dina Powell has risen in the ranks to become deputy national security adviser. She was also on the final shortlist of people Trump was considering for the chief of staff job given to retired Gen. John Kelly, according to two White House officials. It was Powell, alongside U.N. Ambassador Nikki Haley, who was invited to ride in Trump's car, known as 'The Beast,' from the White House to Andrews Air Force Base last Friday, hours before the president unceremoniously fired Priebus in the rain. Communications adviser Hope Hicks maintains an unassailable position as a

surrogate family member and loyal aide by the president's side, where she has stood since before there was even a campaign. Sarah Huckabee Sanders has risen to the position of press secretary, after Spicer resigned because he was not given the full control of the communications department that he demanded." http://politi.co/2wkSaFV

TRIAL BALLOON - "Kelly eyes DHS spokesman for communications director, sources say," by CNN's Dylan Byers: "[Dave] Lapan, who has worked with Kelly for over a decade, is at the top of a short list to serve as the White House's top official on messaging and communications. He would take the position formerly held by Anthony Scaramucci. Kelly's interest in Lapan suggests that he is as eager to impose discipline on the White House messaging strategy as he is to impose order on the chaotic and fractious West Wing. Lapan has a background that, like Kelly's, is steeped in years of military experience. Before DHS, he led press operations at the Defense Department and the Marine Corps. Reached for comment, Lapan told CNNMoney he had not spoken to Kelly or anyone else at the White House about the position." http://cnnmon.ie/2tYnp8R

-- REPORTERS WE SPOKE TO said this would be a good hire for the White House. He respects the media and the job that journalists do.

THANKS, BUT NO THANKS -- "Sasse rebuffs Heritage for top job," by Eliana Johnson: "The Heritage Foundation has approached one of the Senate's leading anti-Trump Republicans, Ben Sasse, to gauge his interest in serving as president - an indication the influential conservative think tank may turn away from its supportive posture toward the president. Sasse, who was elected to his first term in the Senate in 2014, has swatted down the overtures from Heritage's board of trustees, according to two sources familiar with the recruitment effort. The Nebraska senator rose to national prominence when he announced early in the primary calendar that he would support neither Donald Trump nor Hillary Clinton, and he has been a persistent critic of Trump ever since." http://politi.co/2vmrlDU

-- "Senior [EPA] official quits, decrying 'triumph of myth over truth,'" by E&E's Ariel Wittenberg: "Elizabeth 'Betsy' Southerland worked at EPA for 30 years, most recently directing the Office of Water's Office of Science and Technology. Southerland slammed Pruitt's EPA for launching a 'repeal, replace, modify initiative' for regulations. ... She also described President Trump's executive order requiring that agencies repeal two regulations for every new one as 'a real Sophie's choice for public health agencies like EPA.' She said, 'Should EPA repeal two existing rules protecting infants from neurotoxins in order to promulgate a new rule protecting adults from a newly discovered liver toxin?'" http://bit.ly/2uUBCGP ... ***Her exit memo*** http://bit.ly/2vi4k5h

M.I.A. -- "Trump's CEO Brain Trust Comes Up Short on Big Ideas for Policies," by Bloomberg's Matt Townsend, Shannon Pettypiece and Joe Deaux: "Elon Musk of Tesla and Walt Disney's Bob Iger have quit. Jeffrey Immelt of General Electric and JPMorgan Chase's Jamie Dimon have dissented. President Donald Trump's business brain trust -- originally these executives, plus some 50 other chief executive officers chosen to help

shape White House policy -- has so far come up short on big ideas. In fact, there's been little activity for the strategic and policy forum and the manufacturing group, according to people familiar with the matter who asked not to be identified. After initial meetings early in Trump's presidency -- which the White House promoted with great fanfare -- his administration hasn't convened the groups for months or set firm dates for future meetings." https://bloom.bg/2u2MRhw

DOJ WATCH -- "Sessions offers rare warning on dangers of police misconduct," by Josh Gerstein: "As Attorney General Jeff Sessions delivered his usual recitation of the ills of violence and drugs plaguing America Tuesday, he added in a problem he rarely brings up unprompted: police misconduct. Sessions often chastises others for badmouthing police and, indeed, his remarks to an African-American law enforcement group in Atlanta, included just such a passage. But what was more notable was his public acknowledgment that 'bad' officers were contributing to a lack of community trust.

"'We all know the cases of the last several years when in confrontations with police, lives have been cut short,' Sessions told the National Organization of Black Law Enforcement Executives conference. 'Just as I'm committed to defending law enforcement who lawfully have to use deadly force to defend themselves while engaged in their work, I will also use the power of the office I'm entrusted with to hold any officer responsible who violates the law.' 'You know all it takes is for one bad officer to destroy the reputations of so many who work every day to build good relationships in these communities and who serve with honor and distinction,' Sessions added." http://politi.co/2u2saCl

COMING ATTRACTIONS -- "Justice Dept. to Take On Affirmative Action in College Admissions ," by NYT's Charlie Savage: "The Trump administration is preparing to redirect resources of the Justice Department's civil rights division toward investigating and suing universities over affirmative action admissions policies deemed to discriminate against white applicants, according to a document obtained by The New York Times. The document, an internal announcement to the civil rights division, seeks current lawyers interested in working for a new project on 'investigations and possible litigation related to intentional race-based discrimination in college and university admissions.'" http://nyti.ms/2w4WRUH

THE JUICE ...

-- CALIFORNIA REP. BARBARA LEE is being reappointed by House Minority Leader Nancy Pelosi to the post of House Democratic Representative to the United Nations, POLITICO California Playbook author Carla Marinucci writes in. The dedicated anti-war activist has made news recently with her effort to repeal the 2001 Authorization for Use of Military Force.

FUN READ - "'The moment when it really started to feel insane': An oral history of the Scaramucci era," by WaPo's Monica Hesse, Ben Terris and Dan Zak: ***With cameos from Matt Schlapp, Max Boot, Sens. Tim Kaine (D-Va.), Tim Scott (R-S.C.), and***

Chris Murphy (D-Conn.), Tommy Vietor, Eli Stokols, Sarah McBride, Henry Gomez, Olivia Nuzzi, Evan McMorris-Santoro, Yashar Ali, Ben Wikler, Kat Timpf.
http://wapo.st/2vmPCcO

Playbook Reads

TRUMP'S COST CUTTING -- "Boeing Jets Once Destined for Russian Carrier to Be Next Air Force One: Planes will be converted as part of an effort to cut the cost of replacement program," by WSJ's Doug Cameron: "The U.S. will buy two 747 jumbo jets from Boeing Co. for use as the next Air Force One fleet, converting planes previously ordered by a bankrupt Russian airline. Boeing suggested selling the planes as part of an effort to cut the cost of an Air Force One replacement program that President Donald Trump criticized as too expensive before taking office. 'We're working through the final stages of coordination to purchase two commercial 747-8 aircraft and expect to award a contract soon,' Air Force spokeswoman Ann Stefanek said on Tuesday."
http://on.wsj.com/2vnC1C3

REMEMBER HIM? -- "Prosecutors inappropriately inquired about ex-congressman Aaron Schock's sex life, defense attorneys say," by WaPo's Matt Zapotsky: "Defense attorneys for former congressman Aaron Schock (R-Ill.) have asked a federal judge to dismiss the criminal charges against him, arguing in a court filing Tuesday that investigators acted inappropriately in the case, including by exploring Schock's sex life and whether he was gay.

"Schock's defense attorneys asserted that prosecutors made 'repeated inquiries to witnesses into who he has slept with and whether he is gay,' questioning at least a dozen witnesses on the topic of Schock's sexuality, his relationships and his sleeping arrangements. The attorneys argued the inquiries were so inappropriate that they could have affected witnesses who testified before the grand jury, and thus the indictment against Schock should be thrown out. 'The government's inquiries into Mr. Schock's sexuality and romantic relationships were not just distasteful and offensive,' Schock's attorneys wrote. 'They were prejudicial.' A spokeswoman for the U.S. Attorney's Office in the Central District of Illinois, which is prosecuting the case, declined to comment. ...

"'The government has investigated nearly every facet of Mr. Schock's professional, political, and personal life,' defense attorneys wrote. 'This even includes his sex life. It is no secret that there has long been speculative gossip in the media about Mr. Schock's sexual orientation. For no apparent reason, the government has felt itself compelled to investigate this too.'" http://wapo.st/2hmeYCr

OUT GOLFING -- "First Golfer: Donald Trump's relationship with golf has never been more complicated," by Alan Shipnuck in Sports Illustrated: "At most other golf courses in America the TV is tuned to Golf Channel, on mute, but throughout last

summer and fall, the television in Trump Bedminster's shop was on Fox News, with the sound blaring. As President, Trump has already made four visits to the club. He has his own cottage adjacent to the pool; it was recently given a secure perimeter by the Secret Service, leading to the inevitable joke that it's the only wall Trump has successfully built. Chatting with some members before a recent round of golf, he explained his frequent appearances: 'That White House is a real dump.' (A White House spokesperson denies this occurred.) ...

"Trump favors the latest in TaylorMade equipment, owing to a long-standing friendship with Mark King, the company's former CEO. But when Prime Minister Abe gave Trump a gold-colored Honma Beres S-05 driver, it went straight into the bag. (Retail price of the club: $3,755. The gift was made in November, and as President-elect, Trump was permitted to accept a gift that he would not have been allowed to take after the inauguration; Presidents are forbidden from accepting a present from a foreign government with a value that exceeds $390.) ... A Wall Street banker and member of a Trump club with knowledge of the financing of the $63 million Turnberry [Scotland] purchase expects the deal to be a subject of interest to special prosecutor Robert Mueller, given the foreign lenders he says were involved. ...

"[F]or the President, politics and golf are now inextricably linked. During the [U.S. Women's] Open, one of the few players to enjoy an audience with him was Sandra Gal, a member of the European Solheim Cup team from Germany. He quizzed her about the speed of the greens, thickness of the rough and other details about how his course was playing. 'I asked him how he was doing,' Gal says, 'and he said, "This Russia stuff is nasty business. Much nastier than trying to make a three-foot putt."' http://bit.ly/2f77ouA

MUELLER'S MUSCLE -- "Former Justice Department official joins Mueller team," by Reuters' Karen Freifeld: "Greg Andres started on Tuesday, becoming the 16th lawyer on the team, said Josh Stueve, a spokesman for the special counsel. Most recently a white-collar criminal defense lawyer with New York law firm Davis Polk & Wardwell, Andres, 50, served at the Justice Department from 2010 to 2012. He was deputy assistant attorney general in the criminal division, where he oversaw the fraud unit and managed the program that targeted illegal foreign bribery." http://reut.rs/2f7sIQC

-- "Wife of new Mueller prosecutor just bailed as judge in 2 Trump cases," by Josh Gerstein: http://politi.co/2uXM6Uo

****** **A message from Morgan Stanley** : Millennial investors are bringing increased attention to sustainable, responsible and impact investing-and it may be creating opportunities for investors of all ages. Read more about new sustainable investing portfolios with lower account minimums from Morgan Stanley. ******

THE MOOCH TALKS TO HUFFPO -- "Why The Mooch Lost His Cool," by HuffPost's Vicky Ward: "Scaramucci said he felt burned by the [Lizza] interview. 'The Lizzas and Scaramuccis have been friends for over 50 years. My dad knew his dad from construction, and we were building a personal relationship. Most of what I said was

humorous and joking. Legally, it may have been on the record, but the spirit of it was off. And he knew that.' Still, Scaramucci told me, he has plans to take Lizza out for a beer. When I asked Lizza for his response, he wrote back: 'I've only known Anthony in his capacity as a Trump surrogate and then White House communications director. We are not and have never been 'old family friends,' though I think our fathers knew each other, so maybe that's what he's talking about. (The Long Island Italian world in that generation is relatively small.) But again, that would not be a reason to suppress an explosive on-the-record interview.'" http://bit.ly/2vmunrY

FOR JARED -- "What Kushner's Leaked Speech Gets Wrong About Mideast Peace: The president's son in law thinks he knows better than the peace processors who came before him. He's about to get a rude awakening," by Aaron David Miller in POLITICO Magazine: "While he says he always tries to 'We don't want a history lesson. We've read enough books.' I know how frustrating the past can be in Mideast peace talks: It's where the parties retreat, far too often blinded by their own claims and grievances, which seem to hold the future hostage. But for a would-be peacemaker, if you ignore history it will bury you. Israeli and Palestinian officials can overwhelm you with intricate stories about which patch of land belonged to whom when and who double-crossed whom in previous negotiating rounds. You don't need to be a historian to be a successful negotiator, but knowing which gripes matter and which ones don't is crucial." http://politi.co/2wkjgNr

--"Trump's Peace Envoy Expands His Team," by Haaretz's Amir Tibon: "The Trump administration is working to staff up Jason Greenblatt's team to support his peace efforts. The most recent addition: Victoria Coates, a former foreign policy adviser to Senator Ted Cruz." http://bit.ly/2uUJDvy

VALLEY TALK - NICK BILTON in Vanity Fair, "Inside Travis Kalanick's Fight to Retake Uber": "Kalanick ... is probably the most aggressive and relentless C.E.O. that I have personally ever spent time with. And weeks after being ousted from Uber ... he is trying to stage his own comeback. ... After speaking with more than half-a-dozen people close to Kalanick and Uber's board of directors, it appears to me the jilted C.E.O. is up for the fight. ... Everyone I spoke to about Kalanick, however, told me that he is unequivocally trying to manipulate a return to the company in an operations role. (He currently sits on its board.) ... According to Kara Swisher at Recode, Kalanick prefers to liken his own potential homecoming to Jobs's epic return to Apple, with Kalanick telling people he is 'Steve Jobs-ing it.' Aaron Sorkin, get your typewriter ready!" http://bit.ly/2tYaqEi

MEDIAWATCH - per Alex Weprin in Morning Media: "The latest round of buyouts and layoffs at The New York Times will cost the company $25 million, according to a Times filing with the SEC on Tuesday."

-- JAMES CLAPPER, former director of national intelligence, is now a CNN contributor. (h/t Hadas Gold's Morning Media)

LATE NIGHT BEST -- SEN. AL FRANKEN (D-Minn.) was on **"THE LATE SHOW"** with **STEPHEN COLBERT**. Franken talks about which senators are funny -- ***video*** http://bit.ly/2uj98mv

Playbookers

SPOTTED: Interior Secretary Ryan Zinke and Sebastian Gorka enjoying a cold beer last night at Hawk 'n' Dove - "Zinke was ... enjoying some wings," per our tipster - ***pic*** http://politi.co/2wjZLEE ... Anthony Scaramucci last night leaving the Trump Hotel "with sunglasses on and suitcase in hand. He was picked up by a black SUV hired car," per our tipster.

ANDREA MITCHELL is celebrating her 39th year at NBC News this week.

WELCOME TO THE WORLD -- Alison Schneider, comms director of Locust Street Group and husband **Andrew Shult,** digital coordinator for Whip Scalise and an Issa/OGR alum, welcomed baby boy Cameron Burnley Schneider Shult on Tuesday. ***Pic*** http://politi.co/2tXTuNZ

TRANSITIONS - Edelman hired **Matt Bracken,** formerly of the Baltimore Sun, as the deputy editorial director of the firm's storytelling team as well as **Melanie Trottman,** a WSJ alum, as a VP and senior editor on the same team. ... **Amanda Hunter** has been hired as communications director for the Barbara Lee Family Foundation in Boston. She most recently worked as director of marketing and comms at the Phillips Collection.

OBAMA ALUMNI -- Sarah Bloom Raskin, former deputy Treasury secretary, has joined Duke University as a Rubenstein Fellow. "Raskin will collaborate across the university to improve understanding of markets, regulation and public leadership ... [and] will guest lecture in courses across the university, advise students and participate in public events." She is married to Rep. Jamie Raskin (D-Md.).

BIRTHDAY OF THE DAY: New Yorker staff writer **Lawrence Wright,** author of "Going Clear: Scientology, Hollywood, and the Prison of Belief" and "The Looming Tower" (Hugh Hewitt's favorite book). **How he's celebrating:** "My Austin-based blues band, WhoDo, is meeting me in New York, and we're playing [tonight] ... at Hill Country Brooklyn. I'll be singing an old Bob Wills song, 'Don't Be Ashamed of Your Age.'" Read his Playbook Plus Q&A: http://politi.co/2vnzZSI

BIRTHDAYS: AP alum Tom Raum is 73 ... former Sen. Paul Laxalt (R-Nev.) is 95 ... Stephen Cox, deputy associate attorney general, is 4-0 ... NYT's Matthew Rosenberg, also a CNN national security analyst (hat tip: Katherine Finnerty) ... Patrick Ruffini, co-founder of Echelon Insights and chairman and founder of digital agency Engage, is 39 ... Rep. Jacklyn Rosen (D-Nev.) is 60 ... Rich Edson of Fox News (h/ts Blair and Josh) ... Hearst Television's Eric Meyrowitz ... former Treasury Secretary John Snow is 78 ...

Kate Roberts ... Politico alum Benton Ives, now living in the Netherlands ... Gigi Kellett of Corporate Accountability International ... former Rep. Dan Boren (D-Okla.) is 44 ... former Rep. Nancy Boyda (D-Kans.) is 62 ... former Rep. Ron De Lugo (R-VI) is 87 ... Peter Mihalick ... Robert Oakley Seibert ... Emily Gershon ... Sarah Bittleman ... Colleen Gallagher ...

... Caitlin Huey-Burns of Real Clear Politics ... Jeff Ballou, president of the National Press Club ... Seng Peng of Cardno Emerging Markets, celebrating in Berlin ... Kevin Walling, who heads up the new digital operation at Hamburger Gibson Creative and was recently named a rising star by Campaigns and Elections, is 32 (h/ts John McCarthy and Anne Schroeder) ... Austin Laufersweiler, press secretary for Jason Kander and Let America Vote, is 26 (h/t Mitchell Rivard) ... Daniele Baierlein, director of development at the Mayor's Fund to Advance New York City (h/t Jon Haber) ... political consultant Dave Mills ... Paul Cheshire ... Vonda Marrow ... Michael Manganiello ... Gil Duran, SVP for media at Fenton ... Brian D. Montgomery ... Brynn Barnett, principal at HillPoint Strategies ... attorney Sim Khan, founder of custom-suit maker Brimble & Clark ... Dan Burrows ... Jennifer Streaks ... Sean Butler is 52 ... Bryce Dustman ... Melissa Leebaert ... Nehemiah Persoff is 98 (h/t Jewish Insider) ... David Hunter ... Vicki Seyfert ... Brendan O'Sullivan ... Ann Kelly (h/ts Teresa Vilmain)

****** **A message from Morgan Stanley** : According to Morgan Stanley research, 86% of Millennials-broadly defined as those born between the early 1980s and 2000-say they are interested in sustainable investing. They are also twice as likely to invest in a stock or a fund if sustainability is part of the value-creation thesis. With Millennials on track to become the largest demographic in America-by 2020, one in three U.S. adults will be a Millennial-the growing interest in sustainable, responsible and impact investing cannot be ignored. However, most sustainable investing opportunities cater to individuals with significant wealth, while the next generation is still in its early earning years. The growing demand for impact investing solutions is driving change, and opportunities created with reduced account minimums for this audience are benefiting investors of all ages. Read more from Morgan Stanley. ******

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From: POLITICO
Sent: Sun 9/24/2017 4:35:03 PM
Subject: Merkel's party wins German general election

BERLIN - Chancellor Angela Merkel's conservatives won Germany's general election Sunday, according to an exit poll for public broadcaster ARD.

Merkel's current coalition partner, the center-left Social Democrats led by Martin Schulz, came in a distant second.

See http://www.politico.eu/article/merkels-party-wins-german-general-election-exit-poll for full coverage.

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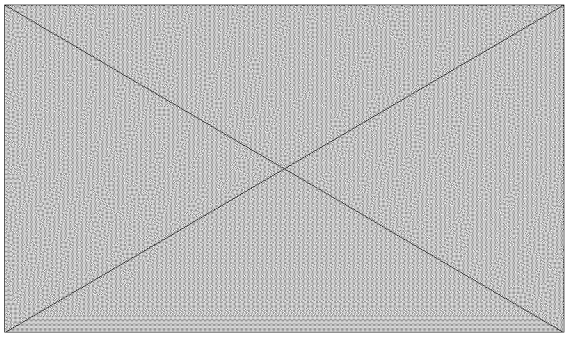
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
Sent: Wed 9/13/2017 10:02:47 AM
Subject: AEI Today: This is not draining the swamp

Unfortunately, President Trump will meet today with Prime Minister Najib of Malaysia, a visit the Wall Street Journal in an editorial last week characterized appropriately as "Trump's Malaysia Swamp."

AEI's daily publication of independent research, insightful analysis, and scholarly debate



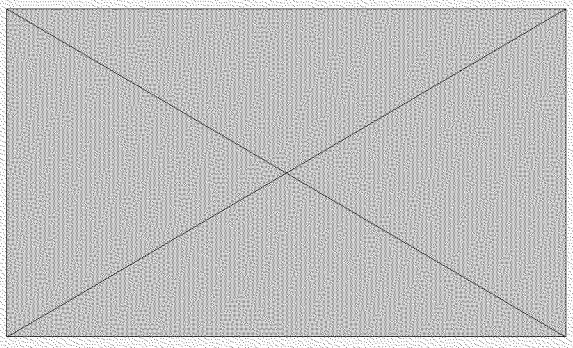
Reuters

This is not draining the swamp

Paul Wolfowitz | AEIdeas

President Trump met yesterday with Prime Minister Najib Razak of Malaysia, a visit that a Wall Street Journal editorial characterized appropriately as "Trump's Malaysia Swamp." Or as an expert on Southeast Asia quoted in The New York Times put it, "Even a photo op with Kim Jong-un would be better." If the White House is serious about reforming Washington, it should have found a diplomatic excuse to postpone this

embarrassing meeting.

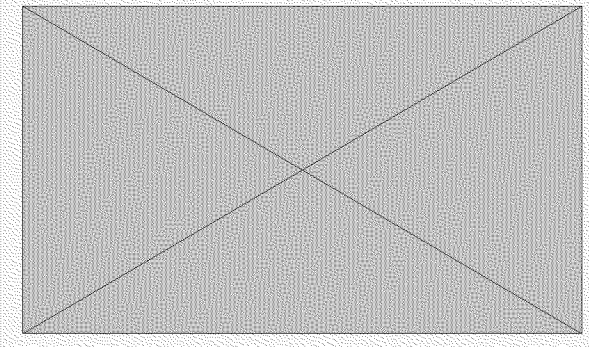


Reuters

The UK's immigration derangement

Dalibor Rohac | US News & World Report

If you want to infuriate a Brexiter, tell them that last year's vote was driven by bigotry. No, they will reply: It was about sovereignty and British control over British laws. Fair enough. But a strong preoccupation with immigration makes the UK public an outlier in Europe. What most of Britain's immigration problems have in common, however, is that they are the results of choices made by British governments — not by bureaucrats in Brussels.



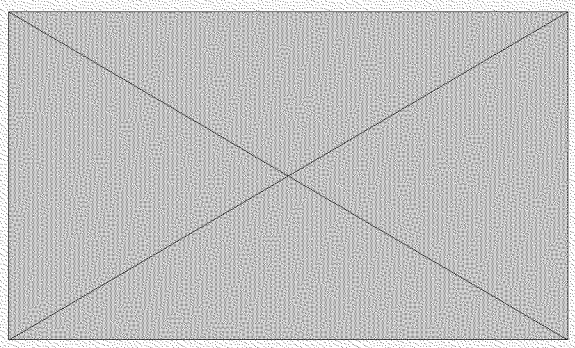
Reuters

Before debating

single payer, let's decide what it is

Joseph Antos | AEIdeas

Anticipating today's release of Sen. Bernie Sanders' (I-VT) single-payer health care bill, an enterprising reporter asked several health policy experts one simple question: How do you define "single payer"? Under the rubric of "Medicare for all," single payer is gaining traction with Democrats as both parties move further toward their respective extremes. But don't be fooled. Sen. Sanders' promises don't come cheap.



Reuters

Polls: Only 29 percent of Americans would deny 'dreamers'

Karlyn Bowman and Eleanor O'Neil | AEIdeas

President Trump last Tuesday announced his decision to rescind the Deferred Action for Childhood Arrivals program put in place by President Obama in 2012. Polls indicate public opinion is at odds with Trump's decision. Surveys from 2011 to 2015 show Americans have been supportive of allowing people brought to the US illegally as children to gain legal status for some time.

MORE FROM AEI

Competition, not regulation, will protect free speech on the internet
Babette Boliek | AEIdeas

Testimony: When the Colombian peace process needed an umpire, the US became a cheerleader
Roger F. Noriega | Statement before the Senate Caucus on International Narcotics Control

America's poverty problem won't be addressed until more people work full time
Angela Rachidi | Spotlight on Poverty

Tomorrow, Russia begins what is likely to be its largest military exercise since the Cold War
Leon Aron | AEIdeas

To mark his 137th birthday, 12 of H. L. Mencken's best quotes on politics
Mark J. Perry | AEIdeas

Watch: How new technologies will shape the future of warfare
John Yoo | AEI event video

5 things you may not know about China's North Korea strategy
Oriana Skylar Mastro | AEIdeas

To make the world of 5G possible, government and industry must cooperate
Shane Tews | AEIdeas

Iran deal devotees try in vain to save a sinking ship
John R. Bolton | The Hill

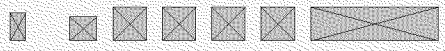
Around the web: Bill Kristol and Bill Galston release a policy manifesto for a 'new center' in American politics

Matt Winesett | AEIdeas

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Fri 10/6/2017 3:23:04 PM
Subject: BREAKING NEWS: Trump rolls back Obamacare's contraception rule

The Trump administration will allow virtually any employer to claim a religious or moral objection to Obamacare's birth control coverage mandate under a sweeping rollback announced today.

The administration is scaling back the fiercely contested requirement that employer health plans must provide contraception at no out-of-pocket cost, fulfilling a vow to President Donald Trump's conservative base that opposed the requirement as an infringement on religious freedom. Women's health advocates have already promised lawsuits to block the new rules, which take effect immediately.

Read more: http://www.politico.com/story/2017/10/06/trump-rolls-back-obamacares-contraception-rule-243537

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Fri 8/18/2017 10:37:52 AM
Subject: POLITICO Playbook, presented by the Coalition for Affordable Prescription Drugs (CAPD): ANOTHER ATTACK in Spain -- BANNON UNLEASHED: 4th interview in 3 days -- W.H. aides stay put, but McMaster and Powell aren't happy -- B'DAY: Austan Goolsbee

View online version | Add politicoplaybook@politico.com to your address book.

Today's POLITICO Playbook presented by the Coalition for Affordable Prescription Drugs (CAPD)
08/18/2017 06:35 AM EDT

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

BREAKING OVERNIGHT -- ANOTHER ATTACK IN SPAIN -- AP/BARCELONA: "Police on Friday shot and killed five people wearing fake bomb belts who staged a car attack in a seaside resort in Spain's Catalonia region hours after a van plowed into pedestrians on a busy Barcelona promenade, killing at least 13 people and injuring over 100 others. Authorities said the back-to-back vehicle attacks - as well as an explosion earlier this week elsewhere in Catalonia- were connected and the work of a large terrorist group. Three people were arrested, but the driver of the van used in the Barcelona attack remained at large and the manhunt intensified for the perpetrators of the latest European rampage claimed by the Islamic State group. ...

"Authorities were still reeling from Thursday's Barcelona attack when police in the popular seaside town of Cambrils, about 130 kilometers (80 miles) to the south, fatally shot five people near the town's boardwalk who had plowed into a group of tourists and locals with their blue Audi 3. Six people, including a police officer, were injured, though it wasn't clear how badly. Catalonia's interior minister, Joaquim Forn, told Onda Cero radio that the five suspects killed in a subsequent shootout with police were wearing fake bomb belts." http://bit.ly/2wWlkfl

Good Friday morning. It is day 210 of Donald J. Trump's presidency. He has another 1,251 days in his first term. There are 445 days until Election Day 2018.

PLAYBOOK ON THE ROAD -- Matt Haller reading Playbook in Sea Island, Georgia at the Cloister http://politi.co/2vIWqkU ... **Chris Wilson** of WPA Intelligence at the Sydney Westin http://politi.co/2vOWlKX ... **John Michael Gonzalez** in Santa Fe, New Mexico http://politi.co/2vOIDck ... **Kurt Bardella** in Napa http://politi.co/2fR2W3y ... **Winston**

Lord at the Jean Talon farmers market in little Italy in Montreal for a 'baby moon' he and his wife are on: http://politi.co/2wg7Myo

-- OTHER READERS sent in pictures of themselves reading Playbook in Yangon, Myanmar, Legoland, California, Siem Reap, Cambodia, Shenzhen, China, Shanghai, Homer Spit, the southern tip of the Kenai Peninsula in Alaska, the northern edge of Alaska, Alderney in the Channel Islands, San Miguel de Allende, Mexico, Maho Bay in St. John's in U.S.V.I, the Yale Club in NYC and Cipriani Dolci at Grand Central Terminal. Send photos to Daniel daniel@politico.com, or Tweet photos with #PlaybookLoyal for a chance to be featured next week and be entered into a contest to win a signed Matt Wuerker cartoon. ***See the whole gallery of entries this week*** http://politi.co/2vIWqkU

STORY OF THE DAY -- JOHN BRESNAHAN and **RACHAEL BADE** -- **"The agonizing, 8-page memo on how to chauffeur a congressman":** "Empty his trash. Always have hand sanitizer and gum at the ready. And don't bother with 'unnecessary conversation' - the congressman doesn't have time for your chit-chat. Demanding, high-maintenance bosses are notorious on Capitol Hill. The late Sen. Ted Kennedy's staff had to walk his dog, poop pick-up and all. Former Texas Sen. Kay Bailey Hutchison made her male aides carry her purse. The latest addition to the list: Rep. Todd Rokita, an Indiana Republican running in one of next year's most competitive Senate races.

"Who knew it could take eight pages of instructions on how to properly escort a member of Congress around his district? Yet there it is, laid out in mind-blowing detail, in a memo obtained by POLITICO that's sure to make any young, eager-beaver political aide shudder. Tasks listed in the document, entitled 'Instructions on Staffing and Driving - District Version,' include handing Rokita a cup of black coffee upon picking him up at his home, acting as a physical barrier between him and trackers looking to capture embarrassing footage of the congressman, and 'avoid[ing] sudden acceleration or braking' while driving. 'The goal is to provide as smooth a ride as possible,' reads the instruction manual, co-authored by a former chief of staff to the congressman and Tim Edson, Rokita's ex-communications director turned campaign spokesman.

"Drivers are expected to transport not only Rokita's toothbrush and toothpaste but also stock and tote around the district a nearly 20-item supply box that Rokita's staffers call 'the football.' The contents include gum, hand sanitizer, business cards, bottled water, napkins and Kleenex, Lozenges-brand cough drops, a stapler and stapler remover, Post-it notes and Shout wipes, among other items. ...

"Asked about the memo, Rokita's campaign spokesman Tim Edson wrote in an email that 'there is nothing embarrassing about always being prepared.' Edson blamed the leaked memo on his boss' longtime nemesis, Rep. Luke Messer (R-Ind.), who's running against Rokita for the GOP nomination to challenge Democratic incumbent Sen. Joe Donnelly." http://politi.co/2v7xjEK ... ***The memo*** http://bit.ly/2w8aR37

FIRST IN PLAYBOOK -- CHARLOTTESVILLE, STANDING UP TO TRUMP SEEPS

INTO 2018 -- MARK PUTNAM , the top-flight Democratic ad maker, has cut another ad for Amy McGrath, the Marine veteran running against Rep. Andy Barr in Kentucky. The spot -- set at the end of a runway -- talks about her fighter pilot service after 9/11. But she eventually says "There are times when politicians might have to make a difficult choice: do you stand with the president, or do you stand with the country? Right now is one of those times. Every Republican congressman and senator has to make a choice. Standing up to the president may not be what they signed up for, but when the president is in solidarity with white supremacists and Nazis, those members of Congress have to stand up and tell him he's wrong." ... "That's why I'm running for Congress against Andy Barr in Kentucky. He has yet to condemn the president on anything." http://bit.ly/2wg0bjh

-- THIS LINE OF ATTACK could be fruitful for Democrats who are looking to tie Trump to Republican lawmakers. So far, GOP operatives believe that Trump is his own brand apart from the Republican Party. If that changes, it could be a major drag on GOP incumbents in the 2018 midterms.

OVER TO YOU, MR. PRESIDENT -- SEN. JEFF FLAKE (R-Ariz.) in the **NYT: "We Need Immigrants With Skills. But Working Hard Is a Skill":** "Someone recently said, 'When Mexico sends its people, they're not sending their best.' The man who said that never met Manuel Chaidez." http://nyti.ms/2x9UUWZ

-- IF YOU HADN'T GUESSED BY NOW, that someone Flake is referring to is President Donald Trump.

-- @Team_Mitch: "Jeff Flake is an excellent Senator and a tireless advocate for Arizona and our nation. He has my full support. -MM".

4TH ON-RECORD BANNON COMMENT IN 3 DAYS -- "Trump embraces culture war with call to preserve Confederate statues," by WaPo's Bob Costa and David Nakamura: "Bannon -- a hard-line nationalist whose position has been threatened in recent days by his clashes with moderate colleagues and his blunt remarks to a liberal magazine -- has fiercely defended Trump in internal staff discussions, according to White House officials. In an email to The Washington Post on Thursday, Bannon said Democrats do not understand Trump and underestimate his appeal. 'This past election, the Democrats used every personal attack, including charges of racism, against President Trump. He then won a landslide victory on a straightforward platform of economic nationalism,' Bannon wrote. 'As long as the Democrats fail to understand this, they will continue to lose. But leftist elites do not value history, so why would they learn from history?'" http://wapo.st/2w7RRSj

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : If you know only one fact about rising drug costs, know this one: drug makers set prices for prescription drugs. To help manage nearly double-digit price increases, employers, unions and government programs use PBMs to negotiate lower net prices to help curb costs for employers and patients. Learn more at affordableprescriptiondrugs.org ******

READ THIS ONE -- "White House aides squirm at Trump's rhetoric but stay put: Officials said they don't expect anyone in the West Wing to resign, despite distaste for Trump's Charlottesville comments," by Annie Karni and Ben White: "National security adviser H.R. McMaster and his deputy, Dina Powell, have been unhappy with Trump's rhetoric on race over the past week, according to a White House official. But neither of them is considering resigning - they have told people it is too serious and dangerous a moment in the world for them to simply walk away." http://politi.co/2xah8rY

WALL STREET JOURNAL EDITORIAL BOARD -- "The men and women who have joined the Trump Administration aren't doing so because it enhances their reputations. They have no illusions about Mr. Trump's character flaws, or if they did, they don't any more. They are trying to serve their country. They know nearly 63 million Americans voted for Donald Trump, and that it does the country no good to root for a Presidency's disintegration.

"They see a rare moment of united Republican government to move in a better direction on domestic policy. Or they want to correct the erosion of American power and influence that accelerated during the Obama years. But that task gets harder with every reckless Trumpian flight from normal presidential behavior. Every person has to decide how long he or she can serve in good conscience. But we hope the best stay as long as they can for the good of the country." http://on.wsj.com/2vIYn0O

-- "Gary Cohn stays put -- for now -- following Trump's comments on Charlottesville," by WaPo's Damian Paletta and Renae Merle: "The White House on Thursday took the unusual step of saying that National Economic Council Director Gary Cohn would not resign, trying to contain the fallout from President Trump's controversial comments about the deadly riot in Charlottesville over the weekend and his assertion that 'very fine people' were protesting alongside neo-Nazis. Cohn, who funded the Cohn Jewish Student Center at Kent State University in 2009, was mortified by Trump's comments, three people close to him said, and he has been bombarded with calls from friends asking him if he will leave.

"Instead, the White House said that Cohn plans to stay put and focus on advancing Trump's economic agenda. It was unclear, though, how long Cohn would remain in the job or if he is still a leading candidate to be nominated as the next chairman of the Federal Reserve." http://wapo.st/2vOqYQC

-- LUNCH WITH THE FT -- STANLEY FISCHER on **COHN:** "Fischer declares that the current incumbent would be an 'excellent choice', pointing out that she has made the potentially market-unsettling process of unwinding Fed stimulus 'sedate. She has done it very well.' That said, Fischer says he likes Cohn, whom he used to sit next to at dinners thrown by Goldman Sachs during the IMF's annual meetings. And he isn't worried that Cohn is not an economist. 'The chairman of an institution such as the Fed, one of the primary things he needs is the ability to judge the advice he is getting,' he says." http://on.ft.com/2fQVJRh

MORE CHARLOTTESVILLE REPUBLICAN REACTION ...

-- **SEN. BOB CORKER** (R-Tenn.) on POTUS, via Nooga.com: "The President has not yet been able to demonstrate the stability nor some of the competence that he needs to demonstrate in order to be successful ... He also recently has not demonstrated that he understand the character of this nation. He has not demonstrated that he understands what has made this nation great and what it is today, and he's got to demonstrate the characteristics of a president who understands that." http://bit.ly/2xam3ck

-- "Sen. [Tim] Scott says Trump's 'moral authority is compromised,'" by Vice's Shawna Thomas: "'I'm not going to defend the indefensible ... [Trump's] comments on Monday were strong. His comments on Tuesday started erasing the comments that were strong. What we want to see from our president is clarity and moral authority. And that moral authority is compromised when Tuesday happened. There's no question about that.' Scott added that the president hasn't reached out to him to discuss Charlottesville." http://bit.ly/2v73JPT

-- ARNOLD SCHWARZENEGGER to ATTN: "I have a message to the Neo-Nazis, to the White Nationalists, and to the Neo-Confederates ... Your heroes are losers. You are supporting a lost cause. And believe me, I knew the original Nazis, because you see, I was born in Austria in 1947, shortly after the Second World War. And growing up, I was surrounded by broken men, men who came home from a war filled with shrapnels and guilt, men who were misled into a losing ideology. And I can tell you: that these ghosts you idolize spent the rest of their lives living in shame and right now, they're resting in hell." http://bit.ly/2wgjVTT

TRUMP'S FRIDAY -- THE PRESIDENT is heading to Camp David around 11 a.m. and arrives there at 12:15 p.m. He has a working lunch, then meets with the National Security Council. Trump heads back to his country club in Bedminster around 4:15 p.m.

TRUMP INC. -- "Three fundraising giants cancel plans for galas at Mar-a-Lago," by WaPo's Drew Harwell and David Fahrenthold: "The American Cancer Society, a high-dollar client at the club since at least 2009, cited its 'values and commitment to diversity' in a statement on its decision to move an upcoming fundraising gala. Another longtime Mar-a-Lago customer, the Cleveland Clinic, abruptly changed course on its winter event only days after saying it planned to continue doing business at Mar-a-Lago, a leading venue for charitable events in the posh resort town. The American Friends of Magen David Adom, which raises money for Israel's equivalent of the Red Cross, also said it would not hold its 2018 gala at the club 'after considerable deliberation,' though it did not give a reason. The charity had one of Mar-a-Lago's biggest events last season, with about 600 people in attendance." http://wapo.st/2vlY85l

HACKED -- "Online activist group Anonymous posts what it says are private contact details for 22 GOP members of Congress," by WaPo's Todd Frankel and Craig Timberg: "A group affiliated with the online activist group known as Anonymous

Thursday posted what it says are the private cellphone numbers and email addresses for 22 Republican members of Congress in a bid to push for President Trump's impeachment, reigniting the use of hacked information in U.S. political battles." http://wapo.st/2wVwQrH

HOUSE CHIEF DEPUTY WHIP PATRICK MCHENRY: SCALISE HAS TO RELEARN TO WALK -- Gaston Gazette: "McHenry: This has been a challenging year for us as Americans. Let's just be honest about it. Two months ago, I saw somebody who so hated the president of the United States that he shot my friends that were out playing baseball at 7 o'clock one morning. And my friend Steve Scalise got shot that morning. I saw him Monday night, he's recovering well. He's got to re-learn to walk as a result of it, two months later. He has a long road ahead. But he is good, sound mentally, emotionally, spiritually, encouraging. But I saw my friend get shot because somebody so hated the president that he wanted to take it out on Republicans." http://bit.ly/2vIU71t

FOR YOUR RADAR -- "Mattis says a decision is closer on strategy for Afghanistan," by AP's Robert Burns: "After months of sometimes heated internal debate, the Trump administration has almost reached a decision on a new approach for fighting the 16-year-old war in Afghanistan, Defense Secretary Jim Mattis said Thursday. He gave no hint of what the strategy would look like. In remarks at the State Department, Mattis told reporters President Donald Trump will confer with his national security team Friday at the Camp David presidential retreat in Maryland, and said the talks 'will move this toward a decision.' 'We are coming very close to a decision, and I anticipate it in the very near future,' he added." http://bit.ly/2vOfufU

HMM -- "Pentagon Forces Out Popular Press Spokesman," by Foreign Policy's Dan De Luce and Paul McLeary: "The Defense Department has parted ways with a senior media adviser who had years of experience working with reporters, a move that is sure to aggravate the administration's already difficult relations with the press corps. The abrupt departure of Steve Warren, an Army colonel who established a rapport with Pentagon correspondents over the course of his career, coincides with broader complaints raised by journalists about how the department is providing information and handling media access to Defense Secretary James Mattis. ...

"Dana White, the assistant secretary of defense for public affairs, played a key role in Warren's departure, current and former officials told Foreign Policy. In an emailed statement, White said Warren became ineligible for the position due to White House objections. ... Several reporters who had committed to travel with Mattis to the Middle East were informed late Monday -- just four days before they were to leave -- that they had been disinvited from the trip. This follows a pattern that has become increasingly common under Mattis, where reporters who have completed their visa paperwork and made plans to take multi-day international travel were told they were no longer welcome, with little explanation." http://atfp.co/2vIPIeQ

-- REUTERS: "Top U.S. general reaffirms commitment to Japan amid North Korea tensions," by Tim Kelly in Tokyo: Joint Chiefs Chairman Gen. Joe Dunford "restated

Washington's 'ironclad commitment' to the security of its close Asian ally, Japan, on Friday amid regional tensions over North Korea, telling his counterpart in Tokyo that 'an attack on one is an attack on both of us.'" http://reut.rs/2uVV3g9

THE JUICE ...

-- STEVEN MNUCHIN is facing new calls to step down from the administration. More than 250 of Mnuchin's fellow Yale class of 1985 alumni have written an open letter pushing him to resign. "We call upon you, as our friend, our classmate, and as a fellow American, to resign in protest of President Trump's support of Nazism and white supremacy. We know you are better than this, and we are counting on you to do the right thing." ***The letter*** http://bit.ly/2vIIreR

-- NYT's MAGGIE HABERMAN: "James Murdoch, Rebuking Trump, Pledges $1 Million to Anti-Defamation League": "In an email on Thursday, a copy of which was obtained by The New York Times and confirmed as authentic by a spokesman for Mr. Murdoch's company, the Fox scion gave an extraordinarily candid statement against the white supremacist sentiment that swept through Virginia last weekend. It was also the most outspoken that a member of the Murdoch family has been in response to the week's events. ...

"'I'm writing to you in a personal capacity, as a concerned citizen and a father. It has not been my habit to widely offer running commentary on current affairs, nor to presume to weigh in on the events of a given day save those that might be of particular or specific concern to 21CF and my colleagues,' he wrote. 'But what we watched this last week in Charlottesville and the reaction to it by the President of the United States concern all of us as Americans and free people.'

"He added: 'These events remind us all why vigilance against hate and bigotry is an eternal obligation -- a necessary discipline for the preservation of our way of life and our ideals. The presence of hate in our society was appallingly laid bare as we watched swastikas brandished on the streets of Charlottesville and acts of brutal terrorism and violence perpetrated by a racist mob. I can't even believe I have to write this: standing up to Nazis is essential; there are no good Nazis. Or Klansmen, or terrorists. Democrats, Republicans, and others must all agree on this, and it compromises nothing for them to do so.'" http://nyti.ms/2wVwgtK ... ***The email*** http://nyti.ms/2vIVNYG

CLICKER -- TINA FEY, a University of Virginia graduate, gives her thoughts on Charlottesville in a special NBC SNL "Weekend Update" http://bit.ly/2ibG9Aq

TV TONIGHT - Bob Costa's guests on PBS' "Washington Week": Geoff Bennett of NPR, Shawna Thomas of VICE News, Michael Scherer of TIME Magazine and Molly Ball of The Atlantic.

MARK LERNER RECOVERING FROM CANCER -- "Read the letter from Nationals principal owner Mark Lerner to The Post regarding his bout with cancer"

http://wapo.st/2w8hpyB

Playbook Reads

PHOTO DU JOUR: Workers use a crane to lift a monument dedicated to former U.S. Supreme Court Chief Justice Roger Brooke Taney after it was was removed from outside Maryland State House, in Annapolis, Md. on Aug. 18. | Jose Luis Magana/AP Photo

TALKER -- NEW YORKER COVER -- "Blowhard," by David Plunkert, who rarely does work on politics, shows Trump alone in a sailboat, with the sail looking like a KKK hood. "President Trump's weak pushback to hate groups -- as if he was trying not to alienate them as voters -- compelled me to take up my pen," he said. http://bit.ly/2uWmxIJ

FIRST PERSON -- "I Voted for Trump. And I Sorely Regret It," by Julius Krein in the NYT: "I supported the Republican in dozens of articles, radio and TV appearances, even as conservative friends and colleagues said I had to be kidding. As early as September 2015, I wrote that Mr. Trump was 'the most serious candidate in the race.' ... I saw the decline in this country - its weak economy and frayed social fabric - and I thought Mr. Trump's willingness to move past partisan stalemates could begin a process of renewal. It is now clear that my optimism was unfounded. I can't stand by this disgraceful administration any longer, and I would urge anyone who once supported him as I did to stop defending the 45th president. Far from making America great again, Mr. Trump has betrayed the foundations of our common citizenship. And his actions are jeopardizing any prospect of enacting an agenda that might restore the promise of American life." http://nyti.ms/2uVWDyn

RAHM EMANUEL appeared on "The Axe Files" with David Axelrod, talking about Trump, Charlottesville, Sessions, immigration, 2018 midterms, and more. ***Podcast***: http://cnn.it/2vOnHRn ... ***CNN story***: http://cnn.it/2v73wMt

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)**: Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers and other health care purchasers; however, the list price - the important starting point for those negotiations -- continues to rise, at a rate of nearly ten percent in 2016 alone. Increased competition, faster reviews of generics and biosimilars and ending anti-competitive practices can also bring down the cost of medications for patients. Learn more at affordableprescriptiondrugs.org ******

BUSINESS BURST -- "AT&T-Time Warner Deal, an Early Trump Target, Reaches Advanced Stage," by WSJ's Drew FitzGerald and Joe Flint: "The government review of AT&T Inc.'s $85 billion takeover of Time Warner Inc. has reached an advanced stage, people close to the situation said, a significant milestone in a deal that was closely

watched for signs of how the Trump administration would view large mergers. The deal's regulatory review has hit a late-stage point where AT&T lawyers are discussing merger conditions with the Justice Department, the people said. The review process has reached that point despite a vacant seat atop the department's antitrust division. An approval could underscore the administration's pro-business credentials at a time when President Donald Trump's ties with America's CEOs are under severe stress." http://on.wsj.com/2wgazYa

CAPITOL FILE GETS POLITICAL -- Politics meets pop-culture in Capitol File's fall issue. Under guest editor Marissa Mitrovich's leadership, the D.C. magazine looks at political fashion via global fashion authority Ken Downing and showcases a snapshot of lawmakers with social media savvy. Former Obama speechwriter David Litt talks about his new memoir and operatives Jimmy Williams and Doug Heye pen a bipartisan piece on Congress post-August recess. ***The magazine*** http://bit.ly/2i8VMIN

THE PLAYBOOK INTERVIEW: DAVID SKORTON, SECRETARY OF THE SMITHSONIAN

David Skorton, secretary of the Smithsonian Institution, warms up on his flute before joining a rehearsal with the Smithsonian Jazz Masterworks Orchestra at Smithsonian's National Museum of American History in 2015. | Andrew Harnik/AP Photo

Smithsonian Secretary David Skorton initially thought a search firm had the wrong mail merge when he was contacted about the position more than two years ago. "To this day it is possible they did have the wrong mail merge," he joked in an interview with Playbook in his office in the Smithsonian Castle last week. "I guess they couldn't get their first 26 candidates." The cardiologist and former president of Cornell and University of Iowa just passed the two-year mark at his newest job, where he is charged with overseeing the institute's museums, national zoo and partnerships with over 200 affiliate museums across the country.

Skorton, who helped celebrate the Smithsonian's 171st anniversary last week, said that while the scientific and historical aspects are perhaps the most known, the arts are just as crucial a part of the institution's mission: "I didn't want to use a stethoscope to make a living, I wanted to use this," he said, pointing to a flute he keeps in his office next to his desk. "That's my advocation. I spend a lot of time on music. I feel like I come partly from the arts in my heart."

More highlights...

ON PUBLIC SKEPTICISM OF SCIENTIFIC FINDINGS: "Concern by the scientific community that the public does not either grasp or believe the results of science is nothing new. ... As unpopular as this may be with my fellow scientists, I think it is largely our responsibility, the scientists' responsibility, because we don't emphasize dissemination of scientific information to the public in a form it can be digested by non-

specialists ... [and we don't explain] how the method works. The scientific method is a self-correcting endeavor, and scientists are professional skeptics. ... We really need to spend more time ... being an interface between the sometimes very obscure areas of work that we do ... and the general public, even the broadly educated public who just don't happen to come from a science background. ... I think both science and the media have in a sense failed the American public by not making that stuff more digestible."

ON FOSTERING PUBLIC CONVERSATIONS: "One of the things that the Smithsonian has done, in a way that wasn't organized across the institution, is to convene conversations for and among the public on issues that are troubling. We're not policymakers, we're not regulators. We're in an industry that's still trusted in America. Americans trust libraries, archives, museums. I think [we're] bringing together that trust that the public has in us and our capabilities of bringing people together. ... We started a website called Smithsonian Second Opinion, and I'll convene panel discussions and try hard to get the panelists across the spectrum of opinion. ... We're going to do this every three or so months. We're about to record the second one on immigration, the third one which will be just a few months from now, which will be entitled something like 'does art matter?' That's another way in which we're going to parly what I hope is continuing trust that the American public has in the Smithsonian." ***The first Second Opinion on climate change*** http://bit.ly/2uW8b3U

--Read more from Skorton on the Smithsonian's work with the D.C. community and his favorite artifacts http://politi.co/2fRMcZW

Playbookers

SPOTTED: #NeverTrump-ers Katie Pavlich, Guy Benson, Ben Domenech (son of a Trump political appointee) and Michelle Fields arriving at the Aruba airport yesterday and heading toward the Ritz-Carlton.

SPOTTED IN SAN FRANCISCO at a TechNet young professional happy hour last night for Sen. Lindsey Graham (R-S.C.) at Microsoft on Market Street: Gideon Lett, Tucker Bounds, Davis White, Katie Biber, Blain Rethmeier, Carolyn Glanville, Jackie Rooney, Duf Sundheim, Vikrum Aiyer, Kate O'Sullivan, Amelia McLear, Jamie Corley.

SUNDAY SO FAR - CBS' "Face the Nation": Sen. Tim Scott (R-S.C.) ... Sen. Tim Kaine (D-Va.). ... president and director-counsel of the NAACP Legal Defense Fund Sherrilyn Ifill, co-founder of Life After Hate Christian Picciolini and Vice's Elle Reeve. Political panel: Jamelle Bouie, Jeffrey Goldberg, Julie Pace, and Reihan Salam

-- "Fox News Sunday": Charlie Hurt, Bob Woodward, Gillian Turner, Juan Williams

-- CNN's "State of the Union": Bakari Sellers, Rick Santorum, Nina Turner, Rep. Scott Taylor (R-Va.)

-- CNN's "Inside Politics," guest-hosted by Nia-Malika Henderson: Julie Pace, Mike Bender, Michael Warren, Jackie Calmes

WELCOME TO THE WORLD -- Amanda Brown Lierman, political and organizing director at the DNC and **Kyle Lierman,** founder and CEO of Civic Advisors, email friends and family: "Amanda and I are excited to introduce you to Belle Brown Lierman!! We are still at GW Hospital where the staff have been incredible. Amanda was a hero during the birth and her and Belle are both in good health and resting peacefully. Thanks to all of you for your prayers, support and guidance along this journey. We'll be heading back to Maryland tomorrow, and we can't wait to introduce her to the whole village soon!" ***Pic*** http://bit.ly/2wfNpkV

-- Hastie Afkhami, SVP and head of digital at the Podesta Group, and **Dr. Amir Afkhami,** associate professor of psychiatry and behavioral sciences and associate professor of global health at GW and a former Robert Wood Johnson health policy fellow for Sen. Stabenow, post on Facebook: "Leela Eleanor Afkhami joined our family on August 15th at 4:30 a.m. Named after one of her mother's favorite flowers, Leela is the Farsi name for the lilac flower. Leela's middle name pays homage to her father and mother's love of history and the many strong and wise Eleanors who have transformed the world for the better. Aryana can't wait to introduce all of our friends and family to her little sister!" ***Pic*** http://politi.co/2uOGvCZ ... ***Big sister Aryana meeting Leela*** http://politi.co/2v755tP

BIRTHDAY OF THE DAY: Austan Goolsbee, professor of economics at UChicago and former chairman of the Council of Economic Advisers, is 48. **How he's celebrating:** "I'm on vacation in Oregon with my wife and our 3 kids. We are closing out with the solar eclipse on Monday. The family got me a present of a three hour SUP downwinder through the Columbia River Gorge which should be #amazeballs.* *h/t the kids". Read his Playbook Plus Q&A: http://politi.co/2fQdiAS

BIRTHDAYS: Jason Furman, senior fellow at the Peterson Institute for International Economics and former chairman of the WH Council of Economic Advisers, is 47 ... Tim Geithner, president of Warburg Pincus, is 56 ... Rosalynn Carter is 9-0 ... Bob Woodruff is 56 ... Obama alum Jon Lovett, co-host of "Pod Save America," host of "Lovett or Leave It" and founder of Crooked Media ... Dr. Darryl Walker ... Rep. Louie Gohmert (R-Texas) is 64 ... Cara Mason (hat tip: Sean Spicer) ... Paris Dennard, CNN commentator ... Holly Kuzmich, executive director of the George W. Bush Institute and SVP at the George W. Bush Presidential Center ... Mark Edwards, chocolatier at Edward Marc Chocolatier, is 36 ... former Providence mayor Angel Taveras is 47 ... Louisa Terrell ... Lee Kamlet ... Scott Haber ... Meera Kallupura ... Lincoln Foran, VP at J.P. Morgan ... Gerry Wallace is 77 ... Politico alums Bill Tomson and Ethan Melnick ... Megan Scully ...

... Felipe Calderon, the former president of Mexico, is 55 (h/t Jorge Guajardo) ... Simone Pathe, senior politics reporter at Roll Call ... Jeffrey Hiday, director of media relations at RAND Corporation ... David Fishman, managing director and partner at

Global Gateway Advisors in New York (h/t Arlette Saenz) ... Elizabeth "Lizzy" Letter, oversight counsel for the ranking member at Senate HELP committee (h/t Osaremen Fortune Okolo) ... WSJ and NJ alum Martin Vaughn ... Kristi Slafka Brannan ... Connie Hair ... Betsy Stark ... Gab Forsyth ... J.P. Duffy ... Matt Chandler ... Elizabeth Metraux ... Haley Graves ... Luke Mitchem ... Lou Ventre ... Jordan Baugh ... Shaun Sahloff ... Elizabeth Hart ... Emily D'Antonio ... William McCormick ... Dan Sullivan, founder and managing director of Montrose Advisors ... Chris Black ... Lauren Smith ... Kim Haddow, the queen of New Orleans ... Beth Grupp, spending her day making the world a better place for everyone ... Pat Heinz-Pribyl ... Pam Houston ... Jua Johnson ... Margaret Planner ... Bob Dvorsky (h/ts Teresa Vilmain)

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : The high prices that drug makers set for prescription drugs can put financial strain on patients, employers, unions and others who provide health care coverage to more than 50 percent of Americans. Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers, unions and government programs. But, as list prices - the starting point for those negotiations -- continue their nearly double-digit increases, the effects ripple throughout the system. The key to ensuring greater access and affordability lies in fostering greater competition. Facilitating faster reviews of generics and biosimilars, identifying off-patent drugs with little or no generic competition, and ending anti-competitive practices that keep safe, effective alternatives out of the market are also key to abating rising drug costs for patients. Learn more at affordableprescriptiondrugs.org ******

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Latest News

EPA Seeks To Dismiss Fluoride Suit, Defending Stance On TSCA 'Uses' Issue

EPA is urging a federal court to dismiss environmentalists' suit challenging its rejection of their petition seeking to ban the practice of fluoridating water under the Toxic Substances Control Act (TSCA), with the agency defending its views on the key issue of which chemical uses must be considered in TSCA assessments and possible future regulation.

Environmentalists Urge EPA To Scrap 'Illegal' Plan For Narrower CWA Rule

Environmentalists and public health groups are urging EPA to scrap its “flatly illegal” plan to repeal the Obama administration's Clean Water Act (CWA) jurisdiction rule and replace it with a policy much narrower in scope, arguing that EPA should instead use the 2015 rule as a “starting point” for any revisions to jurisdiction policy.

House Panel Wrestles With Agencies' Role In Water Infrastructure Projects

A House Transportation & Infrastructure Committee panel is wrestling with how the federal government should address the nation's water infrastructure needs in a potential upcoming infrastructure legislative package, especially as EPA and other agency funding is not expected to increase despite widespread calls for a larger federal funding role.

EPA Says E-Manifest On Track Despite Lingering Implementation Concerns

EPA officials at a Sept. 26 meeting said the agency is on schedule to issue a final user fee rule for its new electronic manifest (e-manifest) hazardous waste system by December, and to launch the system by next June, even as the program faces an uncertain budget and lingering industry and state concerns over its implementation.

D.C. Circuit Queries State's Standing For Philadelphia Ozone NAAQS Suit

The U.S. Court of Appeals for the District of Columbia Circuit is querying Delaware over whether it has legal standing for its suit challenging EPA's decision to give Philadelphia an extra year to attain federal ozone standards, suggesting a high bar

for the First State to overcome procedural hurdles for the case ahead of Oct. 5 oral argument.

IRIS Launches Three New Assessments As Leaders Pledge 'Paradigm Shift'

EPA's influential but controversial Integrated Risk Information System (IRIS) risk assessment program is starting three new chemical assessments just as its leaders are pledging a "paradigm shift," including faster assessment times and greater relevance to internal and state partners.

Pruitt Review Of Hanford Cleanup Decision Awaits Additional Consultation

EPA Administrator Scott Pruitt has yet to review a Superfund cleanup decision for the Hanford site in Washington state -- one of the first records of decision (RODs) scheduled for such review as part of a new centralized decision-making effort for costly cleanups -- with no sign-off expected until after an additional consultation with a Native American tribe scheduled for next month, according to the agency.

Daily Feed

Pallone seeks IG 'factual record' on possible Pruitt lobbying violations

The Democrat is seeking to determine whether Pruitt unlawfully lobbied to pull out of the Paris climate agreement and on other issues.

Trailer makers ask D.C. Circuit to stay EPA's truck GHG rule

They argue that pausing the regulation would not harm any party and that their challenges to the trailer requirements are likely to succeed on the merits.

Court orders EPA to release more ethanol emissions data

A district court judge says EPA improperly limited the scope of its response to a Freedom of Information Act request for data on ethanol's air pollution impacts.

Exxon, environmentalists eye settlement in novel climate suit

A possible settlement could resolve environmentalists' suit claiming that federal waste and water permitting laws require climate resiliency planning at an Exxon oil terminal.

Ewire: Exxon touts methane cuts as EPA readies rule delay

In today's Ewire: The world's biggest energy company announces new commitments to cut methane. What does it mean for EPA's rules?

EPA poised to finalize 2018 RFS after quick OMB review

The White House completed its review of the final 2018 renewable fuel standard in

just five days, clearing the path for EPA to promulgate it.

Read all the latest EPA news, analysis and documents →

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Fri 10/27/2017 2:02:10 PM
Subject: POLITICO's Morning Transportation, presented by Coalition for Future Mobility: Shuster talks infrastructure, gas tax — TSA on academic probation — Rubio re-ups Cuban airport security bill

By Brianna Gurciullo | 10/27/2017 10:01 AM EDT

With help from Stephanie Beasley and Lauren Gardner

ONE AFTER THE OTHER: Rep. Bill Shuster (R-Pa.) wants lawmakers to dive into working on an infrastructure package as soon as efforts to overhaul the tax code wrap up - but, he argued Thursday, the White House has to be more specific about what it wants. "Waiting until tax reform is done, I think [an infrastructure package] should be tucked in right behind it," the Transportation Committee chairman told reporters. Shuster said he's "been talking to some senators" about an infrastructure bill, but no lawmaker wants to get ahead of the White House. "There's no sense in me going out there and putting something out, and then all of a sudden the president beats it down," Shuster said. "We need the White House - the bully pulpit - to be saying, 'Here's our principles,' and let us go to work." Crafting a bill would take "some weeks," he said.

Let's see ... After the gas tax came up during a meeting with National Economic Council Director Gary Cohn and the Problem Solvers Caucus this week, Shuster said he doesn't believe "there's a will" among House lawmakers to raise the levy as they consider a tax overhaul. "But I think as we go through the process - [with] Gary Cohn, the White House and the Senate - there'll be opportunities to talk to folks and see where we go," he said. He also added: "I know that, from my experience here in the House and talking to some senators, Democrats would get on board, I think, to get a tax reform bill if we did something to take care of the Highway Trust Fund."

A matter of some urgency: "The trust fund will go broke in 2020," Shuster said. "Just in case people don't realize it, that's an election year. ... I mean, we can't continue to beg, borrow and steal from different pots of money because it's just not out there anymore."

ANOTHER WEEK DOWN: Thanks for connecting at POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Send along tips, feedback and lyrics to bgurciullo@politico.com or @brigurciullo.

"Now there's nothin' left and not a reason / There's nothin' left to believe in / When just one remains / I've sailed away."

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) that are all about flying, driving, commuting and sailing?

** **A message from the Coalition for Future Mobility:** Impaired drivers cause one third of fatal crashes. Tell Congress to greenlight Autonomous Vehicle testing and deployment. http://bit.ly/gl-sd **

PILOT TRAINING IN FOCUS: The FAA posted partial recommendations from an Aviation Rulemaking Committee Thursday that have achieved near-consensus on a hotly debated topic: training requirements for prospective airline pilots. Our Lauren Gardner writes : The committee "recommends allowing airline-provided training programs to count as credit toward required flight hours to become a commercial airline pilot. Those programs would be subject to FAA approval. Only pilots with prior military experience or with certain academic backgrounds - populations that can already receive credit toward the 1,500 hour requirement - would be eligible to participate in those programs."

The breakdown: But the Air Line Pilots Association - which blasted the FAA for releasing what it said was an incomplete body of work - and the airlines disagree on how much credit such a program should be worth toward the 1,500 hours. ALPA says 250 hours across the board, while the airlines think the credit should vary based on experience - but in a way that would favor pilots coming from thinner academic backgrounds. In the end, the airlines' approach would lead to all military and degree-holding pilots coming through such a program being eligible to apply for a co-pilot's certificate with just 500 hours of flight time.

Maybe, maybe not: A spokesman for Senate Commerce Chairman John Thune (R-S.D.) said he'd be "open to considering" the alternatives considered by the ARC "if doing so increased support for the FAA bill," which is currently being held up over language he championed to give regulators more leeway to approve additional pathways for flight-hour credit. But Senate Minority Leader Chuck Schumer 's office pointed to a statement he made denouncing a separate advisory committee's recommendation last month that the 1,500-hour requirement be changed - indicating that the biggest opponent to the FAA bill's training language isn't swayed.

THOUGH WE DOUBT YOU MISSED IT ... The House cleared the Senate's budget on Thursday, but the vote was a squeaker, with discord over the state and local tax deduction leading some Republicans to oppose it. Now, Senate Republicans will be able to pass tax legislation without Democratic votes, POLITICO's Jennifer Scholtes and Rachael Bade report. House Ways and Means Chairman Kevin Brady (R-Texas) has said the GOP will unveil a tax bill Nov. 1.

Can't stop, won't stop: Meanwhile, Senate Majority Leader Mitch McConnell told members that the chamber could be in session the week of Thanksgiving, POLITICO's Seung Min Kim reports. At the moment, senators are scheduled to be in recess.

TSA ON ACADEMIC PROBATION: We caught up with Rep. Michael McCaul (R-Texas) before he jetted out for the weekend, and he said he remains concerned that the report card for TSA's airport screenings shows the agency still falls short of an "A" in some areas, more than two years after the DHS inspector general dropped a bombshell report identifying security failures. McCaul said he expects to have a briefing with the IG's office next week to discuss its latest covert checkpoint investigation. The office said last week that it had identified more "vulnerabilities" but has not yet revealed its findings. More for Pros here.

TWEET DU JOUR: From the Eno Center for Transportation's Jeff Davis: "There are 18 Senate-confirmable positions at @USDOT. Here is today's status." Check out the breakdown.

MENÉNDEZ LAWYERS WANT MISTRIAL: Attorneys for Sen. Bob Menéndez (D-N.J.) and the co-defendant in his corruption trial are arguing that the judge should declare a mistrial, POLITICO New Jersey's Matt Friedman reports . "We have been precluded ... both during cross-examination and, now, repeatedly in our case of putting forward our defense," one lawyer said, blaming prosecutors and the judge himself. But Judge William Walls responded: "At this point, I'm not really impressed by your argument that what I have done or not done so far is perhaps grounds for a mistrial." The same day, Sens. Lindsey Graham (R-S.C.) and Cory Booker (D-N.J.) testified in court as character witnesses for Menéndez, with both saying they think he is "honest and trustworthy."

RUBIO RE-UPS CUBAN AIRPORT SECURITY BILL: Sen. Marco Rubio (R-Fla.) has reintroduced legislation aimed at heightening security for flights between the United States and Cuba. The measure, a new version of a bill that Rubio introduced last year after DOT reinstated commercial flights to the island nation, is identical to one the House passed earlier this week. Both measures call for TSA to audit screening procedures and personnel at all 10 Cuban airports with international flights. TSA also would be required to hash out an agreement with Cuba to let inspectors evaluate security protocols at airports, and U.S. airlines would have to disclose deals with Cuba's government.

ON BOARD: Patricia Chasse Hiatt is now deputy director of airport safety and standards at the FAA, according to Aviation News Today, an American Association of Airport Executives publication. She worked at TSA for 15 years. Meanwhile, Patrick Warren, who has been FRA's executive director, will soon be deputy director of the Office of Airport Planning and Programming.

SLICE OF PI: POLITICO Influence reports : "The Intelligent Transportation Society of America has tapped Shailen Bhatt as its next president and chief executive. Bhatt was previously the executive director of Colorado's Transportation Department and before that held a similar position in Delaware. He also worked for the Federal Highway Administration during the Obama administration. [...] He succeeds Regina Hopper, who left ITS America this summer after a rocky tenure that saw much of the staff depart. David St. Amant has served as interim president and chief executive since August. Korn Ferry handled recruiting for the position."

SHIFTING GEARS: Alexandra Viers is now a government relations specialist at Boeing after a stint at the Center for Strategic and International Studies, per PI.

SPOTTED: Sen. Deb Fischer (R-Neb.) at the American Trucking Associations conference in Orlando earlier this week. The lawmaker and long-time trucking advocate was seen chatting with ATA leadership and members, including FedEx, during a reception at the event. Fischer's office did not respond to a request for comment on her attendance.

THE AUTOBAHN:

- "Alphabet looks to snowy Michigan to test self-driving cars." Reuters.

- "Shell games: How trucking companies that cheat drivers dodge penalties." USA Today.

- "NGO report urges reform of airports' carbon offsets." POLITICO Europe.

- "Airlines gauge success of Basic Economy by how many passengers avoid it." USA Today.

- "Forgetting a child in a back seat can kill. Cars may soon warn you." The New York Times.

- "GE explores exiting from the railroad business." The Wall Street Journal.

- "American Airlines leads U.S. carriers in passenger complaints of racism." Bloomberg.

- "Metro board averts political crisis and approves Purple Line land deal." WAMU 88.5.

- "American, Southwest canceled 13,000 canceled flights for Sept. natural disasters." USA Today.

- "UPS ramps up spending to keep up with online shoppers." The Wall Street Journal.

THE COUNTDOWN: DOT appropriations run out in 43 days. The FAA reauthorization expires in 156 days. Highway and transit policy is up for renewal in 1,070 days.

** **A message from the Coalition for Future Mobility:** Impaired drivers cause one third of fatal crashes. Tell Congress to greenlight Autonomous Vehicle testing and deployment. http://bit.ly/gl-sd **

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 10/11/2017 7:51:10 PM
Subject: White House reviewing proposal to consider Clean Power Plan replacement

By Emily Holden

10/11/2017 03:48 PM EDT

The White House is reviewing EPA's advance proposal to consider a replacement to the Obama administration's climate standards for power plants, according to a notice that the Office of Management and Budget received the document Tuesday.

EPA officially proposed to revoke the Clean Power Plan Tuesday. On a call with conservative interests, administration officials said a proposal about a replacement could be issued in the next few weeks, as POLITICO reported.

The agency argued in moving to withdraw the regulation that Obama's EPA illegally set requirements that would have required companies to shift away from coal-fired power plants and use more natural gas and renewable power for electricity. EPA argued it only has authority to regulate coal plants directly.

Officials on the call also suggested the agency is considering letting states set their own standards for coal plants.

The document OMB received is called "State Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units."

Any replacement rule would likely require coal plants to run more efficiently but is not expected to significantly reduce power-sector carbon dioxide emissions that cause climate change.

EPA has said it has not yet decided whether to pursue a replacement, although a Supreme Court ruling and endangerment finding written by the agency require it to address greenhouse gas emissions from power plants. Some conservatives want Administrator Scott Pruitt to fight that endangerment finding.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/10/white-house-reviewing-proposal-to-consider-clean-power-plan-replacement-094164

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 9/7/2017 8:14:16 PM
Subject: Sep. 7 -- Daily Environment Report - Afternoon Briefing

Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

Arkema Blasts Highlight Safety Agency Facing Ax Under Trump

Posted September 07, 2017, 7:02 A.M. ET

By Sam Pearson

A federal agency that could unravel why Arkema's Texas chemical plant exploded after Hurricane Harvey is a tiny office with 40 employees that the Trump administration has proposed to kill.

The U.S. Chemical Safety Board could be the only federal agency able to answer why the Crosby, Texas, chemical plant storing organic peroxides exploded several times following extensive flooding from the hurricane. And while the board has already convinced lawmakers to try to keep the agency open for fiscal 2018, the new investigation could showcase its unique role to both the public and a White House that has given no indication it will support the board's work in coming years.

The CSB has a statutory mandate to investigate the root cause of chemical incidents, a broader task than that of the Environmental Protection Agency or the Occupational Safety and Health Administration, both of which regulate the plant. CSB investigators arrived at the plant Sept. 5.

"The implications of Harvey on the chemical industry in the Gulf kind of show the importance of the Chemical Safety Board and the role that it can play in preventing these kind of incidents, or worse, that happened at Arkema," Jordan Barab, former OSHA deputy director, told Bloomberg BNA Sept. 6. "We're going to be seeing a lot more of these extreme weather events, particularly in the Gulf region," and chemical companies will have to figure out how to adapt.

Former CSB Member Gerald Poje told Bloomberg BNA Sept. 6 the Arkema incident raised significant questions about whether Texas or the company should have done more to ensure safety.

Poje said the state should figure out what it could have done to ensure plants like Arkema did not make the impacts of the storm worse "with a monumental human-caused disaster."

OSHA and the EPA are unlikely to investigate because there is no evidence Arkema was out of compliance with their regulations during the hurricane, Mark Farley, a partner at the law firm Katten

Muchin Rosenman LLP in Houston, told Bloomberg BNA Sept. 6.

OSHA said in a statement it was "premature to speculate" if previous process safety management violations at the plant contributed to the explosions. The plant also is not known to have violated any EPA chemical security regulations, but the agency could issue fines if violations are found.

CSB has a broader mandate, Farley said, to determine if government and industry need to "do something different, especially when such highly hazardous chemicals are involved."

Arkema spokesman Stan Howard said in an email to Bloomberg BNA Sept. 6 the company plans to cooperate with CSB.

Unique Role in Investigating

As part of the investigation, CSB staff will attempt to determine the root cause of the chemical explosions, which could stem from both lax company procedures and gaps in regulation that don't account for the hazards present at the plant and similar sites. CSB investigators typically seek evidence like samples of failed equipment, company records, and other data to reconstruct what occurred.

While Arkema may conduct its own internal review to determine what happened, only CSB's report is required to be made public.

This gives the CSB "a vital role in safety and health, both for workers and the public," Jim Frederick, assistant health and safety director at the United Steelworkers union, told Bloomberg BNA Sept. 6.

In other high-profile cases in which CSB has been involved, such as the Deepwater Horizon oil spill in 2010, the board's probe of the blowout led to recommendations for offshore drilling operators and federal regulators to tighten a variety of standards to "shift from correcting individual 'errors' identified post-incident to a systematic approach for managing human factors."

The board could recommend regulatory fixes, including things that are "often uncomfortable to politically powerful people" and are unlikely to be examined by OSHA and EPA under the Trump administration, James Goodwin, a senior policy analyst at the Center for Progressive Reform, told Bloomberg BNA.

The investigation's findings "will be relevant well beyond the facility, responders, planners, and community directly impacted by the incident," Timothy Gablehouse, government affairs director at the National Association of SARA Title III Program Officials, said in an email to Bloomberg BNA.

While the CSB may examine how existing regulations affected the Crosby plant, Farley said other agencies are not likely to change them at this time because it does not align with administration policy.

"Certainly this administration is not inclined to undertake additional regulatory efforts, especially where it's not clear that they are necessary," Farley said.

'Proactive' Approach, Cooperation

Chemical Safety Board Chairperson Vanessa Sutherland said last week investigators had "a number of document requests" for the company. The CSB can obtain non-public information from

Arkema by administrative subpoena if necessary, and seek legal action against the corporation if it refuses to comply.

Arkema Inc. defused the situation without injuries to its employees or the public, but only through a multi-day evacuation that strained emergency responders and rattled residents of Crosby, who were kept 1.5 miles from the plant over safety fears. The company said in a Sept. 3 statement it "took proactive action" to conduct a controlled burn of six remaining containers of the chemicals, and local officials lifted an evacuation zone early Sept. 4.

Democrats' Last-Ditch Effort to Aid Climate Fund Falls Short

Posted September 07, 2017, 01:37 P.M. ET

By Dean Scott

A last-ditch Democratic effort to restore U.S. spending for a United Nations climate fund was narrowly repelled by Republican Senate appropriators Sept. 7 in a major step for President Donald Trump's campaign to zero out international aid to address climate change.

The Senate Appropriations Committee voted, 14-15, to reject a proposal by ranking Democrat Sen. Patrick Leahy (Vt.), that would have provided $750 million in fiscal 2018 for the Green Climate Fund fund that helps developing nations adapt to climate change impacts and pursue low-carbon development.

Leahy proposed to amend the $51.2 billion fiscal 2018 spending bill covering the State Department and foreign operations. The bill advanced by the Senate Appropriations Subcommittee on State, Foreign Operations, and Related Programs didn't included funds for the climate program.

The Obama administration, over objections of the Republican-led Congress, sent a total of $1 billion to the climate fund, which was created by developed nations to encourage poorer, developing nations to sign on to a global climate change accord reached in Paris in 2015.

EPA Lines Up Five Problematic Chemicals for Regulation

Posted September 07, 2017, 02:58 P.M. ET

By Pat Rizzuto

The EPA has identified the ways five particularly problematic chemicals continue to end up in plastics, rubber, wiring and other products as it prepares to limit their health risks.

All five chemicals are fast-tracked for regulation because of their tendencies to persist in the environment, accumulate up the food chain, and due to their toxicity—a class of chemicals known as "PBTs."

These PBT characteristics have prompted many industrialized countries to limit their uses or ban them outright.

Companies also have voluntarily phased out production of some of the compounds, but some are inadvertent byproducts of chemical manufacturing. And substitutes may not be available for some uses.

The Environmental Protection Agency's work was triggered by the 2016 amendments to the primary U.S. chemicals law, the Toxic Substances Control Act. The amendments required the EPA to propose—no later than June 19, 2019—a regulation to reduce risks and exposures from persistent, bioaccumulative and toxic chemicals. The risks and exposures must be reduced "to the extent practicable," the amended law said.

The agency must issue a final rule no more than 18 months after it's been proposed.

Manufacturers

Akzo Nobel N.V., for example, has told the EPA it made or imported one of the five chemicals—phenol, isopropylated, phosphate (3:1)—in 2012, 2013, 2014 and 2015. This particular phenol is used as a flame retardant, lubricant, hydraulic fluid, and for other industrial purposes, according to EPA information.

Akzo Nobel reviewed its uses of that phenol in 2015 and restricted it to only those applications where substitutes aren't available and the use is proven safe, Andrew Wood, senior spokesman, told Bloomberg BNA.

Other chemical manufacturers that made or imported one or more of the PBT compounds include Albemarle Corp., ICL North America, Lanxess, the SI Group, Inc., and Shell Chemicals, the petrochemicals arm of Royal Dutch Shell.

Chemicals

During a Sept. 7 webinar, EPA staff is scheduled to describe the agency's plans to figure out the extent to which the five chemicals are still in use or in products, and the amount of them that may end up in people's bodies or in the environment. The five chemicals and the uses the EPA has identified are:

• decabromodiphenyl ethers (DecaBDE; CAS No. 1163-19-5), a flame retardant for textiles, plastics, wiring insulation, and building and construction materials,

• hexachlorobutadiene (HCBD; CAS No. 87-68-3), used as a solvent to make rubber compounds and as hydraulic, heat transfer, or transformer fluid,

• pentachlorothiophenol (PCTP; CAS 133-49-3), used to make rubber more pliable for industrial uses,

• phenol, isopropylated, phosphate (3:1; CAS No. 68937-41-7), a flame retardant in consumer products and also used as a lubricant, hydraulic fluid, and for other industrial purposes, and

• 2,4,6-tris(tert-butyl) phenol (CAS No. 732-26-3), an antioxidant that can be used as fuel, oil, gasoline, or lubricant additive.

Production Volumes

The national aggregate production volume—which includes importation—of decaBDE dropped between 2012 and 2015 due to a voluntary phase-out to which several major manufacturers agreed. It dropped from a range of 10 million and 50 million pounds in 2012 to less than 25,000 pounds in 2015.

The total production of phenol, isopropylated, phosphate (3:1) remained at a range between one million and 10 million pounds all four years, according to information its manufacturers provided the EPA.

The EPA withheld the production and/or importation volumes of two of the chemicals—PCTP and 2,4,6-tris(tert-butyl) phenol—because so few companies made or imported them that releasing the production volume could reveal proprietary information.

No company reported making or importing HCBD. The countries that have adopted the Stockholm Convention on Persistent Organic Pollutants agreed in May to reduce the unintentional release of that chemical, which is a byproduct of the production of solvents such as perchloroethylene, trichloroethylene, and carbon tetrachloride. HCBD also is used to make rubber, chlorofluorocarbons, lubricants, and may be used to recover chlorine gas chlorine production plants, according to EPA information.

Interior Nominee Says He Wants Collaboration, Streamlining

Posted September 07, 2017, 02:10 P.M. ET

By Alan Kovski

A nominee for a top regulatory role managing energy and other federal lands' resources promised senators Sept. 7 he would collaborate with state, local, tribal, private and environmental advocacy interests to smooth out land management policies.

Joseph Balash, nominated to be an Interior Department assistant secretary, referred frequently to his experience as a state regulator as he testified at his nomination hearing before the Senate Energy and Natural Resources Committee.

While working at the Alaska Department of Natural Resources, a state backlog of applications for work on federal lands was reduced by more than 50 percent after studies to identify the problems, he said.

No one opposed Balash at the nomination hearing. The committee will vote later on his nomination after more vetting through conversations and document reviews. The position requires Senate approval.

If Balash is confirmed as assistant secretary for land and minerals management, he will oversee the Bureau of Land Management, the Bureau of Ocean Energy Management, the Bureau of Safety and Environmental Enforcement, and the Office of Surface Mining, Reclamation and Enforcement.

Energy Regulator Nominees Back Technology-Neutral Stance

Posted September 07, 2017, 02:24 P.M. ET

By Rebecca Kern

Republican and Democratic nominees for the Federal Energy Regulatory Commission agreed that the agency should be technology neutral when it comes to regulating electric power generation, differing from a pro-coal stance of the current FERC chairman.

"FERC is not an entity whose role includes choosing fuels for the generation of electricity," Kevin McIntyre, who was nominated for a Republican commissioner seat, said at a Sept. 7 Senate Energy and Natural Resources Committee confirmation hearing. McIntyre, who was also nominated to serve as chairman of the commission, is currently an attorney in the Washington offices of the Jones Day law firm.

Richard Glick, who has been nominated to fill a Democratic commissioner seat, also said "FERC doesn't have authority to prop up technologies." Glick is currently a Democratic general counsel for the committee.

The comments contrast with commentary from those made by Neil Chatterjee, the agency's temporary chairman, in an Aug. 14 FERC podcast. Chatterjee, the former energy aide for Senate Majority Leader Mitch McConnell, said that coal-fired power plants are a crucial part of America's energy mix that needed to be "properly compensated to recognize the value they provide."

Committee Chairman Sen. Lisa Murkowski (R-Alaska) told reporters after the hearing that she wants to hold a vote on the nominees by late next week. If the two nominees are confirmed by the Senate, it will bring FERC back to a full panel of five commissioners.

"It is my intention to urge my colleagues to get their questions in and to ask you to be rapid with your responses so that you can be moved through and so that you can get to work," Murkowski said during the hearing.

Trump's Trade Barrier Push Threatens U.S. Energy Profits, Critics Say

Posted September 07, 2017, 11:35 A.M. ET

By Brian Dabbs

Trade expansion poses the biggest potential boon to U.S. energy companies, yet the Trump administration's rhetoric threatens that prospect, said several speakers at an event to discuss NAFTA renegotiations.

President Donald Trump has so far chosen to prop up the U.S. oil and gas industry by rolling back environmental regulations, but that rollback will only save energy behemoths like ExxonMobil Corp., Chevron Corp., "pennies on the dollar," David Goldwyn, chairman of the Atlantic Council's Energy Advisory Group, said at the Sept. 7 event.

Trump's attacks on Mexico, typified by a call to build a border wall on Mexico's tab, may derail cross-border pipeline projects already underway, Jeff Schott, a trade specialist at the Peterson Institute for International Economics, said. In fact, the administration's pledge to crack down on free trade, typically regarded as duty-free trade, with Mexico and other countries, jeopardizes huge opportunities for U.S. companies, experts said.

"If there is any concern about some destabilization in the bilateral relationship, investors will pull back, slow down, or even reverse investments," Schott, who also advises the U.S. Trade Representative, said.

Renegotiating NAFTA

The U.S., Canada, and Mexico concluded Sept. 5 the second round of North American Free Trade Agreement renegotiations in Mexico City. Top trade officials from the three countries are now

scheduled to meet for a third round in Ottawa at the end of this month.

At the outset of negotiations in mid-August, Robert Lighthizer, the U.S. trade representative, said the U.S. aims to improve trilateral energy relations, but didn't elaborate on ways to achieve that.

Mexico was virtually excluded from energy negotiations in NAFTA, which entered into effect in 1994. Mexico's Constitution prevented foreign development of domestic resources, but sweeping constitutional changes in 2013 ended the state-owned Mexican fossil fuel company Petróleos Mexicanos' (Pemex) 75-year monopoly in the energy sector.

And in early December 2016, Mexico awarded deepwater development rights to Chevron, Exxon Mobil, Total SA, and China-owned CNOOC Ltd. in its competitive oil auction.

The preservation of that access is a top priority for U.S. companies, Rep. Michael McCaul (R-Texas) told Bloomberg BNA after speaking at the event, sponsored by the Atlantic Council, a Washington-based think tank that focuses on international affairs. McCaul led a congressional delegation to Mexico in June.

EU Firm on Climate Pledges Despite U.S. Withdrawal From Pact

Posted September 07, 2017, 02:11 P.M. ET

By Stephen Gardner

Full implementation of the 2015 Paris climate accord should be advocated by the European Union at the forthcoming UN climate summit despite U.S. President Donald Trump's decision to pull out of the agreement, the European Parliament's environment committee decided Sept. 7.

The committee voted 54-0, with six abstentions, for a nonbinding resolution that sets out EU priorities for the Nov. 6-17 meeting in Bonn, Germany. Among its main goals, the EU should push for more climate funding to aid poorer countries and prepare for 2018 when a "facilitative dialogue" on countries' emissions reductions commitments will start, the resolution says.

At the 2018 dialogue, the parties to the Paris agreement will assess their progress in reducing greenhouse gas emissions and plan their next steps after 2020. The resolution says the EU should set an example by "revisiting its own mid- and long-term goals and policy instruments" as early as possible. The EU pledged in the Paris agreement to reduce its emissions 40 percent from 1990 levels by 2030.

Ulriikka Aarnio, international climate policy coordinator with the group Climate Action Network Europe, told Bloomberg BNA Sept. 7 the Bonn summit primarily would focus on technical preparations for the 2018 assessments, which would be a "first stocktake" of the success countries have had in reducing emissions to meet their goal of keeping global warming to within 2 degrees Celsius compared to pre-industrial levels.

A draft of the resolution ahead of the environment committee vote emphasized keeping the implementation of the Paris agreement on track and did not mention the U.S. decision to exit the agreement. However, an amendment to the resolution approved by lawmakers said that the U.S. decision was a "step backwards."

The U.S. withdrawal from the Paris Agreement does not take effect until 2020, and the country has

the right to participate as a party at the Bonn summit, Aarnio said. Negotiators from the rest of the world wanted to press ahead with implementation of their climate commitments, she said, and "no-one is really keen to discuss Trump and the U.S. situation any more."

The European Parliament will vote to make the resolution on the Bonn summit final during a plenary session Oct. 2-5.

Rising Chemical Export Requests Could Spur Delays, EU Agency Says

Posted September 07, 2017, 10:58 A.M. ET

By Stephen Gardner

The addition of new chemicals under an international export convention is challenging the European Chemicals Agency with a rising tide of export requests, potentially causing delays for chemicals companies.

According to the agency, the number of notifications—which chemicals exporters are required to submit under the European Union's Prior Informed Consent Regulation (PIC, Regulation (EU) 649/2012)—increased by 74 percent since 2014 to nearly 8,000 in 2016. The number of companies filing notifications rose from 390 to 1,177.

The export notifications are on the rise because new substances are being added to Annex I of the PIC Regulation and companies are becoming more aware of their obligations under the law.

"The expectation is that more chemicals will be added to Annex I," leading to a greater workload in the future, the agency said in a Sept. 6 statement to Bloomberg BNA.

Limited Staff

The agency said it has only seven full-time staff working on the implementation of the PIC Regulation and will request that EU institutions allocate additional resources when its budget for the 2018-2020 period is discussed.

Jasper Jansen, communications manager with Dutch chemicals company AkzoNobel, told Bloomberg BNA Sept. 6 that it was required to file notifications for exports of some hazardous substances and "overall, we are satisfied" with the system set up by the chemicals agency to handle the notifications.

European Chemicals Agency Director Geert Dancet said in a statement Sept. 6 that unless the agency received new resources, however, it "cannot guarantee the same level of quality as we have achieved so far."

When exporters want to export a listed chemical, they have to notify their national authority no later than 35 days before the export. The national authority then has 10 days to check the notification and pass it onto the EU chemicals agency. About 5 percent of these notifications are delivered late, according to the agency. ECHA then has 10 days to get in touch with the authority in the importing country to notify them of the export; about 1percent of these notifications are now running late.

According to a report it published Sept. 6, the agency has already experienced some delays in processing export notifications and passing them onto importing countries and with authorities in EU

member countries forwarding notifications to the European Chemicals Agency.

Annex Contains 200 Substances

The EU PIC Regulation implements the Rotterdam Convention on the PIC Procedure for Certain Hazardous Chemicals and Pesticides in International Trade in the bloc, which seeks to ensure that companies only export certain hazardous substances to countries that have previously consented to their import.

The regulation's Annex I contains 200 substances for which consent must be sought from authorities in the importing country, or for which an export notification must be filed with the European Chemicals Agency.

According to the chemicals agency's website, the greatest number of notifications for exports out of the EU are submitted for chloroform, benzene and 1,2-dichloroethane, which is used in applications such as the production of polymers, pharmaceuticals, and pesticides.

Companies that manufacture the substances in the EU include AkzoNobel and Germany's BASF. BASF told Bloomberg BNA Sept. 6 it was unable to comment on the PIC export notification procedure.

The U.S. signed the Rotterdam, or PIC, Convention, but never ratified it. Since 157 countries and regions are parties to the treaty, however, U.S. chemical and pesticide manufacturers exporting to those parts of the world must comply.

—With assistance from Pat Rizzuto.

Brazil's Rattled Wind Power Supply Chain Looks Ahead

Posted September 07, 2017, 01:35 P.M. ET

By Michael Kepp

Suppliers in Brazil are hoping the upcoming energy auctions will kick-start a jittery wind-power sector that's trying to deal with the country's worst recession in decades, officials from several companies told Bloomberg BNA.

Brazil is home to six major foreign and local turbines makers in addition to hundreds of equipment component suppliers. Most had set up shop after the government began holding energy auctions in late 2009, signaling the push for wind power in Brazil.

During the past two years, however, a prolonged national recession has haunted Brazil, the world's ninth largest wind market in installed capacity. This in turn has caused ripple effects for those in the supply chain that produce and distribute the parts and pieces for wind power equipment.

"WEG's component suppliers, dependent on a constant flow of orders, have maintained investments to supply us and we've guaranteed them a minimum of orders to keep them afloat," said Joao Paulo Gualberto da Silva, wind power director for WEG Energy S.A., a local equipment maker. "But we've also told them to tighten their seat belts for the next two years."

Gaulberto da Silva cited other supply-chain hurdles, including transportation bottlenecks and the

need for Brazil's Development Bank "to fine-tune" the eligibility conditions for wind farm developers wanting low-cost government financing.

"Specialized trailers for hauling wind turbine blades have a 5-meter lateral width which, in Brazil, means that, besides hiring a private escort, they also need a federal police escort," Gualberto da Silva told Bloomberg BNA. "And from mid-July to mid-August this year, the federal police ran out of money to pay for such escorts, which caused delays in delivering our wind equipment orders."

Eager for Auctions

The country has not held an auction for future wind power since December 2015 and has scheduled two end-year energy auctions, both of which will sell wind power. One auction will be held Dec. 18 and the other Dec. 20. Supply chain companies like German equipment supplier Wobben welcomed the auction news since it means wind farm developers that win future supply contracts likely will place equipment orders.

"I'm fairly optimistic about the next future wind auctions because the wind sector has experienced repressed demand for the last three or four years," said Julio Cesar Pinheiro Goes, purchasing director in Brazil for Nordex SE, a German wind turbine maker. "This recession is temporary because the market runs in cycles. We'll survive this moment."

But Rogerio Zampronha, president of the Brazilian arm of Denmark's Vestas Wind Systems A/S, the world's biggest wind turbine maker, said, "A lack of economic predictability in Brazil makes life difficult for wind equipment suppliers here. We need some [government] guarantee that there will be wind auctions each year."

Rosana Santos, product and strategy marketing director in Brazil for General Electric, one of the country's biggest wind turbine makers, had a more optimistic outlook on the supply chain. "Brazil needs to auction between 2,000 and 2,500 megawatts of wind power a year to maintain a healthy supply chain. And because of repressed demand, I'm hoping that at the two December auctions developers sell from 1,500 megawatts to 2,000 megawatts of future wind power," she told Bloomberg BNA.

China Proposes First Public Pollution Disclosure Requirement

Posted September 07, 2017, 6:51 A.M. ET

By Michael Standaert

China's major manufacturers for the first time would have to publicly disclose emissions of sulfur dioxide, nitrogen oxides, and other nationally regulated pollutants under a proposal by the Ministry of Environmental Protection.

The proposal—which also calls for the creation of a searchable database of manufacturers and pollutants—represents a major step toward improving the information companies must share, one of the leading advocates for environmental transparency told Bloomberg BNA.

"Government disclosure of pollution information [such as air and water quality] has made great progress, but when it comes to corporate disclosure, it has been far from satisfactory," Ma Jun, director of the Institute of Public and Environmental Affairs, a nonprofit group which publishes a pollution map tracking water and air pollution data across China, told Bloomberg BNA.

The proposal requires the reporting from major sources of pollution such as iron and steel manufacturers, coal-fired power plants and cement and textile plants.

These companies now have to report their pollution to the government, but there's currently no requirement to make that information available to the public. Under the proposed plan, major sources of pollution would have to release information publicly about their pollution and detail efforts to implement pollution prevention and control.

"Assuming that this becomes real, it will encourage companies to pollute less and to be more careful," said Dan Harris, managing partner of the law firm Harris Bricken LLP, whose specialties include international and corporate law. "I am guessing there will be many western companies that will be more careful in choosing their suppliers based on this."

Foreign companies in many cases release environmental responsibility reports with emissions reports and other environmental data about their supply chains. They could suffer harm to their reputations from association with heavily polluting suppliers.

A public comment period on the draft will continue until Sept. 18. China gave no indication when the proposal could be implemented.

The U.S.-China Business Council declined to comment, saying it did not have sufficient detail on the proposal. The American Chamber of Commerce in China did not respond to requests for comment.

China Eyes 707 Megawatts of Pilot Wind Farms Free of Subsidies

Posted September 07, 2017, 8:07 A.M. ET

By Bloomberg News

China, the world's biggest clean-energy investor, selected 707 megawatts of wind power pilot projects that will receive the same subsidy-free payment for electricity as coal plants.

The projects are in the Chinese regions of Hebei, Heilongjiang, Gansu, Ningxia and Xinjiang, according to a Wednesday statement on the National Energy Administration's website.

Project developers won't receive renewable energy certificates for the electricity they generate, which will only be consumed in places where it's produced.

The move is part of the nation's efforts to push wind power's costs down to parity with coal. China currently subsidizes the portion that renewable power prices exceed that of coal.

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Rare Earth Metals Electrified by China's Illegal Mining Clean-Up

Posted September 07, 2017, 8:00 A.M. ET

By Bloomberg News

Rare earth metals are booming again as a clampdown on wildcat miners in China crimps supply in the world's biggest producer, while the clean energy boom bolsters their use in everything from

electric vehicles to wind turbines.

Prices for "light" rare earths, including neodymium and praseodymium, have exploded in recent months as traders and consumers snap up material that's becoming scarcer. China's shutting down illegal producers as the industry is swept up in the same kind of government clampdowns that have shaken other metals markets in 2017. Among many other applications, the elements are needed to make magnets used in motors and turbines.

"The prices of light rare earths still have upside for the longer term," Alice Mu, a Beijing-based analyst at researcher Argus Metals, said via Wechat message. "There are shortages emerging from the supply side as China's government shuts down illegal mines, purchases for state reserves, and implements tighter environmental policies."

China, which produces more than 80 percent of the world's rare earths, is clamping down on mining as part of a campaign to tackle pollution and tighten control of its massive industrial complex. Measures to curb production have already driven up prices of aluminum and steel and now rare earths are feeling the heat just as demand accelerates.

Praseodymium-neodymium oxide, a raw material for the metal, has almost doubled this year, according to Shanghai Steelhome E-Commerce Ltd. Neodymium surged by nearly a third in August alone and is up 81 percent in 2017. Demand for some rare earths may exceed supply in the second half after the crackdown on illegal mines, Ma Rongzhang, secretary-general of the China Rare Earth Industry Association said, according to a Shanghai Securities News report last week.

Electric Revolution

The rare earths join once-niche metals including lithium and cobalt as beneficiaries of rapid growth in the electric vehicle industry and renewable energy.

Global sales of electric vehicles increased by 55 percent last year to 695,000, primarily driven by China, according to Bloomberg New Energy Finance. While that's a tiny fraction of the world total, they'll account for more than half of new sales by 2040 when a third of all cars on the road will be electric-powered, BNEF forecasts.

Usage of magnetic rare earths in such vehicles is expected to grow from about 2,000 metric tons last year to 7,000 tons by 2020 and 12,000 tons by 2024, according to a presentation dated last month from Lynas Corp., the biggest rare earths miner outside China. Its shares are up 160 percent this year.

Growth in demand for wind turbines will double usage of the metals to 4,000 tons by 2024, according to Lynas. BNEF forecasts that onshore wind power will account for a quarter of all new power generating capacity additions globally over the next 23 years.

The last time rare earth prices spiked was in 2010-2011, when China triggered fears of a global shortage by restricting its exports. Prices eventually slumped as manufacturers turned to alternatives. The World Trade Organization subsequently ruled in favor of a U.S. complaint that China violated trade rules.

Similar to China's major steelmakers, which are benefiting from the clampdown on smaller rivals, the nation's chief state-owned rare earths producers are enjoying a strong year. China Northern Rare Earth Group High-Tech Co., the biggest, is up 53 percent this year, while China Minmetals Rare Earths Co. is up 27 percent.

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Chilean Court Order on Wetlands Impacts May Shut Kinross Mine

Posted September 07, 2017, 03:15 P.M. ET

By Tom Azzopardi

The future of Kinross Gold's mining operations in northern Chile could depend on whether the Canadian company successfully appeals a court decision limiting the amount of water it can extract from wells near sensitive wetlands.

The Second Environmental Court based in Santiago upheld the limits Sept. 1 imposed last year by Chile's environmental regulator Superintendencia del Medio Ambiente (SMA) after finding that water extracted by Kinross subsidiary Compañía Minera Maricunga (CMM) had caused the water table in the Pantanillo-Ciénaga Redonda basin to fall. The drop is blamed for drying up at least 70 hectares of the Negro Francisco and Laguna Santa Rosa Lake Complex.

The wetlands site—listed under the 1971 Ramsar Convention on Wetlands of International Importance—is used as a breeding ground by rare species of Andean flamingos and other birds.

The court's orders forced Kinross to bring forward plans to mothball its Maricunga mine, which relies on the wells for water, by ceasing active operations to August last year, leading to the loss of 300 jobs.

In a Sept. 5 statement to Bloomberg BNA, the company said that it "vigorously disagrees with the ruling and is assessing its options, including a potential appeal to the Chilean Supreme Court." It blames the drop in water levels on a regional drought.

Water is a sensitive issue in arid northern Chile—home to the bulk of the country's mines—and the industry is turning increasingly to the Pacific Ocean for its water. But the pumping and desalination involved is expensive, especially for mines such as Maricunga which is located over 4,000 meters above sea level in the Andean Altiplano.

SMA head Cristian Franz said Sept. 4 that the environment court's ruling "ratifies the responsible, serious and objective actions of [the SMA] in recent years…in the overwhelming majority of cases, these courts have supported our decisions."

But Kinross hinted that it saw room for an appeal based on science as the court had approved SMA's orders on "purely procedural grounds."

"In its ruling, the Tribunal did not reach any conclusions relating to alleged wetlands impacts due to CMM's groundwater pumping, including detailed technical reports submitted by CMM showing a lack of such impacts," the company said.

Since halting operations at Maricunga, Kinross has been assessing its plans for the mine, including a possible sale to a third party.

"Future plans for the site will depend on a variety of factors…we continue to keep our options open," the company said.

South Korea Pours Millions Into Building Solar Panels on Landfills

Posted September 07, 2017, 9:36 A.M. ET

By Elaine Ramirez

Landfills are not just for garbage anymore. At least not in South Korea where the government and a landfill operator are coordinating to place solar power facilities at four disposal sites.

South Korea plans to install enough solar power generation facilities to supply 80,000 households by 2021 with a 390.3 billion won ($344.2 million) infrastructure project as the new Moon Jae-in government aims to transform the power matrix into 20 percent renewable energy by 2030.

"The metropolitan area is playing a leading role in realizing a resource recycling society through the expansion of energy facilities," Kim Dong-jin, director of resource circulation at the Ministry of Environment, said in the statement. "We plan to develop the landfill as a new renewable energy mecca and as a success model for responding to the new climate era."

The three-phase project to construct 250 megawatts of solar power generation facilities over four landfills in Incheon, west of capital Seoul, is expected to become a "win-win model" of mutual profit between metropolitan landfill management, local governments, power generation companies, foreign investors, and local residents, the ministry said in a Sept. 4 statement.

The initial stage of the project, to produce a 10-megawatt capacity facility, which was approved last month, is being produced by a consortium of Thai investor Pea Encom, Hong Kong investor NWS Group, Landfill Site Management Corp., Korea Western Power, Korea Southern Power, LG Serveone, Seoul Energy Corporation, Incheon U-City, and some local residents, Park Sang-cheol, deputy director of the ministry's waste-to-energy division resource circulation bureau, told Bloomberg BNA on Sept. 6.

The plan, he said, "is finalized in the sense that 250 megawatts will be achieved by 2021, but specific investors and details are yet to be decided."

The solar power produced will be mainly used for commercial sale and facility operations, Park said.

New Energy Paradigm

President Moon Jae-in, who entered office in May, has maintained South Korea's commitments to the Paris climate accord of lowering emissions by 37 percent of business-as-usual levels by 2030. He has also vowed to phase out nuclear and coal plants, and replace them with clean energy to create a renewable energy supply of 20 percent of total power, up from 6.6 percent as of 2015, according to Korea Energy Agency data. Solar power contributes about 10.7 percent of the country's renewable energy, according to 2015 data.

South Korea plans to expand the supply of renewable energy such as biogas, landfill gas, and solar power by turning waste and idle sites in the metropolitan area into renewable energy hubs, the environment ministry said.

Suk Chan-woo, sales manager for local wind and solar device producer Eco Power, said demand for solar power facilities this year is similar to last year's but is expected to increase.

"Of course the policy will work positively for the industry," he told Bloomberg BNA on Sept. 6. "We are planning on increasing production, but not just yet as nothing is finalized [with contracts]."

Seok Sang-Il, energy and chemical engineering professor at South Korea's Ulsan National Institute of Science and Technology, said as long as solar energy was not to much more expensive than power generated by state-run Korea Electric Power Corp. and didn't cause a public inconvenience, it's a good way to boost the country's renewable energy matrix.

Hydro power faces constraints in water storage and dam construction, while the wind in the country does not blow in the right direction for efficient power generation, he noted.

"Once you exclude all of these, solar energy is the alternative in the end," he said.

"There is a lot of unused land [at landfills] so the proportion of renewable energy used can increase greatly" with the solar facility installations, he added.

But Seok said this project alone wouldn't be enough to help South Korea reach its 20 percent renewable energy goal, since the amount of waste is fixed along with the amount of energy that can be taken from it.

"The government is trying to increase the solar and wind power so that will play a major role in reaching the rate" of the 20 percent renewable energy goal, he said.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Mon 8/14/2017 10:23:58 PM
Subject: Today on Climate Beat

August 14, 2017

Today on Climate Beat . . .

. . . we went to court, where the Sierra Club has filed a Freedom of Information Act suit to obtain communications from the Department of Energy (DOE) with third-party groups, including fossil fuel groups, about the development of DOE's much-anticipated electric grid study.

Out in the West, the U.S. Court of Appeals for the 9th Circuit is set to schedule a November oral argument to consider the oil industry's challenge to Oregon's low-carbon fuel standard (LCFS), which if successful could lead the Supreme Court to review an earlier ruling by the circuit court that upheld California's LCFS.

And over at EPA, our daily news roundup looked at a report that EPA Administrator Scott Pruitt is doing much of his work to roll back major Obama-era climate and other environmental regulations in secret, with the help of a small group of political appointees.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 8/30/2017 8:14:34 PM
Subject: Aug. 30 -- Energy and Climate Report - Afternoon Briefing



Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Refineries' Toxic Gas | Harvey Damage | EPA Economic Reviews

Posted August 30, 2017, 7:01 A.M. ET

By Chuck McCutcheon

Houston's hazardous air pollution has spiked as Hurricane Harvey shuts down refineries and petrochemical complexes.

Emergency shutdowns released more than 2 million pounds of harmful pollutants into the air, according to initial reports to Texas regulators.

Affected Houston-areas refineries include ExxonMobil's sprawling Baytown complex, as well as refineries run by Chevron-Phillips, Petrobas, Royal Dutch Shell. It also includes the shutdown of Motiva Enterprises' Port Arthur facility—the nation's largest crude oil refinery.

While the shutdowns may be necessary from a safety perspective, shutting down boilers and other equipment can produce significant amounts of air pollution. Chevron Phillips reported to Texas' Commission on Environmental Quality that the company expects to exceed permitted limits for several hazardous pollutants, such as 1,3-butadiene, benzene, and ethylene, during shutdown procedures.

Energy-Incident Response Headaches

Harvey also is taxing the various government responses to damaged energy infrastructure.

A 14-inch pipeline in La Porte, Texas, spewed a toxic gas for several hours—just one of the infrastructure incidents challenging regulators as Harvey dumps record-breaking rain on the state. The Texas Commission on Environmental Quality is monitoring oil, gas, and other facilities reporting spills and giving technical guidance to wastewater operators in flood-impacted areas. And the Pipeline and Hazardous Materials Safety Administration is working with pipeline operators to give them better views of the integrity of their facilities.

Model Lacks Clarity: EPA Advisers

Economic modeling can be confusing—even to EPA's Science Advisory Board.

Its members told the EPA that the agency model for evaluating broad economic costs and benefits of air pollution regulations isn't clear enough to help the public. The analysis is intended to help utilities, industries, and policymakers determine the effects of federal regulations on factors like energy prices and employment.

Board members who met Aug. 29 to discuss their draft report on EPA's draft economy-wide model asked for clarifications and transparency on the model's shortcomings.

What Else?

• "Garbage juice:" North Carolina lawmakers schedule a Wednesday veto-override vote to allow landfill operators to spray leachate and wastewater into the air to manage solid waste.

• Wisconsin's top environmental regulator is joining EPA's regional leadership team in Kansas.

• Duke Energy could add 700 megawatts of solar-power capacity to Florida's grid by 2021 and stop billing customers for a halted nuclear project under a plan filed with state regulators.

• Post-Harvey, federal and state leaders should pause to make sure money being spent will help prevent future damage, analysts say.

Today's Events

• Noon | Women in Green forum | How women impact the environmental industry

• 2 p.m. | EPA webinar | How drought and other environmental concerns affect global water quantity and quality

• 3 p.m. | World Resources Institute report | Helping Asia's poorest people access water pollution information

Quote of the Day

"This is a tremendously costly endeavor, and that's why we haven't done it already." — Peter Wilcoxen, head of an EPA Science Advisory Board panel, on finishing a draft report on modeling the economic impacts of regulation.

From Our Inbox

• A list of Harvey resources compiled by the Association of Air Pollution Control Agencies.

• Governments and business may face more lawsuits for failing to prevent damage from floods, heat waves, and other climate change risks, a commentary published in Nature says.

• A Massachusetts company using ammonia in its refrigeration system is now complying with federal laws, EPA announces.

All About: EPA Gasoline Waivers

The EPA is temporarily relaxing various environmental regulations to pave the way for more gasoline availability in crisis-struck Gulf states. That's because gasoline is needed to offset shortages tied to oil refinery shutdowns and flooding, the agency and governors in Texas and Louisiana say.

But the move is leaving biofuel producers confused.

Administrator Scott Pruitt in recent days gave the go-ahead to gas stations in parts of Texas and Louisiana to sell fuel that breaks environmental rules on smog prevention. Those rules involve arcane regulations on the Reid Vapor Pressure (RVP) of gas—which is used to measure ozone threats—and a type of refinement that limits pollutant emissions.

Pruitt, however, isn't allowing sales of gasoline containing 15 percent ethanol (E15), which is banned from sale in the summer months over RVP concerns. That issue has drawn the most attention to the RVP metric in recent years.

"The waivers issued don't do anything to allow expanded E15 blending," Renewable Fuels Association Executive Vice President Geoff Cooper said in a statement. Cooper said the waiver will allow sales of gasoline without any ethanol, a move that he said "seems odd."

The renewable fuel standard requires biofuel blending into gasoline, and now most gasoline sold nationwide contains 10 percent ethanol.

Pruitt also lifted gasoline requirements for 13 Atlanta-area counties. An agency spokesperson said EPA "is ready to act expeditiously" if extreme and unusual supply problems occur elsewhere.

Around the Web

WashPost | Flooding has killed more than 1,000 people in Sierra Leone and South Asia.

Popular Science | Where will all the Harvey floodwater go?

NYT | Making, selling, or importing plastic bags in Kenya can now land you up to four years in jail.

Harvard Business Review | How the insurance industry can influence climate-change planning.

—With assistance from Brian Dabbs.

Maryland Wants to Muck Out Exelon Dam to Save Chesapeake Bay

Posted August 30, 2017, 8:00 A.M. ET

By Leslie A. Pappas

One "big and dirty flush" from a Maryland dam could wipe out decades of efforts to clean up the Chesapeake Bay.

The Conowingo Dam on the Susquehanna River, a hydroelectric power station owned by Chicago-based Exelon Corp., is no longer blocking pollution from contaminating the Chesapeake Bay, and Maryland is pushing a $3.9 million plan to start dredging the backed up muck to protect the estuary.

"The sediment has value, but it doesn't have value if it's leaking through the dam into the Chesapeake Bay," Maryland's Secretary of the Environment Ben Grumbles told Bloomberg BNA. "Pollution prevention is the key."

Maryland Aug. 31 is expected to solicit plans to dredge 25,000 cubic yards of the nearly 200 million tons of sediment trapped by the dam as part of a pilot program to reduce pollution. But the program is only the start given that 2 million to 3 million cubic yards of sediment accumulates each year, Roy McGrath, director of the Maryland Environmental Service, told Bloomberg BNA.

While the dredging is only a small step, Grumbles said it's one piece of a "holistic strategy" to restore and protect the Chesapeake Bay.

Dredging could buy Maryland the time it needs to look at steps to reduce upstream pollution that eventually flows into the bay. But removing the 31 million cubic yards of sediment needed to restore the reservoir to 1996 levels would cost nearly $3 billion, the U.S. Army Corps of Engineers estimated, with another 3 million cubic yards of sediment dredged each year at a cost of $267 million annually.

"We all need to continue pollution prevention efforts upstream," Grumbles said.

Exelon Won't Fund Dredging

Exelon Generation Co. LLC agrees the problem is upstream pollution, and the company has balked at paying for the dredging operation. Exelon has spent about $7.8 million studying the issue since 2010, company spokeswoman Deena O'Brien told Bloomberg BNA in an emailed statement. The company found 70 percent to 80 percent of the sediment that washes into the bay during storms comes from upstream sources, and not from the Conowingo Pond.

Maryland has pushed the power company to contribute more to the dredging solution, even threatening to block the company's bid to renew a license from the Federal Energy Regulatory Commission to operate the dam.

"Exelon Generation believes protecting the vitality of the Chesapeake Bay is a multi-stakeholder, multi-state issue," O'Brien said.

The company "will support" Maryland's plan to solicit dredging bids though it will not play a formal role, she said.

Diminished Dam Could Drive New Standards

The dam has reached "dynamic equilibrium," according to a 2016 report Maryland issued with the U.S. Army Corps of Engineers. Dynamic equilibrium means that over time, the same amount of pollution and sediment flowing into the Conowingo reservoir is also flowing out. That diminished storage capacity means that a million more pounds of phosphorus from the Susquehanna will flow into the bay each year, Grumbles said.

"Some people are fixated on these extreme events," Donald F. Boesch, president of the University of Maryland Center for Environmental Science, which is studying the chemistry of sediment in the bay, told Bloomberg BNA, "but it's the year-to-year pollution that really matters."

That added pollution will make it even harder for Maryland to meet its goals under the Chesapeake Bay watershed cleanup plan, a pollution "diet" that aims to reduce levels of pollutants to certain federal standards by 2025. Maryland is one of six states and the District of Columbia that fall in the 64,000-square-mile watershed and must stay within federally mandated pollution discharge limits known as total maximum daily loads (TMDLs).

When Environmental Protection Agency first laid out those pollution limits in the 2010 Chesapeake Bay TMDL, the agency estimated the Conowingo trapped 55 percent of sediment, 2 percent of nitrogen, and 40 percent of phosphorus.

The EPA is conducting a midpoint assessment of nitrogen, phosphorus, and sediment levels in the bay to develop the next phase of cleanup, and the Conowingo's reduced capacity may force states to meet even more stringent pollution reduction targets.

Dredging's Value Questioned

While Maryland hopes the dredging plan will buy the time necessary to tackle upstream pollution, some researchers and groups involved in the bay cleanup question whether it is worth the cost.

Pollutants such as nitrogen are water soluble and will pass through the dam whether it gets dredged or not.

The 2016 sediment study by the U.S. Army Corps of Engineers concluded that nutrients from upstream "are a bigger threat to water quality than just the sediment," Sarah Gross, an Army Corps spokeswoman, told Bloomberg BNA in an email.

Dredging the Conowingo Dam "would result in only minor water quality improvements" to the Chesapeake Bay and "would be required regularly, if not annually, to achieve any net improvement," Gross said.

The Chesapeake Bay Foundation, an environmental group focused on the bay's health, argues that upstream states such as Pennsylvania and New York must do more to reduce nitrogen, phosphorus, and sediment runoff before it gets into the watershed in the first place.

Joel D. Blomquist, a hydrologist with the U.S. Geological Survey in Baltimore who has monitored sediment for 30 years, said scientists need to learn more about how sediment moves now that the dams have reached a dynamic equilibrium.

"There's legitimate debate around the question of needing to dredge," Blomquist told Bloomberg BNA. "We need to continue to decrease the amount of phosphorus and the amount of fine-grain sediments reaching the Chesapeake Bay," Blomquist said, but "there are multiple strategies to do that."

Xcel to Close Coal-Fired Units at Colorado Power Plant

Posted August 30, 2017, 02:44 P.M. ET

By Tripp Baltz

Xcel Energy Inc. plans to close two of its three coal-burning units at the Comanche Generating Station in Pueblo, Colo., as part of a group stipulation to pursue $2.5 billion in clean energy investments.

The company, in an Aug. 29 filing with the Colorado Public Utilities Commission, said the new generation projects will be identified and selected through a competitive process targeting a mix of utility and independent power producer-owned facilities. Portfolio estimates are up to 1,000

megawatts of wind, up to 700 megawatts of solar and up to 700 megawatts of natural gas, it said.

The filing with the commission was a provision with a coalition of 14 companies and groups to pursue $2.5 billion in clean energy investments in rural Colorado, the company said. The group of 14 includes the city of Boulder, Climax Molybdenum Co., the Colorado Energy Office, the Colorado Solar Energy Industries Association, the Colorado Building and Construction Trades Council and the Colorado Office of Consumer Counsel.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 8/11/2017 12:14:48 PM
Subject: Aug. 11 -- EHS State Regulatory Alert



EHS State Regulatory Alert

August 11, 2017 - Number 154

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Arkansas

PESTICIDES
Pesticide Enforcement Response/Dicamba Applications
Arkansas PESTICIDES

Emergency rule of the State Plant Board amends pesticide enforcement response regulations. The rule increases the maximum civil penalty to $25,000 for egregious violations from applications of dicamba, an auxin-containing herbicide, or any new herbicide technology released that results in significant off-target crop damage. The rule also defines "auxin pesticides," "egregious violation," "off-target," "off-target crop damage," and "damage." The rule is effective Aug. 1, 2017, and expires Nov. 29, 2017. Contact: Susie Nichols; SPB, Pesticide Division; 501-225-1598; Susie.Nichols@aspb.ar.gov

—Arkansas Register (08/09/2017)

Regulatory Update

California

GENERAL ENVIRONMENT AND SAFETY
California Capital Access Program/On-Road Heavy-Duty Vehicle Air Quality Loan Program
California GENERAL ENVIRONMENT AND SAFETY

Emergency rule of the Pollution Control Financing Authority amends regulations under 4 CCR 8070 through 8078.3 (nonconsecutive), adopts regulations under 4 CCR 8078.22 through 8078.35, and repeals regulations under 4 CCR 8078.1 and 8078.2 regarding the California Capital Access Program (CalCAP) small business loan program. The program authorizes the PCFA to contract with specified financial institutions to make loans to eligible small businesses that may have difficulty obtaining capital. The rule revises definitions and program requirements, adds a recapture mechanism to recycle older contributions to support future loan enrollments, and

removes outdated provisions. The rule also establishes the CalCAP Air Resources Board On-Road Heavy-Duty Vehicle Air Quality Loan Program to assist owners and operators of small fleets of heavy-duty diesel trucks in achieving early compliance with statewide truck and bus requirements to reduce diesel particulate matter emissions. The rule is effective Aug. 7, 2017, and expires Feb. 6, 2018. Contact: Bianca Smith; PCFA; 916-653-5408; bsmith@treasurer.ca.gov

—California Regulatory Notice Register (08/09/2017)

Regulatory Update

California Regions

AIR
Flares
California Regions AIR

Notice of the San Joaquin Valley Air Pollution Control District announces a meeting on a proposal to amend Rule 4311 regarding limits on emissions of volatile organic compounds, nitrogen oxides (NOx), and sulfur oxides from the operation of flares. The district committed in its 2016 plan for the 2008 8-hour ozone NAAQS to amend Rule 4311 to include ultra-low NOx flare emission limitations for existing and new flaring activities and to include additional flare minimization requirements to the extent that they are technologically achievable and economically feasible. The meeting is scheduled for Aug. 23, 2017, in Bakersfield and via teleconference in Fresno and Modesto. A comment due date is not specified. Contact: San Joaquin Valley APCD; 559-230-6000

—California RegionsRegulations (08/10/2017)

Regulatory Update

AIR
Ozone SIP
California Regions AIR

Notice of the Imperial County Air Pollution Control District announces a hearing regarding the 2017 revision to the state implementation plan (SIP) for the eight-hour ozone NAAQS for the Imperial County moderate nonattainment area. The revision demonstrates that the county is in attainment of the standard but for emissions emanating across the international border with Mexico and that the county is expected to maintain attainment status through the July 20, 2018, attainment deadline. The hearing is scheduled for Sept. 12, 2017, in El Centro. A comment due date is not specified. Contact: Imperial County APCD; 442-265-1800

—California RegionsRegulations (08/10/2017)

Regulatory Update

Hawaii

HAZARDOUS WASTE MANAGEMENT
Hazardous Waste Management
Hawaii HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Health repeals and readopts regulations under HAR 11-260 through -280 as HAR 11-260.1 through -279.1 affecting businesses that generate or handle hazardous waste and used oil to incorporate federal hazardous waste management program standards. The rule addresses identifying and listing hazardous waste; hazardous waste transporters and generators; hazardous waste treatment, storage and disposal facilities; and standards for managing specific types of hazardous waste. The rule also addresses land disposal restrictions, the hazardous waste permit program, permit procedures, universal waste management standards, and standards for managing used oil. The rule is effective July 17, 2017. Contact: Steven Chang; DOH; 808-586-4226

—Hawaii Regulations (08/07/2017)

Regulatory Update

New Hampshire

HAZARDOUS MATERIALS TRANSPORTATION
Hazardous Materials Transportation
New Hampshire HAZARDOUS MATERIALS TRANSPORTATION

Proposed interim rule of the Department of Safety adopts regulations under NHAR Saf-C 601, 602, 603.03, 604, and 605 regarding hazardous materials transportation standards. The rule incorporates by reference federal standards under 10 CFR 71 and 73, 49 CFR 170 through 185, and 49 CFR 390 through 397. The rule addresses requirements for inspection of hazardous cargoes, reports, and tactical site supervision. The rule also addresses hazardous and radioactive incident and accident notification requirements. A comment due date is not specified. Contact: Keith Lohmann; Department of Safety; 603-223-3852; Keith.lohmann@dos.nh.gov

—New Hampshire Rulemaking Register (08/10/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Hazardous Waste Cleanup Fund
New Hampshire HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Services amends, adopts, and repeals regulations under NHAR Env-Hw 1000 regarding the Hazardous Waste Cleanup Fund. The rule defines categories of projects that may receive funding; clarifies application requirements; and adds a formula for calculating grant awards based on project types, population, and funds available. The rule also adds procedures for disbursement of grant awards upon the completion of eligible projects and clarifies various provisions. The rule is effective Aug. 14, 2017. Contact: Wendy Bonner; DES, Hazardous Waste Management Bureau; 603-271-2937; wendy.bonner@des.nh.gov

—New Hampshire Rulemaking Register (08/10/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Hazardous Waste Facilities
New Hampshire HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Services amends and adopts regulations under NHAR Env-Hw 701 through 709 regarding requirements for hazardous waste facility owners and operators. The rule updates requirements for notification, groundwater monitoring, manifest discrepancy, and rejecting shipments and adds procedures for responding to releases prior to cleanup plan approval. The rule also incorporates federal standards concerning land disposal, storage of military munitions, emergency responses involving military munitions, munitions landing off-range, import/export, and drip pads and containment buildings. The rule is effective Aug. 14, 2017. Contact: Wendy Bonner; DES, Hazardous Waste Management Bureau; 603-271-2937; wendy.bonner@des.nh.gov

—New Hampshire Rulemaking Register (08/10/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Hazardous Waste Generators
New Hampshire HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Services amends and adopts regulations under NHAR Env-Hw 501 through 515 regarding requirements for full-quantity and small-quantity hazardous waste generators. The rule clarifies documentation, notification, packaging, labeling, and storage requirements; clarifies generator classification calculations; and updates manifest requirements. The rule also adds procedures for responding to releases prior to cleanup plan approval. In addition, the rule incorporates federal standards and exemptions for responses to explosive or munitions emergencies, use of drip pads and containment buildings, land disposal, and import/export. Finally, the rule adds and updates recordkeeping and inspection requirements. The rule is effective Aug. 14, 2017. Contact: Wendy Bonner; DES, Hazardous Waste Management Bureau; 603-271-2937; wendy.bonner@des.nh.gov

—New Hampshire Rulemaking Register (08/10/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Hazardous Waste Land Disposal
New Hampshire HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Services adopts regulations under NHAR Env-Hw 1200 to incorporate federal standards under 40 CFR 268 for land disposal of hazardous waste. The rule adds provisions concerning treatment standards and alternative treatment standards, prohibitions on land disposal and storage, halogenated organic compounds, recommended technologies, and extraction procedures. The rule does not incorporate federal standards

concerning underground injection of hazardous wastes and federal exemptions for dilution of waste, tracking and testing requirements for small-quantity generators reclaiming waste, and the use of staging piles. The rule is effective Aug. 14, 2017. Contact: Wendy Bonner; DES, Hazardous Waste Management Bureau; 603-271-2937; wendy.bonner@des.nh.gov

—New Hampshire Rulemaking Register (08/10/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Hazardous Waste Management Facility Permits
New Hampshire HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Services amends regulations under NHAR Env-Hw 301 through 304 regarding hazardous waste management facility permits. The rule clarifies a federal permit exemption for responses to explosive or munitions emergencies, incorporates a federal recordkeeping requirement, and clarifies permit application requirements. The rule is effective Aug. 14, 2017. Contact: Wendy Bonner; DES, Hazardous Waste Management Bureau; 603-271-2937; wendy.bonner@des.nh.gov

—New Hampshire Rulemaking Register (08/10/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Hazardous Waste Recycling
New Hampshire HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Services amends and adopts regulations under NHAR Env-Hw 801 through 811 regarding hazardous waste recycling. The rule relocates certain exemptions, clarifies requirements for recycling waste without land disposal, and clarifies that the NH01 waste code is not to be used on manifests for used oil recycled out of state. The rule also incorporates references to federal standards for import/export requirements, recordkeeping, and land disposal. The rule is effective Aug. 14, 2017. Contact: Wendy Bonner; DES, Hazardous Waste Management Bureau; 603-271-2937; wendy.bonner@des.nh.gov

—New Hampshire Rulemaking Register (08/10/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Hazardous Waste Transportation
New Hampshire HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Services amends regulations under NHAR Env-Hw 601 through 610 regarding hazardous waste transportation requirements. The rule clarifies notification requirements and adds procedures for responding to releases prior to cleanup plan approval. The rule also incorporates a federal exemption for responses to explosive or munitions emergencies, references to federal import/export standards, and a federal exemption to manifest requirements when transporting military munitions. The rule is effective Aug. 14, 2017. Contact: Wendy Bonner; DES, Hazardous Waste Management Bureau; 603-271-2937;

wendy.bonner@des.nh.gov

—New Hampshire Rulemaking Register (08/10/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Hazardous Waste/Identification and Listing
New Hampshire HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Services amends regulations under NHAR Env-Hw 400 regarding identification and listing of hazardous wastes. The rule incorporates federal listings and exemptions for wood preserving wastes, mining waste mixtures, petroleum refining wastes, carbamate production wastes, organic and inorganic chemical manufacturing wastes, metal recovery wastes, hazardous debris treatment residues, dye and pigment production wastes, landfill leachate, and gas condensate. The rule also relocates exemptions for certain recycled wastes, removes the pharmaceutical waste exemption, exempts certain auto manufacturing sludges, and clarifies recordkeeping requirements. The rule is effective Aug. 14, 2017. Contact: Wendy Bonner; DES, Hazardous Waste Management Bureau; 603-271-2937; wendy.bonner@des.nh.gov

—New Hampshire Rulemaking Register (08/10/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Hazardous Waste/Inspection and Enforcement
New Hampshire HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Services amends regulations under NHAR Env-Hw 900 regarding hazardous waste inspections and enforcement. The rule clarifies inspection procedures for generator, treatment, storage, vehicles, and transfer and disposal facilities. The rule is effective Aug. 14, 2017. Contact: Wendy Bonner; DES, Hazardous Waste Management Bureau; 603-271-2937; wendy.bonner@des.nh.gov

—New Hampshire Rulemaking Register (08/10/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Hazardous Waste/Procedural Rules
New Hampshire HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Services readopts with amendments regulations under NHAR Env-Hw 201 through 206 and adopts regulations under NHAR Env-Hw 207 regarding hazardous waste procedural rules. The rule consolidates certification requirements and updates and clarifies provisions. The rule is effective Aug. 14, 2017. Contact: Wendy Bonner; DES, Hazardous Waste Management Bureau; 603-271-2937; wendy.bonner@des.nh.gov

—New Hampshire Rulemaking Register (08/10/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Hazardous Waste/Purpose, Applicability, and Definitions
New Hampshire HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Services amends, adopts, readopts, and repeals regulations under NHAR Env-Hw 100 regarding hazardous waste purpose, applicability, and definitions. The rule updates the applicability of various federal standards and relocates, clarifies, and removes various provisions. The rule also adds definitions of "containment building," "drip pad," "explosives or munitions emergency," "explosives or munitions emergency response," "explosives or munitions emergency response specialist," "household," "household hazardous waste," "land disposal," "military munitions," and "state-only waste." The rule is effective Aug. 14, 2017. Contact: Wendy Bonner; DES, Hazardous Waste Management Bureau; 603-271-2937; wendy.bonner@des.nh.gov

—New Hampshire Rulemaking Register (08/10/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Universal Waste Management
New Hampshire HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Services amends, readopts, and repeals regulations under NHAR Env-Hw 1101 through 1114 regarding universal waste management. The rule updates and clarifies standards for the generation, storage, transportation, and disposal of universal wastes, including batteries, pesticides, mercury-containing devices, lamps, cathode ray tubes, and antifreeze. The rule also incorporates federal standards for waste import and export. The rule is effective Aug, 14, 2017. Contact: Wendy Bonner; DES, Hazardous Waste Management Bureau; 603-271-2937; wendy.bonner@des.nh.gov

—New Hampshire Rulemaking Register (08/10/2017)

Regulatory Update

WATER
Alteration of Terrain
New Hampshire WATER

Final rule of the Department of Environmental Services amends regulations under NHAR Env-Wq 1501.02 through 1509.08 and adopts regulations under NHAR Env-Wq 1510.01 through .08 to update procedures and criteria for obtaining permits for activities that alter terrain and existing runoff conditions. The rule clarifies that the part applies to the development of undeveloped land or the redevelopment of previously developed land and establishes best management practices for blasting to minimize groundwater contamination. The rule also updates various application, notification, compliance, inspection, and management plan requirements and increases applicable fees. In addition, the rule updates various requirements concerning deeds, easements, and conveyances and modifies agency certification requirements. Finally, the rule establishes a new general permit-by-rule for temporary access/staging areas for work having a wetlands permit. The rule is effective Aug. 15, 2017. Contact: Ridge Mauck; DES; 603-271-2303;

Ridgely.Mauck@des.nh.go

—New Hampshire Rulemaking Register (08/10/2017)

Regulatory Update

New Jersey

AIR
Air Pollution Control, Procedures, and Penalties
New Jersey AIR

Proposed rule of the Department of Environmental Protection, Division of Air Quality, amends regulations under NJAC 7:27-8.1 through -22.35 (nonconsecutive) and :27A-3.10; adopts regulations under NJAC 7:27-17.9; and repeals regulations under NJAC 7:27-8 Appendix Table B, -16.26, -17.7, -19.24, -22 Appendix Table B, -30, and -31 concerning air emission control and permitting exemptions, hazardous air pollutant reporting thresholds, and Clean Air Interstate Rule nitrogen oxides (NOx) trading program and NOx budget trading program. The rule provides exemptions from air emission control and permitting requirements for volatile organic compounds (VOCs) and NOx and provides flexibility for facilities to use certain low-emitting temporary and portable equipment during and after natural and human-caused disasters. The rule also updates certain hazardous air pollutant reporting thresholds for source permits and removes caprolactam and methyl ethyl ketone from the list of hazardous air pollutants. In addition, the rule removes obsolete provisions concerning the CAIR NOx trading and budget programs to reflect federal requirements. A hearing is scheduled for Sept. 6, 2017, in Trenton. Comments are due Oct. 6, 2017. Contact: Alice Previte; DEP; 609-292-9398

—New Jersey Register (08/07/2017)

Regulatory Update

AIR
General Permit/Boilers and Heaters at Major Air Facilities
New Jersey AIR

Notice of the Department of Environmental Protection, Division of Air Quality, announces administrative changes to regulations under NJAC 7:27-22.14 and the availability of a new general operation permit (GOP-008) for boilers and/or heaters for major facilities. The permit allows for the construction, installation, reconstruction, modification, and operation of boilers and/or heaters with a maximum rated heat input to the burning chamber of greater than or equal to 5 million BTU per hour (mmBTU/hr) and less than 10 mmBTU/hr each. The administrative change is effective Aug. 7, 2017. Contact: DEP, Division of Air Quality; 609-633-8248

—New Jersey Register (08/07/2017)

Regulatory Update

AIR

General Permit/Boilers and Heaters at Minor Air Facilities
New Jersey AIR

Notice of the Department of Environmental Protection, Division of Air Quality, announces administrative changes to regulations under NJAC 7:27-8.8 and the availability of a new general permit (GP-018A) for boilers and/or heaters for minor facilities. The general permit allows for the construction, installation, reconstruction, modification, and operation of boilers and/or heaters with a maximum rated heat input to the burning chamber of greater than or equal to 5 million BTU per hour (mmBTU/hr) and less than 10 mmBTU/hr each. The administrative change, which replaces the current general permit (GP-018) for boilers or heaters each less than 10 mmBTU/hr, is effective Aug. 7, 2017. Contact: DEP, Bureau of Stationary Sources; 609-633-2829

—New Jersey Register (08/07/2017)

Regulatory Update

COASTAL ZONE
Coastal Zone Management
New Jersey COASTAL ZONE

Notice of the Department of Environmental Protection announces administrative corrections to regulations under NJAC 7:1E-1.8 through :38-5.3 (nonconsecutive) to update references to the previous coastal permit program and coastal zone management rules to reflect the current consolidated coastal zone management rules under NJAC 7:7. The rule updates references in the provisions for discharges of petroleum and other hazardous substances rules; the state register of historic places; the Freshwater Wetlands Protection Act; stormwater management; financial assistance programs for environmental infrastructure facilities; solid waste; the Green Acres program; and the Highlands Water Protection and Planning Act. The rule also updates an incorrect reference to the Freshwater Wetlands Protection Act in the register of historic places provisions. In addition, the rule updates a reference to the wetlands and coastal resource and development policies in the provisions concerning financial assistance programs for environmental infrastructure facilities. Contact: DEP; 609-777-3373

—New Jersey Register (08/07/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
Proposed Consent Order/Sunoco Inc.
New Jersey HAZARDOUS WASTE CLEANUP

Notice of the Department of Environmental Protection, Office of Natural Resource Restoration, announces a proposed consent decree in New Jersey Department of Environmental Protection v. Atlantic Richfield Co. (No. 08-CIV-00312) concerning alleged contamination of state waters with the gasoline additive methyl tertiary butyl ether. The consent decree requires Sonoco Inc. and related entities to pay approximately $64 million to settle alleged liability for damages, past cleanup and removal costs at over 6,000 sites. Comments are due Oct. 6, 2017. Contact: DEP, Office of Natural Resource Restoration; 609-984-5475; MTBESettlement@dep.nj.gov

—New Jersey Register (08/07/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Uniform Construction Code/Ordinary Maintenance
New Jersey OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Community Affairs, Division of Codes and Standards, amends regulations under NJAC 5:23-1.4, -2.7, -2.14, and -2.17A to revise the uniform construction code for ordinary maintenance and minor work. The rule updates the definition of "minor work," recategorizes certain activities as maintenance work, and updates the time frame for performing an inspection. Comments are due Oct. 6, 2017. Contact: Kathleen Asher; DCA; 609-292-4096; kathleen.asher@dca.nj.gov

—New Jersey Register (08/07/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Uniform Construction Code/Permits, Facility-Specific Requirements, Inspections
New Jersey OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Community Affairs, Division of Codes and Standards, amends regulations under NJAC 5:23-2.15 through -6.2 (nonconsecutive) and adopts regulations under NJAC 5:23-7.1 to revise the uniform construction code. The rule updates references to national reference standards concerning construction permitting, chimney maintenance, health care facilities, commercial farm buildings, mechanical inspections, barrier free access, standard forms, third-party inspection agencies, inspection responsibilities, recreational park trailers, and the barrier free subcode. Comments are due Oct. 6, 2017. Contact: Kathleen Asher; DCA; 609-292-4096; kathleen.asher@dca.nj.gov

—New Jersey Register (08/07/2017)

Regulatory Update

OIL AND GAS INDUSTRY
Liquefied Petroleum Gas/Cylinder Labeling
New Jersey OIL AND GAS INDUSTRY

Proposed rule of the Department of Community Affairs, Division of Codes and Standards, amends regulations under NJAC 5:18-1.6 regarding labeling requirements for liquefied petroleum gas (LPG) cylinders. The rule requires that a label graphically depicting the prohibition on bringing a cylinder indoors be affixed to the collar of LPG cylinders between four to 40 pounds capacity. The requirement is in addition to the existing provision for those who fill such cylinders to affix a warning in Spanish and English. Comments are due Oct. 6, 2017. Contact: Kathleen Asher; DCA; 609-292-4096; kathleen.asher@dca.nj.gov

—New Jersey Register (08/07/2017)

Regulatory Update

WATER

Drinking Water/Community Water Systems, Private Well Testing, Maximum Contaminant Levels
New Jersey WATER

Proposed rule of the Department of Environmental Protection amends regulations under NJAC 7:9E-2.1, :10-5.2, :10-5.3, :10-12.30, and :18-6.4 concerning private well testing, drinking water standards, and certification of laboratories and environmental measurements. The rule establishes a maximum contaminant level and monitoring requirements for public community and public nontransient noncommunity water systems of 0.013 micrograms per liter (µg/L) for perfluorononanoic acid (PFNA) and of 0.030 µg/L for 1,2,3-trichloropropane (1,2,3-TCP). The rule also specifies information concerning PFNA and 1,2,3-TCP that must be included in annual consumer confidence reports, requires public nontransient noncommunity water systems to begin monitoring for radionuclides in 2019, and updates the monitoring and analytical requirements applicable to public water systems for other contaminants. In addition, the rule requires testing of private wells subject to sale or lease and of newly constructed wells for public noncommunity water systems and nonpublic water systems for 1,2,3-TCP; ethylene dibromide; and 1,2 dibromo-3-chloropropane. Finally, the rule applies existing regional requirements for testing for gross alpha particle activity and arsenic to the entire state and clarifies the laboratory procedures for such testing. A hearing is scheduled for Aug. 29, 2017, in Trenton. Comments are due Oct. 6, 2017. Contact: Ryan Knapick; DEP; 609-292-5550

—New Jersey Register (08/07/2017)

Regulatory Update

New York

WATER
Susquehanna River Basin Commission/Projects Rescinded for Consumptive Water Uses
New York WATER

Notice of the Susquehanna River Basin Commission lists the projects rescinded for the consumptive use of water during the period June 1-30, 2017. The list includes five projects at various locations in Pennsylvania. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

—New York State Register (08/09/2017)

Regulatory Update

Texas

GENERAL ENVIRONMENT AND SAFETY
Agricultural and Silvicultural Water Quality Management
Texas GENERAL ENVIRONMENT AND SAFETY

Final rule of the State Soil and Water Conservation Board amends regulations under 31 TAC

523.6 regarding cost-share incentive funding for soil and water conservation land improvement measures. The rule specifies that state board members and state board employees are prohibited by board policy from entering into a cost-share (financial assistance) agreement while employed or serving on the board. The rule also clarifies the procedures district directors and district employees must follow to avoid a conflict of interest. The rule is effective Aug. 15, 2017. Contact: Lee Munz; TSSWCB; 254-773-2250; lmunz@tsswcb.texas.gov

—Texas Register (08/11/2017)

Regulatory Update

WATER
Water Quality Management Plan
Texas WATER

Notice of the Texas Commission on Environmental Quality announces the availability of the draft July 2017 update to the water quality management plan. The update includes projected effluent limits of specific domestic dischargers. The update also may contain service area populations for listed wastewater treatment facilities, designated management agency information, and total maximum daily load revisions. The plan will be submitted to the EPA for approval after it is certified by the commission. Comments are due Sept. 12, 2017. Contact: Nancy Vignali; TCEQ, Water Quality Division; 512-239-1303; Nancy.Vignali@tceq.texas.gov

—Texas Register (08/11/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA.com
Sent: Mon 10/23/2017 10:48:48 AM
Subject: The Morning Headlines from InsideEPA.com -- October 23, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

October 23, 2017

Latest News

Suit Over RFS Marks First Of Many Tests For Pruitt's Sue-And-Settle Policy

The Sierra Club Oct. 19 filed a suit alleging that EPA has failed to conduct required environmental impact and air quality reviews for its Renewable Fuel Standards (RFS), litigation that will likely mark the first of many tests for Administrator Scott Pruitt's new policy limiting the use of settlements in such cases.

Pruitt Rejects Conservatives' Call To Review GHG Finding In CPP Notice

EPA Administrator Scott Pruitt says the agency does not plan to take comment on the Obama administration's greenhouse gas endangerment finding as part of an advance notice of proposed rulemaking (ANPR) for how to replace the Clean Power Plan (CPP), a move likely to disappoint conservatives who have sought an assault on the finding to forestall any future GHG rules.

EPA Asks Appeals Court To Clarify Legitimacy Factor Vacatur In DSW Ruling

In what appears to be one of the Trump EPA's first litigation rehearing requests, the agency is asking a federal appeals court to clarify its vacatur of one of the four criteria used in an Obama-era solid waste rule to determine if recycling of hazardous materials is legitimate, asking the court to allow EPA to use a Bush-era rule's version of the factor.

Trump EPA Removes 'Climate' References From Its State Energy Website

The Trump EPA has removed references to “climate change” from an agency webpage that previously offered resources to state and local governments regarding climate adaptation, renewable energy and energy efficiency, with the new site geared only to “energy resources.”

DOJ Poised To Issue Guide Clarifying Sessions' Settlement Directive

BALTIMORE -- A top Justice Department (DOJ) official says the department could soon issue long-awaited guidance for implementing Attorney General Jeff Sessions' directive barring third-party payments in settlements, a ban that has drawn concern

from industry groups that it could undercut the use of popular EPA supplemental environmental projects (SEPs).

Biofuels Sector Faults Pruitt's Pledge On RFS, Raising Doubts On Nominee

A biofuels industry source says EPA Administrator Scott Pruitt's written pledge against cutting biofuels production targets below those in the agency's proposed 2018 renewable fuel standard (RFS) fails to address the sector's fears about cuts to the RFS, raising doubts about the prospect that a Trump nominee to EPA, whose confirmation has stalled over the issue, will advance.

Daily Feed

EPA extends comment period on plan to retain SO2 NAAQS

EPA is giving stakeholders more time to weigh in on the future of its sulfur dioxide ambient air standard, which the American Petroleum Institute wants the agency to weaken.

DOD agrees to improve internal SDWA reporting

GAO concluded that until the department "takes steps to increase the clarity and understanding of its internal reporting requirements, it may not have the data it needs to fully oversee compliance."

EPA names new research chief after Kavlock announces retirement

Jennifer Orme-Zavaleta, currently director of EPA's National Exposure Research Laboratory (NERL), will serve as its acting research chief until President Donald Trump names a political appointee to the role.

Ewire: Former EPA chief Reilly urges automakers to back GHG rules

In today's Ewire: The George H.W. Bush administrator urges automakers to back up their calls to address climate change by supporting current GHG and fuel economy limits. Plus: Trump tells EPA to stop RFS changes.

Environmentalists fault boiler MACT 'work practice standards'

Environmentalists are sparring with EPA over the merits of the Obama-era decision to include “work practice standards” in the agency's boiler air toxics rule.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 11/8/2017 6:10:13 PM
Subject: Wheeler attended Murray meetings on DOE coal aid but says he didn't write company's pitch

By Alex Guillén

11/08/2017 01:08 PM EDT

Andrew Wheeler, the nominee for EPA deputy administrator, says he represented Murray Energy in meetings with Energy Department and congressional officials to support Trump administration efforts to prop up ailing coal-fired power plants.

Wheeler, who counted Murray among his clients as a lobbyist at Faegre Baker Daniels, faced numerous questions at his confirmation hearing today over his work for the company, which would be one of the main beneficiaries of DOE's proposed grid rule, and its CEO Bob Murray, a top supporter of President Donald Trump. Wheeler said he attended a Murray Energy meeting at DOE where the grid proposal was discussed several months ago, as well as a meeting on Capitol Hill on the subject. He said he de-registered as a lobbyist in August.

Sen. Sheldon Whitehouse pressed Wheeler over Murray's comments in a recent PBS Frontline documentary. The CEO said he gave Trump "an action plan" outlining coal policies to pursue, including eliminating the Clean Power Plan.

"I did not work on that and I do not have a copy of that memo," Wheeler told Whitehouse at the Senate Environment and Public Works Committee hearing.

Wheeler said Murray gave him a copy to read in December or January. "I looked at it and handed it back to him, I don't have it," Wheeler said, adding that he did not recall any specifics.

Whitehouse said he hopes to get a copy of the plan with the help of EPW Chairman John Barrasso (R-Wyo.) now that Wheeler confirmed its existence.

WHAT'S NEXT: The committee will likely vote on Wheeler's nomination in the coming weeks.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/11/wheeler-attended-murray-meetings-on-doe-coal-aid-but-says-he-didnt-write-companys-pitch-095389

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 11/1/2017 12:18:35 AM
Subject: Nov. 01 -- Daily Environment Report



Daily Environment Report

November 01, 2017 - Number 210

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Leading the News

Coal Mining
Arch Coal Violating Colorado Mining Laws, Group Says
WildEarth Guardians wants Colorado mining regulators to enforce alleged air quality violations at Arch Coal's West Elk Mine, taking a new tack in the group's years-long campaign against the largest single source of methane emissions in the state.

Coal Mining
Arch Coal's Emissions Unenforced as Colorado Cites Uncertainty
Arch Coal Inc.'s West Elk Mine in Colorado is emitting volatile organic compounds at levels violating the state's air quality standards, according to state inspection reports examined by Bloomberg Environment.

Energy
Pro-Market Perry Accused of Flip-Flop to Boost Coal, Nuclear
The Energy Department's proposal to prop up coal and nuclear plants is the opposite of the pro-market position Energy Secretary Rick Perry held while governor of Texas, a former Republican Federal Energy Regulatory Commission chairman said Oct. 31.

International Climate
Trump Support Sought on Deal to Limit Climate-Warming Coolants
The refrigeration industry is hoping the Trump administration keeps intact the Obama-era commitment to phasing down refrigerant chemicals that are potent greenhouse gases.

News

Asbestos

Pennsylvania High Court to Weigh Duty to Warn on Asbestos
An appeals court in Pennsylvania is asking the state Supreme Court if manufacturers have a duty to warn about asbestos-related hazards of component parts made by third parties.

Budget
Arctic Refuge Oil Bonanza More Likely to Be Bust for GOP Budget
Congressional Republicans counting on a $1 billion windfall from selling oil-drilling rights in the Arctic National Wildlife Refuge to help pay for tax cuts may be in for a disappointment.

Climate Policy
Efforts to Meet Paris Accord Goals Slipping from Reach, UN Says
The goals set under the Paris climate accord to limit global warming are slipping further from reach as emissions rise and political will falters.

EPA
Critics Say EPA Panel's New Scientists to Skew Public Confidence
EPA Administrator Scott Pruitt's new scientific advisers could erode public confidence in industry and agency environmental efforts, former EPA advisers say, while industry representatives support Pruitt's vision.

EPA
EPA Shakes Up Scientific Panels by Adding More Industry Voices
The Trump administration is shaking up the expert panels that interpret the scientific research underpinning pollution regulations by making it harder for some scientists to participate.

Emissions Trading
China Is Said to Move Closer to Starting National Carbon Market
China's top economic planning agency, the National Development and Reform Commission, submitted a plan to the State Council to start a carbon-trading system nationwide, people familiar with the matter said.

Energy
Connecticut Signs Nuke Aid Bill with Caveat: Prove You Need Help
Connecticut's governor signed a bill designed to prop up the state's sole nuclear plant, with one condition—the operator set to benefit must release financial records showing it's in need of help.

Energy
Fuel Cells Backed by Microsoft for Power-Hungry Data Centers
Microsoft Corp. is moving to use fuel cells at its power-hungry server farms, saying the technology may double the efficiency of energy used.

Energy
Puerto Rico Seeks Aid to End $300 Million Whitefish Power Deal
Puerto Rico is asking U.S. utilities to help the island repair its devastated electricity system after moving to scuttle the controversial $300 million contract awarded to a tiny company based in Interior Secretary Ryan Zinke's Montana hometown.

Enforcement
Exxon to Pay $300 Million to Resolve Chemical Pollution Cases
Exxon Mobil Corp. agreed to pay more than $300 million to resolve air pollution violations tied to eight chemical plants in Texas and Louisiana, one of a pair of environmental

settlements with oil companies announced by the Trump administration Oct. 31.

Motor Vehicles

Bosch Can't Halt Civil RICO Suit by VW Dealers

Some 650 VW-branded franchise dealers can continue with a class action alleging German-based Robert Bosch GmbH conspired with Volkswagen to create a device that could evade U.S. emission standards.

Oil & Gas

U.K. Has Oil, Gas Reserves to Sustain Production for 20 Years

The U.K. has enough oil and gas reserves to keep pumping at the current rate for at least two more decades, according to the country's regulator.

Renewable Energy

Republican Asks Colleagues to Keep Wind and Solar Tax Credits

A New York Republican emerged from a key tax meeting to say that he had urged his House colleagues not to end tax credits for the wind and solar industry early.

Renewable Energy

Solar Industry Sighs in Relief at Small Import Tariff Proposals

The U.S. solar industry let out a collective sigh of relief after trade commissioners proposed import tariffs that were less than half what a bankrupt U.S. panel maker is seeking in a closely watched trade case.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Thur 8/10/2017 2:06:26 PM
Subject: POLITICO's Morning Score: Top Trump donor ponies up to take out Flake — FBI searched campaign office tied to Hunter — Rep. Niki Tsongas to retire

By Maggie Severns | 08/10/2017 10:00 AM EDT

With Kevin Robillard, Zach Montellaro, Daniel Strauss and Scott Bland

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

PRIMARY MONEY - "Top Trump donor ponies up to take out Flake," by POLITICO's Alex Isenstadt: "Robert Mercer, a reclusive hedge fund billionaire who was intimately involved in Trump's rise and helped to bankroll his 2016 campaign, is contributing $300,000 to a super PAC supporting former state Sen. Kelli Ward, who is challenging Flake in a Republican primary next year. It's the latest sign that Trump's political machine is preparing to take on Flake, whose persistent attacks have angered the president. The White House has met with Ward and two other Republicans who are mulling primary challenges to the Arizona senator, former state Treasurer Jeff DeWit and former state GOP Chairman Robert Graham." Full story.

FIRST IN SCORE - Morales launches bid for Rokita's now-open seat: Republican Diego Morales, a former senior adviser to Mike Pence, will run for the seat being vacated by GOP Rep. Todd Rokita's seat as Rokita makes his Senate bid. Morales, a businessman and a veteran, said via a statement from his campaign that he believes the district wants "someone with an understanding of national security who shares their conservative values and is guided by faith," along with "supporting President Trump." The 4th congressional district leans heavily Republican.

ALL THE RAID - "FBI searched campaign office tied to Hunter," by POLITICO's Rachael Bade: "The FBI in late February raided the offices of GOP Rep. Duncan Hunter 's former campaign treasurer as part of an ongoing criminal investigation into allegations he used tens of thousands of dollars in campaign funds for personal expenses, court documents show. Federal law-enforcement officials on Feb. 23 seized several computers, tablets and iPads, bills and disbursement records, as well as a computer hard drive, from Election CFO, an Alexandria, Va.-based company that handled the California Republican's campaign finances. The raid was disclosed in a search and seizure warrant filed with the Eastern District of Virginia and signed by U.S. Magistrate Judge Michael Nachmanoff. ...

The three-term lawmaker and his wife personally repaid more than $60,000 in charges following news reports suggesting he used campaign funds to cover personal expenses, which would be in violation House rules and federal campaign law. Hunter has denied any wrongdoing." **Full story.**

- Hunter's Democratic opponent responds: Hunter's CA-50 is heavily Republican, but DCCC

Chairman Ben Ray Lujan has already donated to Democratic candidate Josh Butner, a former Navy SEAL challenging Hunter. Butner's statement on Wednesday: "As this FBI investigation into Congressman Hunter's alleged corruption drags on, Hunter has proven he is unable to focus on his constituents that need a leader in Washington who is 100% focused on delivering results for the people of East County."

SUMMER RETIREMENT WATCH - Rep. Niki Tsongas (D-Mass.) announced Wednesday that she will not run for reelection, retiring at the end of this term. "I have learned in life that there is a time for endings and for new beginnings. After much thought, I have decided that this is one of those times," she said in a statement. She currently represents Massachusetts' 3rd district, after initially being elected in the 5th district in 2007. It is a reliably Democratic district that is not expected to flip.

- Tsongas' announcement sparked a flurry of interest, our colleagues at POLITICO Massachusetts report: "Among those eyeing a run: Ellen Meehan, the wife of former Democratic Rep. Marty Meehan - who represented the district before Tsongas - and a former campaign chair for Tsongas. ... Within hours of Tsongas' surprise announcement, the rare opening in the Massachusetts congressional delegation attracted several other prominent Democrats. State Sen. Barbara L'Italien and former state Sen. Barry Finegold, who finished fourth behind Tsongas in the 2007 Democratic special primary election, both said in statements that they are also considering running for the seat.

Two additional Democratic names from the 2007 special primary election are also surfacing. State Sen. Jamie Eldridge, who came in third place, told POLITICO he is 'taking a look' at running. Another potential candidate is state Sen. Eileen Donoghue, who finished a close second to Tsongas. **Full story.**

PRIMARY NO-GO - Tennessee state Sen. Mark Green will not challenge Corker, by the Tennessean's Joel Ebert: "State Sen. Mark Green will not seek higher office in 2018 and instead focus on establishing a new organization to encourage people of faith to run for public office. ... Prior to Wednesday's announcement, there was some speculation that Green could challenge U.S. Sen. Bob Corker - who has yet to officially say whether he's running in 2018 - or even seek the seat U.S. Rep. Diane Black is vacating. ... Green alluded to a potential U.S. Senate run in the future, saying, 'I think that's going to be an opportunity for me potentially later.' U.S. Sen. Lamar Alexander is up for re-election in 2020." **Full story.**

Days until the 2017 election: 90.

Days until the 2018 election: 454.

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

AIR COVER - Majority Forward airing ads in four states on Medicare and Medicaid: Majority Forward, the nonprofit tied to Senate Majority PAC, is spending about $875,000 on ads in three states with vulnerable Democratic Senators: North Dakota (Heidi Heitkamp), Indiana (Joe Donnelly) and Montana (Jon Tester). And also, oddly, in Delaware, where Sen. Tom Carper is up for reelection in 2018. The ads are focused on Medicare and Medicaid. In Indiana, the spot praises Donnelly for pushing legislation preventing "Washington bureaucrats" from "arbitrarily cut[ting] Medicare." **Watch it here.**

- Americans for Prosperity adds digital tax ads: The Koch-backed Americans for Prosperity is adding digital ads to its existing ad campaign supporting tax reform. The ads thank lawmakers who have been pushing for tax reform in Congress. See a sample ad here.

MOM PAC - "Danny Ainge says family has 'zero to do' with how $250,000 super PAC contribution spent" in UT-03 special, by the Deseret News' Lisa Riley Roche: "Danny Ainge and his wife contributed $250,000 to a political action committee supporting their son, Tanner, in his 3rd Congressional District primary race but have nothing to do with how the money's being spent, the elder Ainge said Tuesday. 'The money is theirs to do what they want to do with it. We're at their mercy,' Danny Ainge told the Deseret News. 'I know it sounds like there is some involvement, but there is not. We have zero to do with the super PAC.' Ainge, the general manager of the Boston Celtics, said he hasn't seen the mailers and commercials produced by the Conservative Utah PAC that have been criticized as negative campaigning. 'I've got a full-time job, and I'm not paying attention to all that stuff,' he said. 'We're just trying to support our son. ... We think he has a chance to have a real positive impact, and we're trying to give him a chance.'" **Full story.**

- New super PAC appears to back Jenkins in West Virginia primary, POLITICO's Theodoric Meyer reports: Allies of Rep. Evan Jenkins (R-W.Va.) appear to have formed a super PAC to help him in his upcoming Republican Senate primary against state Attorney General Patrick Morrisey, as the two men battle for the chance to face Democratic Sen. Joe Manchin next year. ... The site accuses "Lobbyin' Patrick Morrisey" - who worked as a Washington lobbyist before running for attorney general in 2012 - of throwing "away conservative principles to lobby for liberals" and charges that he's "Desperate to get back to the DC swamp that made him rich." **More here.**

SNACK ATTACK - Our Revolution says DNC insulted group with barricades and offer of donuts: BuzzFeed's Ruby Cramer reports that the outside political group aligned with Bernie Sanders is unhappy with the Democratic Party. "The grievances converge around a recent trip to deliver petitions to the party's headquarters in Washington, where [Our Revolution President Nina Turner] and other progressives were greeted by barricades, security guards, and an offering of donuts and water that she saw as an empty gesture, indicative of an institution that isn't 'smart enough, humble enough, to say let's take a step back and really listen to the people,' ... all of which has left Turner, the newly appointed head of Our Revolution, with the view that, as she puts it, 'the establishment side of the Democratic Party have shown themselves to be dictators.'" **Full story.**

OBAMA ALUMNI NETWORK - Krish Vignarajah, a former Obama administration official, announced her campaign for governor of Maryland on Wednesday. In a press release Vignarajah said "I am running for Governor because I am worried my daughter will not have the same opportunities my parents gave me when they brought our family here when I was a baby girl. ... The deficit in leadership from our current Governor could not come at a worse time."

POLL - Northam leads Gillespie by 6 points in Virginia governor's race, Campaign Pro's Daniel Strauss reports: "Democrat Ralph Northam leads Republican Ed Gillespie by 6 percentage points in the race for Virginia governor, according to a new Quinnipiac University poll. Northam, the lieutenant governor, leads Gillespie, 44 percent to 38 percent - unchanged from a 47-39 lead in the previous Quinnipiac survey from mid June . The June poll did not include numbers for Libertarian Cliff Hyra; the new poll found Hyra with 4 percent support. Neither candidate is well-defined, though voters are more familiar with Gillespie, who unsuccessfully ran for Senate in 2014." **Full story.**

DAILY WAR EAGLE - A new Senate Leadership Fund ad Wednesday gets straight to the point: President Donald Trump endorsed Sen. Luther Strange for Senate. The ad, called "Endorse," is a quick six-second spot, highlighting Trump's tweet endorsing Strange on Tuesday night. Watch the ad **here**.

- In an interview with AL.com Strange said, "I don't want to spoil the surprise. I think there will be more to come from the president." He also gave the home state paper an account of how the endorsement process went down: "I just got a call saying the White House was calling and hold for the president. ... We had about a 15-20 minute conversation that covered a lot of territory, that focused on the election. He said I'm going to send out a tweet - I'm happy to do it. Let me know how I can help."

- Ryan to campaign for Jones: Rep. Tim Ryan will be in Birmingham this weekend rallying supporters behind Democrat Doug Jones in the race, according to an email sent to supporters. Ryan represents Ohio's 13th district and has been one of House Minority Leader Nancy Pelosi's biggest critics in the House.

STARS AND BARS DEBATE REDUX - "The Confederate Flag Fight Is Back," by BuzzFeed News' Henry Gomez: "Virtually all established Republican Party leaders would like, as they say, to 'move past' the issue - and few want to talk about it. But the people who want to talk about preserving monuments and keeping the flag in the sky really want to talk about it. And in the ground zero of the flag fight - South Carolina - Republican operatives describe [former Gov. Nikki] Haley's push as a one-time response to a tragedy that rekindled wide national scrutiny of the Confederate flag. ... The issue popped up last week in the state's competitive Republican race for governor. Several audience members at a forum in conservative Pickens County grilled Catherine Templeton - a former member of Haley's cabinet whose consulting firm was among those who cheered the flag's removal at the Statehouse - about her stance on removing Confederate symbols. 'You cannot rewrite history,' said Templeton, who has emerged as a top primary challenger to Henry McMaster, the lieutenant governor who became governor after Haley left to become the U.S. ambassador to the United Nations. 'I don't care whose

feelings get hurt.'" **Full story.**

CODA - QUOTE OF THE DAY: "Even those that want me to die don't want me to die right away, so that's good." - Sen. John McCain on his recovery during a Facebook Live video.

To view online:
http://www.politico.com/tipsheets/morning-score/2017/08/10/top-trump-donor-ponies-up-to-take-out-flake-221802

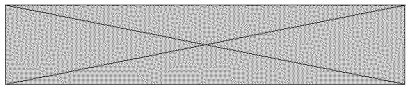
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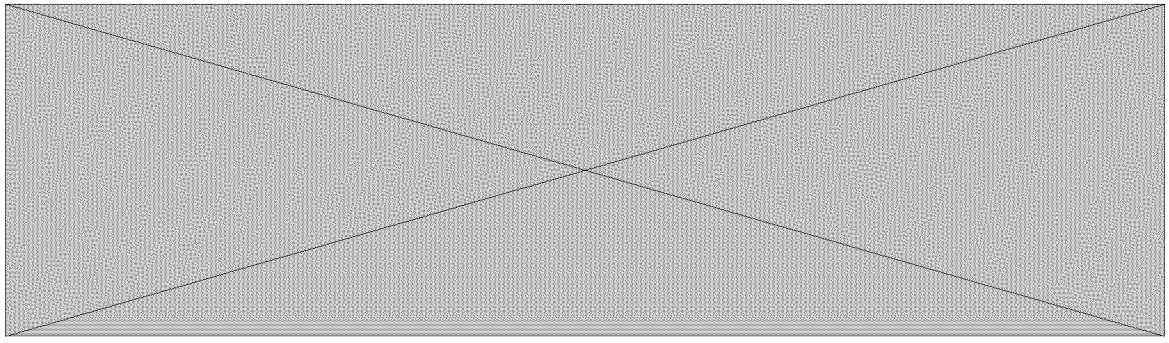
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Subject: Your Quarterly Update | Legislative Compass





[redacted]

Dear Ryan,

Greetings from POLITICO Pro and welcome to your Quarterly Update. Our team has been hard at work this summer on updates and enhancements to your Pro account.

[redacted]

Today's update highlights the launch of Pro's newest product, Legislative Compass. We're also thrilled to announce our first Pro-only policy summit.

[redacted]

View My Quarterly Update

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We invite you to learn more about these updates to your POLITICO Pro account.

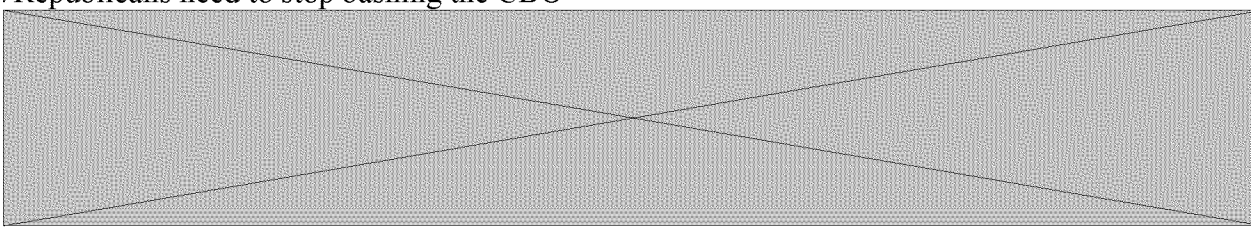
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
Sent: Wed 8/2/2017 10:09:32 AM
Subject: AEI Today: Republicans need to stop bashing the CBO

. Republicans need to stop bashing the CBO



AEI's daily publication of independent research, insightful analysis, and scholarly debate

Reuters

Republicans need to stop bashing the CBO

Michael R. Strain | Bloomberg View

The Congressional Budget Office (CBO) is under fire. Mick Mulvaney, President Trump's budget director, questioned whether "the day of the CBO [has] come and gone." Newt Gingrich says to "abolish CBO. It is totally destructive. It is totally dishonest." And members of the House Freedom Caucus just last week authored amendments to cut the CBO's funding in half. This is all ridiculous: Expert analysis isn't the problem. Bad legislation is.

Reuters

Self-pardon would equal self-immolation

John Yoo | The Philadelphia Inquirer

In the wake of accounts that independent counsel Robert Mueller has turned his investigation to the first family, President Trump tweeted last weekend that he has the "complete

power to pardon." His aides and lawyers suggested that the president might pardon not only his son and son-in-law but also himself. President Trump actually has the Constitution about right on this one. But exercises of raw presidential power have other consequences.

Twenty20

New research: Carbon taxes and the earned income tax credit

Aparna Mathur and Adele Morris | Tax Policy Center

Economists have long argued that a price on carbon, such as through a carbon tax, is an indispensable mechanism to stabilize greenhouse gases in the atmosphere. One concern about the policy, however, is its negative effect on low-income households. As a result, some have called for a US carbon tax that channels at least some revenue to these households. New research takes a look at the consequences of such a plan.

Reuters

India has problems, but comparing it to Pakistan is ludicrous

Sadanand Dhume | AEIdeas

When it comes to minority rights, India's record over the past seven decades is incomparably better than Pakistan's. But anyone who cares about pluralism in India needs to worry about the direction the country is headed as attacks on the 170-million-strong Muslim minority

become increasingly common. Islamism provides a unique challenge in today's world; those moderates pushing back against it are the some of the bravest people among us.

More from AEI

The great chlorinated chicken controversy threatening US-British trade
Claude Barfield | US News & World Report

60-second take: What the polls say about impeaching President Trump

Karlyn Bowman | AEI video

There really is no 'gender wage gap.' There is a 'gender earnings gap,' but closing it may be impossible.

Mark J. Perry | AEIdeas

An Australian's take in defense of 'the bad, white working class'

Michael Barone | Washington Examiner

Watch: Do charter schools weaken accountability?

Frederick M. Hess | AEI Viewpoint video

Steven Hayward's article of the year: Climate change isn't the end of the world

Mark J. Perry | AEIdeas

New patent venue rules begin to come into focus

Michael Rosen | TechPolicyDaily.com

Around the web: Recessions may help people live longer, healthier lives. Seriously.

Matt Winesett | AEIdeas

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Sun 9/24/2017 3:53:04 PM
Subject: BREAKING NEWS: Cruz opposes latest Obamacare repeal

Sen. Ted Cruz said today that he doesn't support the latest Obamacare repeal plan drafted by Sens. Bill Cassidy and Lindsey Graham and suggested that the proposal also lacks the vote of Sen. Mike Lee.

The Texas Republican said at the Texas Tribune festival in Austin that he and Lee had offered amendments to the Graham-Cassidy proposal that would go further to bring down Obamacare premiums but that the changes weren't included in the latest draft of the bill.

Read more: http://www.politico.com/story/2017/09/24/cruz-opposes-latest-obamacare-repeal-243067

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Sent: Wed 9/13/2017 9:52:30 AM
Subject: Morning Energy: EPA plans carbon rule replacement — Clinton's big energy idea that wasn't — Carper won't back Trump's EPA air pick

By Anthony Adragna | 09/13/2017 05:49 AM EDT

With help from Eric Wolff, Alex Guillén, Esther Whieldon and Darius Dixon

EPA PLANS FOR CLEAN POWER PLAN REPLACEMENT: EPA plans to take the first step toward replacing the Clean Power Plan by the first week of October as it publishes its plan to rescind the Obama administration's carbon limits for power plants, Pro's Emily Holden reports.

EPA Administrator Scott Pruitt had been averse to replacing the rule, and sources tell Emily that when OMB first began reviewing the Clean Power Plan withdrawal in June the agency did not have plans to replace it. The decision to signal the agency will write a replacement comes after months of lobbying from electric company executives and suggests Pruitt may not challenge the legal finding that EPA must regulate greenhouse gases. One likely approach to a new emissions regulation would focus on improving coal-plant efficiency, so generators make more power while burning less coal.

The repeal-and-replace proposals come as patience was wearing thin at the D.C. Circuit, which has avoided issuing an opinion on the Clean Power Plan itself while EPA reconsidered the rule. In an August warning shot to EPA, judges said failing to propose a replacement meant the agency was avoiding a "statutory duty" to regulate carbon emissions, though it agreed to keep the case on ice through Oct. 7. EPA spokeswoman Liz Bowman said she "would not comment on proposals going through interagency review."

TRUMP OFFICIAL TO HOST CLIMATE MEETING: National Economic Council Director Gary Cohn will host a breakfast meeting to discuss "international energy and climate issues" the day before the opening of the U.N. General Assembly next week, POLITICO's Andrew Restuccia reports. The invitation obtained by POLITICO says the huddle is an "opportunity for key ministers with responsibility for these issues to engage in an informal exchange of views and discuss how we can move forward most productively." But an administration official stressed the meeting will not focus solely on climate change.

WELCOME TO WEDNESDAY! I'm your host Anthony Adragna, and the Analysis Group's Sue Tierney was first up to identify Massachusetts as the home of eight previous House speakers. For today: Two speakers have gone on to serve as vice president. Name them. Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

New! Legislative Compass: A powerful, easy-to-use tool that simplifies federal and state legislative tracking. Learn More.

HILLARY'S CAMPAIGN IDEA THAT ALMOST WAS BUT THEN WASN'T: Among other revelations contained in her new book, Hillary Clinton said she was intrigued by Peter Barnes' proposal to create a sort of Alaska Permanent Fund for the whole country. The idea, dubbed by her campaign "Alaska for America," would have taken royalties from oil and gas production — plus receipts from a carbon tax, financial transactions taxes, fees on airwaves used by cell phones and broadcasters, and other resources — and used them to give Americans a guaranteed minimum income. But, alas, as she and Bill worked the calculator, they found the math didn't work.

"We decided it was exciting but not realistic, and left it on the shelf. That was the responsible decision," she wrote in "What Happened." "I wonder whether we should have thrown caution to the wind and embraced 'Alaska for America' as a long-term goal and figured out the details later."

About that carbon tax: Clinton says her campaign also looked more specifically at the idea of a carbon tax dividend, but once again could not get math to work out without new costs for the middle class, which she had vowed against. "Still," she added, "it's tantalizing."

Canary was the coal mine: Clinton argues the Obama team's slow efforts to counter the emerging Republican narrative that his administration began a "war on coal" hurt Democrats in 2016, Pro's Alex Guillén reports. "The Obama administration was slow to take on this false narrative," she wrote. Clinton encouraged Obama to roll out the Clean Power Plan in 2015 in coal country, and pair it with a major initiative to bring new investments and jobs to the region as a way of softening the blow.

Interior Secretary Ryan Zinke also makes a cameo: Clinton recounts an awkward encounter at the inauguration when she said she was surprised Zinke came over to greet her because in 2014 he had called her the "Antichrist." "Maybe he'd forgotten, because he didn't come equipped with any garlic or wooden stakes, or whatever one uses to ward off the Antichrist. But I hadn't forgotten," Clinton writes, adding that she absolutely reminded Zinke of his remark. "He was taken aback and mumbled something about not having meant it. One thing I've learned over the years is how easy it is for some people to say horrible things about me when I'm not around, but how hard it is for them to look me in the eye and say it to my face." (Zinke's wife, Lola, disputed the story.)

CARPER WON'T BACK WEHRUM: Top EPW Democrat Tom Carper told reporters Tuesday he won't back Trump's nominee to run the EPA's air office, Bill Wehrum. "This nominee is troubling," he said. "I don't say that about all of this administration's nominees, but this one is troubling." Chairman John Barrasso told reporters the committee would have "four or five" confirmation hearings next week, though he wouldn't specify which nominees that includes. He separately said EPW was "working on a time" for EPA Administrator Scott Pruitt to come testify before it.

NELSON: GOP 'DENYING REALITY' ON CLIMATE CHANGE: Even as he said he didn't want to play partisan politics in the aftermath of Hurricane Irma, Florida Sen. Bill Nelson knocked Republicans — including his likely 2018 opponent Gov. Rick Scott — for opposing

action to address manmade climate change, POLITICO's Michael Grunwald reports . "It's denying reality," Nelson said. "You can call it politics or whatever, but the Earth is getting hotter. This storm is another reminder of what we're going to have to deal with in the future." He added it would be a crucial issue during his reelection contest.

EPA-INTERIOR VOTES EXPECTED: You'd be forgiven for forgetting the House is still working through its mega-spending package H.R. 3354 (115), but five outstanding EPA and Interior-related amendments should get votes today. The amendments would bar EPA from enforcing its methane rule, block the social cost of carbon from future rule makings, prohibit the closure of EPA regional offices and slash the agency's budget by an additional $1.87 billion, among others. Full list of all pending amendments to the bill here.

CCS WEEK KICKS OFF IN EARNEST: Senate EPW today holds a hearing on how to accelerate deployment of carbon capture and sequestration technologies around the country. Look for lots of discussion of the FUTURE Act, S. 1535 (115), one of the few pieces of legislation ME can remember that boasts the support of both Barrasso and Sheldon Whitehouse . Witnesses include Matthew Fry, a policy adviser to Wyoming Gov. Matt Mead and former DOE senior official Julio Friedmann.

HELPING OUT THE LITTLE GUYS? The House Energy and Commerce Committee's environment panel will hold a hearing today on a quartet of bills aimed at postponing or loosening various emissions regulations. H.R. 1917 (115) would delay the brick MACT until legal challenges have played out (coincidentally, the D.C. Circuit revealed Tuesday that oral arguments over that rule will take place Nov. 9). H.R. 1119 (115) would expand Cross-State Air Pollution Rule compliance options for 19 plants, mostly in Pennsylvania, that burn coal waste for electricity. H.R. 453 (115) would extend some deadlines for a residential wood heater emissions rule. And H.R. 350 (115) aims to clarify that anti-tampering provisions in vehicle emissions rules do not apply to vehicles used only for racing, an issue that flared up last year under EPA's Phase 2 heavy-duty truck rule. Some of these bills passed the House in previous years, but failed to gain traction in the Senate. If you go: The hearing kicks off at 10 a.m. in Rayburn 2123.

ENDANGERED SPECIES MEASURES GETTING MARKED UP: A litany of controversial measures get marked up today at the House Natural Resources Committee, including H.R. 3668 (115) a sportsmen's package that Democrats have condemned as enabling the deregulation of gun silencers and five bills taking bites at the Endangered Species Act. They are: H.R. 424 (115), which would redo Interior rules delisting the gray wolf; H.R. 2603 (115), which would bar non-native species from being listed as endangered or threatened under the statute; H.R. 3131 (115), which would lower attorney fees that could be awarded in ESA litigation; H.R. 717 (115), which would allow federal agencies to factor cost into listing decisions and prioritize listing petitions rather than decide them in the order they're received; and H.R. 1274 (115), which would require the availability of all data used in listing decisions to impacted states. The fun kicks off at 10 a.m. in Longworth 1334.

BLAST FROM THE PAST: ME got to briefly chat with former EPA Administrator Gina McCarthy after she met with Senate climate caucus members to "catch up" on various environmental issues. She declined to weigh in on Pruitt's comment that it's "insensitive" to

discuss climate change in the aftermath of hurricanes Harvey and Irma, but said, "I think we all know that storms like that get as intense as those storms were because of an impact on climate. If you want safe and healthy communities, you're going to have to address the issue of climate change. Period."

ICAHN'T BELIEVE EPA: Sen. Sheldon Whitehouse cast a jaundiced eye over Pruitt's letter denying email communication with billionaire Carl Icahn. "On its face, this letter suggests Mr. Icahn had far less control over RFS policymaking than he had suggested publicly," Whitehouse spokesman Rich Davidson told ME. "On the other hand, Pruitt has a long-established skill in obscuring his contacts with the industry that pulls his strings." Pruitt said the agency searched the inboxes of 39 agency officials and came up empty on Icahn emails.

RESHUFFLED ELECTRICITY BOARD REVS UP TODAY: DOE's newly configured Electricity Advisory Committee assembles this afternoon to kick off a meeting with a half dozen fresh faces and a two-day agenda that will cover the agency's much-discussed electric grid study, include a two-hour panel on cybersecurity and a rundown of a National Academies report on grid resiliency. Perry let the membership of 14 EAC members lapse recently and installed six new members, effectively shrinking the board's overall size. But the person Perry tapped as the new EAC chairman, Michael Heyeck of American Electric Power, isn't apparently able to attend, according to the agenda, which describes ERCOT engineer John Adams as acting chairman this week. Most of the cybersecurity talk — including panel discussion and a presentation on a draft DOE multiyear energy sector cybersecurity plan — is slated for Thursday morning. The meeting starts at 1:30 p.m. at the offices of the National Rural Electric Cooperative Association in Arlington, Va.

GAO TO PROBE PERRY'S HEALTHCARE TWEETS: GAO has agreed to a request from Rep. Frank Pallone, top Energy and Commerce Democrat, to issue a legal opinion on whether DOE's use of its Twitter account to promote an op-ed by Secretary Rick Perry on health care violated the Antideficiency Act, the Anti-Lobbying Act and the Consolidated Appropriations Act of 2017. Pallone first made the request in late July.

ZINKE TELL STAFF TO UP GAME ON FIRE PREVENTION: Zinke directed staff on Tuesday to be much more proactive on fire prevention, including by hiring contractors if necessary to clear dead trees, removing vegetation away from roads and buildings that could prove quick fire fodder and to include fire prevention in resource management planning. The move comes as wildfires rage in the West. "It makes little sense to be thinning to protect structures when we see flames on the ridge and smoke in the air—fuel management is more effective when undertaken before fires break out," Zinke said in the memorandum.

ITC VOTE ON SOLAR TRADE CASE COMING NEXT WEEK: The U.S. International Trade Commission will vote Sept. 22 on whether the U.S. solar industry has been injured by low-cost imports, according to an ITC website announcement. The case has the solar industry on tenterhooks, as domestic companies that install cheap foreign-made panels believe raising equipment costs will harm business. A Trump administration official has already signaled the administration would likely impose tariffs if the ITC determines there has been injury.

MAIL CALL! HOUSE SCIENCE PROBES OBAMA APPOINTEE: After DOE's inspector general found the government spent $138,000 on an employee's graduate degree unrelated to his job, House Science Chairman Lamar Smith sent a letter requesting documents on what the agency is doing to prevent something similar from happening again. "The Committee is concerned this could be an indication of a more widespread occurrence of inappropriate training authorizations and expenditures within DOE," Smith wrote.

McCOLLUM HITS PRUITT OVER ATTACK ON JOURNALIST: Rep. Betty McCollum, who oversees the Appropriations Interior and EPA Subcommittee, sent a letter to Pruitt Tuesday condemning the agency's personal attacks on an AP reporter as an "inappropriate use of taxpayer resources" and urging the agency to "act in a more professional manner and refrain from such unacceptable personal attacks."

WEIGHING IN ON TAX REFORM: Citizens For Responsible Energy Solutions Forum sent letters to House and Senate tax writers outlining their priorities as tax reform efforts get off the ground in earnest. Atop their wish-list? Maintaining existing energy investment and production tax credits, sunsetting tax credits for mature energy industries and reducing the corporate tax rate to at least 25 percent.

PRIORITIES OUTLINED FOR STATE ENVIRONMENTAL REGULATORS: Wyoming's Todd Parfitt became president of the Environmental Council of the States on Tuesday and said in a welcome note a key priority would be "reorienting the state-U.S. Environmental Protection Agency relationship." He's also a rumored candidate for regional EPA administrator.

MOVER, SHAKER: Sam Hirsch, former principal deputy at DOJ's Environment and Natural Resources Division, has rejoined Jenner & Block as a partner in its Washington office.

FREE FOOD ALERT! Stop by 406 First Street SE today between 11 a.m. and 1 p.m. for some Old Bay, Parmesan garlic and sea salt french fries courtesy of the National Biodiesel Board and some of the city's best food trucks. You'll also learn how the oil used to cook the fries can be turned into clean-burning biodiesel.

QUICK HITS

— OPEC Discusses Extending Oil Cuts by More Than Three Months. Bloomberg.

— Pompton Lakes DuPont site needs Superfund status, advocates say. NorthJersey.com.

— EPA long-term plans to manage Hanford office in limbo. Tri-City Herald.

— Harvey toppled storage tanks in the oil patch, spilled nearly 2,000 barrels. Houston Chronicle.

— Florida Power & Light Co. nuclear reactors still down, but unharmed by Hurricane Irma. TC Palm.

HAPPENING TODAY

8:30 a.m. — API holds an event on the natural gas and oil industry's impact in all 50 states, G11 Dirksen

10:00 a.m. — "Big Relief for Small Business: Legislation Reducing Regulatory Burdens on Small Manufacturers and Other Job Creators," House Energy and Commerce Environment Subcommittee, Rayburn 2123

10:00 a.m. — The full House Natural Resources Committee holds a markup of pending calendar business, Longworth 1334

10:00 a.m. — "Expanding and Accelerating the Deployment and Use of Carbon Capture, Utilization, and Sequestration," Senate Environment and Public Works Committee, Dirksen 406

11:00 a.m. — National Biodiesel Board holds its BioFry event for congressional staff, 406 1st St. SE

12:00 p.m. — Save the U.S. EPA holds a press conference and march to the EPA, National Press Club, Zenger Room, 529 14th Street N.W., 13th floor

2:30 p.m. — "The Venezuela Crisis: The Malicious Influence of State and Criminal Actors," The House Foreign Affairs Committee Western Hemisphere Subcommittee, 2200 Rayburn

3:00 p.m. — "The Economic Impacts of Climate Change on Tourism and Recreational Activities," House Climate Solutions Caucus, Longworth 1142

THAT'S ALL FOR ME!

To view online:
https://www.politicopro.com/tipsheets/morning-energy/2017/09/epa-plans-carbon-rule-replacement-024564

Stories from POLITICO Pro

EPA to replace Clean Power Plan Back

By Emily Holden | 09/12/2017 09:04 PM EDT

EPA plans to publish its proposal to rescind the Clean Power Plan and take its first step to replace the rule by the first week of October, according to a source familiar with the process.

The decision to publish an advance notice of EPA's intent to issue a new regulation on carbon emissions from power plants comes after months of lobbying from electricity company executives who think it would be the smart legal move. EPA Administrator Scott Pruitt had previously been resistant to replacing the Obama-era rule.

Without a rule on the books, environmental advocates could sue the agency — leaving businesses in limbo while the courts sort out the issue, industry officials had warned.

The U.S. Court of Appeals for the D.C. Circuit has frozen consideration of lawsuits against the Clean Power Plan while asking for status updates from EPA. In August, judges told EPA that without a replacement rule in place it was avoiding a "statutory duty" to regulate carbon emissions under the Clean Air Act. The judges agreed to keep the case on hold through Oct. 7.

EPA's decision to pursue a replacement rule suggests Pruitt may not challenge a legal finding that EPA must regulate greenhouse gases.

The agency told the court it would publish a rule to withdraw the Clean Power Plan this fall. The OMB first reviewed the rule withdrawal in June. At that time, EPA did not have plans to replace the Clean Power Plan, sources said.

Pruitt, as attorney general of Oklahoma, joined other states' lawyers in arguing that the Obama administration went too far in trying to curb carbon levels by encouraging states to shift away from burning coal and toward renewable power and natural gas.

One likely approach to a replacement rule would focus on improving coal-plant efficiency, so generators make more power while burning less coal.

"We aren't going to comment on proposals going through interagency review," EPA spokeswoman Liz Bowman said via email.

To view online click here.

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Cohn to participate in energy, climate discussion at United Nations Back

By Andrew Restuccia | 09/12/2017 03:37 PM EDT

National Economic Council director Gary Cohn will host an energy and climate change discussion with international officials in New York next week, an administration official confirmed.

The Monday meeting comes the day before the opening of the United Nations General Assembly, where President Donald Trump and dozens of other world leaders will speak.

Cohn invited officials from more than a dozen countries to the breakfast meeting to discuss "international energy and climate issues," according to a copy of the invitation obtained by POLITICO.

The invitation, which Cohn sent on Sept. 7, says the huddle is an "opportunity for key ministers with responsibility for these issues to engage in an informal exchange of views and discuss how we can move forward most productively."

The administration official stressed that the meeting, first reported by the New York Times, will not focus solely on climate change.

Trump infuriated foreign diplomats when he announced in June that he would withdraw from the Paris climate change agreement, which has won the support of nearly 200 nations. Cohn was among White House officials pushing Trump not to exit the Paris agreement at the time.

But so far, the United States has not formally withdrawn, and Trump administration officials have sent mixed signals about whether it is willing to reach a deal to remain in the pact.

The State Department announced last month that the U.S. would continue participating in international climate change negotiations, including talks aimed at implementing the Paris pact, "to protect U.S. interests and ensure all future policy options remain open to the administration."

Trump, who has called climate change a "hoax" perpetrated by the Chinese, has said the United States is getting an unfair deal in the Paris agreement.

To view online click here.

Back

Clinton: Obama was too slow to counter 'war on coal' narrative Back

By Alex Guillén | 09/12/2017 03:30 PM EDT

Hillary Clinton says in her new book that former President Barack Obama took too long to challenge Republican criticism that his administration had started a "war on coal," which hurt Democrats in last year's election.

"The Obama administration was slow to take on this false narrative," she wrote in "What Happened."

But Clinton did admit that her infamous comment at a March 2016 town hall event that "we're going to put a lot of coal miners and coal companies out of business," was a gaffe and an "unfortunate comment."

And she argued that the politics around coal are a microcosm of how Democrats have fallen out of touch with white working class voters.

Democrats' support for air and water pollution regulations made them an "easy scapegoat" for long-term misfortunes in coal country, Clinton wrote, "despite strong evidence that government

regulation is not the primary cause for the industry's decline."

The former secretary of State wrote that she suggested Obama roll out the Clean Power Plan in 2015 in coal country, and pair it with a major initiative to bring new investments and jobs to the region. "That might have softened the blow a little," she wrote.

Obama ultimately announced the regulation from the White House alongside EPA Administrator Gina McCarthy, which Clinton argued was "seen by many folks in West Virginia as another signal that Democrats didn't care about them. Once that perception takes hold, it's hard to dislodge."

Embracing a narrative about how industrial areas can "reinvent" themselves for 21st century jobs was a vote-winner, according to Clinton. Clinton lost Pennsylvania, but won a landslide victory in Pittsburgh, the city President Donald Trump cited as a concern when he pulled out of the Paris climate agreement earlier this year.

"Trump may think of that city as an emblem of the industrial past ... but the reality is that Pittsburgh has reinvented itself as a hub of clean energy, education, and biomedical research," Clinton writes.

Pittsburgh's mayor has committed the city to meeting the Paris deal's reduction goals, even as the U.S. withdraws from the agreement.

But ultimately, the coal issue remains as one of her top disappointments, particularly since it contributed to her losses in Pennsylvania and Ohio.

"Did they turn against me because I served as Obama's Secretary of State and believed climate change was a real threat to our future? Or did their rage flow from a deeper tribal politics?" she wrote. "All I knew for certain was they were angry, they were loud, and they hated my guts."

Despite the campaign promises of Trump, "the hard truth is that coal isn't coming back," Clinton wrote, adding, "Politicians owe it to communities that have relied on the industry for generations to be honest about the future."

Clinton also criticized Don Blankenship, who headed Massey Energy when its Upper Big Branch disaster killed 29 workers in 2010. Shortly before he reported to prison last year, he showed up outside a Clinton campaign event in West Virginia.

"Blankenship endangered his workers, undermined their union, and polluted their rivers and streams, all while making big profits and contributing millions to Republican candidates," Clinton writes. "He should have been the least popular man in West Virginia even before he was convicted in the wake of the death of twenty-nine miners. Instead, he was welcomed by the pro-Trump protesters in Williamson. One of them told a reporter that he'd vote for Blankenship for President if he ran.

"Meanwhile, I pledged to strengthen the laws to protect workers and hold bosses like

Blankenship accountable — the fact that he received a jail sentence of one year was appalling — yet I was the one being protested."

To view online click here.

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Trump picks Bush-era EPA official for air chief Back

By Alex Guillén | 09/07/2017 07:16 PM EDT

Pesident Donald Trump has nominated Bill Wehrum, a George W. Bush-era EPA official who since has represented a variety of energy industry interests, to run EPA's powerful air office.

POLITICO reported in July that Wehrum was expected to receive the nod.

As head of EPA's Office of Air and Radiation, Wehrum will play a key role in undoing many of the Obama-era regulations most opposed by Republicans, including the Clean Power Plan, the 2015 ozone standard and forthcoming vehicle emissions rules. Wehrum has been critical of EPA's authority to regulate greenhouse gases, even after the Supreme Court's 2007 ruling saying EPA did have such authority.

He served as a counsel to Jeff Holmstead, Bush's first-term air chief, before replacing Holmstead in an acting capacity from 2005 to 2007. Bush nominated Wehrum to the job permanently, but Democrats blocked his nomination from proceeding in the Senate.

Wehrum spent the past decade as a partner at the Washington, D.C., law firm Hunton & Williams. His clients have included the American Petroleum Industry, American Fuel & Petrochemical Manufacturers, the Utility Air Regulatory Group, the American Chemistry Council, the National Association of Manufacturers and the American Forest & Paper Association.

WHAT'S NEXT: The Senate Environment and Public Works Committee will review Wehrum's nomination in what is certain to be a contentious process.

To view online click here.

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Florida Sen. Bill Nelson: Republicans 'denying reality' on climate change Back

By Michael Grunwald | 09/12/2017 09:06 PM EDT

Democratic Senator Bill Nelson of Florida, after surveying the damage that Hurricane Irma

inflicted across his state, blasted Republican politicians who reject the science and minimize the importance of climate change—including his likely opponent in 2018, Governor Rick Scott.

In an interview Tuesday evening with POLITICO, Nelson said it's clear that manmade global warming made Irma worse by increasing the temperature and the height of the seas that fueled the storm. He said he didn't want to play partisan politics in the aftermath of a hurricane, but then went on to criticize Republicans in general and Scott in particular—though not by name—for opposing climate action. He noted that both the Trump administration in Washington and the Scott administration in Tallahassee have reportedly discouraged government employees from even talking about climate change.

"It's denying reality," Nelson said. "You can call it politics or whatever, but the Earth is getting hotter. This storm is another reminder of what we're going to have to deal with in the future."

Nelson, a former astronaut, launched into a detailed explanation of the science of climate change and the greenhouse effect, and how it has helped make the waters around Florida higher and warmer in recent decades. He said it would be a crucial issue in his reelection campaign, even as he avoided the words "Rick Scott."

"It's certainly going to be an important issue, and if certain people such as the one you mentioned is my opponent, there's a significant contrast in what we believe," Nelson said.

Florida is a swing state in presidential elections, but its state government and statewide offices tilt heavily Republican; Nelson has been an exception to the red wave, but a well-known, well-funded opponent like Scott would be by far his most difficult challenge to date. He clearly sees climate as a potential wedge issue in a state with a heavily coastal population and increasing vulnerability to Irma-type disasters. Scott did not discuss the issue in his frequent Irma briefings; a spokesperson for the governor, when asked about Nelson's comments, said, "Now is not the time for politics. This storm is not a partisan issue. Now is the time to focus on helping Florida rebuild."

But in the past, he has questioned climate science—or declined to affirm the scientific consensus that it's being cause by humans, often noting, "I am not a scientist"—and fossil-fuel interests have supported his campaigns. In 2015, the Miami Herald reported that Scott's administration had even banned the use of the terms "climate change," "global warming" and "sustainability" in official documents.

Nelson is not known in Washington as a leader on climate issues, but he said he's focused on them since he was Florida's insurance commissioner in the 1990s. He's fought against President Trump's proposed cuts to climate science at agencies like NOAA, NASA and EPA, and said he helped persuade the Obama administration to launch a satellite, first dreamed up by Al Gore, that takes continuous pictures of the Earth from deep space.

But Nelson didn't really argue that he deserved kudos for accepting the conclusions of the scientific community; he argued that Republicans on the other side of the issue need to explain why they think "99.5 percent of climate scientists" are wrong. Several prominent Republicans in

South Florida—including Miami-Dade County mayor Carlos Gimenez and Reps. Carlos Curbelo and Ileana Ros-Lehtinen—have made it clear they believe Washington needs to take climate seriously. Nelson pointed out that politicians don't question government scientists when they say a hurricane is coming—but when the same agencies use the same scientific instruments to measure long-term climate trends, opinions suddenly differ.

"It's ironic, isn't it?" Nelson said. "They accept the hurricane information, but deny the climate information ... Look, some people still think the Earth is flat."

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Pruitt: EPA had no emails communications with Icahn Back

By Eric Wolff | 09/12/2017 02:28 PM EDT

EPA had no email communication with billionaire and former Trump adviser Carl Icahn, EPA Administrator Scott Pruitt told Sen. Sheldon Whitehouse (D-R.I.) in a letter this week.

In the letter sent Monday and provided to POLITICO by an EPA official, Pruitt said EPA searched the inboxes of 39 high-ranking officials for messages to or from Icahn between Feb. 17 and Aug. 18, and they found no emails on any subject.

Pruitt's letter was a response to four different letters from Whitehouse and other Senate Democrats seeking information on Icahn's efforts to modify the Renewable Fuel Standard to benefit his refining company. Icahn was an unpaid adviser to Trump until last month, when he resigned his title after questions arose about his advocating for policies that would help his businesses.

Pruitt did acknowledge meeting with Icahn as part of his vetting process to join the Trump administration.

"Mr. Icahn was one of many of the president's advisors that I met with during my confirmation process," he wrote. "During that meeting, I made no assurances with regard to the point of obligation or any other substantive issue."

To view online click here.

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DOE shrinks electricity advisory board Back

By Darius Dixon | 09/06/2017 05:34 PM EDT

Energy Secretary Rick Perry is installing new members to the Energy Department's Electricity Advisory Committee even as he whittles down the size of the board.

The 2016-17 roster for the board, which reports to the assistant secretary for electricity deliverability and energy reliability, had numbered 32 people, but including the new members, it will now total 24, since 14 members didn't have their terms renewed.

DOE says that three members had asked the agency not to renew their terms because of other commitments or because they had left the country.

Perry installed six new members: Mike Heyeck, a former AEP executive and founder of Grid Group; Paul Hudson, ex-chairman of the Texas Public Utilities Commission; Mladen Kezunovic, and engineering professor at Texas A&M; Bryan Olnick, an executive with Florida Power & Light; David Wade, CEO of the Electric Power Board of Chattanooga; and Tom Weaver, an official with AEP.

EAC members serve two-year terms, but about half of the positions are staggered so that some measure of continuity is maintained.

The board, which typically meets three times a year, is purely advisory and works on a range of power-related issues. The panel's charter states that there be "approximately 30" members.

Those not returning are: Ake Almgren, Merwin Brown, Paula Carmody, Paul Centolella, Carlos Coe, Phyllis Currie, Mark Lauby, Janice Lin, Anne Pramaggiore, Paul Roberti, Sue Tierney, Rebecca Wagner, Audrey Zibelman, and Carl Zichella.

WHAT'S NEXT: The electricity advisory committee will meet next Wednesday and Thursday in Arlington, Va.

To view online click here.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 9/20/2017 2:50:54 PM
Subject: Amid leak crackdown, EPA air employees receive instructions on guarding sensitive info

By Emily Holden

09/20/2017 10:48 AM EDT

Staffers within EPA's Air Office are expected to complete an hour-long webinar today about protecting classified information, as the White House aims to crack down on leaks and has directed all agencies to conduct the training.

A Tuesday email from the Air Office's human resources director obtained by POLITICO explains that many but not all Air Office personnel have access to either classified information or controlled unclassified information, such as about critical infrastructure or confidential business information. It said "the White House has tasked federal agencies with reinforcing key concepts in the handling and protecting of this information."

One source at EPA said employees already receive annual training on handling sensitive materials and rarely have access to classified information.

In an earlier email POLITICO reviewed, Donna J. Vizian, acting assistant administrator for EPA's Office of Administration and Resources Management, explained that the White House on Sept. 8 directed all agencies to hold leak-limiting training during this week.

Buzzfeed reported that National Security Adviser H.R. McMaster sent the request along with "'[s]uggested training materials," including videos of Attorney General Jeff Sessions' August news conference about leaks and a Fox News interview with the director of the National Counterintelligence and Security Center.

The Air Office email said the improper disclosure of sensitive information "can have serious consequences to national security." But it notes that whistleblowers are protected if they disclose illegal conduct, a waste of funds or threats to the public.

EPA's press office did not immediately respond to a request for comment.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/09/amid-leak-crackdown-epa-air-employees-receive-instructions-on-guarding-sensitive-info-093199

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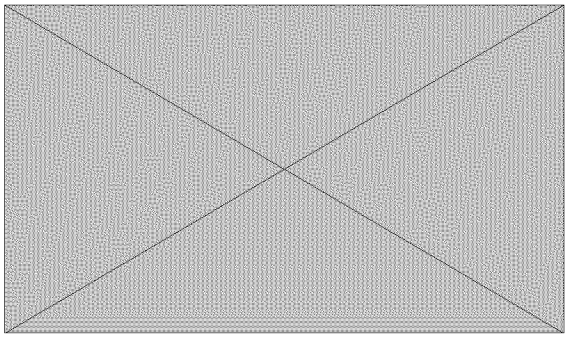
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
Sent: Fri 8/18/2017 10:02:23 AM
Subject: AEI Today: Conservatives turn on Silicon Valley — and the free market

The federal budget faces a problem: the rising cost of Medicare benefits.

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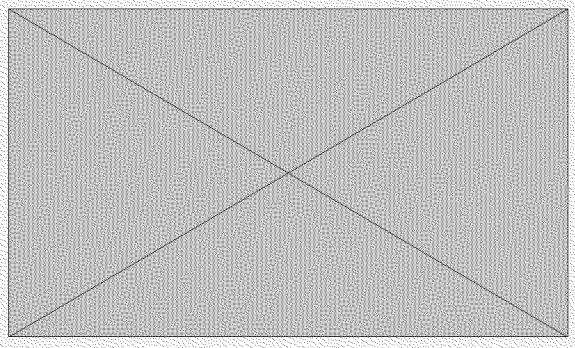
Reuters

Conservatives turn on Silicon Valley — and the free market

James Pethokoukis | The Week

After the 2012 election, national Republicans made a concerted effort to hack into Silicon Valley. The Romney campaign had just gotten thoroughly outclassed by the Obama technology team, and the GOP figured it couldn't hurt to have closer ties with a sector of vast wealth and cultural influence. Things are a little different in the party of President Trump. Maybe conservatives today have simply lost faith in the market they for so

long claimed to love.

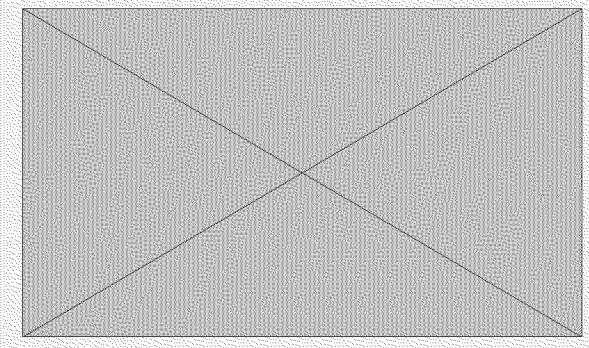


Reuters

60-second take: The history of failed North Korea diplomacy

Michael Rubin | AEI video

North Korea's nuclear threat has been 35 years in the making. AEI's Michael Rubin looks back to determine just how effective the US diplomatic strategy has been in deterring Pyongyang's nuclear weapons program. "The North Korean nuclear crisis dates back to 1980 when a spy satellite detected nuclear reactor construction," he says. "The problem is North Korea views diplomacy less as a means to peace and more as a way to buy time."



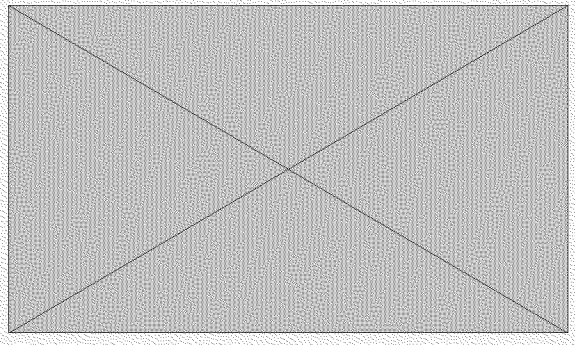
Reuters

America's got talent, but not nearly enough

Edward Conard | The Wall Street Journal

President Trump has proposed cutting the number of green cards issued each year from one million to 500,000 and issuing them based on skill levels. This approach gets it half right. Increasing skills-based immigration would be good for the economy, but cutting the number of green cards squanders the best opportunity for economic growth. Without substantial immigration, the US simply can't grow enough to pay for retiring baby boomers without inflicting considerable damage.

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Reuters

No, education reform isn't in retreat

Andy Smarick | US News & World Report

Is big, bold education reform in retreat? The Every Student Succeeds Act ended the Bush Obama era of sweeping federal action embodied by the No Child Left Behind Act, Race to the Top, and the School Improvement Grant program. It also severely limited the US Department of Education's ability to unilaterally exert its will. Many find this all disheartening because they believe that major federal action is how the nation shows it cares deeply about something. Not always so.

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AEI staff | AEIdeas

China's harsh reaction to a border standoff shows it has no intention of treating India as an equal
Sadanand Dhume | The Wall Street Journal [paywall]

What identity politics has wrought
Michael Barone | Washington Examiner

Our understanding of technology futurism has been reduced to clickbait headlines
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Sent: Wed 9/27/2017 10:43:34 AM
Subject: POLITICO Playbook, presented by Morgan Stanley: REPUBLICANS' MASSIVE MESS: Moore wins, infrastructure nowhere close to getting done, McConnell's margins could tighten, Corker retiring, tax reform fight to go public -- POLL of CABINET officials' popularity

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Today's POLITICO Playbook presented by Morgan Stanley

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

Good Wednesday morning. THE BIG PICTURE -- REPUBLICANS' MASSIVE MESS.

-- PRESIDENT TRUMP went all in for a Senate candidate -- following Mitch McConnell's lead -- and was thoroughly embarrassed, losing to Roy Moore, a man who many in D.C. have said is not fit to serve in Washington.

-- ROY MOORE ran a campaign almost entirely against **MITCH MCCONNELL.** So, if Moore wins in December -- a good, but not great, bet -- the Kentucky Republican will be working with a functional majority of 51 lawmakers, making passing any big legislation that much harder. With that partisan makeup, two defections will sink anything.

-- DEMOCRATS ARE ALREADY HOPING they can tie the firebrand Moore to other Republican candidates for federal office. There are far too many inflammatory lines for this space, but just recently, Roy Moore lamented racial tensions between "reds and yellows." He has a long history of those types of remarks.

-- WITH THE FAILURE OF GRAHAM-CASSIDY, Republicans do not have a single major legislative victory going into October. They are counting on a tax code rewrite to carry them into the 2018 election year.

-- WHAT HAPPENED TO INFRASTRUCTURE? Well, according to WaPo's Tory Newmyer and Damian Paletta, Trump has abandoned his plan to include the private sector in funding a massive public works program, which means states and local governments would have to pony up. To put it bluntly -- Republicans are nowhere on this front. If they played their cards right, they could've gotten several moderate Democrats to support an infrastructure package. ***Tory and Damian's story***

http://wapo.st/2wjauQ1

-- THE TAX BLUEPRINT THAT WILL BE UNVEILED TODAY will be vague and leave a lot for lawmakers to decide down the road. There are many reasons why tax reform is a good deal harder than the White House thinks. Republicans don't want to hike taxes on rich folks, and anything sniffing of that will be difficult. Margins in both chambers are incredibly thin. There are less than 40 days left in the legislative year. The White House has indicated it believes it will get Democratic support, but it's clear if you spend a few moments talking to lawmakers on Capitol Hill the vast majority of Democrats aren't much interested in supporting a plan they had no say in.

-- REMEMBER THIS: Six Republicans crafted the tax blueprint behind closed doors. Now 535 lawmakers with opinions will have a say in the details. And thousands of lobbyists looking to protect their carve outs will get in on the action.

-- SEN. BOB CORKER'S RETIREMENT is another blow to Senate Republicans. The two-term Tennessee Republican is a key ally of McConnell's but many thought he would have faced a primary opponent from the right. Now, the primary to succeed him will be messy, and the general could be surprisingly challenging for Republicans. He could be just the first Senate GOPer looking for the exits before the 2018 midterm election.

WHAT THE ALABAMA SPECIAL MEANS FOR MCCONNELL -- "Mitch McConnell's dreadful day," by John Bresnahan, Burgess Everett, and Josh Dawsey: "For Mitch McConnell, Tuesday was about as bad as it could get. A vulnerable incumbent senator, Luther Strange, lost handily to Roy Moore, who used the Senate leader as his campaign punching bag. McConnell pulled the plug -- again -- on repealing Obamacare. One of his close allies, Sen. Bob Corker (R-Tenn.), announced his retirement. And President Donald Trump is back on McConnell's case, dubbing him 'weak' at a private dinner with conservative activists on Monday evening.

"McConnell's job is in no immediate danger, and he hopes to pivot quickly to tax reform. Yet months of woes are now taking their toll on the GOP leader's agenda, and his caucus. 'It's been a hard summer for all of us,' admitted Sen. John Thune of South Dakota, the No. 3 GOP senator.

"Asked Tuesday if he was having a 'tough day,' McConnell ignored the question. And that was before Corker announced his retirement and Moore won. 'We haven't given up on changing the American health care system,' McConnell said. 'We're not going to be able to do that this week, but it still lies ahead of us, and we haven't given up on that.'" http://politi.co/2hytDY1

-- "Moore's win spells trouble for GOP establishment in 2018," by Alex Isenstadt in Montgomery, Alabama: "Insurgent Roy Moore's rout of incumbent GOP Sen. Luther Strange in Alabama's special election Tuesday has senior Republicans bracing for a wave of resource-draining primaries across the map that could undermine their best-laid plans to defeat Democrats in 2018. Moore's win -- over an incumbent who benefited

from millions of dollars in spending by a super PAC aligned with Senate Majority Leader Mitch McConnell - is certain to provide fuel for conservative challengers lining up to take on sitting senators in states like Arizona, Nevada, Mississippi.

"The result was a major setback for President Donald Trump, who went all-in for Strange in a state where the commander-in-chief is overwhelmingly popular. And it emboldened Trump's former chief strategist, Steve Bannon, who said the Alabama race is the opening front in a pitched midterm war against GOP incumbents - and an opportunity to undermine his nemesis, McConnell. After the race was called, Bannon stood backstage with Moore as the victorious candidate prayed.

"As he introduced Moore at Tuesday's victory party, Bannon made clear that he was looking far beyond Alabama, which he called the start of a 'revolution.' 'You're going to see in state, after state, after state, people that follow the model of Judge Moore - that do not need to raise money from the elites, from the crony capitalists, from the fat cats in Washington, DC.,' said Bannon at Moore's victory party. The race, he said, centered on the question of 'who was sovereign - the people or the money - and Alabama answered today, the people.'" http://politi.co/2wUmxHM

BIG-PICTURE BOB COSTA -- "After Alabama, GOP anti-establishment wing declares all-out war in 2018": "The stunning defeat of President Trump's chosen Senate candidate in Alabama on Tuesday amounted to a political lightning strike -- setting the stage for a worsening Republican civil war that could have profound effects on next year's midterm elections and undermine Trump's clout with his core voters." http://wapo.st/2fpY9Td

-- AT THE WHITE HOUSE ... "Regrets? In Alabama Senate race, Trump had a few," by Josh Dawsey: "President Donald Trump began distancing himself from Sen. Luther Strange before ballots were even cast in Alabama's GOP Senate primary, saying at a dinner on Monday night that the candidate he backed was likely to lose - and suggesting he'd done everything he could do given the circumstances. Trump told conservative activists who visited the White House that he'd underestimated the political power of Roy Moore, the firebrand populist and former judge who defeated Strange on Tuesday with the backing of Trump's former chief strategist Steve Bannon, according to three people who were there. Attendees said the president asked questions that suggested he harbored doubts about his endorsement." http://politi.co/2ysn4NB

-- JONATHAN MARTIN and **ALEX BURNS** on **A1** of the **NYT:** "On Dec. 12, Mr. Moore will face Doug Jones, a former federal prosecutor and the Democratic nominee, in a race that will test the party loyalties of center-right voters who may be uneasy about their nominee. It may also reveal just how reliably Republican the state has become in the quarter-century since a Democrat last won a Senate election here.

"Mr. Jones said in an interview Tuesday afternoon that he believed voters would reward a candidate focused on 'kitchen-table issues,' and said Alabama's public reputation was at stake in the election. 'People are tired of being embarrassed in this

state,' Mr. Jones said. 'People want to see someone who can get things done.'" http://nyti.ms/2y8JZS2

-- "After Luther Strange loses in Alabama, Trump's supportive tweets disappear," by Henry C. Jackson: "Trump ... appears to have deleted at least two tweets, sent earlier in the day, that offered strong endorsements of Strange. ... 'Luther Strange has been shooting up the polls since my endorsement,' read one tweet that later disappeared from his feed. 'Finish the job -- vote today for big Luther.'" http://politi.co/2xJuXkp

****** **A message from Morgan Stanley**: Batteries may power the future of the auto industry. Read more about disruption in the automotive industry from Morgan Stanley. ******

IT'S FINALLY HERE ... TAX REFORM DETAILS -- NYT'S GLENN THRUSH and **ALAN RAPPEPORT: "Trump to Propose Sweeping Tax Cut for Corporations and Individuals":** "President Trump will propose a sweeping rewrite of the federal tax code on Wednesday, outlining a plan to reduce rates for corporations and individuals and eliminate some popular deductions, in a move that will set off a scramble among powerful groups eager to protect their tax breaks.

"The proposal will call for slashing the corporate tax rate to 20 percent from 35 percent, doubling the standard deduction for individual taxpayers and slightly increasing the bottom tax rate to 12 percent from 10 percent, according to two officials briefed on the details of the blueprint.

"The framework, which has been agreed upon by Republican leaders in the House and Senate, leaves most of the details to Congress but proposes a reduction in the individual rate to 35 percent from 39.6 percent, while leaving the door open for an unspecified, higher bracket for the wealthiest Americans. The plan would also, for the first time, create a 25 percent tax for 'pass through' businesses, which account for the vast majority of business income in the United States and are currently taxed at individual rates." http://nyti.ms/2hytDat

-- WAPO'S DAMIAN PALETTA, MIKE DEBONIS and **CAROLYN Y. JOHNSON:** "By refusing to specify on Wednesday which tax breaks could be jettisoned, GOP leaders make a calculated effort to try to postpone any backlash while they try to build a coalition, said the people, who spoke on the condition of anonymity because they were not authorized to discuss the internal negotiations.

"But they plan to lean heavily into promising Americans that the tax changes will lead to a wave of economic growth that will spur new jobs and better wages if the tax blueprint is passed into law.

"Trump told a group of Democrats and Republicans on Tuesday the tax framework could lead the economy to grow more than 6 percent a year, more than double what

even his advisers had hoped for, and a view that many economists believe is preposterous." http://wapo.st/2fQA8p8

-- HOW HE PLANS TO SELL IT ... -- "Trump plans to enlist grassroots and Democrats to sell tax plan he will call biggest in history," by USA Today's Heidi M. Przybyla: "Trump will make the announcement alongside Indiana Sen. Joe Donnelly, a Democrat planning to travel with the president, and in tandem with the plan's release by Republican negotiators on Capitol Hill. Donnelly is considered one of the most endangered Democratic senators up for reelection in 2018; he will make the trip unless he is needed in Washington for Senate votes. ...

"Trump told dinner attendees that he thought a previous event in North Dakota, where he was accompanied by that state's Democratic senator, Heidi Heitkamp, was a success and that he wants to model future events off it. Yet one Democrat who attended the Tuesday meeting with Trump said Democrats haven't been consulted on a plan that will favor the wealthy, create more incentives to ship jobs overseas and force cuts to Medicare and Social Security." https://usat.ly/2hx6uc6

-- ... BUT THERE IS CONCERN HE'LL FLY OFF THE RAILS: "Trump hits the road to sell tax plan - but some worry what he'll say," by Nancy Cook and Ben White: "President Donald Trump is expected to tout the Republicans' new tax blueprint as one of the biggest tax cuts in recent American history at a Wednesday rally in Indiana - but Republican lawmakers, lobbyists and others are worried about exactly what he'll say. ... 'He's the one guy left in Washington who still wants a 15 percent corporate rate,' said one person close to the president and the tax reform discussions. 'They could put 20 percent down on paper and he could go out and say 15 percent anyway. He goes to these tax meetings and people just hammer him but he still wants 15 percent.'" http://politi.co/2wV9TUj

HOUSE REPUBLICANS have a five-hour retreat today at National Defense University, where they will talk about tax reform. ***The House Republican Conference video pushing tax reform*** http://bit.ly/2fyudrT ... They are also launching a website, fairandsimple.gop.

TRUMP'S WEDNESDAY -- THE PRESIDENT meets with Rex Tillerson at 10:30 a.m., and then heads to Indianapolis for a tax reform speech, which is slated to begin around 3:20 p.m.

NEW POLITICO/MORNING CONSULT POLL -- MOST POPULAR CABINET MEMBERS: Defense Secretary James Mattis topped the list of Trump's most popular advisers with a **40%** favorable rating (+20% net favorable), according to a new POLITICO/Morning Consult poll. **EVERY CABINET MEMBER** is under water. **JOHN KELLY: 39%** (+17 net), **BEN CARSON: 42%** (+9% net), **DAVID SHULKIN: 28%** (+9 net), **REX TILLERSON: 35%** (+7% net), **SONNY PERDUE: 24%** (+4% net). **LEAST POPULAR: BETSY DEVOS,** who has **28%** favorable, and **40%** unfavorable rating. **JEFF SESSIONS: 34%** (-4% net), **RICK PERRY: 30%** (-3% net), **STEVEN MNUCHIN:**

26% (-3% net), **RYAN ZINKE: 22%** favorable, **22%** unfavorable, **22%** have no opinion of him, and **34%** haven't heard of him.

THE BACKSTORY -- "Trump's N.F.L. Critique a Calculated Attempt to Shore Up His Base," by NYT's Glenn Thrush and Maggie Haberman: "President Trump was restless on the flight home from his rally on Friday night in Alabama, griping about the size of the crowd, wondering how his pink tie played with his audience and fretting about the low energy of the Senate candidate he was there to bolster. But there was one part of the trip that cheered him up, according to three people close to the president: rallygoers' thunderous approval of his attack on Colin Kaepernick, a former N.F.L. quarterback, for kneeling in protest during the national anthem, a slam punctuated by an epithet-laced suggestion that team owners fire employees who disrespect patriotic tradition. ...

"In private, the president and his top aides freely admit that he is engaged in a culture war on behalf of his white, working-class base, a New York billionaire waging war against 'politically correct' coastal elites on behalf of his supporters in the South and in the Midwest. He believes the war was foisted upon him by former President Barack Obama and other Democrats - and he is determined to win, current and former aides said." http://nyti.ms/2yl2ee2

ELIANA JOHNSON and **ALEX ISENSTADT: "Trump defends NFL stance at GOP donor dinner":** http://politi.co/2k1YsIZ

-- "A majority of adults disagree with Trump on firing athletes who kneel during anthem: Reuters/Ipsos poll," by Reuters' Chris Kahn: "A majority of Americans disagree with President Donald Trump's assertion that football players should be fired for kneeling during the national anthem, even though most say they would personally stand during the song, according to an exclusive Reuters/Ipsos opinion poll released on Tuesday. The Sept. 25-26 poll found that 57 percent of adults do not think the National Football League should fire players who kneel. This included 61 percent of NFL fans who watch at least a few games per season. The results were split along party lines, however, as 82 percent of Democrats and 29 percent of Republicans disagreed with the president's comments about firing football players." http://reut.rs/2wU2vgH

-- HOT JOB - "Senior Communications Strategist" at the NFL: http://bit.ly/2xzcWDj

RUSSIA WATCH -- "IRS shares information with special counsel in Russia probe," by CNN's Manu Raju, Pamela Brown and Evan Perez: "The IRS is now sharing information with special counsel Robert Mueller about key Trump campaign officials, after the two entities clashed this summer over both the scope of the investigation into Russia's meddling in the 2016 election and a raid on former Trump campaign chairman Paul Manafort's home, people briefed on the matter tell CNN. ...

"After several months of being at odds, one source said, the IRS Criminal Investigation division is now sharing information about campaign associates, including

Manafort and former White House national security adviser Michael Flynn. The sharing happened after the two camps reached an agreement following consultation with officials at the Treasury Department. CNN has learned the IRS Criminal Investigation agents had been working with the FBI to investigate Manafort since before the election in a similar probe that centered on possible money laundering and tax fraud issues, according to the sources." http://cnn.it/2wWrhrG

-- "Special counsel interviews with White House staff could start later this week," by CNN's Gloria Borger and Pamela Brown: "Special counsel investigators could start interviewing current and former White House staff as soon as later this week regarding the Russian probe, two sources familiar with the matter tell CNN. One source cautioned it is still being worked out with Robert Mueller's office and said it might be delayed until next week." http://cnn.it/2wVwxvN

-- "Blumenthal: '99 percent sure' of Russia indictments," by Darren Samuelsohn: "Criminal charges against two former top advisers to President Donald Trump are virtually certain, Democratic Sen. Richard Blumenthal said Tuesday. Michael Flynn and Paul Manafort are almost sure to be indicted as a result of Special Counsel Robert Mueller's probe into Russian interference in the 2016 election, the Connecticut senator told POLITICO. 'I'm about 99 percent sure there will be some criminal charges from this investigation,' said Blumenthal, a member of the Senate Judiciary Committee. ... Blumenthal said he is less certain Trump himself would end up facing charges, including for possible obstruction of justice for his firing of FBI Director James Comey." http://politi.co/2xFeNs9

TRUMP'S CABINET ...

-- DRIP, DRIP, DRIP: "Price's private-jet travels included visits with colleagues, lunch with son," by Dan Diamond and Rachana Pradhan: "Health and Human Services Secretary Tom Price took a government-funded private jet in August to get to St. Simons Island, an exclusive Georgia resort where he and his wife own land, a day and a half before he addressed a group of local doctors at a medical conference that he and his wife have long attended.

"The St. Simons Island trip was one of two taxpayer-funded flights on private jets in which Price traveled to places where he owns property, and paired official visits with meetings with longtime colleagues and family members. On June 6, HHS chartered a jet to fly Price to Nashville, Tennessee, where he owns a condominium and where his son resides. Price toured a medicine dispensary and spoke to a local health summit organized by a longtime friend. He also had lunch with his son, an HHS official confirmed. An HHS official said both the Georgia and Tennessee trips were for official government business and were paid for by the department." http://politi.co/2wjM8p8

-- WAPO: "EPA spending almost $25,000 to install a secure phone booth for Scott Pruitt," by Brady Dennis: "The Environmental Protection Agency is spending nearly $25,000 to construct a secure, soundproof communications booth in the office of

Administrator Scott Pruitt, according to government contracting records.

"The agency signed a $24,570 contract earlier this summer with Acoustical Solutions, a Richmond-based company, for a 'privacy booth for the administrator.' The company sells and installs an array of sound-dampening and privacy products, from ceiling baffles to full-scale enclosures like the one purchased by the EPA. The project's scheduled completion date is Oct. 9, according to the contract. Typically, such soundproof booths are used to conduct hearing tests. But the EPA sought a customized version -- one that eventually would cost several times more than a typical model -- that Pruitt can use to communicate privately." http://wapo.st/2y7PHU1

-- "Dismayed by Trump, Head of Drug Enforcement Administration to Leave," by NYT's Mike Schmidt: "The acting head of the Drug Enforcement Administration will resign at the end of the week, according to law enforcement officials, who said he had become convinced that President Trump had little respect for the law. The official, Chuck Rosenberg, who twice served as chief of staff to the former F.B.I. director James B. Comey and remains a close confidant, had grown disillusioned with Mr. Trump. The president fired Mr. Comey in May, and then in July told law enforcement officers 'please don't be too nice' when handling crime suspects. Mr. Rosenberg forcefully rejected Mr. Trump's comment, sending an email to all D.E.A. employees at the time to tell them that they should not mistreat suspects." http://nyti.ms/2wWh8Ln

THE JUICE ...

-- **FIRST IN PLAYBOOK: JESSE KAMZOL**, former RNC chief data officer, has joined data and analytics firm Genus AI's Washington office for political and consumer clients.

Playbook Reads

PHOTO DU JOUR: Roy Moore greets supporters in Montgomery, Ala. on Sept. 26. Moore defeated incumbent Senator Luther Strange (R-Ala.) in a Republican special election primary runoff and will face Democrat Doug Jones in December. | Brynn Anderson/AP Photo

WHAT SEN. MARK WARNER IS READING -- "Russian-funded Facebook ads backed Stein, Sanders and Trump," by Josh Dawsey: "Green Party presidential candidate Jill Stein was the beneficiary of at least one of the Russian-bought political ads on Facebook that federal government officials suspect were intended to influence the 2016 election. Other advertisements paid for by shadowy Russian buyers criticized Hillary Clinton and promoted Donald Trump. Some backed Bernie Sanders and his platform even after his presidential campaign had ended, according to a person with knowledge of the ads. The pro-Stein ad came late in the political campaign and pushed her candidacy for president ...

"The ads show a complicated effort that didn't necessarily hew to promoting Trump and bashing Clinton. Instead, they show a desire to create divisions while sometimes praising Trump, Sanders and Stein. A number of the ads seemed to question Clinton's authenticity and tout some of the liberal criticisms of her candidacy. There is no indication Stein, Sanders or Trump was aware of the advertisements, which were described to POLITICO by people with knowledge of them." http://politi.co/2yFR21j

FOR YOUR RADAR -- "U.S. does not believe Cuba is behind sonic attacks on American diplomats," by McClatchy's Franco Ordonez and Anita Kumar: "The White House does not believe the Cuban government is behind the mysterious sonic attacks against U.S. personnel but plans to pull American staff out of Havana as the number of cases climbs, according to multiple U.S. sources familiar with the investigation. 'No one believes that the Cubans are responsible,' said one source, echoing comments from others who are closely involved in the situation. 'All of the evidence points that they're not.' Sources would not say who U.S. intelligence believes is responsible." http://hrld.us/2wUb776

VALLEY TALK -- "Tech Firms Add $300 Million to Trump Administration's Computer Science Push," by NYT's Cecilia Kang: "Many of the country's largest tech companies, including Amazon, Facebook, Google, Microsoft and Salesforce, on Tuesday pledged a total of $300 million for computer science education, part of a partnership with the Trump administration meant to prepare students for careers in technology. The corporate donations follow a White House effort to direct federal money toward teacher training and resources that bolster science, technology, engineering and math, or STEM, education. President Trump on Monday directed the Education Department to put $200 million in grant money toward computer science education." http://nyti.ms/2xAeJYQ

WOMEN RULE PODCAST: "Trump's tough talk on Iran might have repercussions: Actress and activist Nazanin Boniadi has a message for President Trump: stop emboldening Iranian leaders by threatening to blow up the deal your predecessor made with Iran. In the latest Women Rule podcast, the British-Iranian actress emphasizes that 'the nuclear issue has overshadowed human rights' in Iran for too long, and that increasingly harsh rhetoric from D.C. will result in further oppression of the Iranian people. 'The hardliners in Iran are fully aware that if they solve the nuclear issue and they get rid of the nuclear standoff with the U.S., the global attention will shift back onto human rights in Iran,' she said. 'That's the last thing they want.'" ***Listen to the podcast*** http://politi.co/2olmtJ7

****** **A message from Morgan Stanley**: Amid a confluence of regulatory, market and technological factors, the production and sales of battery-powered electric vehicles may finally shift into high gear. A Morgan Stanley report projects that as many as a billion electric vehicles will be on the road worldwide by 2050. Read more. ******

HAPPENING TODAY -- The Atlantic and the Aspen Institute are hosting the 9th annual Washington Ideas Forum starting today at the Harman Center. Among the speakers

today: Mitch Landrieu, Newsmax CEO Chris Ruddy, Marty Baron, Boeing CEO Dennis Muilenburg, and more. On Thursday speakers include: Nancy Pelosi, Steven Mnuchin, Mark Warner, Jeff Flake, and Madeleine Albright, among others. http://bit.ly/2y7ejMM

POLITICO AGENDA: THE AGING ISSUE -- "The U.S. has marked a profound demographic shift with 10,000 baby boomers turning 65 each day, in addition to the growing population of adults over the age of 85 increasing exponentially each year. Despite this, health care policy and practice haven't necessarily caught up to the challenges that older patients face. The newest issue of POLITICO Agenda explores the challenges facing the American healthcare system due to our aging demography:" http://politi.co/2xzjX76

MEDIAWATCH -- "Rolling Stone's Sales Pitch to Investors: Go Monthly, Slash Editorial Budget, Pivot to Video," by NYMag's Gabe Sherman: "According to a Wenner Media financial document obtained by Vanity Fair, Rolling Stone's print advertising revenue is projected to be just $10.9 million in 2020, down from $28.6 million in 2015. Circulation revenue will drop by nearly half during this period to $6.3 million. ... [A]s Wenner and his 27-year-old son, Gus, who succeeded Wenner as president and C.O.O. of Wenner Media, meet with potential bidders, they are pitching an austere business plan that includes cutting the editorial budget by 30 percent and converting the biweekly magazine to a monthly. ...

"Wenner's sales pitch to investors, according to the document, calls for cutting the editorial budget from a high of $8.1 million in 2015 to $4.2 million in 2020. With the reduction in the number of printed issues, production costs will drop to $7.3 million in 2020 from $18.1 million in 2015. Gus Wenner says the pitch he is making to investors is that the future of Rolling Stone is online and in video and television." http://bit.ly/2frExyi

--PER MICHAEL CALDERONE'S MORNING MEDIA: "Advocates for the news media will meet on Oct. 2 with Deputy Attorney General Rod Rosenstein to discuss how the Justice Department deals with journalists in leak investigations. Attorney General Jeff Sessions announced plans in August to revisit guidelines for media subpoenas, remarks which heightened fears journalists could be prosecuted in the Trump era."

-- "Fox News' Sean Hannity Tops MSNBC's Rachel Maddow in First 9 p.m. Matchup" - Variety: http://bit.ly/2fyiPwb

-- "Fox News Announces New Daytime Lineup: Harris Faulkner at 1 PM, Dana Perino at 2" - Mediaite: http://bit.ly/2xA3oIn

Playbookers

SPOTTED: Team Corker at NOPA last night celebrating his years of service: Sen. Bob Corker, Todd Womack, Micah Johnson, Hallie Williams, Rob Strayer, Chris Tuttle, Josh

Falzone, Chuck Harper, and John Rader ... former Rep. Tim Huelskamp (R-Kansas) outside the Peet's near Metro Center yesterday looking at his phone.

OUT AND ABOUT -- SPOTTED at a fundraiser last night at the Smoot Tewes Group for Obama and Clinton alum Buffy Wicks, who is running for California State Assembly in the 15th District: Meg Ansara, Paulette Aniskoff, Isaac Baker, Andrew Bleeker, Justin Brennan, Brian Bond, Pia Carusone, Jennifer O'Malley Dillon and Patrick Dillon, Adrienne Donato, Adrienne Elrod, Scott Goodstein, Ann Marie Habershaw, Karine Jean-Pierre, Dan Kanninen, Stephen Krupin, Clare Doody, Kyle Lierman, Marlon Marshall and Stacey Berger, Jonathan Mantz, Minyon Moore, Brandon Neal, Alexis Prieur L'Heureux, Tim Tagaris, Nicholas Rathod, Diana Rogalle, Sonal Shah, Erik Smith, Sean Sweeney, Mitch Stewart and Kelly Ward.

-- NARAL hosted its 5th annual #MenForChoice party last night at Baby Wale, with special guest Senator Cory Booker. The featured cocktail was a "Ruth Bader GINsberg." **SPOTTED:** Ilyse Hogue, Angie Kuefler, Soraya Chemaly, Kimball Stroud, Michael Khoo, Khalid Pitts, Sunita and Dan Leeds, Rene Redwood, John Jameson, Melinda Bieber, John Neffinger, Ari Rabin-Havt, Shripal Shah, Tyrone Gayle, Amanda Thayer, Kaylie Hanson Long, Liz Schoetz, Sam Lau, Alex De Luca, Rory Steele, Melissa Schwartz, David Williamson.

TRANSITIONS -- Arlene Corbin Lewis has joined the D.C. office of the public policy think tank, Demos, as the director of communications. She previously was at the Case Foundation where she was the VP for communications. ... Lincoln Strategy Group has brought on **Corey Vale** as EVP and chief digital strategist. Vale has had senior campaign roles with former Gov. Tim Pawlenty (R-Minn.), former Speaker Newt Gingrich (R-Ga.), and Sen. John McCain (R-Ariz.).

WELCOME TO THE WORLD -- Lisa Verstandig, assistant to Robert Allbritton, and **Scott Verstandig,** senior director of legislative affairs at Aircraft Owners and Pilots Association, email friends and family: "John Asher ('Jack') Verstandig you are our greatest joy! Born Saturday, September 23rd at 8:13 a.m. 7 lbs. 4 oz. 20 in. Mom and baby are resting and doing great! Dad is still recovering." ***Pic*** http://bit.ly/2wVPvlC

BIRTHWEEK (was yesterday): Robert Kagan turned 59... Josie Martin, head of corporate affairs and comms at Purdue ... Bloomberg's Lucas Shaw (hat tip: Henry Seltzer)

BIRTHDAY OF THE DAY: Jeff Birnbaum, president of BGR Public Relations and longtime D.C. journalist, is 61. **How he got his start in Washington:** "I was transferred to Washington from the New York bureau of the Wall Street Journal in 1982 to cover agriculture and general assignment." **Read his Playbook Plus Q&A:** http://politi.co/2k24lpz

BIRTHDAYS: New America Foundation head Anne-Marie Slaughter ... Jenny Burke, acting communications director at DHS (h/t Lauren Claffey) ... Rep. Debbie Wasserman

Schultz (D-Fla.) is 51 ... Rep. Adriano Espaillat (D-N.Y.) is 63 ... Recode's Tony Romm ... Lucy McCalmont, coordinating producer at the Sports Tribune ... Megan Grant, VP for strategic comms at Glover Park Group ... Brian Killheffer is 36 ... Christina DiPasquale ... LaVerne Alexander ... David Ratcliff (h/t Jon Haber) ... Kristin Sosanie ... Meridith McGraw of ABC News (h/ts Arlette Saenz and Natalie Boyse) ... Will Bredderman ... Brendan Dunn, policy adviser and counsel to Senate Majority Leader Mitch McConnell. Since Brendan is leading tax reform for the leader, he's celebrating by getting the Big 6 rollout as a special birthday present (h/t Erica Suares) ... AP's Pablo Gorondi ... LCV's Sara Chieffo ... Concetta Cantelmo ... Juleanna Glover (hat tip: Becca) ... Martin D. Franks ... Laura Whitefield, project manager at Stand Together and the pride of Houston ...

... Carl Woog, NSC and DoD alum, now lead for policy communications at WhatsApp (h/t Ben Chang) ... Christian Hertenstein, senior account supervisor at Qorvis MSLGROUP, is 32 ... Marcus Sebastian Mason, senior partner of the Madison Group (h/t Robb Watters) ... Caitlyn Schneeweiss ... Ed Niles, lead media strategist at BlueLabs ... Deloitte's Alexa Wertman is 27 (hubby tip: Josh Brown) ... Bryce Hallowell, director of public affairs for Chevron Phillips Chemical (h/t Kristina Baum) ... Politico Europe's Nick Vinocur ... Saraid Donnelly ... WJLA alum Tim Traylor ... Politico's Steven Overly and Jonathan McClure ... Charles Percy ... Meg Jones Margiotta ... Rene Carbone Bardorf ... Earl Plante is 44 ... Sean Miller ... NBC News' Matthew Vann ... PwC's Scott Moshier is 32 ... former Rep. Ed Case (D-HI) is 65 ... Geoff Burgan, comms director for Andrew Gillum's Florida gubernatorial campaign ... Shaun Cassidy is 59 ... Michelle Carrier ... Kathy Heinan ... Lee Wasserman ... John Loredo ... Abby Curran (h/ts Teresa Vilmain)

****** **A message from Morgan Stanley** : For years, many industry watchers have predicted the demise of traditional gas-guzzlers and the rise of electric cars. Yet, despite the advent of hybrid vehicles, better and cheaper batteries, and the entry of high-performance luxury electric competitors, the former continues to dominate roads globally. Now, however, the automobile's long-promised electric future may be in sight, according to a new report that projects that as many as a billion battery electric vehicles will be on the road worldwide by 2050, reaching parity with vehicles powered by the internal combustion engine. Why have electric cars never been successful before and why is it different this time? Read more from Morgan Stanley. ******

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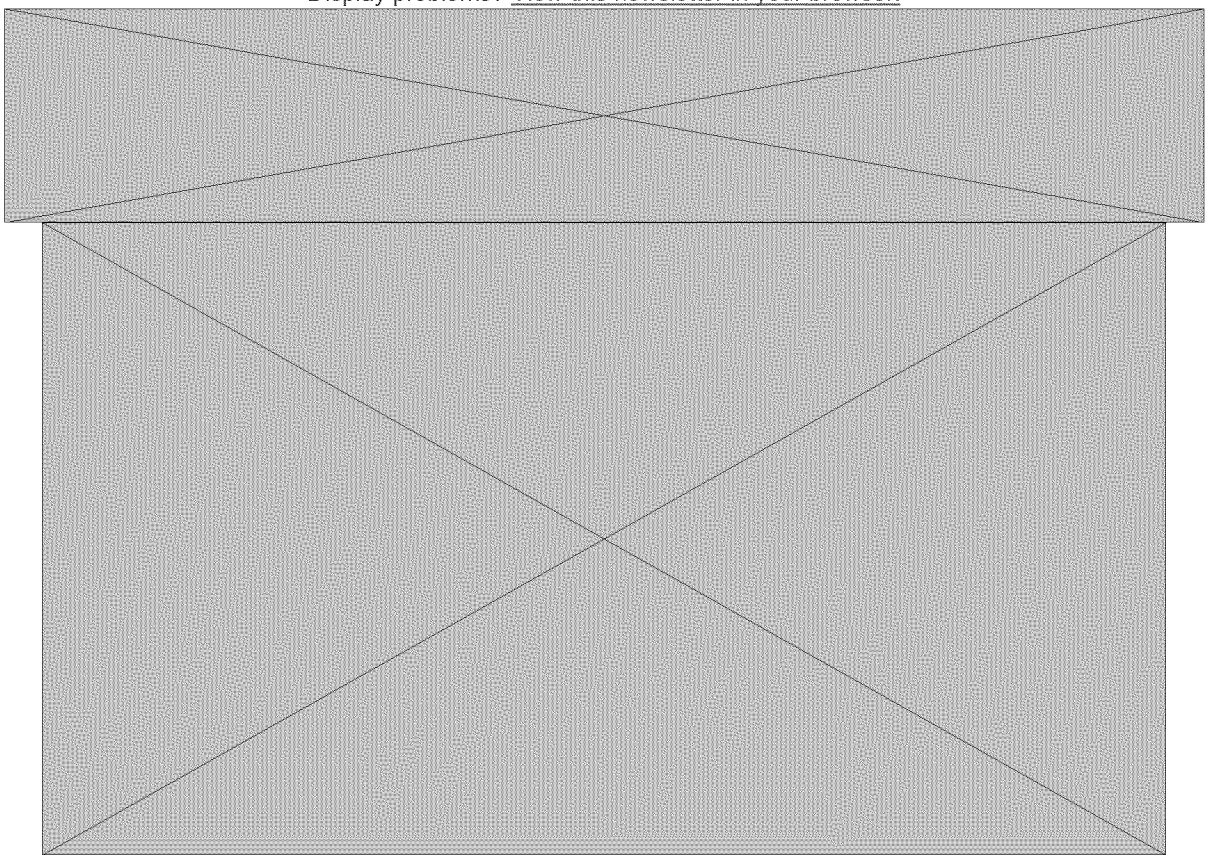
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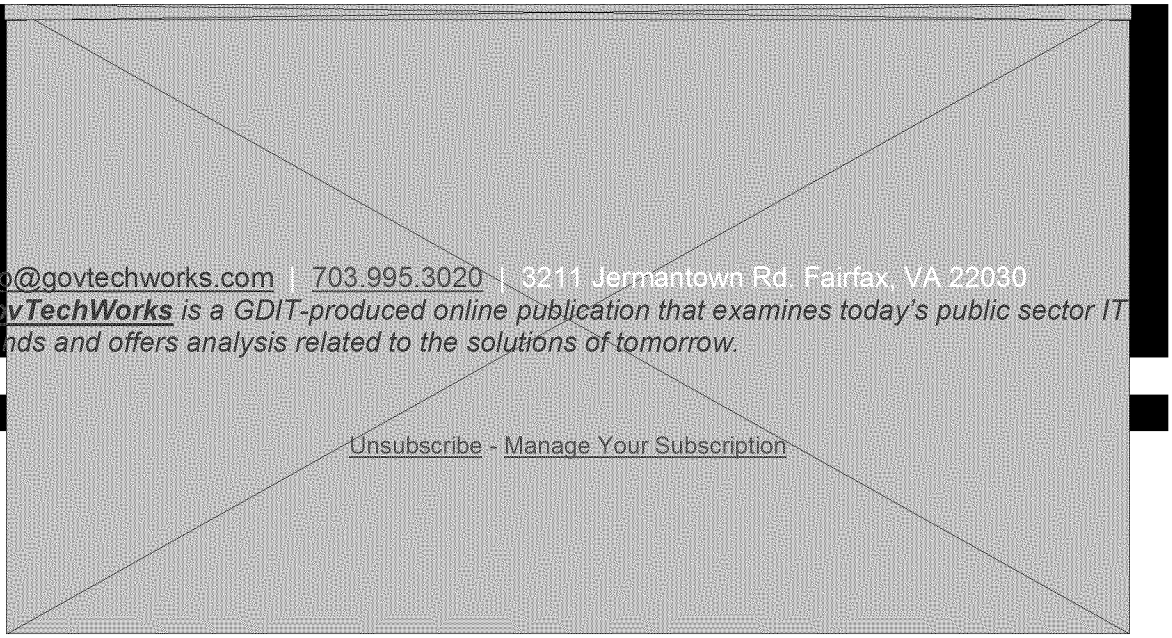
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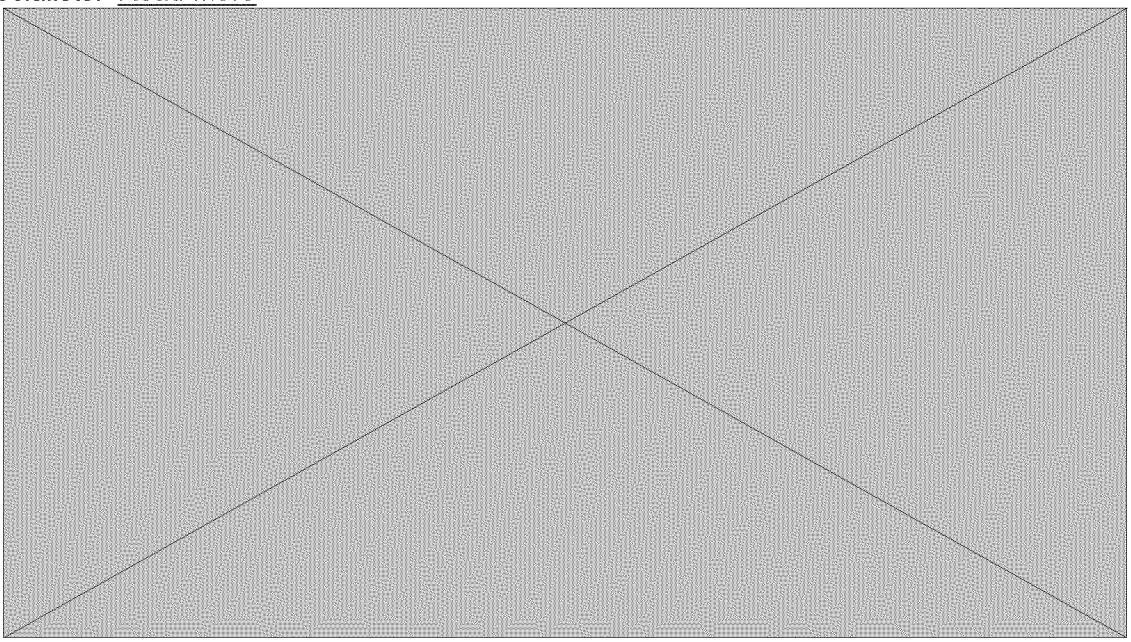


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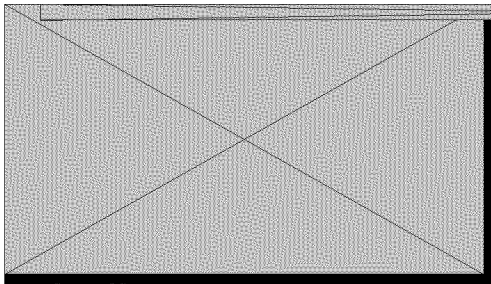
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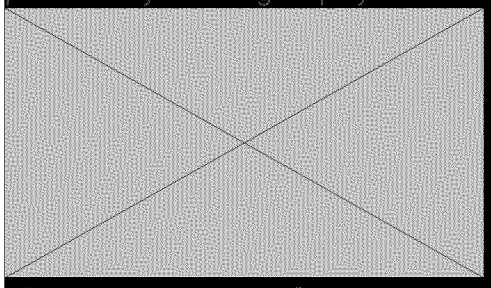
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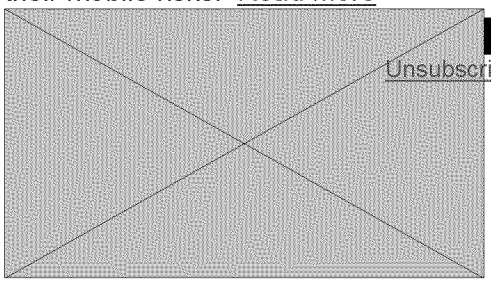
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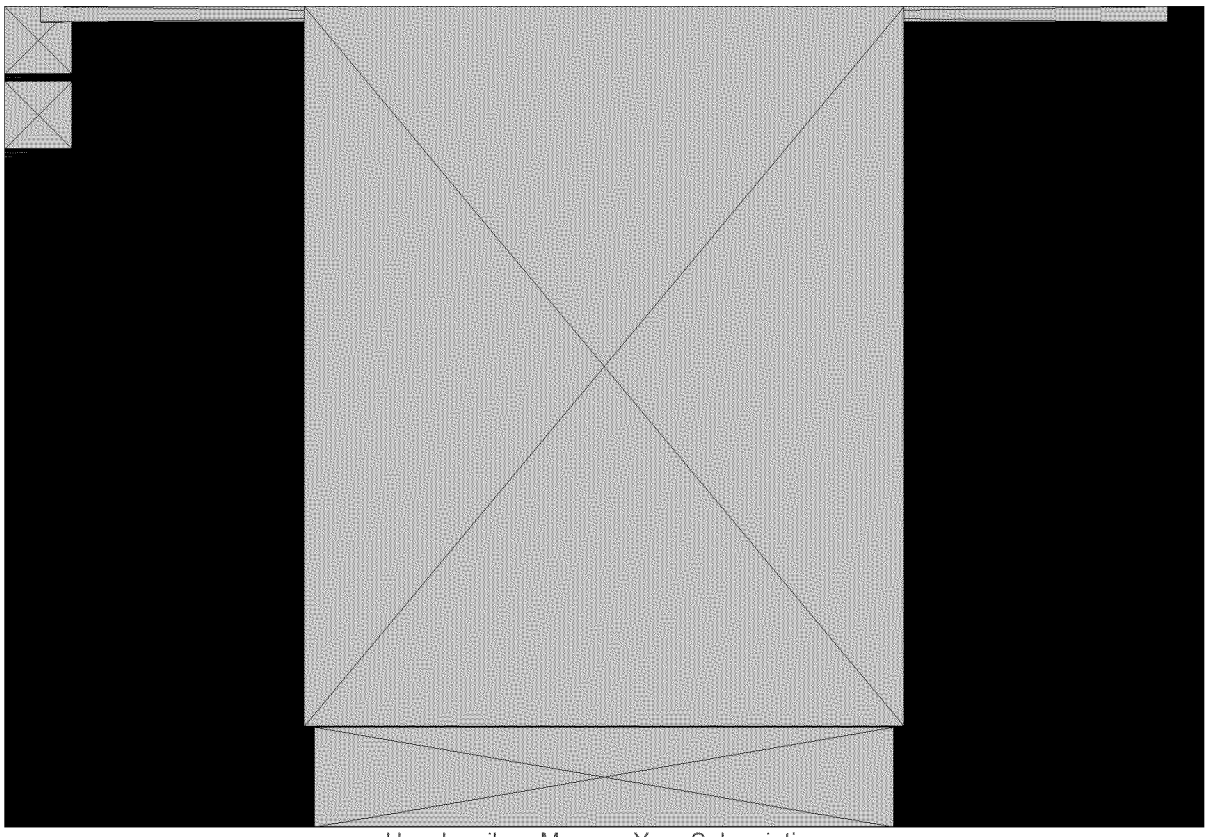
The International Trade Administration's leap into cloud services cut costs and improved service in part by redefining the meaning and boundaries of its networks. Read More

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Mon 7/31/2017 3:09:49 PM
Subject: Greens urge court to revive EPA's methane rule for new oil and gas wells

By Alex Guillén

07/31/2017 11:06 AM EDT

Environmentalists today asked a federal court to order EPA to resume enforcing its methane rule for new oil and gas wells after the agency did not ask for an appeal in the window provided by the court.

A panel of three judges on the D.C. Circuit Court of Appeals earlier this month ruled Administrator Scott Pruitt's 90-day stay of the methane rule was unlawful but agreed to keep Pruitt's stay in place for two weeks to give the agency a chance to appeal. That time ran out last week, and while industry groups and states opposed to the rule asked for *en banc* review by the full court, EPA has remained silent.

The environmental groups today called the industry and state rehearing petitions "transparent attempts to seek further delay" that should not stop the court from ordering EPA to lift Pruitt's administrative stay, which otherwise is slated to expire on Aug. 31.

"The filing of such flimsy petitions cannot be permitted to accomplish the very delay this Court found unlawful, to the detriment of Petitioners' members and other Americans who are suffering continued exposure to dangerous—and easily preventable—air pollution," they wrote.

WHAT'S NEXT: The court must decide whether to grant the environmentalists' request and order the rule reinstated, or explore the industry and states' appeal requests. The order keeping Pruitt's stay of the rule in place temporarily was specifically said to give EPA time to appeal, which the agency has not done.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/07/greens-urge-court-to-revive-epas-methane-rule-for-new-oil-and-gas-wells-091291

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Subject: Administrator Pruitt Addresses National Tribal Operations Committee

CONTACT: press@epa.gov

Administrator Pruitt Addresses National Tribal Operations Committee

WASHINGTON (October 11, 2017) – Today, Environmental Protection Agency (EPA) Administrator Scott Pruitt addressed the National Tribal Operations Committee (NTOC) where he spoke on the pressing issues facing environmental leaders in Indian country and how best the Agency and tribal leaders can collaborate on their shared goals and challenges.

“EPA is committed to working and partnering with tribal governments to address our shared environmental concerns and challenges,” **said Administrator Pruitt**. “I understand the important role that tribal governments play in environmental management, and the unique government-to-government relationship that tribes have with the federal government. The process that we engage in as co-regulators is very important. I believe that regulations ought to make sense, and part of that is engaging directly with tribal governments --taking comments and consulting with tribal governments, so that we are making informed decisions.”

In 1984, President Regan published the Federal Indian Policy supporting the primary role of tribal governments matters affecting American Indian Reservations. EPA has worked to recognize the importance of tribal governments in regulatory activities to ensure healthy outcomes for American citizens living on Indian Reservations.

"The 1984 EPA Indian Policy is a critical instrument that provides both the EPA and Native American tribes with principles that illustrate the federal trust relationship," **said National Tribal Caucus Chairman Evaristo Cruz**. "On behalf of the National Tribal Caucus we would like to thank Administrator Pruitt for upholding and honoring this legacy that EPA has instituted."

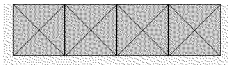
Administrator Pruitt will continue to work with American’s tribal partners and is reaffirming EPA’s 1984 Policy that will continue to advance cooperative federalism within the policy’s principles.

EPA Administrator Scott Pruitt with members of the National Tribal Caucus.

EPA Administrator Scott Pruitt addresses the National Tribal Operations Committee.

EPA Administrator Scott Pruitt signs a statement reaffirming the principles of the 1984 EPA Indian Policy with National Tribal Caucus Chairman Evaristo Cruz.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 8/30/2017 8:12:59 PM
Subject: Aug. 30 -- Daily Environment Report - Afternoon Briefing

Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

Flooded Houston Facing Threat From Air, Too, With Toxic Gas Releases

Posted August 30, 2017, 6:21 A.M. ET

By Adam Allington

Houston residents face a less obvious threat from the air as they deal with historic flooding: The Hurricane Harvey-caused shutdown of the region's massive petrochemical industry released more than 2 million pounds of harmful pollutants into the air as of Aug. 29, according to initial reports to Texas regulators.

"I think it's one of those unseen events that perhaps doesn't get recognized in all of the chaos and devastation of the storm," said Elena Craft, a senior scientist with the Environmental Defense Fund in Austin. "Two million pounds is roughly 40 percent of what the entire Houston region released in 2016. A lot of the concern stems from not knowing what you're breathing."

With 4.5 million residents, Houston is the fourth most-populated U.S. city. Over the weekend and on Monday, residents of industrial fence-line communities were reporting strong gas and chemical-like smells coming from the nearby plants and refineries.

Harvey prompted emergency shutdown of Houston-area refineries include Exxon-Mobil's sprawling Baytown complex, as well as refineries with Chevron-Phillips, Petrobas, Royal Dutch Shell, and Motiva Enterprises' Port Arthur facility—the nation's largest crude oil refinery.

While necessary from a safety perspective, the process of shutting down the plants produced significant amounts of air pollution.

Sudden shutdowns and startups can release chemical plumes including carbon monoxide, benzene and sulfur dioxide, because the filtration systems are not calibrated to run at lower temperatures. It's analogous to the initial puff of exhaust from a car tailpipe when the engine is first started.

In a mandatory filling with the Texas Commission on Environmental Quality (TCEQ), Chevron Phillips reported that it expects to exceed permitted limits for several hazardous pollutants, such as

1,3-butadiene, benzene and ethylene, during shutdown procedures.

Enforcement During Natural Disasters

Houston has been the site of several major flood events in recent years and chemical companies are still on the hook to minimize emissions, even during emergency shutdowns. If they don't they are subject to penalties and corrective action.

"They [fines] do have teeth," said Matt Kuryla, an environmental lawyer at Baker Botts LLP focusing on air quality.

Kuryla said the TCEQ holds a meeting every two weeks in which it has the power to assess fairly heavy fines for emissions events, up to $1 million.

"Under the rules that govern episodic emissions, companies are required to keep detailed records of the amount of chemicals released, and the steps taken to mitigate and correct the unauthorized emission," said Kuryla.

Kuryla noted that startups and shutdowns can be done under ideal circumstances without causing significant pollution. In those cases, excess hydrocarbons are usually taken care of through burning, or "flaring." It may smell to people living downwind, but it's not toxic, he said.

Questions of Policing Permits

According to the TCEQ's 2016 enforcement report, regulatory efforts in the state resulted in 1,404 administrative orders issued with over $8.9 million to be paid as penalties.

But Craft said those TCEQ penalties accounted for less than 3 percent of illegal air pollution released last year during industrial malfunctions in Texas.

The Environmental Integrity Project, a Washington, D.C.-based advocacy group made up of former EPA officials, recently took the EPA to court, alleging the federal agency isn't properly policing Texas air pollution permits, which they argue are too lax and complicated.

Hurricane Waivers?

The EPA has discretion to grant waivers during a natural disaster, but even for something as extreme as Hurricane Harvey, air pollution waivers might be more difficult to come by.

"This is an area of air pollution that is well known and heavily regulated," said Richard Alonso, a parnter in the environmental group at Sidley Austin LLP based in Washington D.C.

Alsonso said EPA learned a lot from Hurricane Katrina in 2005. No one questions whether refineries and chemical plants need to be shut down during natural disasters, but the question regulators will be increasingly faced with going forward is—how much do they need to pollute the environment to do so?

"The shutdown and restart emissions are regulated by the state and these should be minimized as much as possible," said Alonso. "It is not the Wild Wild West."

Looming Landfill Issues

More likely, he said, are waivers for specific environmental rules that would slow the cleanup and recovery process.

EPA Administrator Scott Pruitt already exercised his authority under the Clean Air Act last week to waive certain fuel requirements to address shortages resulting from Hurricane Harvey.

The next looming environmental issue could be four to five weeks down the road, said Alonso.

"They're going to have landfill issues," he said. "Once the cleanup starts, they will fill up quickly, and a lot of this is really nasty construction debris, things like asbestos, insulation, et cetera— the kind of stuff that normally wouldn't be simply tossed away."

Refineries' Toxic Gas | Harvey Damage | EPA Economic Reviews

Posted August 30, 2017, 7:01 A.M. ET

By Chuck McCutcheon

Houston's hazardous air pollution has spiked as Hurricane Harvey shuts down refineries and petrochemical complexes.

Emergency shutdowns released more than 2 million pounds of harmful pollutants into the air, according to initial reports to Texas regulators.

Affected Houston-areas refineries include ExxonMobil's sprawling Baytown complex, as well as refineries run by Chevron-Phillips, Petrobas, Royal Dutch Shell. It also includes the shutdown of Motiva Enterprises' Port Arthur facility—the nation's largest crude oil refinery.

While the shutdowns may be necessary from a safety perspective, shutting down boilers and other equipment can produce significant amounts of air pollution. Chevron Phillips reported to Texas' Commission on Environmental Quality that the company expects to exceed permitted limits for several hazardous pollutants, such as 1,3-butadiene, benzene, and ethylene, during shutdown procedures.

Energy-Incident Response Headaches

Harvey also is taxing the various government responses to damaged energy infrastructure.

A 14-inch pipeline in La Porte, Texas, spewed a toxic gas for several hours—just one of the infrastructure incidents challenging regulators as Harvey dumps record-breaking rain on the state. The Texas Commission on Environmental Quality is monitoring oil, gas, and other facilities reporting spills and giving technical guidance to wastewater operators in flood-impacted areas. And the Pipeline and Hazardous Materials Safety Administration is working with pipeline operators to give them better views of the integrity of their facilities.

Model Lacks Clarity: EPA Advisers

Economic modeling can be confusing—even to EPA's Science Advisory Board.

Its members told the EPA that the agency model for evaluating broad economic costs and benefits

of air pollution regulations isn't clear enough to help the public. The analysis is intended to help utilities, industries, and policymakers determine the effects of federal regulations on factors like energy prices and employment.

Board members who met Aug. 29 to discuss their draft report on EPA's draft economy-wide model asked for clarifications and transparency on the model's shortcomings.

What Else?

• "Garbage juice:" North Carolina lawmakers schedule a Wednesday veto-override vote to allow landfill operators to spray leachate and wastewater into the air to manage solid waste.

• Wisconsin's top environmental regulator is joining EPA's regional leadership team in Kansas.

• Duke Energy could add 700 megawatts of solar-power capacity to Florida's grid by 2021 and stop billing customers for a halted nuclear project under a plan filed with state regulators.

• Post-Harvey, federal and state leaders should pause to make sure money being spent will help prevent future damage, analysts say.

Today's Events

• Noon | Women in Green forum | How women impact the environmental industry

• 2 p.m. | EPA webinar | How drought and other environmental concerns affect global water quantity and quality

• 3 p.m. | World Resources Institute report | Helping Asia's poorest people access water pollution information

Quote of the Day

"This is a tremendously costly endeavor, and that's why we haven't done it already." — Peter Wilcoxen, head of an EPA Science Advisory Board panel, on finishing a draft report on modeling the economic impacts of regulation.

From Our Inbox

• A list of Harvey resources compiled by the Association of Air Pollution Control Agencies.

• Governments and business may face more lawsuits for failing to prevent damage from floods, heat waves, and other climate change risks, a commentary published in Nature says.

• A Massachusetts company using ammonia in its refrigeration system is now complying with federal laws, EPA announces.

All About: EPA Gasoline Waivers

The EPA is temporarily relaxing various environmental regulations to pave the way for more gasoline availability in crisis-struck Gulf states. That's because gasoline is needed to offset shortages tied to oil refinery shutdowns and flooding, the agency and governors in Texas and Louisiana say.

But the move is leaving biofuel producers confused.

Administrator Scott Pruitt in recent days gave the go-ahead to gas stations in parts of Texas and Louisiana to sell fuel that breaks environmental rules on smog prevention. Those rules involve arcane regulations on the Reid Vapor Pressure (RVP) of gas—which is used to measure ozone threats—and a type of refinement that limits pollutant emissions.

Pruitt, however, isn't allowing sales of gasoline containing 15 percent ethanol (E15), which is banned from sale in the summer months over RVP concerns. That issue has drawn the most attention to the RVP metric in recent years.

"The waivers issued don't do anything to allow expanded E15 blending," Renewable Fuels Association Executive Vice President Geoff Cooper said in a statement. Cooper said the waiver will allow sales of gasoline without any ethanol, a move that he said "seems odd."

The renewable fuel standard requires biofuel blending into gasoline, and now most gasoline sold nationwide contains 10 percent ethanol.

Pruitt also lifted gasoline requirements for 13 Atlanta-area counties. An agency spokesperson said EPA "is ready to act expeditiously" if extreme and unusual supply problems occur elsewhere.

Around the Web

WashPost | Flooding has killed more than 1,000 people in Sierra Leone and South Asia.

Popular Science | Where will all the Harvey floodwater go?

NYT | Making, selling, or importing plastic bags in Kenya can now land you up to four years in jail.

Harvard Business Review | How the insurance industry can influence climate-change planning.

—With assistance from Brian Dabbs.

Harvey Makes Second Landfall as Gulf Coast Relentlessly Battered

Posted August 30, 2017, 8:16 A.M. ET

By Brian K. Sullivan and Kelly Gilblom

On the morning of Aug. 30, disaster analyst Chuck Watson had pegged $42 billion as a reasonable estimate for the cost of destruction Tropical Storm Harvey would leave in its wake. By the end of the day, he'd added another $10 billion.

Harvey's initial blast along the Texas coast as a Category 4 hurricane was bad enough, sending gasoline prices surging and crude futures plunging as refineries shut. Now the storm has returned, making landfall a second time in southwestern Louisiana, which was devastated by Hurricane Katrina in 2005.

The storm has brought torrential rain and the collapse of levees, dams, and drains. That combination has analysts raising damage estimates by the hour and could easily push the catastrophe above the rank of Superstorm Sandy, the second-costliest weather disaster in U.S.

history.

"We're on the verge of having cascading failures," said Watson, a Savannah, Georgia-based disaster modeler with Enki Research. "It is conceivable that we could get into the $60 to $80 billion range without that much effort."

Louisiana, including New Orleans, is familiar with apocalyptic storms. Hurricane Katrina killed at least 1,800 and caused $160 billion in damage. Sandy, which slammed into New York and New Jersey in 2012, claimed 147 lives along its path from the Caribbean, including 72 in the U.S. The damage was about $70.2 billion, according to the U.S. National Centers for Environmental Information in Asheville, North Carolina.

The death toll from Harvey had reached at least 18 on Aug. 30, according to the Austin American-Statesman newspaper. The New York Times cited Texas authorities as saying they believed Harvey caused at least 30 deaths.

A nighttime curfew, from 10 p.m. to 5 a.m., was imposed in Houston the night of Aug. 29 as the storm's center drifted back toward the Gulf of Mexico. The storm made landfall between Port Aransas and Port O'Connor in Texas on Aug. 25, stalled out further inland over the weekend and is now trekking eastward. It is expected to reach the Lower Mississippi Valley by Aug. 31.

The storm will be followed by tornadoes from Louisiana to Arkansas. East Texas could get another 10 inches (25 centimeters) of rain throughout the week.

"Harvey aligned perfectly to bring intense rain bands over Houston," said James Done, a project scientist and meteorologist at the National Center for Atmospheric Research in Boulder, Colorado. As it drifted along the coast on Aug. 28-29, it also "perfectly aligned for Houston to get the peak rainfall."

Harvey also created a situation where Gulf of Mexico waters have kept drumming hard up against the coastline, preventing rain water from running off into the sea and backing everything up for miles around.

The ferocious arrival was tempered by high-pressure systems across the U.S., including a large one that pushed temperatures in California beyond 100 degrees Fahrenheit (38 Celsius), said Phil Klotzbach, a hurricane researcher at Colorado State University. Harvey became "a pebble in a stagnant stream."

Predictions were that some areas east of Houston would witness 50 inches or more of rain by the time Harvey moved off into the central U.S. As of 3 a.m. local time Aug. 30, the gauge at Mont Belvieu, east of the city, showed 51.88 inches had fallen since the start of the storm. That may be the most in recorded history for a tropical cyclone in the contiguous U.S., breaking a mark also set in Texas back in 1978.

The record for all 50 states in such a storm was set in 1950 in Hawaii—52 inches.

Harvey's deluge was made all the worse because the ground was already saturated by heavy rainfall earlier in the season. "We have had roughly a year's worth of rain in the last three months," said Wendy Wong, a National Weather Service meteorologist in Dickinson, Texas, a city that was evacuated.

Watson said disaster models just aren't calibrated for a thing like Harvey. For instance, a typical scenario will assume infrastructure such as dams, levees and drainage systems will fail when stress rates reach 80 to 90 percent. "We are seeing failures at 60 percent," he said.

The pressure on the Addicks and Barker reservoirs west of Houston spurred the Army Corps of Engineers to release water, which flooded neighborhoods that had been dry before. Now such deliberate flooding should be more calculated, Watson said.

"We're starting to get into the apocalyptic—this is what we don't want to have happen," he said.

The Army Corps didn't immediately respond to a request for comment, but said earlier on Aug. 29 that no decision had been made to increase discharge rates and that dam releases were expected to occur for several months.

Watson's other concern is how slowly water is draining away from Houston. Done said the reason may be that Harvey's surge is keeping up pressure on bays, inlets and the mouths of rivers, preventing runoff.

It could also be evidence that the pipes and drainage systems are failing, Watson said. That, of course, would increase the ultimate financial pain of the storm. The Army Corps said in a statement that the dams are operating "as expected."

'Precarious Situation'

Now, New Orleans and the rest of coastal Louisiana are feeling the brunt of Harvey's soaking rains, threatening yet another major U.S. refining center. The hurricane center said 3 to 6 inches could fall across eastern Louisiana, including New Orleans. Mississippi, Arkansas and Alabama could soon get as much as 10 inches. Storm surge warnings, which means there is a danger of facing a life-threatening inundation of water, are in effect for much of the Gulf Coast.

The storm shut an estimated 3.9 million barrels a day of refining capacity due to flooding and port closures, according to Goldman Sachs Group Inc. analysts including Damien Courvalin. Buffalo Gas Plant at Stanton, Texas, reduced sale of natural gas liquids by 58 percent as fractionator plants in Houston were closed, while Targa Resources Corp. said damage to its facilities is minimal so far.

The infrastructure in New Orleans, "can barely keep up," Done said. "New Orleans is in a very precarious situation."

The forecast calls for the storm to continue into the central U.S., and it's expected to become a tropical depression by tonight. And even then, Houston won't be free from threats.

Rainfall over the state will eventually need to make its way into the Gulf, which means several more pulses of water could be coming the city's way, Watson said.

"There is another train that is heading toward Houston," Watson said. "Behind every one of these dollar signs is a family that doesn't have a house anymore."

--With assistance from Sebastian Tong, Ann Koh and Serene Cheong.

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As Dicamba Dust Settles, Scientists and Industry Spar

Posted August 30, 2017, 7:30 A.M. ET

By Tiffany Stecker

Arkansan soybean farmers are wrapping up a summer of harvesting bumper crops alongside the crippling devastation of their neighbors' fields. The same herbicide is causing both optimism and bitterness in the region, and discussions over its future use is dividing farmers, scientists, and industry.

Dicamba, a weedkiller first registered in 1967, has undergone a makeover to fight weeds immune to most herbicides. BASF Corp., Monsanto Co., and DuPont this year stocked new versions of dicamba, designed for use with Monsanto's soybeans and cotton that are genetically-engineered to withstand the new herbicides. But the herbicide spread easily to neighboring farms, falling on vulnerable crops.

This summer was one the best growing seasons in years for Arkansans in terms of controlling insidious weeds that creep into fields. It also was a year of unusual harm to nearly a third of the state's soybean crops, marked by curled leaves, stunted growth, poor yields, and J-shaped pods that have been tied to new formulations of the herbicide.

What was a blockbuster year for many growers cost others millions of dollars, pitting farmer against farmer and scientists against the herbicide's manufacturers.

State university scientists believe the new formulations can't be managed to control the damage. They easily evaporate, or "volatilize," and can spread potentially thousands of feet over a couple of days into a neighbor's field.

"As a weed scientist, I can't tell you how to fix this problem," Jason Norsworthy, an extension scientist with the University of Arkansas told a group of farmers and industry representatives Aug. 17.

The manufacturers are loathe to blame volatility, saying the herbicides were studied extensively before their launch earlier this year. The damage, they say, could be due to errors in applying the herbicide, poorly written instructions, and generally weak control of physical drift—the travel of liquid droplets of dicamba via wind or weather patterns.

To avoid a repeat of the disaster next year, Arkansas' Plant Board convened a task force of growers and trade association representatives to craft recommendations on the spraying of dicamba.

On Aug. 24, the task force agreed to develop preliminary recommendations for the Plant Board to send to the governor. The panel suggested that the Plant Board impose an April 15 cut-off date for spraying the chemical and thereby prevent spraying in the hot summer months. The cut-off date also effectively would bar use of the herbicide for many farmers, given that most of the soybean planting happens in May.

The task force will incorporate the recommendations in a formal report due in the next three weeks. If implemented by the Arkansas Plant Board, the recommendations will drive hundreds of farmers' decisions next year. A compromise between those who have gained from the new dicamba and those who have suffered won't be easy. Farmers in Arkansas have been clamoring for solutions to their weed problems for years, and are feeling the pressure of declining grain prices that can

threaten the viability of their farm operations in just one season.

Grasping for Solutions

"It's something that we desperately need to control the weeds," Justin Blackburn, a 33-year old, eighth generation soybean and corn grower in Northeastern Arkansas, told Bloomberg BNA. "We're grasping for anything that works."

Hundreds of thousands of soybean acres, plus trees, vegetables crops, and flowering plants that feed honeybees, have shriveled this year as the new product for killing weeds came on the market. Soybeans are particularly sensitive to dicamba. The only crops that are safe are Monsanto Xtend seeds that are genetically engineered to withstand the herbicide. About 35 percent of the soybeans planted this year in the state are Xtend crops.

"We've got some serious issues we've got to address," Wes Ward, the state's Agriculture Secretary, told Bloomberg BNA. "We're hoping that this task force…can try to nail this down a little better."

In preparing its recommendations, the 19-person panel must consider conflicting information from university researchers and the manufacturers of the new herbicide.

Manufacturers hailed new formulations as a cure for stubborn weeds that suffocate crop yields. The aptly-named pigweed—also called palmer amaranth—began to resist applications of the widely-used weedkiller glyphosate after the turn of the 21st century. Weeds also have developed resistance to another class of herbicides called protoporphyrinogen oxidase (PPO) inhibitors. Resistant weeds can cut yields by up to 91 percent in corn and up to 79 percent in soybean, according to Purdue University Extension.

The new products were made to be less prone to evaporate and spread to neighboring fields than the dicamba of the past. But starting in late May, complaints began to mount. Dozens of calls to the Plant Board turned to hundreds. To date, 950 complaints have been filed.

The State Plant Board voted to ban spraying of dicamba in crops on June 23. As of Aug. 10, an estimated 900,000 acres of Arkansas soybean fields have been allegedly damaged by dicamba, according to state extension scientists, about one-third of the total soybean damage for the nation as a whole.

Ground Zero

Dicamba works by mimicking plant hormones that make weeds grow abnormally and eventually die.

More than 2,200 reports of dicama injury, affecting more than 3 million acres of soybeans, are being investigated nationwide, according to the University of Missouri's Integrated Pest Management program. Northeastern Arkansas is ground zero for the damage.

In Mississippi County, a sprawling horizon of soybean and cotton fields one hour northwest of Memphis, Tenn., 240 dicamba misuse complaints were filed this year—one quarter of all of the complaints in the state.

David Wildy, a task force member who pushed for an April 15 cutoff date for spraying the chemical, is one of the most vocal critics of the new formulations. A silver-haired grower of soybeans, corn, and other crops from Manila, in the northeastern part of Arkansas, he's earned awards for his high

production, management style, and outreach to the agricultural community.

Earlier this season, Wildy estimated his loss from soybean damage to be a little shy of $1 million, injury that is not covered by federal crop insurance or private insurance unless a neighbor admits to spraying dicamba and agrees to cover the loss with liability insurance.

"This technology is driving a wedge between farmers," he told Bloomberg BNA.

Arkansas was the only state of 34 not to approve XtendiMax for use, despite allowing farmers to plant Extend seeds that can withstand applications of dicamba. The Plant Board denied XtendiMax's approval because university scientists were not able to do independent tests, particularly under local conditions, Arkansas Agriculture Department spokeswoman Adriane Barnes told Bloomberg BNA in an email. This dampened their confidence in the product.

In A Pickle

Monsanto's vice president of global strategy Scott Partridge said the refusal to approve the use of Xtendimax drove farmers to use older versions of dicamba not suitable for use with the company's genetically-modified seeds. It's no surprise that Arkansas has fared the worst in the dicamba crisis, Partridge told Bloomberg BNA.

"I can understand why Arkansas is scrambling," he said. "I think they got themselves into a bit of a pickle."

Some states that have seen little to no problems with dicamba, a pattern BASF attributes to more in-person training. Arkansas Agriculture Secretary Ward told Bloomberg BNA that his state relied on the protocol for Mississippi, which did not require face-to-face training.

On a press call Aug. 17, BASF pointed to the in-person training in states like Alabama, North Carolina, and Georgia as a likely reason for fewer complaints in those states.

"We do recognize differences in agriculture around the country, but we shouldn't be quick to discount the value of in-person and face-to-face training," Scott Kay, vice president of U.S. Crops forBASF, said. "We do believe that's an important contributor to their reduced numbers of alleged complaints coming from those states."

But Norsworthy said those differences could be attributed to different agricultural systems, like smaller fields and forests interspersed with farmland.

In that county, a farmer was shot and killed after a dispute with a dicamba-spraying neighbor last year. At the time, Xtend seeds were legal, but the Environmental Protection Agency had not yet approved the new versions of dicamba, leading to widespread "off-label" use. It is illegal to use older versions of dicamba on the genetically-engineered plants.

This year was supposed to be different. The EPA approved the new formulations last November, more than a year after the Agriculture Department allowed for Monsanto's Xtend seeds to go on the market. But this year's calls to the Arkansas Plant Board have far outpaced last year's 33 complaints, 23 of which were confirmed to be dicamba injury.

Record Soybean Crop

The crisis won't lead to a national soybean shortage. On the contrary, the U.S. is set to break its soybean record this year, and Arkansas is expected to produce 400,000 more acres than in 2016, with a slight increase in yields per acre, according to USDA. Monsanto Chief Technology Officer Robb Fraley said Aug. 29 that the company is planning to supply enough Xtend seeds for up to half of the U.S. soybean acreage for next year's growing season.

But that gain comes at a significant cost, Wildy said. Sycamore trees are wilting. Tomato plants are wiped out. Wildy needs and wants the technology. But if this is the price of progress, he says, it's not worth it. Non-agricultural plants—from ornamental trees to flowers that feed honeybees—have been affected too.

"When the general public gets involved, to me that's very serious," he said, referring to the broader number of groups affected.

Wildy planted about 300 of his 3,300 soybean acres with Xtend seeds this year. He said he will plant more next year as a protective measure if the state Plant Board allows continued use. Farmers pay about $8 more per acre for dicamba-resistant beans than for LibertyLink seeds, Bayer AG's technology that matches glufosinate-tolerant crops to a new version of the herbicide glufosinate—another result of farmers' clamor for tools to beat weeds.

Arkansas farmer Blackburn tends to 1,700 acres with his brother in Greene County. Last year, he was hit with a wave of dicamba that damaged his soybeans. This year, he went on the defense. The brothers planted every acre of their soybeans to be dicamba-resistant. It was an extra expense, he said, but worth it. It worked wonderfully until late June, when the state imposed its ban.

That bothers Blackburn. This new technology has brought benefits to farmers, and smearing the formulations with a broad brush means a step backwards.

"We followed all of the regulations, all of the guidelines," he said. "They're sort of making it out to be that everybody who sprays this stuff is an outlaw, is a criminal."

Still, Blackburn thinks the product is "flawed" because it's been so easy for farmers to misuse.

An April 15 cutoff wouldn't work for Blackburn, who spends that month planting corn and begins sowing soybeans in May.

'This Is A Product That Is Broken'

The task force meetings on Aug. 17 and Aug. 24 were held at the Winthrop Rockefeller Institute, atop the fog-covered Petit Jean Mountain north of Little Rock. Named after the state's Republican governor who pushed for civil rights and prison reform in his state, the resort-like stone lodge serves as a neutral outpost to discuss the region's most pressing matters, from rural healthcare to agricultural trade with Cuba.

The dicamba matter may be the most contentious issue addressed there yet. Norsworthy gave an hour-long presentation to the audience of about 50 at the Aug. 17 meeting, summarizing a number of his field studies on the new dicamba formulations.

In one experiment that was replicated by scientists at the University of Tennessee, Norsworthy covered certain soybeans with buckets in a field where he sprayed XtendiMax (Monsanto's dicamba herbicide) and Engenia (BASF's new formulation). He removed the buckets 30 minutes after spraying, and soon after, the plants exhibited the telltale signs of dicamba damage. Had it been drift,

the weedkiller would have moved away from the areas in minutes, Norsworthy said.

In another trial, Norsworthy sprayed two 3.5 acre plots with Engenia and XtendiMax each, with wind traveling 2.9 miles per hour. Though applied well below the label instruction limit of 15 miles per hour, the herbicide traveled more than 300 feet. With field sizes in the thousands of acres, a real life situation could see dicamba travel well beyond the state's quarter-mile buffer zone, he said.

His conclusion: When it comes to volatility, there's no buffer big enough, no nozzle spray fine enough, no wait period long enough, to control the movement. Drift can be controlled by the type of nozzle, by the boom height, and by refraining from spraying at times of high wind speed and at certain times of the day.

The distinction between drift and volatility is important. Regulations and label instructions on its use can control physical drift. Volatility is uncontrollable, Norsworthy said.

"This is a product that is broken," he told the task force Aug. 17.

Those findings bristled the handful of manufacturer representatives present, who had just a few minutes to defend their new herbicides. The presentation, they said, would taint farmers' opinions of the product and bring on hasty recommendations to restrict a necessary tool for clearing weeds.

"I wasn't happy with the process," Dan Westburg, a BASF technical services manager with a doctorate in weed science, told Bloomberg BNA at the meeting.

Companies worked hard to suppress this in their new formulations. Monsanto's proprietary VaporGrip technology was developed specifically to reduce volatility by preventing the formation of dicamba acid in a solution.

Perry Galloway, a farmer in Northeastern Arkansas and proponent of the technology, agreed that a presentation from only the extension scientists was "biased."

'Dicamba Is Heavier Than Air'

The companies brought their concerns to the Arkansas Plant Board. A week later at the second task force meeting, Monsanto deployed three scientists to defend their data. BASF had one presentation.

Monsanto has conducted extensive volatility studies since 2009, company scientists said at the Aug. 24 meeting. Those studies, mostly done in closed enclosures called humidomes, show that dicamba concentration in the air drops dramatically in the first day, meaning it can't volatilize and travel far.

"Volatility does occur, it absolutely occurs, but the amount that occurs will happen very quickly in 24 hours," Ty Witten, North America Crop Protection Systems Lead for Monsanto, told the participants. "Dicamba is heavier than air, it's going to fall over time."

Can dicamba drift? Yes, said Witten, maybe by 40 or 100 feet. But not by half a mile or ten miles, as some have suggested.

Tom Mueller, a professor of weed science at the University of Tennessee Institute of Agriculture, challenges this 24-hour claim from Witten in recent trials. He found that dicamba concentrations in the air can shoot back up the day following an application after dipping overnight.

Mueller has repeated this trial several times. “It always follows the same pattern,” he told Bloomberg BNA.

Mueller attributes the increase in concentrations to higher temperatures the following day rather than in the evening. Heat drives volatility, and researchers link the dicamba problems to a relatively new phenomenon in its use. Older formulations were applied only on corn in the cooler temperatures of early spring, he said, whereas the new versions are being sprayed in 90-degree June weather.

The EPA ultimately will decide the herbicide’s future. The agency gave companies a provisional two-year registration for the herbicides in 2016 and it is investigating the complaints and meeting weekly with Arkansas and other states affected via teleconference.

The underlying causes of the various cases of damage are not yet clear, EPA spokesman Robert Daguillard said, “but EPA is reviewing the available information carefully.”

If the EPA revokes the registration, or imposes greater restrictions, on use of the herbicides, they would not go into effect until the 2019 growing season. That leaves another year of rising tensions in the Heartland.

Maryland Wants to Muck Out Exelon Dam to Save Chesapeake Bay

Posted August 30, 2017, 8:00 A.M. ET

By Leslie A. Pappas

One “big and dirty flush” from a Maryland dam could wipe out decades of efforts to clean up the Chesapeake Bay.

The Conowingo Dam on the Susquehanna River, a hydroelectric power station owned by Chicago-based Exelon Corp., is no longer blocking pollution from contaminating the Chesapeake Bay, and Maryland is pushing a $3.9 million plan to start dredging the backed up muck to protect the estuary.

“The sediment has value, but it doesn’t have value if it’s leaking through the dam into the Chesapeake Bay,” Maryland’s Secretary of the Environment Ben Grumbles told Bloomberg BNA. “Pollution prevention is the key.”

Maryland Aug. 31 is expected to solicit plans to dredge 25,000 cubic yards of the nearly 200 million tons of sediment trapped by the dam as part of a pilot program to reduce pollution. But the program is only the start given that 2 million to 3 million cubic yards of sediment accumulates each year, Roy McGrath, director of the Maryland Environmental Service, told Bloomberg BNA.

While the dredging is only a small step, Grumbles said it’s one piece of a “holistic strategy” to restore and protect the Chesapeake Bay.

Dredging could buy Maryland the time it needs to look at steps to reduce upstream pollution that eventually flows into the bay. But removing the 31 million cubic yards of sediment needed to restore the reservoir to 1996 levels would cost nearly $3 billion, the U.S. Army Corps of Engineers estimated, with another 3 million cubic yards of sediment dredged each year at a cost of $267 million annually.

"We all need to continue pollution prevention efforts upstream," Grumbles said.

Exelon Won't Fund Dredging

Exelon Generation Co. LLC agrees the problem is upstream pollution, and the company has balked at paying for the dredging operation. Exelon has spent about $7.8 million studying the issue since 2010, company spokeswoman Deena O'Brien told Bloomberg BNA in an emailed statement. The company found 70 percent to 80 percent of the sediment that washes into the bay during storms comes from upstream sources, and not from the Conowingo Pond.

Maryland has pushed the power company to contribute more to the dredging solution, even threatening to block the company's bid to renew a license from the Federal Energy Regulatory Commission to operate the dam.

"Exelon Generation believes protecting the vitality of the Chesapeake Bay is a multi-stakeholder, multi-state issue," O'Brien said.

The company "will support" Maryland's plan to solicit dredging bids though it will not play a formal role, she said.

Diminished Dam Could Drive New Standards

The dam has reached "dynamic equilibrium," according to a 2016 report Maryland issued with the U.S. Army Corps of Engineers. Dynamic equilibrium means that over time, the same amount of pollution and sediment flowing into the Conowingo reservoir is also flowing out. That diminished storage capacity means that a million more pounds of phosphorus from the Susquehanna will flow into the bay each year, Grumbles said.

"Some people are fixated on these extreme events," Donald F. Boesch, president of the University of Maryland Center for Environmental Science, which is studying the chemistry of sediment in the bay, told Bloomberg BNA, "but it's the year-to-year pollution that really matters."

That added pollution will make it even harder for Maryland to meet its goals under the Chesapeake Bay watershed cleanup plan, a pollution "diet" that aims to reduce levels of pollutants to certain federal standards by 2025. Maryland is one of six states and the District of Columbia that fall in the 64,000-square-mile watershed and must stay within federally mandated pollution discharge limits known as total maximum daily loads (TMDLs).

When Environmental Protection Agency first laid out those pollution limits in the 2010 Chesapeake Bay TMDL, the agency estimated the Conowingo trapped 55 percent of sediment, 2 percent of nitrogen, and 40 percent of phosphorus.

The EPA is conducting a midpoint assessment of nitrogen, phosphorus, and sediment levels in the bay to develop the next phase of cleanup, and the Conowingo's reduced capacity may force states to meet even more stringent pollution reduction targets.

Dredging's Value Questioned

While Maryland hopes the dredging plan will buy the time necessary to tackle upstream pollution, some researchers and groups involved in the bay cleanup question whether it is worth the cost.

Pollutants such as nitrogen are water soluble and will pass through the dam whether it gets dredged or not.

The 2016 sediment study by the U.S. Army Corps of Engineers concluded that nutrients from upstream "are a bigger threat to water quality than just the sediment," Sarah Gross, an Army Corps spokeswoman, told Bloomberg BNA in an email.

Dredging the Conowingo Dam "would result in only minor water quality improvements" to the Chesapeake Bay and "would be required regularly, if not annually, to achieve any net improvement," Gross said.

The Chesapeake Bay Foundation, an environmental group focused on the bay's health, argues that upstream states such as Pennsylvania and New York must do more to reduce nitrogen, phosphorus, and sediment runoff before it gets into the watershed in the first place.

Joel D. Blomquist, a hydrologist with the U.S. Geological Survey in Baltimore who has monitored sediment for 30 years, said scientists need to learn more about how sediment moves now that the dams have reached a dynamic equilibrium.

"There's legitimate debate around the question of needing to dredge," Blomquist told Bloomberg BNA. "We need to continue to decrease the amount of phosphorus and the amount of fine-grain sediments reaching the Chesapeake Bay," Blomquist said, but "there are multiple strategies to do that."

Xcel to Close Coal-Fired Units at Colorado Power Plant

Posted August 30, 2017, 02:44 P.M. ET

By Tripp Baltz

Xcel Energy Inc. plans to close two of its three coal-burning units at the Comanche Generating Station in Pueblo, Colo., as part of a group stipulation to pursue $2.5 billion in clean energy investments.

The company, in an Aug. 29 filing with the Colorado Public Utilities Commission, said the new generation projects will be identified and selected through a competitive process targeting a mix of utility and independent power producer-owned facilities. Portfolio estimates are up to 1,000 megawatts of wind, up to 700 megawatts of solar and up to 700 megawatts of natural gas, it said.

The filing with the commission was a provision with a coalition of 14 companies and groups to pursue $2.5 billion in clean energy investments in rural Colorado, the company said. The group of 14 includes the city of Boulder, Climax Molybdenum Co., the Colorado Energy Office, the Colorado Solar Energy Industries Association, the Colorado Building and Construction Trades Council and the Colorado Office of Consumer Counsel.

EPA Chemical Analysis Program's Science Focus of Sept. 6 Hearing

Posted August 30, 2017, 10:49 A.M. ET

By Pat Rizzuto

EPA's chemical toxicity program will be at the forefront of a House Science Committee hearing Sept. 6., Bloomberg BNA confirmed.

The House Committee on Science, Space, and Technology, and its Subcommittee on Environment and its Subcommittee on Oversight will all participate in the hearing. It will focus on the Environmental Protection Agency's Integrated Risk Information System (IRIS), which analyzes the human health harms that chemicals may cause and the doses at which those harms could manifest.

The National Academies, Government Accountability Office, American Chemistry Council and others have criticized the IRIS program for years. They have said it takes too long to evaluate chemicals and that the program's rationale for many decisions isn't clear.

The academies, however, praised recent improvements the EPA has made to the IRIS program.

Kenneth Mundt, director of applied epidemiology for the consulting group Ramboll Environ, and former Dow Chemical Co. toxicologist James Bus, now a senior managing scientist at Exponent, will testify. Both scientists and those consulting firms have long worked for or on behalf of various chemical and tobacco companies as well as for trade associations. Bus also has directed four toxicological associations, including the Society of Toxicology.

No witnesses for the Democrats could be immediately confirmed.

Questions about the IRIS program's formaldehyde assessment are likely to arise at the hearing. In May, Mundt published a critique of a study on occupational exposure to formaldehyde. That study was critical in the EPA's IRIS program, National Toxicology Program, and International Agency for Research on Cancer's analyses of formaldehyde's cancer-causing potential and link to leukemia and related cancers. Mundt's analysis concluded the workers study did not support a link between formaldehyde exposure and leukemia.

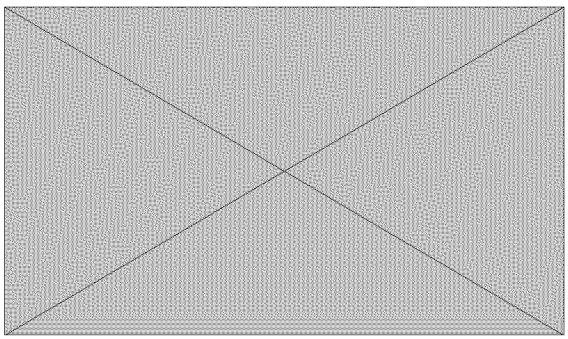
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Daily Environment Report for EPA

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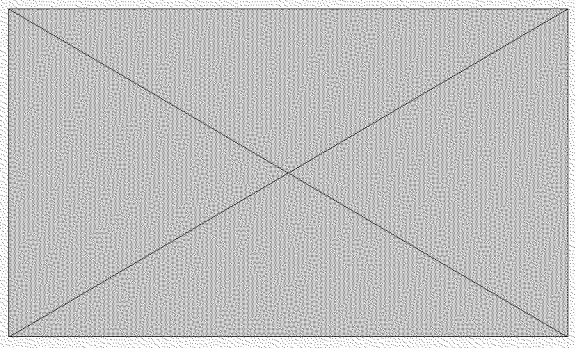


Reuters

What the Fortune 500 teaches us about the free market

Mark J. Perry | AEIdeas

Only 12% of the Fortune 500 companies in 1955 were still on the list 62 years later in 2017, and more than 88% of the companies from 1955 have either gone bankrupt, merged with another firm, or still exist but have fallen from the top Fortune 500 companies. Many of the companies on the list in 1955 are unrecognizable, forgotten companies today. What lesson can be learned from this creative destruction?

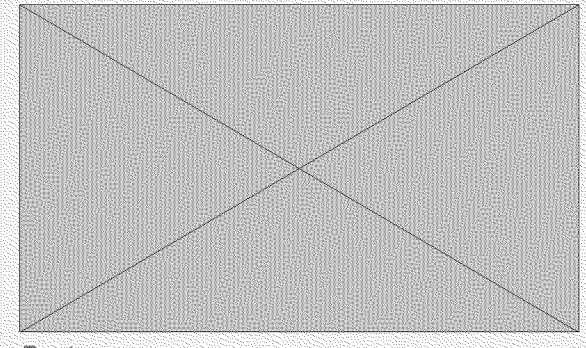


Twenty20

Finding the real value of college on future income

Mark Schneider and Rooney Columbus | AEI

Conventional wisdom holds that the surest path to labor-market success is through a bachelor's degree at a four-year college. While on average bachelor's degree holders earn more than those with sub-baccalaureate credentials, student earnings vary widely based on the degree pursued, the major studied, and the school attended. Many associate degrees offer valuable routes into the middle class.



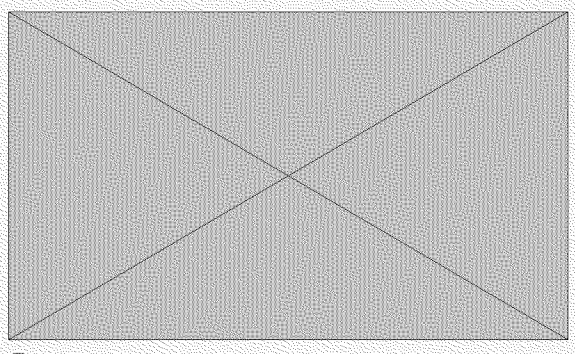
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Decoding the

president's health care executive order

Joseph Antos and James C. Capretta | Health Affairs

The executive order signed by President Donald Trump on October 12 directs the Departments of Health and Human Services, Labor, and Treasury to develop federal regulations that could allow new and less expensive health insurance options for employers and consumers. The executive order does not itself change any federal regulations. Instead, it sets into motion a policy development process that could lead to new regulations or regulatory guidance within the confines of current law.



Reuters

Sorting out who is right on energy subsidies

Benjamin Zycher | AEI.org

Energy Secretary Rick Perry recently proposed to the Federal Energy Regulatory Commission that it consider a system of direct ratepayer payments to baseload generators, in the form of cost-recovery plus a rate of return for on-site stockpiles of fuel. That would amount to an extra payment for coal and nuclear generators, assuming state regulators do not

confiscate such payments by reducing allowed rates of return to other capital investment. According to Benjamin Zycher, this approach is problematic.



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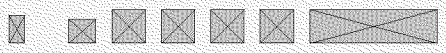
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House Ways and Means Committee Republicans were unable to finalize the details of the bill before their self-imposed Wednesday deadline.

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By Brianna Gurciullo and Stephanie Beasley | 08/10/2017 10:00 AM EDT

With help from Alex Guillen

LOOK! UP IN THE SKY! IT'S A BIRD! NO, IT'S A... RUSSIAN SPY PLANE? Yup. A spy plane flown by the Russian military on Wednesday swooped over D.C. and past Bedminster, New Jersey, where President Donald Trump is staying right now. As our Kathryn A. Wolfe and Pro Defense's Bryan Bender report, it was "a perfectly legal bit of aerial reconnaissance that nonetheless appeared to be an attempt to troll President Donald Trump."

'Semi routine': The Treaty on Open Skies, signed in 1992, lets Russia (and other signatories, including the United States) do surveillance flights like this one, in the hopes of fostering openness among different countries. The Russian Air Force seems to have conducted nine other surveillance flights this year alone. "The missions happen on a semi-routine basis," a Pentagon official told POLITICO. Russia gave the United States a heads up about the flight, as mandated by the treaty. "We put together the flight plan and with a few exceptions - safety-wise or weather-wise - they are allowed to fly over pretty much the entire territory," the Pentagon official said.

IT'S THURSDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Don't forget to send tips, feedback and lyrics: sbeasley@politico.com or @Steph_Beasley and bgurciullo@politico.com or @brigurciullo.

"It feels good to know you're mine / Now drive me far - away, away, away / Far away / I don't care where, just far - away." (h/t Brianne O'Donnell at Finn Partners)

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with tunes (picked by us and readers) that are all about flying, driving, commuting and sailing?

TRUMP'S 2-FOR-1 REG ORDER GOES TO COURT: A federal judge will hold a hearing this morning on Trump's "2-for-1" regulatory executive order that directed agencies to identify two rules for revision or repeal for every one rule finalized, per our colleagues at Morning Energy . A trio of groups - the Natural Resources Defense Council, Public Citizen and the Communications Workers of America - argue that Trump's order is unlawful and endangers public welfare by threatening health and safety rules across the government. The administration says Trump's order is a valid exercise of presidential authority and doesn't require agencies to do more than identify potential rules to cut. The administration also argues that it is too early to challenge the order, and that the groups must wait for an agency to act on it before going to court. The hearing will happen in the U.S. District Court for the District of Columbia.

NOW LET'S GET IN FORMATION: Tesla is working on a self-driving semi, Reuters

scooped on Wednesday. The electric trucks would be capable of platooning, or traveling in tight groups with one truck shepherding the others. Reuters reports that a Tesla official told Nevada's department of motor vehicles that the company wants "to operate our prototype test trucks in a continuous manner across the state line and within the States of Nevada and California in a platooning and/or Autonomous mode without having a person in the vehicle."

LET'S NOT PUT A DEADLINE ON IT: A tax overhaul will get done when a tax overhaul gets done, said Senate Majority Leader Mitch McConnell. "I'm not going to tell you when we are going to finish tax reform, but we'll finish it," he said to a Rotary Club this week, as the Northern Kentucky Tribune reported . MT readers may remember that Marc Short, the White House's legislative affairs director, has said that the Trump administration sees a bill to overhaul the tax code passing the House in October and being cleared by the Senate the next month.

Great expectations: But McConnell argued that timetables for legislation, promulgated by Trump, have contributed to a narrative that lawmakers "haven't done much" this year. "Our new president, of course, has not been in this line of work before. And I think he had excessive expectations about how quickly things happen in the democratic process," McConnell said, according to ABC News . "So part of the reason I think people feel we're under-performing is because too many artificial deadlines, unrelated to the reality of the complexity of legislating, may not have been fully understood."

GET IT TOGETHER: DOT's inspector general says the agency's IT office is in need of "sound planning procedures and internal controls," or else its capacity to handle high-priority cybersecurity issues will be in trouble. The DOT Office of the Chief Information Officer didn't "adequately document or plan for its cybersecurity funding needs," according to an audit report released this week. If the office doesn't shape up, it "may inhibit DOT's ability to effectively use limited funds to mitigate IT vulnerabilities," the IG report said. Your MT co-host has more for Pros.

STRIKE AGAINST POSSIBLE TRANSGENDER BAN: Five transgender military service members are suing Trump over his Twitter plan to reinstate a ban on transgender people serving in the military, Pro Defense's Bryan Bender writes. The five anonymous troopers filed the suit in the U.S. District Court for the District of Columbia. They are being represented by lawyers from the GLBTQ Legal Advocates and Defenders and the National Center for Lesbian Rights.

Still waiting: Trump announced that he would bring back the ban via Twitter last month, but still has not issued an official policy or provided guidance to the Pentagon. Should the ban go into effect, it would apply to the Coast Guard, which is housed under DHS but can be absorbed into the Navy during wartime and must abide by DOD personnel rules.

RECLAIMING MY (AD) TIME: Washington Metrorail has also been hit with a lawsuit. The American Civil Liberties Union alleges that WMATA's policy of prohibiting ads that it considers "issues-oriented" or "intended to influence members of the public regarding an issue on which there are varying opinions" violates the First Amendment, former MT scribe Martine Powers writes for The Washington Post (hi Martine!). Rejected ads highlighted in the suit include a book promo for alt-right writer Milo Yiannopoulos, a PETA "Go Vegan" ad, another showcasing an

abortion pill and an ACLU ad in support of the First Amendment. "The ACLU said that Metro is enforcing its advertising guidelines capriciously, and that the prohibitions outlined in the guidelines are far too broad and wide-reaching," Powers reports.

HUNTER INVESTIGATION TAKES 'SERIOUS TURN': Earlier this year, the FBI scoured the offices of a company that once managed the campaign finances of Rep. Duncan Hunter, POLITICO's Rachael Bade reports . The raid was "part of an ongoing criminal investigation into allegations the California Republican used tens of thousands of dollars in campaign funds for personal expenses," Rachael writes. "The search warrant," she explains, "suggests the FBI's investigation into Hunter has taken a serious turn." Hunter is the chairman of the House Transportation Committee's Coast Guard panel. More here.

THIS IS MY LAST RESORT: Sen. Bob Menendez, the chairman of the Senate Banking Committee's transportation panel, appears to have exhausted all his options for fending off trial. The New Jersey Democrat's lawyers contended "that the U.S. Supreme Court's decision to toss former Virginia Gov. Bob McDonnell's corruption conviction should invalidate his own indictment," POLITICO New Jersey's Matt Friedman reports, but a federal judge said Wednesday that such a conclusion must be reached through a trial.

IT'S BEGINNING TO LOOK A LOT LIKE... 2018? Florida Gov. Rick Scott is taking fire from Sen. Bill Nelson, who could face Scott in next year's election. Nelson slammed the Republican governor this week "for backtracking on a proposal to crack down on state money flowing to organizations or investments that could benefit the Venezuelan government," POLITICO Florida's Daniel Ducassi reports . Nelson wouldn't tell reporters his thoughts on what kind of prospects Scott would have in a race against him. "I'm not one to go around and crow and huff and puff and beat my chest, but I know how to campaign," Nelson said. "I'll leave it at that." (h/t Florida Playbook)

CELESTIAL RUBBERNECKING?: The Federal Highway Administration and state transportation officials are worried that some folks might get so caught up in watching the Aug. 21 solar eclipse that they'll forget to obey the rules of the road, HuffPost reports . The coast-to-coast total eclipse is expected to cross 14 states and be within a day's drive of 200 million people. "Don't stand on the interstate. Don't pull your car over. Don't take a selfie from a bridge," FHWA spokesman Doug Hecox warned drivers via HuffPost. "The risk of driver distraction from this once-in-a lifetime event has never been greater. We don't want anyone to have an 'eclipse in judgment.'"

NTSB RELEASES NEW DETAILS ON EL FARO: After additional "listening sessions," the NTSB said it has been able to transcribe more pieces of dialogue from an audio recording recovered from El Faro. NTSB posted an updated transcript, along with other analytical information, to the docket on its ongoing investigation into why the cargo ship sank en route to Puerto Rico during Hurricane Joaquin in 2015. The agency said it would post a human performance factual report that will include information about oversight and training as well as a wreckage trajectory study on Aug. 18. "Two more factual reports, nautical operations and naval architecture, will be added in the coming weeks," NTSB said.

DO YOU HAVE ANYTHING WITH A 'TOUCH OF BITTERNESS?' After enduring another day of New York City's "summer of hell," why not crack open a cold one? And why not make it a beer that's actually called "Delayed"? That's right, Blue Point Brewery of Long Island is serving up the new drink in New York's Penn Station beginning next week. The pilsner "has just the right amount of drinkability with a touch of bitterness," Todd Ahsmann, the president of Blue Point, told Newsday. "This beer should hold you over while you wait for the train but provide just enough bite to keep you critical of the current state of transit," Ahsmann said. Check out the design of the can here. (h/t POLITICO hubby Patrick Ambrosio)

TWEET OF THE DAY: This footage posted by author Craig Pittman reminds your MT co-host of all the times her father told her to not just worry about herself but also the other drivers on the road.

SHIFTING GEARS: Kate Geldaker starts today as director of government affairs at Alaska Airlines. Geldaker's past jobs include senior legislative assistant for Sen. Amy Klobuchar (D-Minn.) and, most recently, deputy director of congressional affairs for the National Telecommunications and Information Administration.

THE AUTOBAHN:

- "L.A. gives green light for eminent domain to clear out Manchester Square." Los Angeles Times.

- "United apologizes after family's dog dies on flight." CBS News.

- "American flight underscores hazards posed by turbulence." The Associated Press.

- "Indiana highway gives 'black eye' to private investment in infrastructure." The Wall Street Journal.

- "Qatar Airways says evaluating air routes opened by boycotting countries." Reuters.

- "Hilarious rider complaints from the early years of the NYC subway." History Channel.

- "Metro's Office of Inspector General knew about falsified inspections nearly two years ago. Here's the report." The Washington Post.

- "Japan's Takata files another attempt to stay U.S. air bag lawsuits." Reuters.

THE COUNTDOWN: DOT appropriations run out in 51 days. The FAA reauthorization expires in 51 days. Highway and transit policy is up for renewal in 1,147 days.

To view online:
http://www.politico.com/tipsheets/morning-transportation/2017/08/10/its-a-bird-no-its-a-russian-spy-plane-221809

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Today's Playbook Power Briefing presented by JPMorgan Chase & Co.

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman), ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

Good Thursday afternoon. STRONG WORDS FROM FORMER PRESIDENT GEORGE W. BUSH in New York: "The health of the democratic spirit itself is at issue and the renewal of that spirit is the urgent task at hand. ... When we lose sight of our ideals, it is not democracy that has failed. It is the failure of those charged with preserving and protecting democracy ... Bigotry seems emboldened. Our politics seems more vulnerable to conspiracy theories and outright fabrication." ***More from Isaac Dovere*** http://politi.co/2zm2M8O ... ***Full transcript*** http://politi.co/2zBH0ia

TRUMP GETS BACKING FROM MOSCOW -- AP at 12:26 p.m.: "MOSCOW (AP) - Russia's Putin: Trump's foes don't allow him to fulfill his election promises."

CONSIDER THIS -- Pat Tiberi, a 17-year veteran of Congress who is one of the top lawmakers on the Ways and Means Committee, is resigning in the middle of a session during which the committee is rewriting the tax code! A full overhaul of the tax code is a career-long goal of most members of the Ways and Means Committee. To leave in the middle of it is basically unconscionable. ***Full statement*** http://bit.ly/2zyFHRb

-- CORRECTION: We wrote this morning that six of 24 lawmakers on Ways and Means were leaving Congress. It's actually seven. We forgot that Kristi Noem is running for governor of South Dakota. Other Republicans leaving include: Tiberi, Sam Johnson of Texas, Dave Reichert of Washington State, Lynn Jenkins of Kansas, Diane Black of Tennessee and Jim Renacci of Ohio.

SPOTTED -- EPA Administrator **SCOTT PRUITT** in first class on a Delta flight to Atlanta today.

TRUMP IN THE OVAL WITH P.R.'S GOVERNOR -- "Trump Gives Himself a 10 Out of 10 on Puerto Rico Storm Recovery," by Bloomberg's Justin Sink: "President Donald Trump Thursday said his administration's response to Hurricane Maria in Puerto Rico deserves a perfect '10' rating as he met at the White House with the U.S. territory's governor, Ricardo Rossello.

"'I think we've done a really great job,' Trump told reporters during an Oval Office meeting with Rossello, who is in Washington to press for disaster aid for the island. Rating the White House's handling of the storm on a scale of 1 to 10, Trump said, 'I give ourselves a 10,' because 'we have provided so much so fast.'

Rosello sidestepped a question from a reporter on how he would rate the administration's response. When Trump followed up by asking him, 'Did we do a great job?' Rossello answered: 'You responded immediately, sir.'" https://bloom.bg/2zAg7eL

-- @PR_Recovery: "29 days since landfall on Puerto Rico: Electricity restored: 21.60% Water restored: 71.58% Grocery stores open: 87.47%".

TRUMP also said they had the votes on the budget and "also addressed reports about Russian uranium and said this was the real Russia story while alleged collusion is a hoax," per Yahoo's Hunter Walker, today's pooler.

JEFF FLAKE POKES TRUMP -- Burgess Everett and Seung Min Kim: "If anything, Flake is determined to make his campaign against Trump-aligned candidate Kelli Ward a referendum on the future of the Republican Party. 'You can always eke out an election victory here and there,' he told POLITICO in an interview this week. 'But ... resentment is not a governing philosophy.' The GOP has 'deviated,' Flake added. 'We've taken a banner that is not familiar to us as Republicans. And I don't know how long this will last.'

"Flake chastised Trump's protectionist trade positions and his party's attempt to 'scapegoat' immigrants for the country's economic problems. And unlike other GOP senators, Flake publicly agrees with the sentiments of retiring Sen. Bob Corker (R-Tenn.), who recently blasted the president for potentially leading the country toward 'World War III' with his erratic tweets and foreign policy pronouncements.

"'How are we going to ever have agreements with our adversaries or with our allies if they think that we're not a reliable partner? And what we've seen lately will make them question whether we're a reliable partner,' Flake said. 'That's what Bob expressed. And a lot of us shared that concern.'" http://politi.co/2zAeQnO

****** **A message from JPMorgan Chase & Co.: 30 Years in the Waiting** It's been more than three decades since America reformed its tax system. As the world became more competitive, our tax code remained the same, putting America at a disadvantage when it comes to creating new jobs. Learn how tax reform can jump-start our economy: http://politi.co/2xE3I1i ******

REAL TALK ON NAFTA, from a Republican senator involved in trade, this morning at a media background briefing: "I think we've moved on a little bit beyond [the threat of withdrawing from NAFTA] ... [A]s the president has said, if we can't cut a good deal we're going to withdraw. It's a negotiating posture but I don't think there's an interest in the part of the United States to withdraw and that's good because it would be

devastating to lose those markets to other countries ... [Q: Does the administration understand the severe consequences?]

"I think they do, I think they do and I'm not sure that was true at first but I think if you haven't seen it in terms of the rhetoric, I think you see it in terms of the actions, I think they realize. ... [Q: Do you think if talks collapse, nothing happens?] "Yeah, yeah. But I think something will happen because let's face it, Canada and Mexico have some beefs too that they would like to bring up."

ON THE PRESIDENT'S MIND -- @realDonaldTrump at 6:54 a.m.: "Republicans are going for the big Budget approval today, first step toward massive tax cuts. I think we have the votes, but who knows?" ... **at 7:17 a.m.:** "Uranium deal to Russia, with Clinton help and Obama Administration knowledge, is the biggest story that Fake Media doesn't want to follow!" ... **at 7:56 a.m.:** "Workers of firm involved with the discredited and Fake Dossier take the 5th. Who paid for it, Russia, the FBI or the Dems (or all)?" ... **at 8:21 a.m.:** ".@foxandfriends 'Russia sent millions to Clinton Foundation'". ***The president also retweeted a supporter.***

CLIP AND SAVE -- @burgessev: "Sen. Heller says he will not talk to Politico as long as @RalstonReports is a contributor".

ON THE WORLD STAGE -- "Spain to impose direct rule as Catalonia leader refuses to back down," by The Guardian's Sam Jones: "The Spanish government is to suspend Catalonia's autonomy and impose direct rule after the region's president refused to abandon the push for independence that has led to Spain's biggest political crisis for 40 years.

"The announcement of the unprecedented measure came after the Catalan president, Carles Puigdemont, threatened a unilateral declaration of independence if the Spanish government did not agree to talks on the issue. In a letter to the Spanish prime minister, Mariano Rajoy, sent on Thursday morning - the deadline set by Madrid for the region to abandon its independence plans - Puigdemont said discussions were the only way to resolve the crisis." http://bit.ly/2zBpfzU

WAR REPORT -- "Private contractor used to evacuate U.S. forces in Niger ambush," by CNN's Barbara Starr, Greg Wallace and Jamie Crawford "A U.S. private aviation contractor conducted evacuations of US and Nigerien troops after they were ambushed on October 4 in Niger, according to U.S. Africa Command spokesperson Robyn Mack. Mack said that U.S. private contractor Berry Aviation was 'on alert during the incident and conducted casualty evacuation and transport for U.S. and partner forces.' What is unclear at this time is whether the private contractor airlifted the wounded and/or the deceased." http://cnn.it/2zB2rQr

TURN OF THE SCREW ON RUSSIA -- "Trump Campaign Staffers Pushed Russian Propaganda Days Before the Election," by The Daily Beast's Betsy Woodruff, Ben Collins, Kevin Poulsen and Spencer Ackerman: "Some of the Trump campaign's most

prominent names and supporters, including Trump's campaign manager, digital director, and son, pushed tweets from professional trolls paid by the Russian government in the heat of the 2016 election campaign. The Twitter account @Ten_GOP, which called itself the 'Unofficial Twitter account of Tennessee Republicans,' was operated from the Kremlin-backed 'Russian troll farm,' or Internet Research Agency, a source familiar with the account confirmed with The Daily Beast. ...

"Two days before election day, Trump campaign manager Kellyanne Conway tweeted a post by @Ten_GOP regarding Hillary Clinton's email. ... Three weeks before the election, Brad Parscale, the Trump campaign's digital director, retweeted a separate post from @Ten_GOP. ... President Trump's son Donald Trump Jr. followed the account until its closure on Aug. 23 of this year. Trump Jr. retweeted the account three times, including an allegation of voter fraud in Florida one week before the election." http://thebea.st/2zyUWtz

RECOVERY UPDATE -- "FEMA Is Spending Billions, and Some Questionable Companies Are Getting Work," by Christopher Flavelle and Paul Murphy in Bloomberg Businessweek: "Since Harvey, FEMA has awarded $215 million to a company called Composite Analysis Group Inc. to provide bottled water. According to a federal contractor database, Composite Analysis is also called Lipsey Mountain Spring Water Inc., which got $81 million in 2005 for services that included providing bottled water to areas hit by Hurricane Katrina. Lipsey missed at least 9 of 14 deadlines, failed to document its orders properly, submitted 'improper or inaccurate documentation,' and was paid $881,000 in unsupported costs, the U.S. Department of Defense's inspector general later concluded. Composite Analysis didn't respond to a request for comment. FEMA declined to answer questions about its vetting of the company.

"On Oct. 2, FEMA awarded $1.6 million to Inner Parish Security Corp. The U.S. Department of Labor found that Inner Parish committed hundreds of federal wage and labor violations dating back to at least 2002, according to records reviewed by Bloomberg, some on FEMA contracts. Inner Parish didn't return calls seeking comment. FEMA declined to answer questions about whether it knew about the company's legal history when deciding to award or continue the latest contract." https://bloom.bg/2zyCvVT

BUSINESS BURST -- "Alphabet Unit Leads $1 Billion Investment in Lyft," by Bloomberg's Eric Newcomer: "Alphabet Inc.'s investment arm, CapitalG, led a $1 billion investment in Lyft Inc. that values it at $11 billion, the ride-sharing startup said Thursday. The funding marks a major shift in Alphabet's allegiances away from Uber Technologies Inc., and suggests a tighter pairing of its Waymo autonomous vehicle technology with Lyft's transportation network." https://bloom.bg/2zySOln

PORTRAIT OF A PRESIDENT AS A YOUNG MAN-- "Obama Letters From 1980s Are Obtained by Emory University," by NYT's Sopan Deb: "'Your call gave me a boost,' reads a letter from a young Barack Obama. It was April 14, 1984, and Mr. Obama had transferred to Columbia University in New York City as a junior three years

earlier. The letter was addressed to Alexandra McNear, his girlfriend at Occidental College in Los Angeles, where he had transferred from. 'Somehow a clutter of numbers and appointments and bills had grown over your last letter,' wrote Mr. Obama, 22 at the time. 'Hearing your voice was like discovering a passage in a book I had read a while ago.'

"This is one of a series of handwritten notes that have been obtained by Emory University's Stuart A. Rose Manuscript, Archives and Rare Book Library in Atlanta and will be available to the public for the first time. There are nine letters in total, all from Mr. Obama to Ms. McNear, and they shed some light on Mr. Obama's formative years - the unease in his own identity, his cerebral nature, sense of isolation, and even the mundane aspects of being a college student." http://nyti.ms/2xSduYI

-- CAN YOU IMAGINE having your letters to your significant other in college released to the public? Jeez.

THE MORE YOU KNOW -- ELAINA PLOTT in GQ, **"Inside the Campaign Merch Graveyard":** "So what happens with all the stuff that a company like Hammerstone can't sell? Campaign volunteers are usually gifted the T-shirts and other basic apparel: a Republican operative who worked on the Rubio campaign tells me that kind of merch is given out first to volunteers, with the rest donated to someplace like Goodwill. Similarly, Moira Muntz of the Bernie Sanders campaign says they were able to get rid of most stuff by sending it to volunteers.

"As for leftover yard signs, [Jason] Worrix [director of My Campaign Store] says he encourages campaigns to give them to the Boy Scouts and Girl Scouts -- 'they do a lot of craft projects,' he says, 'and it's easy just to slap their own posters over campaign signage.' And what of the guacamole bowl, with its 'rustic charcoal coloring' and 'iconic 3-legged design'? A Jeb campaign source--yes, this person actually requested to go on background to discuss a guacamole bowl--says, unfortunately, they 'gave them away to staff.'" http://bit.ly/2zB9kRN

MEDIAWATCH - "The Economist starts new TV ad campaign in the U.S.," by Talking Biz News' Chris Roush: "The ad, titled 'The world needs another Economist reader,' was created by Economist Films and marks the first time that this unit has created a commercial to represent The Economist publication. ... The ad will air in October and November on national cable networks and in key target markets including San Francisco and Washington. The media buy also included a national broadcast spot on the 'Late Late Show with James Corden.'" http://bit.ly/2ySVH3m ... ***The ad, which is running with an initial six figure buy*** http://bit.ly/2x7tK3e

DESSERT -- "People in Russia are renting out grounded private jets by the hour just to take Instagram photos - here's what it costs," by Business Insider's Rosie Fitzmaurice: "[N]ow even ordinary people can fake a lavish lifestyle by hiring a grounded private jet as a backdrop for their Instagram snaps - well, at least in Russia they can. Moscow-based Private Jet Studio is selling two-hour photo shoots aboard the

Gulfstream G650 private jet for 14,000 roubles ($244 or £185) with a personal photographer included, or 11,000 roubles ($191 or £145) without. If you'd prefer a video of your experience, you can pay 25,000 roubles ($434 or £330) for a two-hour spot. You can also hire a team of hair and makeup professionals to polish your look beforehand." http://read.bi/2xQV5Gx

TOP TOONS -- MATT WUERKER talks to New Yorker cover artist **BARRY BLITT** about Trump and his upcoming book "Blitt." http://politi.co/2zAnGIG ... ***$29.82 on Amazon*** http://amzn.to/2zAPgiD

BOOK ALERT -- GEORGE WILL'S next book is scheduled for early 2019 and will be published by Hachette. He says it will focus on the conservative movement and "intellectual vandalism." ***The AP story*** http://bit.ly/2zA48xz

OUT AND ABOUT IN LOS ANGELES -- The Motion Picture Association of America PAC hosted a fundraiser last night for House Majority Leader Kevin McCarthy, with special guest Rep. Bob Goodlatte (R-Va.), at the Los Angeles home of Frank Luntz. The "suggested" donation to be a host was $20,000, according to the invite. Other hosts were PACs from 21st Century Fox, Comcast-NBC Universal, Disney, Sony Pictures Entertainment, Time Warner and Viacom.

SPOTTED: Rep. Will Hurd (R-Texas), outgoing MPAA chairman and former Sen. Chris Dodd (D-Conn.), Patrick Kilcur, Bill Bailey, Troy Dow, Hollyn Schuemann, Cameron Normand, Kris Jones, Mitch Rose, Melissa Maxfield, and Sam Lancaster.

TRANSITIONS -- Conor Maguire will start at WPA Intelligence as senior client strategist. He spent the last three election cycles at the RNC, most recently as director of external support. ... **Dale Oak** has started Clark Federal Solutions, a government relations and consulting firm; he previously was senior adviser to the chairman of House Appropriations.

... **Dominic Gabello** has left as chief of staff to Rep. Michelle Lujan Grisham (D-N.M.) to join the congresswoman's gubernatorial campaign as manager. ... **Deirdre Murphy Ramsey** has been promoted to director of communications at Precision Strategies and **Erin Lindsay** has been promoted to director of digital at the firm.

WEEKEND WEDDING -- Maggie Gage, head of Washington research at Credit Suisse and adjunct professor at Georgetown, married **John Parks** , who is joining the Washington Post digital team. "The late-afternoon ceremony took place outdoors amid Vermont fall foliage at the Shelburne Museum, just south of Burlington. ... The couple met a local bistro on U Street, while watching the opening game of the 2012 NFL season (Giants v. Cowboys)." ***Pic*** http://bit.ly/2I28OJI

****** **A message from JPMorgan Chase & Co.: Investing in America** The American economy powers the world, but our tax system is holding us back. A 2017 EY report found that reforming the tax system could have brought an additional $195 billion of

foreign direct investment into the United States, an increase of 14 percent. That investment can help companies expand, explore new strategies and grow. What does that mean for America? It can help jumpstart our economy, make our country stronger in an increasingly competitive world, and can mean more jobs and higher wages for the American workers. Learn more about what tax reform can mean for our country: http://politi.co/2z6j0D8 ******

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EHS Federal Regulatory Alert

September 28, 2017 - Number 187

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Summaries

AIR
California SIP/Photochemical Assessment Monitoring System Network
AIR

Final rule of the EPA approves a revision to the California SIP concerning the establishment of a photochemical assessment monitoring system (PAMS) network in six ozone nonattainment areas within the state. The revision specifies that the South Coast Air Quality Management District (AQMD), the Sacramento Metro AQMD, the San Diego County Air Pollution Control District (APCD), the San Joaquin Valley Unified APCD, and the Ventura County APCD have implemented required PAMS networks and each district has included a provision on meeting quality assurance requirements. Additionally, the revision provides that the air districts have included a provision to assure that PAMS monitors will meet monitoring methodology requirements. Finally, the revision specifies that the air districts have provided assurance that their respective PAMS networks will be phased in over a period of not more than five years. The rule is effective Oct. 30, 2017. Contact: Doris Lo; EPA Region 9; 415-972-3959; lo.doris@epa.gov. Citations: 40 CFR 52.220

82 FR 45191 (09/28/2017)

Regulatory Update

AIR
NESHAP for Phosphoric Acid Manufacturing and Phosphate Fertilizer Production
AIR

Final rule of the EPA revises the NESHAP for the phosphoric acid manufacturing and phosphate fertilizer production source categories. The rule extends the compliance date by which affected sources must include emissions from oxidation reactors when determining compliance with the total fluoride emission limits for superphosphoric acid process lines from Aug. 19, 2016, to Aug. 19, 2018. The rule also clarifies the use of measured pressure drop and blower design capacity to monitor the liquid-to-gas ratio of low-energy absorbers and adds an option for monitoring by use of a regression model to determine the gas flow rate through an absorber. In addition, the rule extends the compliance date for the monitoring requirement for low-energy absorbers from Aug.

19, 2015, to Aug. 19, 2018, for existing sources and those for which construction or reconstruction commenced by Aug. 19, 2015. Finally, the rule restores a provision that was inadvertently omitted to allow sources a ± 20 percent variability in the minimum liquid flow rate to the absorber. The rule is issued in response to petitions for reconsideration of an Aug. 19, 2015, final rule (80 FR 50386) filed by the Fertilizer Institute and the Phosphate Corp. of Saskatchewan. The rule is effective Sept. 28, 2017. Contact: Susan Fairchild; EPA, Office of Air Quality Planning and Standards; 919-541-5167; fairchild.susan@epa.gov. Citations: 40 CFR 63.605; 63.608; 63.625; 63.628; Tables 1 through 4 to 40 CFR 63, Subpart AA; Tables 3 and 4 to 40 CFR 63, Subpart BB

82 FR 45193 (09/28/2017)

Regulatory Update

AIR
New Hampshire SIP/Central N.H. SO2 Nonattainment Plan
AIR

Proposed rule of the EPA would approve a revision to the New Hampshire SIP regarding the nonattainment plan for the Central New Hampshire 2010 one-hour sulfur dioxide (SO2) primary NAAQS nonattainment area. The plan addresses the state's attainment demonstration, reasonable further progress requirement, reasonably available control measures and reasonably available control technology, base-year and projection-year emission inventories, and contingency measures. The rule also would approve SO2 emission limits and associated compliance parameters for the Merrimack Station power plant in Bow. Comments are due Oct. 30, 2017. Contact: Leiran Biton; EPA Region 1; 617-918-1267; biton.leiran@epa.gov. Citations: 40 CFR 52

82 FR 45242 (09/28/2017)

Regulatory Update

AIR
Stratospheric Ozone/Refrigerant Management Requirements
AIR

Direct final rule of the EPA revises a Nov. 18, 2016, final rule (81 FR 82272) that updated refrigerant management requirements of the National Recycling and Emission Reduction Program. The revision clarifies that retailers may sell small cans that were manufactured or imported before Jan. 1, 2018, holding two pounds or less of nonexempt substitute refrigerants for use in motor vehicle air conditioning that are not equipped with self-sealing valves to persons that are not certified as technicians under Sections 608 and 609 of the Clean Air Act. The rule is effective Dec. 27, 2017, if no adverse comments are received by Oct. 30, 2017. Contact: Sara Kemme; EPA, Stratospheric Protection Division; 202-566-0511; kemme.sara@epa.gov. Citations: 40 CFR 82.154

82 FR 45202 (09/28/2017)

Regulatory Update

AIR
Stratospheric Ozone/Refrigerant Management Requirements

AIR

Proposed rule of the EPA would revise a Nov. 18, 2016, final rule (81 FR 82272) that updated refrigerant management requirements of the National Recycling and Emission Reduction Program. The revision would clarify that retailers may sell small cans that were manufactured or imported before Jan. 1, 2018, holding two pounds or less of nonexempt substitute refrigerants for use in motor vehicle air conditioning that are not equipped with self-sealing valves to persons that are not certified as technicians under Sections 608 and 609 of the Clean Air Act. A concurrent direct final rule adopts the revision, effective Dec. 27, 2017. Hearing requests are due Oct. 5, 2017. Comments are due Oct. 30, 2017. Contact: Sara Kemme; EPA, Stratospheric Protection Division; 202-566-0511; kemme.sara@epa.gov. Citations: 40 CFR 82.154

82 FR 45253 (09/28/2017)

Regulatory Update

AIR
Virginia SIP/Removal of CAIR Trading Programs
AIR

Direct final rule of the EPA approves a revision to the Virginia SIP to remove the annual nitrogen oxide (NOx), seasonal NOx, and sulfur dioxide trading programs under the Clean Air Interstate Rule (CAIR). The CAIR was discontinued in December 2014 upon implementation of the Cross-State Air Pollution Rule. The rule is effective Nov. 27, 2017, unless adverse comments are received by Oct. 30, 2017. Contact: Sara Calcinore; EPA Region 3; 215-814-2043; calcinore.sara@epa.gov. Citations: 40 CFR 52.2420

82 FR 45187 (09/28/2017)

Regulatory Update

AIR
Virginia SIP/Removal of CAIR Trading Programs
AIR

Proposed rule of the EPA would approve a revision to the Virginia SIP to remove the annual nitrogen oxide (NOx), seasonal NOx, and sulfur dioxide trading programs under the Clean Air Interstate Rule (CAIR). The CAIR was discontinued in December 2014 upon implementation of the Cross-State Air Pollution Rule. A concurrent direct final rule adopts the changes, effective Nov. 27, 2017. Comments are due Oct. 30, 2017. Contact: Sara Calcinore; EPA Region 3; 215-814-2043; calcinore.sara@epa.gov. Citations: 40 CFR 52.2420

82 FR 45241 (09/28/2017)

Regulatory Update

FOOD SAFETY
Food Canning Establishments/Acidified Foods and Thermally Processed Low-Acid Foods
FOOD SAFETY

Notice of the FDA announces the submission of a continuing information collection request to

the OMB regarding food canning establishment registration, process filing, and recordkeeping for acidified foods and thermally processed low-acid foods in hermetically sealed containers. The collection addresses registration requirements (FDA 2541) for firms that manufacture, process, or pack the specified foods for introduction into interstate commerce. The collection also addresses data on food processing (FDA 2541d, FDA 2541e, and FDA 2541f) and aseptic processing of low-acid foods in hermetically sealed containers (FDA 2541g). In addition, the collection addresses requirements for maintenance of processing and production records, documentation of corrective actions, development of recall plans, and container marking requirements. Comments are due Oct. 30, 2017. Contact: Ila Mizrachi; FDA, Office of Operations; 301-796-7726; PRAStaff@fda.hhs.gov. Citations: 21 CFR 108.25, 108.35, 113, 114

82 FR 45293 (09/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Connecticut/Millstone Power Station
GENERAL ENVIRONMENT AND SAFETY

Notice of the NRC announces the availability of an environmental assessment and finding of no significant impact regarding a request to exempt the Millstone Power Station, Unit No. 2, in Waterford, Conn., from fire protection program requirements for nuclear power facilities operating prior to Jan. 1, 1979. The exemption would allow Dominion Nuclear Connecticut Inc., of Waterford, to use operator manual actions 1, 9, 10, and 11 to achieve hot shutdown conditions for affected initiating fire areas with consideration of a loss of instrument air. Contact: Richard Guzman; NRC, Office of Nuclear Reactor Regulation; 301-415-1030; Richard.Guzman@nrc.gov. Citations: 10 CFR 50, Appendix R, Section III.G.2

82 FR 45322 (09/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Medical Devices Advisory Committee/Industry Representative Nominations
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a request for industry organizations interested in participating in the selection of nonvoting industry representatives to serve on the Medical Devices Advisory Committee in the Center for Devices and Radiological Health. The notice also requests nominations for nonvoting industry representatives to serve on specified device panels. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational devices and makes recommendations for their regulation. Statements of interest and nominations are due Oct. 27, 2017. Contact: Margaret Ames; FDA, Center for Devices and Radiological Health; 301-796-5960; margaret.ames@fda.hhs.gov

82 FR 45298 (09/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Nevada/Mesquite Replacement General Aviation Airport

GENERAL ENVIRONMENT AND SAFETY

Notice of the Federal Aviation Administration announces the cancellation of preparation of revisions to a draft environmental impact statement for the construction of a replacement general aviation airport in Mesquite, Nev. (73 FR 28461; 05/16/2008). The city of Mesquite, the owner and operator of the existing Mesquite Municipal Airport, has not included a replacement airport in its five-year airport capital improvement program. In addition, the federal land for the replacement airport is no longer available, therefore the FAA has determined that the need for the proposed replacement no longer exists. Contact: David Kessler; FAA, Airports Division; 310-725-3615

82 FR 45353 (09/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
North Carolina/KC-46 Third Main Operating Base Beddown
GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of the Air Force announces the availability of the record of decision (ROD) for the KC-46 Third Main Operating Base (MOB 3) beddown. The Air Force has decided to beddown up to 12 KC-46 primary aerospace vehicles authorized in one squadron at Seymor Johnston Air Force Base, in Goldsboro, N.C., where the Air Force reserve command leads the Mobility Air Force Mission. The ROD is based on the April 14, 2017, final environmental impact statement (82 FR 17991). Contact: Hamid Kamalpour; USAF, AFCEC/CZN; 210-925-2738

82 FR 45269 (09/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Rare Pediatric Disease Priority Review Vouchers User Fee
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the user fee rate of $2.8 million for rare pediatric disease priority review vouchers for fiscal year 2018. The fee applies to certain applications for review of human drug or biological products when those applications use a rare pediatric disease priority review voucher. The fee is effective Oct. 1, 2017, and expires Sept. 30, 2018. Contact: Robert Marcarelli; FDA, Office of Financial Management; 301-796-7223

82 FR 45291 (09/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
South Carolina/Lower Pelzer Hydroelectric Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a hydroelectric application for the Lower Pelzer Hydroelectric Project located on the Saluda River in Anderson and Greenville counties in South Carolina. The applicants, Pelzer Hydro Co. and Consolidated Hydro Southeast LLC, both of Piedmont S.C., request a new license to continue operation of the project, develop canoe portage

facilities, and remove a 3,300-volt overhead transmission line that is no longer in use. The existing project includes a granite masonry dam, spillway, an impoundment, a powerhouse with generating units totaling 3,300 kilowatts, a tailrace, and transmission lines. Comments, motions to intervene, and protests are due Nov. 20, 2017. Contact: Navreet Deo; FERC; 202-502-6304; navreet.deo@ferc.gov

82 FR 45284 (09/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
South Carolina/Piedmont Hydroelectric Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a hydroelectric application for the Piedmont Hydroelectric Project on the Saluda River in Piedmont, S.C. The applicant, Aquenergy Systems LLC, a subsidiary of Enel Green Power North America Inc., of Andover, Mass., requests a subsequent license to develop canoe portage facilities while continuing to operate and maintain the project as required under the existing license. The project currently consists of a stone masonry dam, a 22-acre impoundment, an intake canal, a brick masonry powerhouse, a tailrace, a 600-volt transmission line, and appurtenant facilities. Comments, motions to intervene, and protests are due Nov. 20, 2017. Contact: Navreet Deo; FERC; 202-502-6304; navreet.deo@ferc.gov

82 FR 45282 (09/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
South Carolina/Upper Pelzer Hydroelectric Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a hydroelectric application for the Upper Pelzer Hydroelectric Project located on the Saluda River in Anderson and Greenville counties in South Carolina. The applicants, Pelzer Hydro Co. and Consolidated Hydro Southeast LLC, both of Piedmont S.C., request a new license to continue operation of the project, develop canoe portage facilities, and release a continuous minimum flow of 15 cubic feet per second or inflow, whichever is less, from the project dam to maintain aquatic habitat and water quality conditions. The existing project includes a granite masonry dam, spillway, an impoundment, forebay canal, two powerhouses with generating units totaling 1,950 kilowatts, two tailraces, and transmission lines. Comments, motions to intervene, and protests are due Nov. 20, 2017. Contact: Navreet Deo; FERC; 202-502-6304; navreet.deo@ferc.gov

82 FR 45283 (09/28/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Tropical Disease Priority Review Voucher User Fee
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the fee rate of $2.8 million for tropical disease priority review

vouchers for fiscal year 2018. The fee applies to certain applications for review of human drug or biological products when those applications use a tropical disease priority review voucher. The fee is effective Oct. 1, 2017, and expires Sept. 30, 2018. Contact: Robert Marcarelli; FDA, Office of Financial Management; 301-796-7223

82 FR 45296 (09/28/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
FHWA, FRA, FTA/Program for Eliminating Duplication of Environmental Reviews
HAZARDOUS MATERIALS TRANSPORTATION

Proposed rule of the Federal Highway Administration, Federal Railroad Administration, and Federal Transit Administration would implement requirements under Section 1309 of the Fixing America's Surface Transportation (FAST) Act to establish a pilot program for eliminating duplication of environmental reviews. The pilot program allows up to five states to conduct environmental reviews and make approvals for projects under state environmental laws and regulations instead of the National Environmental Policy Act. The rule would address application requirements and criteria to determine whether state laws and regulations are at least as stringent as applicable federal laws. It also would update the corrective action period that the agencies must provide to a state participating in the Surface Transportation Project Delivery Program. Comments are due Nov. 27, 2017. Contact: James Gavin; FHWA, Office of Project Development and Environmental Review; 202-366-1473. Citations: 23 CFR 773.117, 778.101, 778.103, 778.105, 778.107, 778.109, 778.111; 49 CFR 264.101, 622.101

82 FR 45220 (09/28/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Hazardous Materials Regulations
HAZARDOUS MATERIALS TRANSPORTATION

Notice of PHMSA announces the submission of 11 continuing information collection requests to the OMB regarding the hazardous materials regulations. The collections address hazardous materials security plans; procedures for requesting changes, exceptions, and other determinations; and requirements for the design, construction, maintenance, and use of United Nations cylinders. The collections also address preparation of written oil spill response plans; manufacture, qualification, maintenance, and use of specification cargo tank motor vehicles; and certification of freight containers or transport vehicles for explosive shipments. In addition, the collections address testing requirements for nonbulk packagings; testing, inspection, and marking requirements for reusable cylinders; and documentation requirements for drivers of motor vehicles transporting flammable cryogenic liquids. In addition, the collections address approval of applicants for designated approval agencies and of containers and special loading requirements for vessels for hazardous materials. Finally, the collections address transportation of hazardous materials by rail and the manufacture, qualification, maintenance, and use of tank cars. Comments are due Oct. 30, 2017. Contact: Steven Andrews; PHMSA, Standards and Rulemaking Division; 202-366-8553. Citations: 49 CFR 105, 106, 107, 130, 172, 172.800, 173, 173.301, 174, 177.840, 178, 179, 180

82 FR 45356 (09/28/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Hazardous Materials Shipping Papers and Emergency Response Information
HAZARDOUS MATERIALS TRANSPORTATION

Notice announces the intention of PHMSA to seek OMB approval for a continuing information collection request concerning hazardous materials shipping papers. The collection addresses the requirement that shipping papers with emergency response information accompany most hazardous materials shipments and be readily available at all times during transportation. Comments are due Nov. 27, 2017. Contact: Steven Andrews; PHMSA, Standards and Rulemaking Division; 202-366-8553. Citations: 49 CFR 172.202, 172.203, 172.204

82 FR 45361 (09/28/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Puerto Rico, U.S. Virgin Islands Emergency Waiver
HAZARDOUS MATERIALS TRANSPORTATION

Notice of PHMSA announces an order of emergency waiver of hazardous materials regulations concerning operations within the Hurricane Maria emergency and disaster areas of Puerto Rico and the U.S. Virgin Islands. The waiver allows persons operating under the direction of EPA Region 2 or the U.S. Coast Guard Seventh District to offer and transport nonradioactive hazardous materials under the alternative safety requirements when compliance with hazardous materials regulations is not practicable. The waiver is granted to support the preparation, response, and recovery from threats caused by actual or potential oil and hazardous materials incidents. The waiver is effective Sept. 22, 2017, and expires Oct. 23, 2017. Contact: Adam Horsley; PHMSA; 202-366-4400. Citations: 49 CFR 171 through 180

82 FR 45360 (09/28/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Hawaii State Plan
OCCUPATIONAL SAFETY AND HEALTH

Notice of OSHA announces a new Hawaii state plan operational status agreement with the Hawaii Occupational Safety and Health Division signed April 13, 2017. The agreement, which replaces a 2012 agreement, clarifies that OSHA retains coverage over all federal employees, contractors, and subcontractors at state national parks and any federal establishment on land under exclusive federal jurisdiction. OSHA also retains coverage over private-sector maritime activities; private-sector employees within the secured borders of military installations where access is controlled; the U.S. Postal Service, its contract workers, and contractor-operated facilities; and federal whistleblower provisions. The state plan retains coverage over all state and local government employers and regains coverage over all private-sector employers not covered by OSHA, including marine construction not performed on vessels or other floating facilities. The agreement is effective Sept. 28, 2017. Contact: Douglas Kalinowski; OSHA, Directorate of

Cooperative and State Programs; 202-693-2200; kalinowski.doug@dol.gov

82 FR 45316 (09/28/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Powered Industrial Trucks Standard
OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of OSHA to seek OMB approval for a continuing information collection request regarding the powered industrial trucks standard. The collection addresses requirements regarding truck design, construction, labeling, and modification and certification and training for truck operators. The collection ensures the safe operation of powered industrial trucks and the prevention of hazards such as fires and explosions by faulty electrical systems, rollovers/tipovers that result from exceeding a truck's stability characteristics, and falling loads that occur when loads exceed the lifting capacities of attachments. Comments are due Nov. 27, 2017. Contact: Theda Kenney; OSHA, Directorate of Standards and Guidance; 202-693-2222. Citations: 29 CFR 1910.178

82 FR 45317 (09/28/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Standard on Steel Erection
OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of OSHA to seek OMB approval for a continuing information collection request regarding the standard on steel erection. The collection concerns requirements for controlling contractors to provide steel erectors with written notice of concrete strength and of any repairs, replacements, or modifications to anchor bolts. The collection also concerns requirements for employers regarding safety latches and hooks; certification of maximum capacity of multiple-lift rigging assembly; installation, anchoring, and use of steel joists and bridging; and fall protection systems. In addition, the collection addresses employer development of site-specific erection plans that include alternate means and methods to provide employee protection. Comments are due Nov. 27, 2017. Contact: Theda Kenney; OSHA, Directorate of Standards and Guidance; 202-693-2222; kenney.theda@dol.gov. Citations: 29 CFR 1926, Subpart R

82 FR 45314 (09/28/2017)

Regulatory Update

TOXIC SUBSTANCES
Products Containing Organohalogen Flame Retardants
TOXIC SUBSTANCES

Notice of the Consumer Product Safety Commission announces the availability of a guidance document concerning certain consumer products that may contain organohalogen flame retardants (OFRs) in nonpolymeric additive form. The document is issued in response to the

commission's vote to grant a petition (80 FR 50238; 08/09/2015) to initiate rulemaking and direct commission staff to convene a Chronic Hazard Advisory Panel to study the effects of OFRs on consumers' health. The commission recommends that manufacturers of children's products, upholstered furniture sold for use in residences, mattresses and mattress pads, and plastic casings surrounding electronics refrain from intentionally adding OFRs to such products. The commission also recommends that consumers, importers, distributors, and retailers obtain assurances from manufacturers that such products do not contain OFRs. Contact: DeWayne Ray; CPSC; 301-504-7547; JRay@cpsc.gov

82 FR 45268 (09/28/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Wed 8/16/2017 2:02:33 PM
Subject: POLITICO's Morning Score: Moore, Strange head to Alabama runoff — Jones wins Democratic primary — Curtis wins GOP primary to replace Chaffetz — Court strikes down Texas districts

By Kevin Robillard | 08/16/2017 10:00 AM EDT

With Elena Schneider and Scott Bland

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

STRANGER THINGS - "Moore, Strange advance to GOP runoff in Alabama special election," by Campaign Pro's Daniel Strauss: "Former Alabama Supreme Court Justice Roy Moore and Sen. Luther Strange advanced to a Republican primary runoff in Alabama's special Senate race, which will put President Donald Trump and Senate Majority Leader Mitch McConnell's political clout on the line in September. Moore had 40 percent of the vote and Strange - who was backed by Trump and McConnell - had 32 percent after The Associated Press called the race. Rep. Mo Brooks trailed at 20 percent. Alabama election laws call for the top two primary finishers to compete in a runoff if no candidate gets a majority. Despite the weighty endorsements, Strange has been locked in fierce competition with the other Republican hopefuls this summer. He leaned hard into Trump's endorsement to try to make a show of strength in the first round and close in on Moore. '[President Trump] knows that I am the person in this race that's going to make this country great again,' Strange told cheering supporters Tuesday night. But Strange, who was appointed to the seat earlier this year when Attorney General Jeff Sessions left the Senate to join Trump's Cabinet, still ran behind Moore - and well behind the majority marker - in the first round. 'This is a great victory,' Moore told attendees at his election night party. 'The attempt by the silk stocking Washington elitists to control the vote of the people of Alabama has failed.'"

- "Whoever wins the Republican primary will be heavily favored in conservative Alabama, but Democrats have been hoping to make a stronger-than-expected showing in the special election. Former U.S. Attorney Doug Jones won the Democratic nomination outright Tuesday night, avoiding a runoff, after garnering big-name endorsements from former Vice President Joe Biden and Reps. John Lewis, Cedric Richmond and Terri Sewell. Democratic Senatorial Campaign Committee chairman Chris Van Hollen recently donated to Jones, who as a federal prosecutor won convictions against perpetrators of the 16th Street Baptist Church bombing, decades after the civil rights movement-era attack." **Full story.**

- From the stat book: To be fair to Strange, he has had little time to consolidate support since his appointment to the Senate. But his showing (approximately one-third of the vote) is the lowest primary vote share won by any U.S. senator since at least 2000. The next-lowest share in that time? Then-Sen. Richard Lugar took 39.5 percent of the vote in his 2012 primary against Richard Mourdock.

IN THE HOUSE - "Curtis wins UT-03 GOP primary," by Campaign Pro's Elena Schneider: "Provo Mayor John Curtis won Utah's GOP special election primary Tuesday, clearing the path for an establishment favorite to replace retiring Republican Rep. Jason Chaffetz in a rare race where President Donald Trump didn't factor. Curtis had 41 percent of the vote when The Associated Press called the race. Former state Rep. Chris Herrod, backed by the Club for Growth, got 38 percent, while first-time candidate and businessman Tanner Ainge received 28 percent with more than three-quarters of precincts reporting. Curtis, who led in public polling throughout the primary, weathered a barrage of negative TV ads in the closing weeks of the campaign. But Curtis picked up an early nod from Gov. Gary Herbert, who recorded a radio ad for the two-term mayor. Outside groups dropped nearly $1 million on the race, some of which was spent on casting Curtis as not conservative enough and for 'back[ing] taxes and fees 46 times,' along with a '$12 million sales tax,' according to a TV ad backed by the Club for Growth. Curtis's opponents also hammered him for being a registered Democrat nearly 20 years ago." **Full story.**

REDISTRICTING WATCH - "Two Texas districts struck down by federal court," by Campaign Pro's Scott Bland: "A U.S. district court ruled today that two Texas congressional districts - the 27th District, represented by Republican Blake Farenthold, and the 35th District, represented by Democrat Lloyd Doggett - would have to be redrawn due to unconstitutional racial gerrymandering. The court ruled that Texas' congressional map still had the 'taint' of 'racially discriminatory intent' from redistricting in 2011, which carried over into an interim plan suggested by a court in 2013. But the district court also ruled that there was no evidence of intentional discrimination in Texas' 23rd District, held by GOP Rep. Will Hurd and for years the state's only true battleground district. The court also declined to order the drawing of new minority-opportunity districts in the Dallas-Fort Worth and Houston metro areas. However, a redraw of the map to address the two districts struck down by the court could still affect the 23rd District (and others). Doggett's heavily Democratic district snakes from Austin to San Antonio, and shifts in population could affect the parts of the 23rd District that reach into San Antonio's suburbs." **Full story. Decision**.

- Texas Attorney General Ken Paxton, in a statement: "We appreciate that the panel ruled in favor of Texas on many issues in the case. But the portion of the ruling that went against Texas is puzzling considering the Legislature adopted the congressional map the same court itself adopted in 2012, and the Obama-era Department of Justice did not bring any claims against the map. We look forward to asking the Supreme Court to decide whether Texas had discriminatory intent when relying on the district court."

Days until the 2017 election: 83.

Days until the 2018 election: 447.

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

PRIMARY POLITICS - Vukmir earns backing of Hendricks in Wisconsin Senate primary: Wisconsin State Sen. Leah Vukmir, who hasn't officially entered the GOP primary to challenge Democratic Sen. Tammy Baldwin, will have the backing of Beloit billionaire Diane Hendricks if she decides to run, the Milwaukee Journal-Sentinel reported on Tuesday. Hendricks, who has donated generously to Wisconsin Republicans, could serve as a counterweight to some of GOP primary entrant Kevin Nicholson's big-dollar supporters, including megadonor Richard Uihlein and the Club for Growth.

- Missouri Treasurer Eric Schmitt passes on Senate bid, clearing way for Attorney General Josh Hawley. Schmitt, as a fellow statewide elected official, would have been a major challenge for Hawley in the primary against Democratic Sen. Claire McCaskill. But he's clearing out for Hawley, he said in a statement. "I believe it is time for all of us to unite behind one candidate to be the Republican nominee for U.S. Senate, which is why I am supporting Attorney General Josh Hawley," Schmitt said. Republicans fear a replay of the 2012 GOP primary, where Rep. Todd Akin was able to win in a crowded field.

- SPEAKING OF HAWLEY - "Attorney general voted in Boone County in Aug. 8 special election," by the Springfield News-Tribune's Bob Watson: "Missouri Attorney General Josh Hawley voted in last week's special election, the Boone County Clerk's office told the News Tribune this weekend. Hawley's action appears to violate a state law, which says: "The attorney general shall reside at the seat of government and keep his office in the supreme court building." The Missouri Constitution defines the seat of government as Jefferson City. ... In February, Hawley said he and his legal team were convinced he was not breaking any laws by remaining in his Boone County home, which 'is 17 minutes away' from his office." **Full story.**

- "Bernie Sanders supporter jumps in to unseat Democrat in one of nation's hottest House races," by the Sacramento Bee's Angela Hart: "Brad Westmoreland, a Democrat and political newcomer, said he wants to shake up 'politics as usual.' He criticized [Ami] Bera for his stance on health care and for accepting campaign contributions from insurance companies. ... Andrew Grant, a Republican and Marine Corps veteran, is also running to unseat Bera." **Full story.**

CHARLOTTESVILLE FALLOUT, MARYLAND GOVERNOR EDITION - "Hogan calls for Taney statue at Maryland State House to be removed," by the Baltimore Sun's Pamela Wood: "The statue of Chief Justice Roger Brooke Taney, a Calvert County native and author of the infamous Dred Scott decision, has stood on the front lawn of the State House in Annapolis since 1872, withstanding multiple efforts to remove it. Hogan's announcement probably ensures that the bronze likeness of Taney will be removed from its prominent perch in the state capital. Hogan acknowledged the statue may send an inappropriate message in a country that continues to struggle over civil rights and equality. ... Hogan previously supported keeping Taney in his spot at the State House, and in 2015 called removing monuments to the Confederacy 'political correctness run amok.'" **Full story.**

- "Ben Jealous arrested in demonstration near White House; Baker speaks out on Trump,"

by the Baltimore Sun's Carrie Wells: "Maryland Democratic gubernatorial candidate Ben Jealous was arrested Tuesday in Washington during an immigrants' rights demonstration, his campaign said. ... Later, Prince George's County Executive Rushern Baker, another Democratic candidate for governor, called on President Donald J. Trump to resign from office. Baker released a statement Tuesday evening saying Trump 'is unfit to serve the people of our country and should resign, effective immediately.'" **Full story.**

PAGING PELOSI - Yesterday, we told you about Paul Davis' campaign launch in KS-02. But there's more: "Kansas Democrat Paul Davis announces congressional bid, says he won't vote for Pelosi," by the Kansas City Star's Hunter Woodall: "The man who many thought would make another run for Kansas governor is officially running for Congress instead. Democrat Paul Davis announced his entrance into the race for the 2nd District congressional seat Tuesday morning. If elected, he said, he does not plan to vote for Rep. Nancy Pelosi , the current House Democratic leader and former speaker of the U.S. House when Democrats last held the majority. 'This is a broken Congress right now, and I think the leaders of both political parties bear responsibility for that,' Davis said. 'And I think that we need new leadership in both political parties.'" **Full story.**

HOLLYWOOD TOUCH - Democrat Boyd Melson, a retired boxer and West Point graduate, announced he was running for Congress in New York's 11th district with a splashy new ad. The district is currently represented by Republican Dan Donovan, who won his election in 2016 by over 25 points. The ad comes from Hilltop Public Solutions, the same firm that produced the viral ad for Randy Bryce, the Democratic iron worker challenging Speaker Paul Ryan. **The ad** .

CORDRAY WATCH - "GOP Governors Step Up Effort to Discredit Cordray" by Morning Consult's Ryan Rainey: "Republican governors on Tuesday stepped up their efforts to discredit Consumer Financial Protection Bureau Director Richard Cordray as he approaches the end of his term and possibly considers a bid to run for governor of Ohio. On Tuesday, the Republican Governors Association filed a Freedom of Information request with the CFPB requesting documents on whether Cordray, a Democrat, used federal resources to coordinate with Democratic officials in his home state. The organization requested Cordray's phone logs and schedule since June 1, along with emails sent from bureau email addresses that reference the gubernatorial race. ... A CFPB spokesman did not immediately return a request for comment. In a statement provided to Morning Consult on Tuesday, Ohio Democratic Party Communications Director Kirstin Alvanitakis dismissed the RGA efforts. 'The Republican Governors Association is clearly running scared of losing the Buckeye State because they keep launching baseless attacks at Ohio Democrats,' Alvanitakis said." **Full story**.

ADMINISTRATION SPEED READ - "Trump Defends Initial Remarks on Charlottesville; Again Blames 'Both Sides,'" by the New York Times' Michael D. Shear and Maggie Haberman: "In a combative exchange with reporters at Trump Tower in Manhattan, the president repeatedly rejected bipartisan criticism for waiting two days before naming the right-wing groups and for placing blame on both the right and the left for the bloodshed on Saturday that ended with the death of a young woman after a car crashed into a crowd. ... Again and again, Mr. Trump said that not all of the protesters defending the Lee statue were neo-Nazis or white supremacists, and he said it was unfair to suggest that they were." **Full story.**

CODA - QUOTE OF THE DAY: "They didn't put themselves down as neo-Nazis, and you had some very bad people in that group. But you also had people that were very fine people on both sides. You had people in that group - excuse me, excuse me. I saw the same pictures as you did. You had people in that group that were there to protest the taking down, of to them, a very, very important statue and the renaming of a park from Robert E. Lee to another name." - President Donald Trump on Charlottesville protesters, according to a POLITICO transcript of Tuesday's press conference.

To view online:
http://www.politico.com/tipsheets/morning-score/2017/08/16/moore-strange-head-to-alabama-runoff-221902

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Mon 8/21/2017 2:05:05 PM
Subject: POLITICO's Morning Transportation: Adios Bannon — Final lap for new self-driving car guidance — Regulators: Mind the eclipse

By Stephanie Beasley and Brianna Gurciullo | 08/21/2017 10:02 AM EDT

BANNON OUT, INFRASTRUCTURE ... ?: Steve Bannon is exiting the White House, leaving some to wonder if he'll take with him his big-spending dream for infrastructure. Here's a refresher of just what Bannon told Hollywood Reporter last year: "I'm the guy pushing a trillion-dollar infrastructure plan. With negative interest rates throughout the world, it's the greatest opportunity to rebuild everything. Shipyards, ironworks, get them all jacked up. We're just going to throw it up against the wall and see if it sticks."

"To be sure": The reality is even having Bannon as a White House insider, the administration still has yet to produce more than a six-page outline of principles meant to inform its infrastructure package. More is promised in fall.

FINAL LAP FOR NEW SELF-DRIVING CAR GUIDANCE: NHTSA's updated guidance on self-driving cars is nearing public release, with the agency recently turning over the voluntary recommendations to the Office of Management and Budget for interagency review. Transportation Secretary Elaine Chao has said that the reworked guidelines would be coming as soon as September, a year after President Barack Obama's DOT rolled out the federal government's first-ever guidance on the technology. While under interagency review, those who could be affected by the guidance will be able to weigh in before NHTSA officially publishes them, Pro Technology's Steven Overly reports.

Meanwhile, on Capitol Hill ... A bill (H.R. 3388 (115)) dealing with self-driving vehicles won committee approval in the House last month, and a Senate bill is expected to be unveiled in the fall.

HAPPY MONDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Be sure to send tips, feedback, lyrics and your "Game of Thrones" reactions to sbeasley@politico.com or @Steph_Beasley.

"Drivin' faster in my car / Falling farther from just what we are / Smoke a cigarette and lie some more / These conversations kill / Falling faster in my car."

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) that are all about flying, driving, commuting and sailing?

TWEET DU JOUR: "The @USDOTFHWA predicts that on Monday, #Eclipse2017 could be one of the largest driver distractions in years. Please #JustDrive." - @NHTSA.gov

THIS IS IT! State transportation officials have spent months preparing for the ginormous traffic jams that could result from folks rubbernecking today's solar eclipse. Will all their planning pay

off? With an estimated 200 million people within a day's drive of the path of the eclipse, state highway officials from 14 states say they are ready for "what could be the largest traffic jam in U.S. history," The Washington Post's Terena Bell reports.

Be prepared: State officials have been keeping in touch with each other and also with FHWA, which has asked the states to suspend all road construction today. Honoring that request might be easier for some than others. Missouri, for example, will need to allow wide-load trucks on the road to help move rollercoasters and other rides from its state fair, which ended Sunday.

Turn around bright eyes: The American Trucking Associations also has a few words of advice for truck drivers planning to watch the solar eclipse while moving "the nation's goods" - mainly that they find a safe place to view it. "Since the last time we saw a solar eclipse from U.S. soil, the amount of cars on our roads has multiplied by 50 times, the demand for goods has grown, and highway users are more distracted than ever with new technology," said ATA Chairman Kevin Burch, president of Jet Express Inc. "It is important that we all work together and practice safety during moments like this and remember that even the smallest unsafe decision can ruin what could be a treasured memory."

UNVEILING BARCELONA'S JIHADIST TIES: Last week's deadly van-ramming incidents in Spain were not surprising to many security experts who have been tracking the growing influence of Salafism, a radical form of Islam, in the Catalonia region where the attacks occurred. POLITICO Europe's Giulia Paravicini reports that Catalonia, home to more than a quarter of the country's Muslim population, has been Spain's main hub for jihadist recruitment for the past decade. And Rita Katz of the SITE Intelligence Group said a pro-ISIS Twitter account had promised an "imminent attack" on Spain two weeks ago.

FAA DONS THE WHITE HAT AT SFO: The FAA is changing the landing rules at San Francisco International Airport after an Canada Airbus mistook a runway for a taxiway and nearly collided with planes queued up for departure, according to a report from The Mercury News. The FAA is longer allowing visual approaches to SFO at night with an adjacent parallel runway closed and will instead have controllers give pilots instrument or satellite-based approaches, FAA spokesman Ian Gregor told The Mercury News. The agency also plans to begin testing modified radar systems in the coming months.

TELL ME MORE, TELL ME MORE: Canadian auto workers are more open to the idea of tougher NAFTA rules of origin on automobile parts than their trade representatives or U.S. automakers, Pro Trade's Adam Behsudi and Megan Cassella write. U.S. Trade Representative Robert Lighthizer wants to renegotiate the rules in a way that would make it more difficult for U.S. and foreign automakers to shift production to Mexico, a proposal that drew ire from his Canadian and Mexican counterparts during talks last week.

But Canadian labor unions are all ears: "I can see putting a wall around Canada and the United States and then the two of us figuring out exactly what we are going to do with Mexico that we can both live with," said Jerry Dias, the president of Unifor, Canada's largest industrial labor union.

SPEED IT UP: The first day of NAFTA rounds concluded Sunday with the United States, Canada and Mexico agreeing that they want to wrap up negotiating ASAP, Doug Palmer writes.

LIGHT AT THE END OF THE 'SUMMER OF HELL' TUNNEL: Repairs to Penn Station in New York City should wrap up by Labor Day, according to Amtrak. "From a timing perspective, I'd say there's absolutely no reason we would not be at full service by Tuesday morning, Sept. 5," Amtrak COO Scot Naparstek told reporters on a call Friday. Ryan Hutchins has more for POLITICO New York Pro.

SLIGHTLY DETAILED: Let's just say House Transportation Committee member Todd Rokita likes things a certain way when he's traveling throughout his Indiana district. Drivers for the Republican lawmaker are supposed to adhere to an eight-page instruction manual, POLITICO's John Bresnahan and Rachael Bade report. Would you remember to follow all these steps?

MORE FROM NTSB ON EL FARO: NTSB on Friday added a human performance factual report and wreckage trajectory study to the docket for its ongoing investigation into the El Faro accident. A week earlier, the agency posted an updated transcript from the audio recording retrieved from the cargo ship, which sank during Hurricane Joaquin in 2015. NTSB has said it will add two more factual reports for nautical operations and naval architecture in the coming weeks.

WOULD YOU CUT IT OUT?!: TSA agents continue to add to their bounty of weaponry. In its latest "Week in Review" blog post , TSA said it discovered 77 firearms in carry-on bags during the week of Aug. 7 to 13. Of the 77 firearms, 65 were loaded and 12 had "a round chambered." TSA said its officers also retrieved an inert grenade from a passenger's bag in Austin, Texas. Other items that TSA officers find regularly include realistic replica firearms, BB and pellet guns, airsoft guns, brass knuckles, batons, stun guns "and many other prohibited items too numerous to note," TSA wrote. The agency hit a record earlier this month when it discovered 96 firearms in one week.

#OWNED: After two European airlines Etihad Airways owned a stake went bankrupt this year, some experts are laying part of the blame on European Union airline ownership rules, POLITICO Europe's Cathy Buyck reports . Etihad wasn't able to own a majority stake in Air Berlin or Alitalia because of nationality rules. Efforts to change ownership regulations are heating up with Brexit on the horizon. For example, Ryanair, which is based in Ireland, has a host of U.K. shareholders. After Brexit, those shareholders won't be EU citizens anymore, and Ryanair may need to sell their shares so it doesn't lose its EU ownership status.

LUNCH READ: The Washington Post's Lori Aratani chronicles the lifelong friendship between former Transportation Secretary Norman Mineta and former Wyoming Senator Alan. K. Simpson, who met when Mineta and his family were detained at the Heart Mountain Japanese internment camp in Wyoming during WWII. The two Boy Scouts "forged a bond" when they first met in 1942. That friendship endured during their tenures as members of Congress despite political differences. Simpson is a Republican. Mineta is a Democrat.

THE AUTOBAHN:

- "Wal-Mart applies for patent for blimp-style floating warehouse." Bloomberg.

- "From anti-Reagan art to Milo Yiannopoulos: 35 years of controversial ads on Metro." The Washington Post.

- "Colorado Debuts Driverless Truck To Protect Road Crews." The Associated Press.

- "Some gas with that sandwich? Convenience dominates fuel market." Bloomberg.

- Researchers say they've discovered the wreck of the USS Indianapolis. POLITICO.

THE COUNTDOWN: DOT appropriations run out in 40 days. The FAA reauthorization expires in 40 days. Highway and transit policy is up for renewal in 1,136 days.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Hadas Gold - POLITICO Media
Sent: Wed 8/2/2017 9:48:09 AM
Subject: Morning Media: WSJ's Trump interview transcript -- New Fox News lawsuit -- Shine, Lapan floated for W.H. communications team

By Hadas Gold | 08/02/2017 05:46 AM EDT

With Alex Weprin and Cristiano Lima

POLITICO OBTAINS FULL WSJ INTERVIEW TRANSCRIPT WITH PRESIDENT TRUMP: For a few days I had been chasing down a tip that the full transcript of the interview between The Wall Street Journal and President Donald Trump from last week was a doozy. The Journal had posted selected excerpts of the interview, but finally yesterday, thanks to the help of my colleague Josh Dawsey, we got our hands on the full thing. My tipsters were right.

-- The transcript is notable not only for all of Trump's comments, which I'll leave to others to describe, but also for how heavily involved Wall Street Journal editor-in-chief Gerard Baker was in the interview. It's uncommon that the editor of a newspaper would sit in on an interview with the president, let alone be the lead questioner, especially when the paper has a robust White House team. In fact, editors outnumbered reporters in the interview. Baker, Deputy Editor-in-Chief Matt Murray and Washington Bureau Chief Paul Beckett joined reporters Michael Bender and Peter Nicholas.

-- Baker also displays how familiar he is with Trump and his family, telling Ivanka Trump how nice it was to see her at a party thrown last month thrown by Washington Post heiress Lally Weymouth, now the Post's senior associate editor. That party was attended by many politicos, business titans and media elites.

-- Both the president and his daughter praised Baker for a Wall Street Journal editorial published the day before, which commended Trump's son-in-law and senior advisor Jared Kushner for setting "a disclosure example on Russia" in an 11-page statement released before meeting with Senate and House intelligence committees, describing his contacts with Russian figures during the campaign and after the election. Baker tried to wave them off, thanking them but saying it was colleagues on the editorial team (which is completely separate from the news side) that wrote the piece, but he was cut off by more praise.

-- The Journal's statement: "We are proud of the on-the-record interview we conducted with President Trump, which produced multiple, newsworthy articles. We published the noteworthy excerpts from the interview. We saw no reason to publish the cross talk that inevitably accompanies any conversation. In keeping with our long standing tradition of total separation between News and Opinion, opinion pieces are the sole responsibility of Paul Gigot [Editor of the Editorial page] and his time team."

-- Deputy editor-in-chief Matt Murray warned staffers in a conference call against leaking the transcript, saying it would be a breach of trust. "Damn right I told them that. It's true," Murray said via a journal spokesperson.

Read our full piece here.

Good morning and welcome to Morning Media! I always want to hear from you -- **hgold@politico.com** / **@Hadas_Gold**. **Morning Media** is edited by **Alex Weprin** (**@alexweprin** / **alexweprin@gmail.com**) and produced with writing/reporting help from **Cristiano Lima**. (**clima@politico.com** / **@ludacristiano**). **Archives**. **Subscribe.**

NEW LAWSUIT ALLEGES WHITE HOUSE WAS BRIEFED ON RETRACTED FOX NEWS SETH RICH ARTICLE by Cristiano Lima: A former Fox News contributor is alleging in a lawsuit the network purposely misquoted him to claim former DNC staffer Seth Rich was connected to WikiLeaks posting hacked DNC emails, a conspiracy that has been rampant in right-wing media for months. In the lawsuit Rod Wheeler alleges a wealthy Trump supporter Ed Butowsky and Fox did so "to discredit reports that the Russians had hacked the DNC in order to help Donald Trump win the presidential election." Butowsky also claimed the President was aware and supportive of the effort. The White House denied that was the case, though former White House Press Secretary Sean Spicer did acknowledge that he took a meeting with Butowsky and Wheeler where they outlined the Fox News story. Fox News' head of news Jay Wallace fiercely denied the claims Tuesday, calling the accusations "completely erroneous." It's a long and complicated story. Read more, including the full text of the lawsuit, here.

-- Wheeler's lawyer, Douglas Wigdor, who has represented other cases brought against Fox, told Yahoo News they will seek to depose President Trump and Spicer to question them over their roles in the affair.

BILL SHINE IS UNDER CONSIDERATION FOR A WHITE HOUSE ROLE, The New York Times reports. Last week the former Fox News executive dined at the White House with the president, first lady, now-former Communications Director Anthony Scaramucci and Fox News hosts Sean Hannity and Kimberly Guilfoyle. I floated in the newsletter last week that Shine would be an obvious choice to come in and help the White House, especially if they wanted to, as Scaramucci had suggested, produce a daily broadcast from the grounds. Now the Times reports that the administration has spoken to Shine about a "behind-the-scenes role for Mr. Shine that took advantage of his skills producing and staging televised events." It's not clear where that stands now that Scaramucci, who was close to Shine, is out.

-- Fox & Friends hosts Brian Kilmeade and Ainsley Earhardt were also at that dinner with the president, first lady, Scaramucci, Shine, Hannity and Guilfoyle last week, HuffPost reports in a well-reported piece about Scaramucci's last days in the White House. The piece also revealed that Scaramucci and Ryan Lizza's fathers know each other from way back when.

WHITE HOUSE CONSIDERING DHS SPOKESPERSON DAVID LAPAN FOR COMMUNICATIONS DIRECTOR: Per CNN, new White House Chief of Staff John Kelly is eyeing Lapan, who has worked with Kelly for more than ten years and went with him to the Department of Homeland Security, for communications director. I asked Lapan about possibly joining the administration in my interview with him on Monday but he said he's had no conversations about it with Kelly. Lapan said the same to CNN. More here.

SPORTS ILLUSTRATED PROFILES TRUMP THROUGH GOLF: I love when non-political reporters write stories like these. Using their expertise and sources on their beat - in this case, golf - they gain insight and scoops the typical Washington reporters just don't have. In this case, reporter Alan Shipnuck reported that Trump has called the White House "a dump," is a pretty good golfer and that that Japanese Prime Minister Shinzo Abe gave Trump a fancy golf club. He also writes about how he's perceived by the Bedminster community, who he's golfed with, and that "a Wall Street banker and member of a Trump club with knowledge of the financing of the $63 million Turnberry purchase expects the deal to be a subject of interest to special prosecutor Robert Mueller, given the foreign lenders he says were involved." Read the full thing here.

NEW YORK TIMES BUYOUTS WILL COST $25 MILLION, by Alex Weprin: The latest round of buyouts and layoffs at The New York Times will cost the company $25 million, according to a Times filing with the SEC on Tuesday. The Times said that in the second quarter of this year, it spent $19.3 million on restructuring costs associated with the buyouts and layoffs, and expects to incur another $6 million in costs in the third quarter. You can read the whole filing, if you so choose, here.

LEGENDARY NEWSMAN MARK SILVA PASSED AWAY YESTERDAY. Silva, a "longtime Tallahassee bureau chief for the Miami Herald who went on to cover the White House for the Chicago Tribune, died early Tuesday at his home in Arlington, Va.. He was 63 and recently diagnosed with a brain tumor," according the Tampa Bay Times. WHCA President and Bloomberg White House correspondent Margaret Talev wrote "From his time at the Miami Herald and Knight Rider to the Chicago Trib, Bloomberg and most recently US News, Mark was a great journalist, role model, adviser and friend - to me for the past 20 years and to some of you for even longer."

REVOLVING DOOR:

-- The latest in the New York Times buyout watch, from Poynter.

-- Former Director of National Intelligence James Clapper is now a CNN contributor.

SOUNDBITE: "Legally, it may have been on the record, but the spirit of it was off." [Anthony Scaramucci]

TIL: Thanks to Alex Weprin: Jousting became the official sport of Maryland in 1962.

EXTRAS:

-- Secretary of State Rex Tillerson spoke to reporters in the State Department's briefing room for the first time in six months. [Andrea Mitchell, who just celebrated her 39th week with NBC News]

-- Gizmodo is suing the FBI for its files on former Fox News CEO Roger Ailes, who died earlier

this year. [Gizmodo]

-- Podcast company Gimlet Media raised $15 million in a round of VC funding. [Recode]

-- New York Times staffers were warned via memo "from someone claiming to be a student researching a media project and asking for" interviews. [Dylan Byers]

-- Washingtonian profiled The Hollywood Reporter and its growing influence in the Trump era. [Washingtonian]

-- Katie Couric turned down a big offer from Yahoo to stay with the company. [New York Post]

-- Anthony Scaramucci's explosive interview with The New Yorker interview tested which curse words are fit to print at The Wall Street Journal. [Poynter]

-- Scaramucci got "TMZ'd" and said he "doesn't know how to dance" when asked whether he'd join "Dancing With the Stars" [HuffPost]

-- An oral history of the Scaramucci era of the White House. [Washington Post]

-- British parliament has credentialed a pro-Brexit news site staffed by former Vote Leave campaigners, raising questions about press access in the U.K. [BuzzFeed]

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Sent: Sun 9/24/2017 3:32:40 PM
Subject: POLITICO Playbook, presented by UC Davis: TRUMP vs. THE NFL -- Could GRAHAM-CASSIDY be alive? -- POLITICO GETS RESULTS: Price stops flying private on gov't dime – POOL REPORTS from JEH JOHNSON's 60th birthday party and KATIE WALSH/MIKE SHIELDS wedding

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Today's POLITICO Playbook presented by UC Davis

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

Visit the online home of Playbook

Driving the Day

Good Sunday morning. WHAT EVERYONE IS TALKING ABOUT -- TRUMP'S SUNDAY MORNING THOUGHTS -- @realDonaldTrump at 6:44 a.m.: "If NFL fans refuse to go to games until players stop disrespecting our Flag & Country, you will see change take place fast. Fire or suspend!" ... **at 7:13 a.m.:** "...NFL attendance and ratings are WAY DOWN. Boring games yes, but many stay away because they love our country. League should back U.S."

-- **@RyanLizza**: "Goes to sleep threatening nuclear war. Wakes up suggesting boycott of NFL."

-- THE FIRST NFL GAME TODAY: "Jaguars and Ravens players kneel during national anthem, Baltimore owner supportive of demonstration," by N.Y. Daily News' Zachary Ripple: "Jaguars owner Shad Khan, the only minority owner in the NFL, also made a definitive statement, locking arms with his players during the anthem. Khan is one of several league owners to have contributed $1 million to Trump's inaugural committee. Ravens coach John Harbaugh was also on the sidelines locking arms with his players during the national anthem. ... Following the performance of the U.S. anthem, every player responded by standing during the performance of 'God Save the Queen.'" http://nydn.us/2fqus8p

-- @BenSasse: "NFL players: You have the right to protest Trump tmrw. But aren't there better ways than kneeling before the flag soldiers died to defend?" ... **@Patriots:** "Statement from #Patriots Chairman & CEO Robert Kraft" -- the first sentence: "I am deeply disappointed by the tone of the comments made by the President on Friday." http://bit.ly/2fpP8xn

N.Y. POST COVER -- "Trump trades blows with NBA, NFL ... JOCK SCRAP" http://nyp.st/2wey0O2

SUNDAY BEST -- MARTHA RADDATZ talks with **STEVEN MNUCHIN** on **ABC'S "THIS WEEK" -- RADDATZ:** "With all the urgent issues -- Korea, healthcare, why is the president etch talking about NFL players and disinviting NBA players to the White House?" **MNUCHIN** : "You know, the NFL has all different types of rules -- you can't have stickers on your helmet. You have to have your jerseys tucked in. I think what the president is saying is that the owners should have a rule that players should have to stand in respect for the national anthem. This isn't about Democrats, it's not about Republicans, it's not about race, it's not about free speech. They can do free speech on their own time, that this is about respect for the military and the first responders and the country."

RADDATZ: "The president is calling them SOBs. Is that the kind of language, no matter how you feel about the issue, that he should be using?" **MNUCHIN:** "I think the president can use whatever language he wants to use."

-- JOHN DICKERSON talks with **NRSC CHAIRMAN CORY GARDNER (R-COLO.)** on **CBS's "FACE THE NATION": DICKERSON:** "You spoke out about the president's tepid reaction to the violence in Charlottesville. The president has now stepped into the middle of the controversy about the NFL. I just wonder what you make of his remarks this week." **GARDNER:** "Look, I made it very clear in the aftermath of Charlottesville that there is no room in this country for hate, that the KKK, Neo-Nazis, white supremacist groups are hateful, that there's no room for them, and we must call evil by its name. And that is the KKK, Neo-Nazis, and white supremacists. When it comes to this recent spat with the NFL, look, there are far more important things that we ought to be focusing on. You've mentioned them. North Korea, Iran, concern about the health care bill. That's what I'm going to continue to focus on, making sure that we take care of this country's needs in a way that people know they're better off."

DEVIL'S ADVOCATE ALERT, HEALTH CARE EDITION... BUT WE'RE STILL SKEPTICAL -- Some Senate Republicans think the Graham-Cassidy bill is still very much alive. These senior GOP aides say if they get the bill onto the floor, they can address some senators' concerns in the debate process. Others say the bill will be refined in the coming days to address problems. We're a bit skeptical, since many of the concerns that have been expressed are fundamental -- for example, Sen. John McCain (R-Ariz.) says he wants a months-long process. Sen. Rand Paul (R-Ky.) continues to be a hard no. And it's unclear how Sens. Lisa Murkowski (R-Alaska) and Susan Collins (R-Maine) get to yes. But anything can happen these days, so we thought we'd flag for you.

WHAT YOU SHOULD BE THINKING ABOUT: If the Senate does pass something, the House will have to turn around and pass it without making any changes to the bill. That's tricky for the unruly chamber. They come into session Monday night and leave Thursday.

MORE SUNDAY BEST -- JAKE TAPPER talks to **SEN. SUSAN COLLINS (R-MAINE)** on **CNN's "STATE OF THE UNION": TAPPER:** "Your vote is pivotal on the Graham-Cassidy health care bill. Where are you? Yes or no?" **COLLINS:** "Jake, it's very difficult for me to envision a scenario -- scenario where I would end up voting for this bill. I have a number of serious reservations about it. I'm concerned about the impact on the Medicaid program, which has been on the books for more than 50 years and provides healthcare to our most vulnerable citizens, including disabled children and low-income seniors.

"I'm concerned about the impact on costs and coverage. We already have a problem under the Affordable Care Act with the cost of premiums and deductibles. And, finally, I'm very concerned about the erosion of protections for people with preexisting conditions, like asthma, arthritis, cancer, diabetes, and what it would mean to them."

-- CHUCK TODD talks to **SEN. RAND PAUL (R-Ky.)** on **NBC's "MEET THE PRESS": TODD:** "All right, senator, in the president's words, are you going to come around?" **PAUL:** "Well, I've always been a yes for a repeal. But the bill, unfortunately, the Graham-Cassidy bill basically keeps most of the Obamacare spending, almost all of the spending, and just reshuffles and block grants it to the states. So, block granting Obamacare doesn't make it go away. It just means you're keeping all the money we've spending through Obamacare, most of it; reshuffling it; taking the money from Democrat states and giving it to Republican states. I think what it sets up is a perpetual food fight over the formula."

TODD: "If you cannot accept the block-grant concept, then there is no way you'll ever support this bill. Is that fair to say? Because that's the centerpiece of this bill." **PAUL:** "Well, they could remove the block grants from it. And then, we could vote on what we actually all agree on."

HEADS UP: The Federal Aviation Administration's authority runs out at the end of the week. Congress also has to deal with that this week.

-- **@seungminkim:** "! @LindseyGrahamSC on him, RonJohn: 'We're not going to vote for a budget resolution that doesn't allow the health care debate to continue.'" ***NOTE:*** Coupling health-care repeal and tax reform is plausible, but would be incredibly difficult. It also means Republicans would be continuing to work on health care into 2018.

-- WAPO's DAVE WEIGEL and **SEAN SULLIVAN**, with an **IOWA CITY** dateline: **"Graham is 'pressing on' with the health-care bill. Other GOP senators signal they're moving on":** "Sen. Joni Ernst (R-Iowa) looked out at hundreds of Democrats crowded into a tense town hall meeting Friday afternoon and told them that they'd won. Just an hour earlier, Sen. John McCain (R-Ariz.) had come out against the GOP's latest attempt to repeal the Affordable Care Act on partisan terms.

"'I hope that Lamar and Patty can come back again together, hopefully next week,' said Ernst, referring to Sen. Lamar Alexander (R-Tenn.) and Sen. Patty Murray (D-

Wash.), who had been working on a bipartisan bill to stabilize the ACA. 'We can pick back up and try again.' ...

"Republican Senate aides have hinted in recent days at the possibility that new language in the bill might be released at some point. On Saturday, Health and Human Services Secretary Tom Price said in an interview on Fox News that Republicans were 'refining' the legislation. Still, there are no clear resolutions to the problems facing Trump and Senate Majority Leader Mitch McConnell (R-Ky.): Time and diminishing support." http://wapo.st/2xBnG6h

****** **A message from UC Davis:** As the No. 1 agricultural university in the nation, UC Davis understands how food touches every living thing and what's at stake if we don't answer its challenges. Our research innovations and partnerships with farms, industry and policymakers around the world help ensure healthy, safe food for all. Learn more at 21stcentury.ucdavis.edu. ******

RUBBER MEETS THE ROAD -- AP'S STEVE PEOPLES in **WESTFIELD, NEW JERSEY: "Vulnerable N.J. Republican navigates messy Trump era politics":** "This is not President Donald Trump's dinner party. Republican Rep. Leonard Lance, standing in the middle of Ferraro's dimly lit restaurant dining room, says it's not necessary to build a wall along the entire U.S. border with Mexico. He raises concerns about the White House's promised tax overhaul. And he condemns the brash personalities that have come to define the GOP in the age of Trump.

"'His personality and mine are vastly different. I'm comfortable with my personality,' Lance says as 19 men gathered for a private meeting of the Republican National Lawyers Association pick through their salads. ...

"'I will support him where I agree with him and I will not support him where I disagree with him,' Lance told The Associated Press in an interview inside his Westfield office, where the only photograph on the wall features Lance alongside former presidential nominee Mitt Romney, who once personified the 'Never-Trump' movement." http://bit.ly/2jU5teZ

TRUMP'S WEEK -- Monday: Lunch with VP Mike Pence and dinner with grassroots leaders ... **Tuesday:** President of Spain comes to D.C. ... **Wednesday:** Trip to Indiana to speak about tax reform. ... **Friday:** Trump speaks to the National Association of Manufacturers board.

POLITICO GETS RESULTS -- "Tom Price to halt taxpayer-funded travel on private jets: POLITICO has identified more than $400,000 in charter jet spending for the HHS secretary's travels since May," by Dan Diamond: "Health and Human Services Secretary Tom Price told Fox News on Saturday that he'll stop his taxpayer-funded travel on private jets, pending a formal review by his department's inspector general. 'We've heard the criticism. We've heard the concerns. We take that very seriously and have taken it to heart,' Price said.

"Price continued to take charter jets after a POLITICO investigation identified that the HHS secretary had been chartering private planes to conduct official business for months. The cost of his trips this past week was $56,500, according to a federal contract. An HHS spokesperson said this past week's schedule was already set and the plane had been pre-booked before POLITICO raised questions about Price's travels. POLITICO has now identified more than $400,000 in charter jet spending for Price's travels since May." http://politi.co/2jWYdiG

-- FROM DAN: "Price's decision follows a week of scoops by POLITICO, starting with an investigation by me and Rachana Pradhan that revealed the HHS secretary had been chartering private planes to conduct official business for months. ... Price on Saturday justified the charter trips as necessary for responding to the opioid crisis and hurricanes. However, POLITICO identified at least 10 distinct charter flights since May that were not related to either the opioid crisis or hurricane response, including flights to conferences in San Diego and Aspen, Colorado."

JMART'S GOOD POINT ON ALABAMA -- ROY MOORE as 2017 version of **TODD AKIN --** "Reading from prepared remarks at a debate on Thursday in Montgomery, Mr. Moore declared that 'crime, corruption, immorality, abortion, sodomy, sexual perversions sweep our land.' And appearing at a Baptist church last month in Jasper, Mr. Moore mused about what same-sex marriage could lead to. 'Maybe you can marry a horse or a cow, or five men or five women,' he said. It is the sort of message that terrifies Republican elites, who fear he could be a more weaponized version of Todd Akin, the 2012 Missouri Senate candidate who lost after saying women's bodies could block a pregnancy in cases of 'legitimate rape.'

"'Roy Moore would be the Todd Akin of 2017 and 2018 for every Republican on the ballot,' said Karl Rove, the Republican strategist, who is aligned with the Senate Leadership Fund. 'Republicans will be asked, 'Do you agree homosexuality should be punished by death, do you believe 9/11 was a result of God's anger?' He'll say outrageous things, the media will play it up, and every Republican will be asked, 'Do you agree with that?'" http://nyti.ms/2fIN9RI

ERIC GELLER: "Breaking nuclear deal could bring hacking onslaught from Iran": "A move by President Donald Trump to discard the Obama-era nuclear deal with Tehran could bring a swift retaliation from an increasingly aggressive Iranian hacker army. Some of those attacks may target America's power plants, hospitals, airports and other pieces of critical infrastructure, multiple cyber experts that track Tehran's hackers are warning. Iran's current Western hacking is limited almost entirely to commercial espionage and dissident surveillance, but the country could quickly redirect its efforts in the event of a rupture of the nuclear pact.

"Iran has spent years honing its digital skills through cyber campaigns that have pummeled regional adversaries, stolen trade secrets from foreign competitors and destroyed computers at the oil giant Saudi Aramco. And initially, the country also aimed

its cyber forces at the U.S., launching a barrage of distracting attacks on the financial sector and even successfully infiltrating a dam in New York state. But after the U.S. and six partners began discussions with Iran in 2013 to lift some economic sanctions in exchange for limits on Tehran's nuclear program, the country's hackers have largely spared the U.S., focusing instead on industrial espionage and hitting rival Middle Eastern powers." http://politi.co/2y1eclP

FOR YOUR RADAR -- "Trump cranks up North Korea threats as Pyongyang holds anti-U.S. rally," by Reuters' Haejin Choi in Seoul and Michelle Nichols at the U.N.: "U.S. President Donald Trump dialled up the rhetoric against North Korea again at the weekend, warning the country's foreign minister that he and leader Kim Jong Un 'won't be around much longer', as Pyongyang staged a major anti-U.S. rally. North Korea's Foreign Minister Ri Yong Ho told the United Nations General Assembly on Saturday that targeting the U.S. mainland with its rockets was inevitable after 'Mr Evil President' Trump called Pyongyang's leader a 'rocket man' on a suicide mission." http://reut.rs/2xBNlfl

-- @realDonaldTrump at 11:08 p.m.: "Just heard Foreign Minister of North Korea speak at U.N. If he echoes thoughts of Little Rocket Man, they won't be around much longer!"

-- @jimsciutto: "Breaking: U.S. B-1B bombers fly in show of force off #North Korea coast, farthest north of DMZ in 21st century" ... "And here is one of those B1Bs on takeoff": http://bit.ly/2fpf8c3

NEW WAPO/ABC NEWS POLL -- "Poll: Far more trust generals than Trump on N. Korea, while two-thirds oppose preemptive strike," by WaPo's Scott Clement and Phil Rucker: "Two-thirds of Americans oppose launching a preemptive military strike against North Korea, with a majority trusting the U.S. military to handle the escalating nuclear crisis responsibly but not President Trump, a new Washington Post-ABC News poll finds. Roughly three-quarters of the public supports tougher economic sanctions on North Korea in an attempt to persuade it to give up its nuclear weapons, while just about one-third think the United States should offer the isolated country foreign aid or other incentives. ...

"Overall, Trump's image continues to be negative, with 39 percent of Americans approving and 57 percent disapproving of the president's job performance. But the poll finds that clear majorities approve of Trump's response to recent hurricanes and support the agreement he struck with Democrats providing emergency disaster-relief funding and raising the nation's debt limit." http://wapo.st/2fq0Rvy

BIG SUNDAY READ -- BOSTON GLOBE SPOTLIGHT TEAM -- "Secrets in the sky: The United States remains an easy mark for drug dealers, terrorists and others who prize anonymity when registering aircraft or getting licensed to fly. So much for the lessons of 9/11": http://bit.ly/2jUJ7tQ

IN THE SKIES -- A Saudi Arabian registered A310 landed at Andrews Air Force Base from Newark Saturday afternoon. http://bit.ly/2fhQuGs

MAYBE GARY'S NOT DONE AFTER ALL -- "Yellen and Cohn Said to Be on Shortlist to Lead Federal Reserve," by NYT's Kate Kelly and Binyamin Appelbaum: "The White House has created a list of about a half-dozen candidates to be the next leader of the Federal Reserve, including its current chairwoman, Janet L. Yellen, and the president's chief economic adviser, Gary D. Cohn, according to two administration officials and a third person with knowledge of the process.

"The list also includes Jerome H. Powell, a member of the Fed's board of governors; Kevin Warsh, a former Fed governor; and the Stanford University economist John B. Taylor, the officials said. Preliminary interviews with some candidates have already begun with an eye toward presenting finalists to President Trump later this year. Ms. Yellen, whose four-year term ends in February, has been unusually successful in achieving the Fed's goals of minimizing unemployment and moderating inflation. But Mr. Trump, while praising her performance, has said that he may decide not to reappoint her. ...

"Mr. Trump has deputized four officials to lead the selection process for the Fed's next chairman, said one person familiar with the search: Treasury Secretary Steven Mnuchin; two of Mr. Cohn's aides on the National Economic Council, Jeremy Katz and Andrew Olmem; and John DeStefano, the White House personnel director." http://nyti.ms/2fplmZs

2020 WATCH -- "Biden rips Trump over race in South Carolina return," by Gabe Debenedetti in Charleston: "Former Vice President Joe Biden on Saturday evening urged Americans to stand up to hate groups - and took direct aim at President Donald Trump, who he said 'has publicly proclaimed the moral equivalency of Neo-Nazis, Klansmen, and those who oppose their hate.' Speaking at the centennial fundraising dinner for the Charleston branch of the NAACP, Biden said, 'This is a moment for this nation to declare what this president can't with any clarity, consistency, or vision: there is no place in America for hate groups.' ...

"The address was the latest, and most searing, in Biden's series of denunciations of the president and the current tenor of politics. It's been a rapidly escalating effort that far outstrips former President Barack Obama's Trump-era political work - and which has poured fuel on the speculation that Biden is considering a third run for the White House." http://politi.co/2wdGo0j

Playbook Reads

PHOTO DU JOUR: Baltimore Ravens players kneel down during the playing of the U.S. national anthem

before an NFL football game against the Jacksonville Jaguars at Wembley Stadium in London, on Sept. 24. This is the first NFL game since President Donald Trump said players should be fired for "disrespecting our flag." | Matt Dunham/AP Photo

SUNDAY BEST, PART III -- CHRIS WALLACE talks to **BILL GATES** on "Fox News Sunday": **WALLACE** on his conversation with President Trump earlier this year: **WALLACE:** "But it didn't have the impact you hoped?" **GATES:** "Well, in terms of the first budget that he came out with, no. That was a disappointment to us. It was taking the medical research budget, called the NIH bringing that down fairly dramatically. Taking the aid programs, including the on-going HIV commitments and bringing those, so definitely I was disappointed in that."

FOR YOUR RADAR -- "Merkel bids for fourth term as Germans head to the polls," by AP's Kirsten Grieshaber in Berlin: "Chancellor Angela Merkel was widely expected to win a fourth term in office as Germans went to the polls on Sunday in an election that is also likely to see the farthest right-wing party in 60 years, the anti-migrant Alternative for Germany, win seats in parliament. ... The latest polls had Merkel's conservative bloc at 34 to 37 percent support, the center-left Social Democrats with 21 to 22 percent and the anti-migrant Alternative for Germany, or AfD, with 10 to 13 percent support." http://bit.ly/2hrC8Ef

DEEP DIVE -- "The Metals Magnate And Manafort: A Kremlin Confidant Is Drawn Into The Trump Investigation," by Mike Eckel and Christopher Miller in Radio Free Europe: "Sometime in the mid-2000s, [Oleg] Deripaska connected with a Russian named Konstantin Kilimnik, whose education at Russia's Military University for Foreign Languages has led to speculation that he is employed by intelligence agencies, something he has denied. Kilimnik began working for Manafort in 2005 ... Asked about his conversations with Manafort, Kilimnik told RFE/RL on September 21 that they discussed the U.S. election campaign, but he declined to describe the e-mail in detail or to say whether there was an effort to reach out to Deripaska.

"'There were millions of emails. [...] we worked for 11 years. And we discussed a lot of issues, from Putin to women,' Kilimnik said via text message. ... Kilimnik wrote in another September 21 message[:] 'They are tough investigators and probably will get manafort for some financial crap. With that many years of international clients no one can be 100% clean.'" http://bit.ly/2y0X8MJ (h/t @KenVogel)

STEPH CURRY SPEAKS, via NYT's Scott Cacciola in Oakland: "'I don't know why he feels the need to target certain individuals rather than others,' Curry, a two-time N.B.A. most valuable player, said at a news conference after the team's first practice of the season. 'I have an idea of why, but it's kind of beneath the leader of a country to go that route. It's not what leaders do.'" http://nyti.ms/2fjJvNi

WAPO'S SALLY JENKINS -- "What President Trump doesn't get about the NFL": "How the NFL responds to Donald Trump's spit-foaming is hardly a test case for whether the republic will stand. Nevertheless, the league is a maker of manners in this country, so it means something that Commissioner Roger Goodell and others are

getting it right, striking the perfect calm but resistant tone in response to Trump's gutter-mouthing, a tone that says, 'We're not your personal WrestleMania, and don't use us for your sham body slams.' The NFL, faced with whether to play to the basest instincts of the audience, declined. It adhered to civility. ...

"The vast majority of the men on the field are not spoiled millionaires abusing their freedoms, as Trump charges. Rather, they have worked as hard as any farmers for their short-lived incomes and are dedicated to using their privilege to make things better for the people they play in front of. Brandon Marshall's Project Borderline foundation combats mental illness. Doug Baldwin is raising money for a family community center in Renton, Wash. And Kaepernick has given away $1 million to various organizations." http://wapo.st/2we8aKh

-- "UNC national championship team not visiting White House," by the News and Observer's Andrew Carter: "North Carolina's 2017 national championship men's basketball team will not visit the White House, a team spokesman said on Saturday, though the Tar Heels were invited to visit, as is the custom for teams that win college men's basketball and football national championships. Whether UNC would visit President Donald Trump's White House, if the Tar Heels won, became a topic of interest during the Final Four." http://bit.ly/2xCeSwQ

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STARTLING ANECDOTE - STAN GREENBERG, "How She Lost" in the American Prospect: "Astonishingly, the 2016 Clinton campaign conducted no state polls in the final three weeks of the general election and relied primarily on data analytics to project turnout and the state vote. They paid little attention to qualitative focus groups or feedback from the field, and their brief daily analytics poll didn't measure which candidate was defining the election or getting people engaged." http://bit.ly/2fipWF4

WEST COAST WATCH -- "California Republicans looking for ways to increase their relevance in statewide races," by L.A. Times' Seema Mehta: "In an effort to avoid an embarrassing repeat of the Senate election in 2016, when no GOP candidate appeared on the November ballot, the California Republican Party may change its rules and pick sides in the primary.

"Party leaders hope that creating an endorsement process for statewide candidates would allow GOP voters to unite behind a single person in a multi-candidate primary field, increasing the chances that a Republican wins one of the top two spots in the primary and makes it to the general election." http://lat.ms/2hrEZNz

BONUS GREAT WEEKEND READS, curated by Daniel Lippman, filing from New York:

-- "Snopes and the Search for Facts in a Post-Fact World," by Michelle Dean in Wired - per Longreads.com's description: "How the legendary internet fact-finding site snopes.com came to be, and how a messy divorce and ownership and control squabbles have threatened the site's existence." http://bit.ly/2yiyF1p

-- "America Wasn't Built for Humans," by Andrew Sullivan in NYMag: "Tribalism was an urge our Founding Fathers assumed we could overcome. And so it has become our greatest vulnerability." http://nym.ag/2y0afh9

-- "These Women Are the Last Thing Standing Between You and Nuclear War," by Danielle McNally in Marie Claire: If an order comes, missileers "open a safe located between their workstations secured with two padlocks, one fastened on by each missileer. Inside is a code that the incoming encrypted message must match. But there's an A-side and a B-side and neither missileer knows both. It's all part of Two-Person Control - a system that ensures a rogue missileer can't start World War III on her own." http://bit.ly/2fFogpH

--"An Open Letter to Ta-Nehisi Coates: The Dream is real," by Jason D. Hill in Commentary: "I am saddened by your conviction that white people wield such a great deal of metaphysical power over the exercise of your own agency. In making an enemy of the Dream that is a constitutive feature of American identity, you have irrevocably alienated yourself from the redemptive hope, the inclusive unity, and the faith and charity that are necessary for America to move ever closer to achieving moral excellence." http://bit.ly/2wPHfDS

--"That Magic Feeling: A day at Abbey Road Studios," by James Rosen in National Review: "There is no happy ending to this story. Not many years from now - five? one? - the world will be reduced to an uninhabitable state in which no Beatles are alive. Nor will this essay meet the dictates of feel-good pop psychology, wherein my visit to Abbey Road Studios in London this summer neatly caps, and thereby helps me to turn the corner on, my Fab obsession." http://bit.ly/2jRaWmQ

-- "A Hospital Crisis Is Killing Rural Communities. This State Is 'Ground Zero,'" by Lauren Weber and Andy Miller in HuffPost: "Inside three Georgia counties that have struggled to keep their hospitals ??? and futures ??? alive." http://bit.ly/2hoJuZj

-- "The Salvation of Mosul," by Joshua Hammer in October's Smithsonian: "An Iraqi archaeologist braved ISIS snipers and booby-trapped ruins to rescue cultural treasures in the city and nearby legendary Nineveh and Nimrud." http://bit.ly/2wM77QU

-- "*Hopeful face*," by Andrew Caines in the Times Literary Supplement - per TheBrowser.com's description: "A horrible thought, but what if emoji are the future of writing, as well as its past - a reversion to the pictographic tradition of Egyptian

hieroglyphs, after the relatively brief reign of the printing press and the written word? Already, emojis are a much richer language than hieroglyphics ever were - 2,666 symbols, against roughly a thousand known hieroglyphs. 'Emoji represent how eager we are to influence the emotions of others, and to resolve ambiguity in language.'" http://bit.ly/2xtGOCY

-- "How Do You Like It Now, Gentlemen?" by Lillian Ross in The New Yorker's May 13, 1950 issue: "Ernest Hemingway, who may well be the greatest living American novelist and short-story writer, rarely comes to New York. He spends most of his time on a farm, the Finca Vigia, nine miles outside Havana, with his wife, a domestic staff of nine, fifty-two cats, sixteen dogs, a couple of hundred pigeons, and three cows." http://bit.ly/2xWGq10 (h/t Longform.org)

-- "Iris van Herpen's Hi-Tech Couture," by The New Yorker's Rebecca Mead: "The designer combines 3-D printing and hand stitching to reimagine the possibilities of the human body." http://bit.ly/2hp7sUb

-- "A High-End Mover Dishes on Truckstop Hierarchy, Rich People, and Moby Dick," by Finn Murphy, author of "The Long Haul: A Trucker's Tales of Life on the Road," in a Longreads excerpt: "A mover waits longer for coffee, longer in the service bays, longer for showers, longer at the fuel desk, longer everywhere in the world of trucks than the freighthauler. It's because we're unknown. We don't have standard routes, so we can't be relied on for the pie slice and the big tip every Tuesday at ten thirty. We're OK with being outside the fellowship because we know we're at the apex of the pyramid." http://bit.ly/2xzQpbu ... ***$18.32 on Amazon*** http://amzn.to/2jRoHlx

-- "If It Keeps on Raining," by Micah Fields in Oxford American: In Houston, "water lapped at the floorboards. The Jeep could clear two feet easy, but on a few occasions, we looked in the mirror to watch the boat lift off its trailer and shimmy behind us, then ease back onto its carpeted runners. We entered neighborhoods of homes where floods had already come and gone, where people had started the process of mucking the unsalvageable remnants of their dwellings." http://bit.ly/2hlhWYl

Playbookers

SPOTTED: Jack Del Rio, coach of the Oakland Raiders, having dinner at District Winery on Saturday night ahead of his team's game on Sunday versus the Redskins.

OUT AND ABOUT -- Three hundred people came out last night to celebrate Jeh Johnson's and wife Susan DiMarco's 60th birthday in a big tent outside the Montclair Art Museum in Montclair, New Jersey, DJ'd by Felix Hernandez. Food served included brisket, paella with crab and shrimp, lobster tacos, Halloumi cheese, and pigs in blanket. There was also a photo booth with cardboard cutouts of Jeh and Susan that guests took pictures with. Everyone also got a parting gift bag with a pocket Constitution and

chocolate truffles. ***Pics*** http://bit.ly/2xo5Kwr ... http://bit.ly/2wPsh0A

SPOTTED: Jonathan and Emily Alter, Tanya Bradsher, Todd Breasseale, Jonathan Capehart and Nick Schmit, Michael Chertoff, Penny Pritzker, Jack and Susanna Quinn, Charlie and Luiza Savage, Cyrus Vance Jr., Avril Haines, Elizabeth King, Bill Derrough, Chris Fonzone, Marc Morial, Alejandro Mayorkas, Amb. Phil Murphy, Amb. Joe Westphal, Pete Neffenger, Esther Olavarria, Tyler Moran, Roger Parrino, Paul Rosen, Steven Isenberg, Alice Lloyd, Aubrey Sarvis, Patti Steele, Frank Taylor, Mario Flores, Mary Alice Williams, and 10 members of the judiciary.

EMBASSY PARTY CIRCUIT -- Pool report: "The Royal Embassy of Saudi Arabia hosted its 87th National Day [yesterday], celebrating the anniversary of the country's establishment at the National Building Museum showcasing the Kingdom's rich cultural heritage, ongoing societal developments and long-standing partnership with the U.S. with Ambassador Khalid bin Salman bin Abdulaziz Al Saud." ***Pic of the new young ambassador by Daniel Swartz*** http://bit.ly/2weNj9k

ENGAGED -- BRITTANY BRAMELL -- currently assistant administrator for public affairs at TSA, and an alum of Uber, Boehnerland and Lindsey Graham for president, to **DAN PUNARO,** VP for Enterprise IT. Dan proposed at the Capitol, where they met more than a decade ago. Brittany's parents, four brothers and their families all flew from California to surprise her. ***Pic of the couple*** http://bit.ly/2hozOS3 (h/t Dan's father Gen. Arnold Punaro)

WEEKEND WEDDINGS -- KATIE WALSH, senior data and digital adviser at the RNC, and **MIKE SHIELDS,** partner at Convergence Media, got married Saturday night in Kiawah Island, South Carolina. **SPOTTED:** Reince and Sally Priebus, Johnny and Sarah DeStefano, Rob and Cindy Sims, Renee and Rep. Richard Hudson (R-N.C.), Sean and Emily Cairncross, Brian Walsh, Brad Parscale, Mike Ambrosini and Vanessa Morrone, Cara Mason, Tory McGuire, Sean and Emily Cairncross, Guy Harrison, Chris Hansen, Madeleine Westerhout, Jonathan Day, Muffy Day, Richard Waters. ***Pic of the couple with Reince and Sally Priebus*** http://bit.ly/2fjMp4T

-- Jeff Bechdel, chief content officer for America Rising, and **Riley Thomlison,** sales and marketing manager at IJR, "exchanged vows in front of family and friends that came from across the United States to celebrate in a ceremony as the sun set over the St. Louis Country Club. As per Pittsburgh tradition, the highlight of the reception was an immaculate table of cookies. The couple first met while working at America Rising, Jeff as communications director and Riley as video director in 2014." ***Pics*** http://bit.ly/2wMKNvk ... ***Their first dance*** http://bit.ly/2hoWLVi

SPOTTED: Joe Pounder, Byron Koay, Colin Reed, Alex Angel, Bexie Nobles, Luke Marchant, Candace Lee, Emily Bouck, Maggie Dougherty, Tom Brandt, Nick Colella, Jesse and Erin Blumenthal, Richard Sant, Kerry Rom.

-- Natalie Gillam, comms. director for Rep. Ryan Costello (R-Pa.), married **Mark**

McLaughlin, research director at Senate Leadership Fund, at Bald Head Island in North Carolina Saturday. Pool report: "They met while working at the NRSC. She is an esteemed graduate of the London School of Economics and alum of America Rising. Within GOP circles Mark is credited for finding Elizabeth Warren's Native American ancestry, John Walsh plagiarizing his thesis and Joe Donnelly outsourcing jobs to Mexico." ***Pics*** http://bit.ly/2xomFPr ... http://bit.ly/2xxDQ00

SPOTTED: Alleigh Marre, Zack Roday, Zach Gillan, Christina Bolling, Dianna Colasurdo and Jahan Wilcox.

--"Caroline Rabbitt, Andrew Tabler" -- N.Y. Times: "Mrs. Tabler, 30, is the communications director in Washington for Senator Tom Cotton, an Arkansas Republican. She graduated from Wake Forest University and received a master's degree in communications from Johns Hopkins University. ... Mr. Tabler, 33, is the special assistant to the under secretary of the Navy, and works in the Pentagon. From 2010-2011, he served as an ensign in the Navy, at the Naval Amphibious Base Coronado in San Diego. He graduated from George Washington University." ***With pic*** http://nyti.ms/2xxNq38

OBAMA ALUMNI -- "Allison Zelman, Max Lesko": "Ms. Zelman, 33, is the director of states for the [DNC] in Washington. She was until 2011 a policy assistant and speechwriter for the Domestic Policy Council at the White House. ... Mr. Lesko, 32, is the director of national organizing, intergovernmental outreach and the Children's Defense Fund Action Council for the Children's Defense Fund in Washington. Until Jan. 20, he was working in the Obama administration as chief of staff at the Office for Civil Rights at the Department of Education. ... The couple met in Portland, Ore., in 2008 while working on the Obama presidential campaign." ***With pic*** http://nyti.ms/2xC6fT4 ... ***Buffy Wicks' wedding Instapic of the couple*** http://bit.ly/2xrKfYU

--SPOTTED: Jon Carson, Paulette Aniskoff, Melody Barnes, Jeremy Bird, Betsy Hoover, Sharon Block, Dan Kanninen, Chris Wyant, Lauren Kidwell, Amanda Brown, Kyle Lierman, Jenn Brown, Anne Filipic, Carlos Monje, Greg Schultz, John Oxtoby, Emmy Ruiz, Jorge Neri, Shira Miller, Brian Gill, Alex Lofton, Aletheia Henry.

BIRTHWEEK (was yesterday): Richard Viguerie (hat tip: Peter Pasi) ... **(was Friday):** Mayer Brown managing partner Ken Geller, who celebrated with dinner with his family last night at Bistro Bis (h/t son Eric Geller)

BIRTHDAYS: Kate Karnes and Lara Barger of the White House (h/ts Lindsay Walters) ...Hope Hall, former Obama WH videographer ... former Defense Secretary Ash Carter is 63 ... Lou Dobbs is 72 ... Michael J. Kennedy ... Politico's Lisa Leonard (h/t Caitlin Conant) ... former Rep. Joseph Kennedy II (D-Mass.) is 65 ... Sharon Yang, government and politics outreach at Facebook ... VICE's Alexandra Jaffe ... Katie Levinson Burke, senior strategist and global chief of staff at Edelman and a Bush WH alum (h/t Matt David) ... Joe Householder, EVP of corporate and crisis at Hill & Knowlton Strategies ... Jessica Schumer ... Suzanne (Tomlin) Mackowiak ... Chris Altchek, Mic CEO and co-

founder ... Will Booher, former Bush 43, Commerce and FEMA ... historian and Reagan scholar Craig Shirley is 61 ... photojournalist Mike Kamber is 54 ... EPA's Patrick Davis ... DC restaurateur Alan Popovsky ... Missy Owens ... Shawn McCoy, publisher of InsideSources and a Romney Iowa alum, is 33. He's celebrating by playing laser-tag and Topgolf (h/t Blake Waggoner) ... Morgan Jackson, chief strategist for NC Gov. Roy Cooper's campaign and partner at Nexus Strategies (h/t Andrew Bates) ... WSJ's Katy Stech ... CAP's Phil Wolgin ...

... Will Allison, comms director for Jeff Flake for Senate and "not only the pride of Oklahoma but a perfect gentleman and best knife fighter on the Senate map in my book" (h/t Brian Reisinger) ... Kelsey Coates, former senior associate research director in the Obama WH, is 28 (h/t Dan Cronin) ... Mike Morey, SVP at SKDKnickerbocker ... Derek Pangallo ... Stan Kahn ... Joe DeSantis ... Sara Dubois ... Katherine McLane, senior advisor at LEVICK ... Will Nuckols ... Ken Suggs of Janet, Jenner & Suggs (h/ts Jon Haber) ... Taryn Houghton Rosenkranz ... Hilary Kelly ... Ericka Andersen ... Jason Putorti ... Page Austin ... Kim Fuller ... Tim Reynolds ... Moe Tkacik ... Daniel Buk ... James Reppert ... Andrew Cecchinato ... Anthony Knopps ... Pete Carr ... Stevens C. Berry ... Judah Groveman ... Lincoln Saunders ... Greg Knott ... Katrina Mendiola ... Sam Parker ... Tony Anthony ... Jon Davidson ... Michael Teter ... Dave Contarino (h/ts Teresa Vilmain)

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Subject: Morning Media: Nancy Gibbs steps down -- Is tech ready to be regulated? -- Clinton's media postmortem

By Alex Weprin | 09/13/2017 05:38 AM EDT

'TIME' TURNOVER AS NANCY GIBBS STEPS DOWN: Nancy Gibbs is stepping down as editor-in-chief of Time magazine, after 32 years at the magazine, including four years leading it as editor. According to a statement from Time Inc., Gibbs will remain with the company through the end of 2017 as editorial director of the company's news group, a position she has held since last year. Gibbs, who is the first woman to have held the editor-in-chief role at Time, started at the magazine as a fact-checker in 1985. She who would go on to become a writer, before moving to management positions.

-No successor was named, but in an email sent to Time staff on Tuesday, Time Inc. CEO Rich Battista and Time Inc. chief content officer Alan Murray wrote: "Nancy is one of a kind and cannot be replicated. But we plan to move quickly to name a new editor-in-chief. Nancy has built not only a remarkable legacy but also a remarkable news organization, and we are determined to maintain its power and relevance in the years ahead."

-Gibbs gave an exit interview to Vanity Fair's Joe Pompeo. She told Joe that the decision to step down was hers, and that she hopes to contribute to Time in the future as a writer. As for what she will do next: "I've been thinking, are there places I could go and things I could do to address the challenges that are facing us as a country?"

CLOCK TICKS ON REGULATING TECH: It may be beginning to dawn on large technology companies that government regulation of some sort looms. With Facebook and Twitter acknowledging that firms with ties to Russia used their platforms to reach and influence voters, and tech companies disrupting and acquiring other businesses at a rapid pace, there is a general feeling in D.C. that something must be done about it. My colleague Nancy Scola notes that people on both sides of the ideological spectrum support some sort of change . "The free ride Silicon Valley has benefited from is finally coming to an end, and I see that on both sides of the political spectrum," said John Simpson, privacy project director at Washington-based Consumer Watchdog.

-BuzzFeed News editor-in-chief Ben Smith also does a good job explaining the problem: "The new spotlight on these companies doesn't come out of nowhere. They sit, substantively, at the heart of the biggest and most pressing issues facing the United States, and often stand on the less popular side of those: automation and inequality, trust in public life, privacy and security. They make the case that growth and transformation are public goods - but the public may not agree."

-Or, consider these comments made by CNN president Jeff Zucker at a dinner hosted by Credit Suisse in Toronto on Monday night. Zucker was interviewed by Tina Brown as part of her Women in the World Toronto Summit. "I think that Facebook has not been forthcoming in the

role that they played in the election and I think that their feet need to be held to the fire way more. I think it is outrageous that Facebook will not be more transparent about the advertising they took from Russia, and show those ads and release more information. The fact that they tried to bury that story in August when Congress was out of session is outrageous. ... I really do want to emphasize that Facebook's behavior in the election has NOT been transparent and this is a huge issue. I urge more folks to hold them to account."

-In some cases, it sounds as though tech is trying to get ahead of potential problems . According to comments made by News Corp. CEO Robert Thompson at the Goldman Sachs Communacopia conference Tuesday, Google may be reconsidering its "first click free" policy which prioritizes content in front of a paywall in its search results. "Google has been involved in serious negotiations with us about the future of content, about our relationship with them directly, but more importantly, I think Sundar Pichai deserves a lot of credit for taking a different approach. Because it's not just us...when you look at fake news, when you look at false metrics, when you look at faux advertising, something has to change, both from a commercial perspective, content perspective but also from a social perspective," Thompson said. "I've probably been more critical in public of Google than any person, and I want to praise Sundar for heading in the right direction. There's a lot more to negotiate, there's a long way to go, but their willingness to end "first click free" should be celebrated by all publishers

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HURRICANE IRMA'S CNN BOOST: BuzzFeed News' Steven Perlberg notes how coverage of Hurricane Irma has reversed a ratings and relevance slide that had affected CNN in recent months, as more viewers turned to competitors MSNBC and Fox News for political programming. "It hasn't taken all the heat off of us, but it's definitely helped dial back the 'fake news' rhetoric from our critics," said one CNN reporter. "This is what we do," said CNN Executive Vice President Andrew Morse, who runs the network's news gathering as well as the digital business. "When something important happens in the world, people tune to CNN."

-In other Irma news, The Miami Herald notes how Florida Governor Rick Scott's tight control of information has taken on new meaning in the aftermath of the hurricane. The Trace meanwhile, tracks how news outlets that should know better, such as the BBC, spread false news about a Facebook rumor "encouraging" people to shoot their guns at the hurricane.

THE SCARAMUCCI POST? The former White House communications director shared some new social media accounts Tuesday night for something called "The Scaramucci Post." What is it? Is "The Mooch" trying to make a media play? Well, that isn't entirely clear. Scaramucci registered www.scaramuccipost.com on Aug. 22, but right now there is nothing on the site. www.thescaramuccipost.com was registered yesterday. Scaramucci is no stranger to media, having appeared for years on CNBC, Fox Business and the cable news channels. For now, we may have to wait and see what he has up his sleeves.

CLINTON'S MEDIA POSTMORTEM: There are a number of common threads that have come up in former Secretary of State Hillary Clinton's book tour. One of them: The media does not realize or accept the role it played helping to elect Donald Trump. Consider the comments Clinton made on the Pod Save America podcast : "The other side has dedicated propaganda channels, that's what I call Fox News. It has outlets like Breitbart and crazy InfoWars. In this particular election, it was aided and abetted by the Russians and the role Facebook and other platforms played. We did not understand how a reality TV campaign would so dominate the media environment."

FOX-SKY DEAL IN JEOPARDY? 21st Century Fox's deal to buy the shares of U.K. telecom giant Sky has hit a speed bump, as U.K. regulators seek a full review of the deal. While Variety spoke to analysts that suggest the review may not be enough to derail the deal, it will certainly delay it, and risks undoing it. Bloomberg Gadfly's Chris Hughes puts the odds at 50-50. Here's how Fox responded to the news.

-The letter from OfCom is worth looking at, in part because it analyzes Fox News programming, which opponents of the deal said proved that it would not be good for consumers. OfCom stressed that none of the 10 Fox News segments cited warranted further investigation. In addition to noting that Tucker Carlson, Sean Hannity and Fox & Friends are not news programs, and thus not subject to the same scrutiny news programs are, OfCom also addresses FoxNews.com's handling of the since-retracted story about DNC staffer Seth Rich.

"While Ofcom has no jurisdiction over online articles, we generally take retractions to be indicative of a commitment to accuracy and to proper behaviour, rather than the converse," OfCom wrote. "However in essence Mr Wheeler's complaint is more than that a mistake was made in reporting. He suggests that Fox News knowingly faked a news story for political purposes. If true, this would clearly be of relevance to the degree of public concern arising from a plurality issue. Whether it might also be of relevance to commitment to broadcasting standards would depend on a number of factors, including in particular the degree (if any) of knowledge and culpability within Fox News beyond the journalist concerned. If evidence of wider wrongdoing were to emerge at some future date it may be significant."

REVOLVING DOOR:

-It's official: Hope Hicks is now White House communications director, dropping the "interim" from her current title.

-Meanwhile, Mercedes Schlapp is joining the White House communications team, which means, as Jeremy Barr notes, that her Fox News contributor deal will end.

-Nina Garcia has been named editor-in-chief of Elle magazine. Garcia had been creative director of Marie Claire since 2012. She succeeds Robbie Myers, who had been at the helm of Elle since 2000.

-A number of key personnel changes at The New York Times: Alex MacCallum has been named head of new products and ventures, which will include crosswords, cooking, and other

opportunities that are slightly outside the Times' core digital experience. She had been assistant managing editor for video. Alex Rainert has been named head of product and design. Matthew Ericson and Ben French are also joining that team.

EXTRAS:

-New York Times reporters Maggie Haberman and Glenn Thrush have inked a book deal with Random House. The topic? President Trump, of course. Random House editor-in-chief Andy Ward told Joe Pompeo: "This is the story of our time and I think they're well-positioned to write it."

-ESPN reporter Jemele Hill found herself in hot water after calling President Trump a "white supremacist" on Twitter. ESPN had to release a statement saying, "The comments on Twitter from Jemele Hill regarding the President do not represent the position of ESPN. ... We have addressed this with Jemele and she recognizes her actions were inappropriate."

-HBO has renewed "Last Week Tonight" with John Oliver for three more seasons, keeping it on the channel through 2020. Each season will have 30 episodes.

-Bloomberg and Twitter will livestream Bloomberg's Global Business Forum on Sept. 20. Justin Trudeau, Emmanuel Macron, Recep Erdogan and Sergey Lavrov will be among those appearing. It will be the second event Bloomberg livestreamed on Twitter this year, Following coverage of James Comey's testimony before the Senate Intelligence Committee.

-Here's what Amazon has in store for its "Thursday Night Football" games.

-On the topic of Amazon, there's this news about the news from Recode's Peter Kafka. "Why did three sites pass on a story about an Amazon exec before it landed at The Information?"

-Two pieces of news from OZY Media: the first is a redesigned homepage. The second is the launch of a new podcast series, "The Thread."

-When Hulk Hogan is profiled for Harvey Levin's Fox News show "OBJECTified," he plans to show off a legal notepad he doodled on during the Gawker trial.

To view online:
http://www.politico.com/media/tipsheets/morning-media/2017/09/13/nancy-gibbs-steps-down-is-tech-ready-to-be-regulated-clintons-media-postmortem-001347

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Sent: Fri 8/18/2017 9:46:06 AM
Subject: Morning Media: A Murdoch takes on Trump — A tale of three magazine covers — About that 'pivot to video'

By Alex Weprin | 08/18/2017 05:44 AM EDT

With Cristiano Lima

A MURDOCH TAKES ON TRUMP: James Murdoch, the CEO of 21st Century Fox and son of media mogul Rupert Murdoch, sent a note to friends and colleagues Thursday criticizing President Donald Trump's response to the attack and protests in Charlottesville, Va. "[W]hat we watched this last week in Charlottesville and the reaction to it by the President of the United States concern all of us as Americans and free people," Murdoch said in the email, according to Yahoo Finance. "I can't even believe I have to write this: standing up to Nazis is essential; there are no good Nazis. Or Klansmen, or terrorists. Democrats, Republicans, and others must all agree on this, and it compromises nothing for them to do so," he added, pledging $1 million to the Anti-Defamation League.

- Murdoch is the CEO of Fox News Channel's parent company, with the cable news channel's prime-time lineup being among the most friendly media outlets to Trump, even in the wake of his news conference earlier this week. James' father, Rupert, is known to be close to Trump, talking to him on a regular basis. Will James' note change that relationship, or the coverage? We'll have to see.

DESPITE TRUMP'S TOUGH TALK, AT&T-TIME WARNER MOVES ALONG: During the campaign, President Trump called it "a deal we will not approve in my administration because it's too much concentration of power in the hands of too few." Last month, The New York Times reported that administration officials were thinking of using the merger as a "point of leverage" over its cable news nemesis CNN. And yet, as The Wall Street Journal reports , the AT&T-Time Warner deal has reached a milestone that suggests it is in an advanced stage of the regulatory process, and is close to being approved. "The deal's regulatory review has hit a point where AT&T lawyers are discussing merger conditions with the Justice Department, people close to the situation said, a significant milestone that indicates the odds of approval have markedly improved."

Good morning and welcome to Morning Media! I want to make Morning Media better and more useful to you, so please send me tips, ideas and feedback! I'm on Twitter **@alexweprin** and on email at **alexweprin@gmail.com**. Morning Media is produced with help from **Cristiano Lima (clima@politico.com / @ludacristiano)**. **Archives**. **Subscribe.**

CABLE NEWS WATCH: The terror attack in Spain resulted in the cable news channels' turning their attention away from President Trump, if for a few hours. Extra live hours of news coverage were added to prime-time and post-prime-time periods, while broadcast networks like NBC broke into regular programming with special reports.

- Something else to keep an eye on: On Wednesday, MSNBC was the most-watched channel in all of cable TV among total viewers in total day. That was the first time in its history that happened. Fox News and CNN also saw strong ratings as people tuned in to make sense of the aftermath of Trump's Tuesday presser.

A TALE OF THREE MAGAZINE COVERS: Three major magazines - you know, the kind that are printed on paper - released covers this week addressing Trump's response to the Charlottesville attack and protests. The magazines - The Economist, The New Yorker and Time - share an obvious theme. Take a look at the covers here . They demonstrate the awesome power that the medium still has, with a single image able to conjure emotions ranging from anger and shock to surprise and humor (although there was nothing humorous about the three Trump covers released yesterday). No digital news format has quite the same impact or cultural cachet.

NPR's DAVID FOLKENFLIK DID A DEEP DIVE INTO THE SETH RICH CONSPIRACY, and the man behind the scenes of a controversial and since-discredited Fox News story on the former DNC staffer's murder. Ed Butowsky, an unnamed "third party" in a Fox News digital story dubiously linking Rich's death to DNC email exchanges with WikiLeaks, gave a lengthy two-and-a-half hour interview to the outlet in which he vigorously denied charges he faces in a lawsuit contending that he pushed Rich conspiracies at Fox as part of a plot to help President Trump. Butowsky rejected notions he's some sort of political operative, and claimed that when he reached out to Rich's family to discuss the case, he was "actually helping a family learn something." Read the full profile here.

- The Washington Post's Paul Farhi, meanwhile, did a deep dive of his own into CNN's retracted story about Anthony Scaramucci and Russia. That story saw three respected CNN reporters and editors, including a Pulitzer Prize winner, resign.

MIC THE LATEST PUBLISHER TO 'PIVOT TO VIDEO': Mic, the millennial-targeting digital news startup, is the latest news outlet to lay off journalists as it seeks to reinvest resources into video. According to Mic's Kelsey Sutton, 25 staffers received pink slips Thursday. The company will instead beef up its ranks of on-air correspondents, producers and other visual journalists.

- Recode's Peter Kafka has a good rundown on the "why" part of that decision, but here's something else to chew on: The numbers are not as encouraging as they look on the surface. As Kafka notes, many of these news startups cite the $70 billion TV ad market as a reason for the pivot. A tiny slice of that would be a game changer. The thing is, the overwhelming majority of that advertising pie is taken up by entertainment and sports.

- According to Pew's 2017 State of the News Media report, advertising revenue for CNN, Fox News, MSNBC, CNBC, Fox Business and Bloomberg totaled approximately $2.3 billion. The network morning and evening newscasts added another $1.2 billion to that pot. Throw in a few hundred million more for other TV news programs and the ad market these news sites are trying to steal revenue from is closer to $4 billion, not $70 billion.

- Many of these digital players, like BuzzFeed and Vice, are trying to expand their market

share with pure entertainment programming, including, yes, TV shows created for TV channels, but most of the sites "pivoting to video" will have a rough go of it unless they rethink their expectations, or their business models.

BUBBLE TEA IS THE NEW PEAS IN GUACAMOLE: The New York Times has done it again. Food lovers around the world raised their eyebrows at another article about food (we all remember what happened when the Times put peas in guacamole). This time, The Times discovered boba, or as the news outlet originally described it, "the blobs on your tea." The article gave the impression that the tapioca balls in tea were a new fad (in fact, just last year The Times called bubble tea "so 2002"). It also used language calling the tea "exotic" and "embraced in the Far East." "In retrospect, we wish we had approached the topic differently (if at all)," Times business editor Ellen Pollock wrote . "There may be a story in the expansion of bubble tea businesses in the United States, but there is no denying the drink has been around for quite a while. And we regret the impression left by some of the original language in the article, which we have revised in light of the concerns."

REVOLVING DOOR:

- A bunch of hires at The New York Times' T Magazine: Thessaly La Force joins as features director, Kurt Soller joins as articles editor, Isabel Wilkinson was promoted to digital director, Malina Joseph Gilchrist was promoted to women's style director, while Alexa Brazilian was promoted to fashion features director.

- Time Inc. named Lori Leibovich of Health. She succeeds Clare McHugh, who has been named senior director for edit operations. Leibovich will also oversee "Time Health," which the company describes as "a new company-wide initiative that draws on the full portfolio of Time Inc.'s brands."

- A revolving-door item from earlier this week had the wrong titles for two people at Elle magazine. Sally Holmes has been promoted to executive editor of Elle.com, while Gena Kaufman has been promoted to director of social media and special projects for Elle.com.

SOUNDBITE: "It hurts me that people from my neck of the woods, the Midwest, don't trust me ... I don't think it's just the Trump supporters, I think that trust in media has been eroding for a long time ... It pains me and to blame it all on Trump shows a distinct lack of courage on the part of journalists. It's partially our fault." HLN anchor Carol Costello, in an interview with The Wrap.

EXTRAS:

- Splinter News does a good job explaining why ABC's "pink slime" settlement could have a chilling effect on journalism, as subjects of stories use the court system to attempt to silence journalists. [Splinter News]

- The Poynter Institute updated its code of ethics. [Poynter]

- Hearst is launching an incubator for women-led startups. So far the company has invested $5 million in 11 companies. [WSJ]

- What leaks won't WikiLeaks chase down? Apparently negative intel on the Kremlin. [Foreign Policy]

- Sinclair has struck a deal to bring its local stations and Tennis Channel to YouTube TV, YouTube's streaming service. [Sinclair]

- Thanks to the Sinclair deal, YouTube TV is now available to 50 percent of U.S. households. [TechCrunch]

- Facebook is cracking down on clickbait video posts on your timeline. [The Verge]

- R.I.P to legendary New York photographer Michael Schwartz, who died at 73. [New York Daily News]

To view online:
http://www.politico.com/media/tipsheets/morning-media/2017/08/18/a-murdoch-takes-on-trump-a-tale-of-three-magazine-covers-about-that-pivot-to-video-001335

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Subject: Morning Energy, presented by the U.S. Chamber's Global Energy Institute: Fears of humanitarian crisis in Puerto Rico as federal response ramps up — Not freaking out, yet, about Zinke's renewables comments — Pruitt's private plane rides

By Anthony Adragna | 09/27/2017 05:40 AM EDT

With help from Ben Lefebvre, Emily Holden, Alex Guillén and Darius Dixon

FEARS OF HUMANITARIAN CRISIS IN PUERTO RICO: Federal officials appeared to dramatically ramp up their response to the devastated Puerto Rico on Tuesday as the dire conditions became ever clearer. According to the Defense Department, just 44 percent of the island's residents have potable drinking water while only 11 of 69 hospitals have fuel or power. In addition, 80 percent of the island's electricity transmission system and 100 percent of the distribution system are damaged. Florida Republican Sen. Marco Rubio , who toured the island Monday, called for a "more aggressive" federal response and summed up the severity of the situation: "I'm concerned about human suffering and potential loss of life if aid doesn't reach the places it needs to reach quickly enough," he said.

President Donald Trump, who one day earlier appeared to partially blame the territory's plight on its "broken infrastructure & massive debt," touted the "amazing" response Tuesday. "We are literally unloading, on an hourly basis, water, food, supplies," he said. "And we are going to do far more than anybody else would ever be able to do. And it's being recognized as such, but it is a tough situation." Trump later convened two briefings on relief efforts, the second of which included EPA Administrator Scott Pruitt, Interior Secretary Ryan Zinke and Energy Secretary Rick Perry. EPA also approved a waiver for certain fuels on Puerto Rico on Tuesday. POLITICO's Andrew Restuccia and Louis Nelson with more here.

Both Senate Majority Leader Mitch McConnell and Speaker Paul Ryan reiterated Congress would respond with additional hurricane aid when the administration made a formal request. "I also want the people of Puerto Rico to know that they are going to get the kind of help and aid that Texas and Florida enjoyed," Ryan said. But Pro Budget and Appropriations Brief's Sarah Ferris and Jennifer Scholtes report that formal request is likely several weeks away as officials focus right now on delivering supplies rather than requesting more funds.

What about the Jones Act? The Trump administration is not waiving the Jones Act for Puerto Rico, as it did for Florida and Texas after hurricanes ravaged those states earlier this year. And Sen. John McCain wants to know why. McCain, a long-time proponent of revamping the law requiring shipments between domestic ports be carried on U.S.-flagged vessels, sent a letter to DHS urging the agency to reconsider its decision . "I am confident that repealing this law would lead to hastened recovery efforts where our country needs it most," he wrote.

Separately, Tuesday, the unlikely duo of Sens. Cory Gardner and Kamala Harris asked Perry in a letter to "work expeditiously" with utilities around the country to help get the lights back on. But Southern CEO Tom Fanning, co-chairman of the Electricity Subsector

Coordinating Council, sought to keep expectations realistic in a Tuesday statement: "Puerto Rico is facing complicated logistical challenges for life and safety that need to be stabilized before full power restoration efforts can get underway."

WELCOME TO WEDNESDAY! I'm your host Anthony Adragna, and the American Chemistry Council's Jon Corley was first up to name Ralph Nader as the 1977 SNL host (his opening sketch here). For today: What legendary Hollywood star was also a five-term president of the National Rifle Association? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

NOT FREAKING OUT — YET: Utility-scale solar developers and environmentalists remain hopeful BLM's ongoing leasing program will remain on track despite Zinke's comments Tuesday that large-scale solar development is a poor use of federal lands, Pro's Esther Whieldon and Eric Wolff report . "Our hope is that he was just blowing off steam, it was just a casual off the cuff conversation and that it doesn't have any material or practical implications for the permitting process for our projects," Shannon Eddy, executive director of the Large-scale Solar Association, said referring to his comments at National Clean Energy Week event in Washington.

ICYMI: During his speech, Zinke highlighted some negative environmental consequences of renewables and said fossil fuel development was the best use of public lands. "I think the biggest opportunity in solar is the roof," Zinke said. "Because when I see solar cells out on land, that land is no longer useful for anything else but energy. But there's a lot of roofs. And I think the greatest opportunity for the solar industry is look at where the roofs are." But he also didn't mention the Obama-era solar leasing program at BLM, an omission that some are taking as an encouraging sign.

BISHOP DEFENDS ZINKE'S LOYALTY COMMENT: Interior Secretary Ryan Zinke faced heated criticism Tuesday for his Monday comment that one-third of his agency's workforce is "not loyal" to the administration, but House Natural Resources Chairman Rob Bishop told reporters that guess is "probably low." Bishop added: "The assumption is, you have a whole lot of professional staff — in quotes — that stay from administration to administration. So having that [lack of loyalty] would not surprise me."

'Deeply insulting': In a joint statement, the Coalition to Protect America's National Parks, the Public Lands Foundation and the Association of Retired Fish and Wildlife Service Employees called Zinke's comments "simply ludicrous" and "deeply insulting." And top Natural Resources Democrat Raul Grijalva expressed similar outrage: "Secretary Zinke should clarify his comments and apologize to the public servants he is supposed to be leading," he said in a statement.

IT'S A SECRET: EPA has hired a Virginia contractor to build a "privacy booth for the administrator" at a cost of $24,570, according to records first uncovered by The Washington Post. As Pro's Alex Guillén reports , the booth — known formally in Washington speak as a Sensitive Compartmented Information Facility — is secured against physical and electronic eavesdropping and hacking. The agency already has such a facility for classified discussions, the newspaper reports. EPA contract records also indicate the agency spent $8,000 this month for

another firm, Fairfax-based Secure Mission Solutions, to "remove CCTV equipment to accommodate a secure phone booth for the administrator's office."

PRUITT'S PRICEY TRAVEL: Turns out it's not just $25,000 soundproof booths that Scott Pruitt has a taste for. On June 7, the EPA administrator flew from Cincinnati to New York on an Air Force jet with a cost to taxpayers of $20,000, CBS News reports. Then, on Aug. 4, Pruitt took a private plane from Denver to Durango, Colorado and back for a meeting with state officials, but only after declining to fly on Colorado Gov. John Hickenlooper's plane. A spokesman said Pruitt, a self-described "fiscal conservative," booked the plane "after his flight was significantly delayed in order to ensure that he did not miss a critical meeting," and ethics officials were consulted. But the spokesman did not respond to requests for why he used a military plane for the earlier trip or why he declined to fly with Hickenlooper, CBS reports.

A message from the U.S. Chamber's Global Energy Institute: American infrastructure needs attention, and energy infrastructure should be front and center in that discussion. Today, it is too difficult to build infrastructure, and our electricity grid and pipeline network needs investment. Without ways to move energy of all kinds, our economy will stall. Visit www.globalenergyinstitute.org for more. **

HAMM TO PRESS PERRY ON EIA ESTIMATES: Oil titan Harold Hamm, a major Trump supporter, will meet today with Energy Secretary Rick Perry to argue that EIA is missing the mark with its oil production estimates, he told POLITICO's Mike Grunwald, who tweeted a few tidbits from their conversation Tuesday. The Hamm-backed Domestic Energy Producers Alliance prepared slides outlining its case that EIA is too optimistic with its forecast of U.S. oil production growing to close to 10 million barrels a day next year. The group points out oil companies reported an overall second-quarter drop in production rates, while rig counts and well completion rates also fell — that implies activity is too slow to boost production from August's 9.2 million barrels a day. "EIA's Phantom Forecast needs huge growth to catch up to projections," DEPA argues in slides it shared with POLITICO. Hamm and the association have a vested interest in downplaying production rates — less oil coming out of the ground equals higher prices — but the EIA forecasts have been known to be wrong before. "The EIA analysts do credible, independent work. Of course, no one gets everything right 100 percent of the time," Raymond James energy analyst Pavel Molchanov told ME.

GUARDIANS OF THE ENVIRONMENT: New York Attorney General Eric Schneiderman asserted the U.S. was entering a new era of "progressive federalism" on Tuesday with a coalition of attorneys general responsible for guarding against environmental rollbacks, POLITICO New York Marie J. French reports. "With the new administration clearly in the pockets of the fossil fuel industry, the chemical industry and others, and putting people in power who deny the most basic science, it's very important to recognize the brilliance of our federal system that there is this second tier of protection at the state level," he said.

NEXT WEEK EYED FOR EPW NOMINEE HEARINGS: Senate EPW Chairman John Barrasso told reporters Tuesday he plans to hold two separate nomination hearings next week on "seven or eight" of Trump's agency nominees. The committee declined to provide further details, but the hearings would likely include four EPA and one NRC nominees who saw their

confirmation hearing postponed last week, as well as several Tennessee Valley Authority selections. Barrasso did say he planned to spread out the sessions between Wednesday and Thursday.

LOOK TO FEBRUARY IN CHALLENGE TO CHEMICAL RULE FREEZE: The legal challenge over Pruitt's decision to delay a key chemical facility safety rule until 2019 will stretch through February at least. The D.C. Circuit set a briefing schedule Tuesday beginning next month and stretching through Jan. 31, 2018.

Don't mess with Texas (counties): Harris County, Texas, has decided to sue Arkema, the owner of the Crosby chemical plant that burned in the wake of Hurricane Harvey's flooding. The county had to dedicate "literally dozens of first responders" to that event rather than helping other people, county attorney Rock Owens told the Houston Chronicle.

FUEL TRANSPORTATION SAFETY PICKS GETS HEARING: Skip Elliott, Trump's selection to run the Pipeline and Hazardous Materials Safety Administration gets a nomination hearing today at 10:30 a.m. before the Senate Commerce Committee. Also in the hot seat is Timothy Gallaudet, the administration's pick for the No. 2 position at NOAA.

CLEAN ENERGY CHAMPS NAMED: Citizens for Responsible Energy Solutions will today announce Govs. Kim Reynolds and Brian Sandoval, Reps. Mia Love and Cathy McMorris Rodgers, and Sens. Thom Tillis and Susan Collins as its 2017 clean energy champions.

SENATE PASSES BILL TO FIGHT ALGAL BLOOMS: Lawmakers cleared by unanimous consent legislation S. 1057 (115) aimed at controlling harmful algal blooms. The bill would authorize the appropriation of $110 million to NOAA over the 2019-2023 period.

MAIL CALL! PRUITT'S MEETING RECORDS SOUGHT: Rep. Frank Pallone, top Democrat on the Energy and Commerce Committee, sent a letter Tuesday to EPA's inspector general asking for a "factual record" of Pruitt's meetings that may have violated the Antideficiency Act and other anti-lobbying provisions. Of particular interest is an April meeting with the National Mining Association where Pruitt reportedly encouraged members of the group to criticize the Paris climate accord.

NEW MEXICANS: TOSS OUT INACCURATE MONUMENT REPORT: Sens. Tom Udall and Martin Heinrich, as well as Reps. Ben Ray Lujan and Michelle Lujan Grisham, sent a letter to White House Chief of Staff John Kelly on Tuesday calling on the White House to reject Zinke's report urging changes to a host of national monuments after they claimed to find a number of factual errors surrounding recommended changes to two in their state. "The public deserves better than predetermined political conclusions based on hearsay and claims that are easily disproven if the Department had taken the time to listen to and work with local communities," they wrote.

HOUSTON SUPERFUND SITE RESPONSE PROBED: Texas Democratic Rep. Gene Green, whose district took a direct hit from Hurricane Harvey, asked Pruitt in a Tuesday letter to provide a host of information concerning the agency's response to the U.S. Oil Recovery

Superfund site, which was potentially damaged in the storm. "The apparent slow response and lack of transparency from your agency is already causing harm, by fostering fear and distrust," he wrote.

ME FIRST — LOCAL OFFICIALS: NO CUTS TO EPA'S BUDGET: More than 300 local elected officials are out with a letter today urging Congress not to cut EPA's budget as it considers fiscal 2018 spending packages. "Deep budget cuts will suddenly impose significant new funding requirements — including some unfunded mandates — on states," they write. "To the extent that states cannot make up for the loss of EPA grant funds, public health will be put at risk."

GROUPS: PLEASE SPEND THAT MONEY: A group of energy efficiency organizations, companies and trade associations are asking the House and Senate to ensure funds directed to critical energy efficiency and clean energy programs are actually spent by the Trump administration while longer-term funding is negotiated. "When letters and written inquiries are not enough, we urge you to call on senior leaders to testify on the record about the status of programs and their plans to ensure their agencies are acting consistently with congressional intent," they write.

DOE IG: AGENCY SLUGGISH TO TAKE ON ADDED IT SECURITY: The Energy Department has been slow to setup multifactor logins across its computer systems, a new inspector general audit says. "Although requirements existed for more than 10 years, none of the locations reviewed had fully implemented multifactor authentication for secure access to information systems and resources," the report says, while noting that DOE had nevertheless made progress on the issue. The IG's office studied 18 federal systems and "identified weaknesses related to ensuring adequate protections over access to network and application resources" and found that information DOE reported to OMB on a 2015 "Cybersecurity Sprint" initiative was not consistent. The lack of an agency-wide multifactor authentication process exposes DOE information to "a higher than-necessary risk of compromise," the audit says. DOE concurred with the IG's five recommendations and laid out a plan to square things up over the next year.

READY TO FIGHT: The environmental justice group Green for All kicked off its fly-in last night at a dinner featuring moms from Flint, Mich., and other communities hit hard by pollution. Today they'll visit Capitol Hill to protest EPA budget cuts and urge action on climate change. Rep. Nanette Diaz Barragan, a California Democrat who sits on the House Natural Resources committee, said Republican members of the panel "won't even mention the words 'climate change,'" and she urged women in the group to run for public office.

REPORT: REVAMP OF CLEAN WATER ACT NEEDED: Today's the last day to comment on EPA's efforts to repeal the previous administration's Waters of the U.S. regulation, but the Regulatory Transparency Project, a venture of the Federalist Society, released a paper Tuesday questioning whether Congress needs to fundamentally revisit the Clean Water Act to clarify how to decide what constitutes a waters of the U.S. Read it here.

MAP ALLEGES BIG AIR POLLUTION RISKS FROM OIL, GAS PRODUCTION:

Earthworks is out this morning with an updated analysis finding 2.9 million children are at risk from toxic air pollution from active oil and gas production sites within half a mile of their schools.

QUICK HITS

— Hawaii Lawmaker Presses SEC Chairman on Climate Change. The Street.

— Failing Puerto Rico dam that endangers thousands not inspected since 2013. Washington Post.

— Mnuchin Asks Judge to Toss Exxon's Suit Over Russia Drilling. Bloomberg.

— Before U.N. Deadline, China Again Buys North Korean Coal. Wall Street Journal.

— A small region in Iraq just became one of the oil market's biggest concerns. CNBC.

— Kinder Morgan Canada ordered to stop some work on pipeline expansion. Reuters.

HAPPENING TODAY

9:00 a.m. — "North America Energy Forum 2017," Wilson Center, 1300 Pennsylvania Ave. NW

10:00 a.m. — Senate Commerce Committee hearing on nominations, Russell 253

10:00 a.m. — "Forest Management to Mitigate Wildfires: Legislative Solutions," Senate Environment and Public Works Committee, Dirksen 406

2:00 p.m. — "Encouraging the Next Generation to Visit National Parks," Senate Energy and Natural Resources National Parks Subcommittee, Dirksen 366

3:00 p.m. — "Global Lessons from the Thawing Arctic," The Study of Environmental Arctic Change, 1200 New York Ave NW

THAT'S ALL FOR ME!

****A message from the U.S. Chamber's Global Energy Institute:** Pipelines Power America. America has over 2.6 million miles of pipelines that safely deliver natural gas and petroleum products throughout our nation. It would take over 750 tanker trucks a day to transport the same amount of energy as a single pipeline. While our analysis shows that certain regions like the Northeast face a critical lack of pipeline infrastructure that is contributing to higher prices and negative economic impacts, pipeline projects are under attack across the nation. It's time to end delays and allow for energy that is essential for our daily lives to move around our nation. Find out more about how Pipelines Power America here: http://bit.ly/2wG6Ij9 **

To view online:

https://www.politicopro.com/tipsheets/morning-energy/2017/09/fears-of-humanitarian-crisis-in-puerto-rico-as-federal-response-ramps-up-024784

Stories from POLITICO Pro

White House weeks away from formal funding request for Puerto Rico aid, sources say
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By Sarah Ferris and Jennifer Scholtes | 09/26/2017 03:01 PM EDT

The White House is likely weeks away from a formal funding request for Puerto Rico, as the storm-ravaged island enters its sixth day without power, according to Trump administration and congressional sources.

Senate Minority Leader Chuck Schumer is demanding that lawmakers approve a disaster aid package by week's end to help Puerto Rico and the U.S. Virgin Islands recover from Hurricane Maria. But aides familiar with the devastation on the Caribbean islands say the government is far more focused on delivering resources right now than getting more cash from Congress.

"The thing is, funding doesn't help them. Getting people and supplies there is what needs to happen," one administration aide said Tuesday. "There's no crunch in the short term for cash."

Still handling three simultaneous hurricane relief efforts, FEMA's staff is stretched thin. But the agency's disaster relief fund is still flush after Congress provided $15 billion in disaster aid, H.R. 601 (115), earlier this month, as well as another $6.7 billion that will kick in at the start of the fiscal year Oct. 1.

Advocates argue that funding for FEMA doesn't mean Puerto Rico's government can pay its own bills, however, including its already depleted Medicaid program.

While the federal government continues to calculate a damage estimate, responders deployed to the region are focused on logistics like getting food and water to millions of people who remain without power as temperatures hit 90 degrees and humidity hovers above 70 percent.

The administration contends that much of Puerto Rico and the Virgin Islands is so damaged that officials can't even begin damage assessment, meaning the federal government may not know for weeks how many roads, buildings or power lines will need to be rebuilt.

"The issue is not paying for any of this," the administration source said. "It's like: Paying for what?"

But Democrats say the administration's response is already wholly anemic, accusing President Donald Trump of taking potshots at the ailing islanders while neglecting to deploy the full force of federal resources.

"We have the greatest military the world has ever seen," Rep. Joe Crowley (D-N.Y.), chairman

of the Democratic Caucus, told reporters on Tuesday. "We know how to invade other nations. We know how to bring that equipment in. We have paratroopers. We have sailors. We have Marines. We have men and women who would want to help their fellow countrymen in their time of need. It's time for the president to invoke that and to bring that type of response."

Trump said Tuesday that he plans to travel to Puerto Rico early next week to survey damage, more than a dozen days after Maria compounded devastation wrought by Hurricane Irma earlier this month.

The president has fielded criticism for neglecting to visit the islands as quickly as he arrived in Texas and Florida following Hurricanes Harvey and Irma. But he told reporters at the White House on Tuesday that his administration is "getting really good marks for the work we're doing" in Puerto Rico and the Virgin Islands.

Congressional Democrats have derided Trump for focusing on the NFL's national anthem controversy in the wake of the disaster and noting Puerto Rico's financial issues. "Texas & Florida are doing great but Puerto Rico, which was already suffering from broken infrastructure & massive debt, is in deep trouble," Trump tweeted late Monday.

Rep. Nydia M. Velázquez (D-N.Y.), who is the first Puerto Rican woman to be elected to Congress, said she is "offended and insulted" by the president's tweet.

"If you don't take this crisis seriously, this is going to be your Katrina," Velázquez told reporters Tuesday about Trump, suggesting the president appoint a military general to organize comprehensive emergency response.

Rep. José E. Serrano (D-N.Y.) said Tuesday that he has gotten commitments from House Appropriations Chairman Rodney Frelinghuysen (R-N.J.) and House Speaker Paul Ryan that Puerto Rico and the Virgin Islands will be "treated equally in any funding package to come.

"You can't look at this funding and say, 'Whatever is left over can go to the Virgin Islands and Puerto Rico.' No — it has to be equal to Texas, to Florida, to Louisiana, to Georgia. ..." Serrano said. "Now it's incumbent on us to stay on top of the leadership to make sure that a certain segment of the other party doesn't break this promise that the speaker and the chairman of Appropriations have put out."

Congress approved its massive hurricane relief package on Sept. 8 — six days after Harvey made landfall in Texas — yet appropriators appear weeks away from an aid request devoted to Puerto Rico.

The White House believes there is "plenty of money" for the hurricane response in the short term, an administration aide said, acknowledging that much more will be needed in the months to come.

While White House officials plan to discuss that longer-term funding strategy this week, even a back-of-the-envelope estimate will be incredibly difficult, according to one person familiar with

the damage assessment efforts.

The government officials charged with surveying the damage — including those from FEMA, the Defense Department and the Centers for Disease Control and Prevention — each have to come up with their own funding estimates. But many of the damage assessment teams are still working on recovery in states like Texas and Florida.

Heather Caygle contributed to this report.

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White House denies Jones Act waiver for Puerto Rico Back

By Ben Lefebvre | 09/26/2017 02:07 PM EDT

The Trump administration will not waive a rule banning foreign vessels from delivering fuel to hurricane-ravaged Puerto Rico, the Department of Homeland Security said today.

Waiving the Jones Act would not address the lack of port space needed for vessels to deliver the fuel to the island, DHS spokesman David Lapan said. DHS consulted with other federal agencies and found that "there is sufficient numbers of U.S.-flagged vessels to move commodities to Puerto Rico," Lapan told POLITICO in an email.

"The limitation is going to be port capacity to offload and transfer cargo, not vessel availability," Lapan said. "The fuel supply challenges facing Puerto Rico are not a function of the lack of fuel being shipped to the island, but caused by the devastation to Puerto Rico's transportation networks that have prevented fuel from being transported on the island to all of the places that need it."

The Jones Act stipulates that only U.S.-flagged ships can deliver fuel to domestic ports, keeping the number of vessels available to deliver fuel. Puerto Rico is running out of fuel and other necessitates after taking a direct hit from Hurricane Maria last week.

DHS waived the rule when hurricanes ripped through Texas and Florida in recent weeks, but in those cases, the ships were necessary to replace lost fuel production after refineries were shut down during the storms, Lapan said.

WHAT'S NEXT: President Trump is scheduled to visit Puerto Rico next week.

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Solar industry stays calm after Zinke says it's a bad fit for public lands Back

By Esther Whieldon and Eric Wolff | 09/26/2017 06:23 PM EDT

Renewable energy supporters are worried — but not yet panicked — after Interior Secretary Ryan Zinke slammed large-scale solar development as a poor use of federal lands.

Zinke urged solar companies to focus on smaller rooftop projects rather than sprawling installations on federal lands. But utility-scale developers and environmentalists remain hopeful that BLM's ongoing leasing program will remain on track.

"Our hope is that he was just blowing off steam, it was just a casual off the cuff conversation and that it doesn't have any material or practical implications for the permitting process for our projects," said Shannon Eddy, executive director of the Large-scale Solar Association.

Zinke's speech Tuesday at a National Clean Energy Week event in Washington offered the clearest indication to date of his preference for fossil fuel development over renewable energy.

"If you are operating on public land, extraction is going to be in the best public interest," he told the audience, which included representatives from the renewable energy, natural gas and nuclear industries.

In his speech, Zinke stressed his support for an "all of the above" approach to energy, though he focused more heavily on the negative environmental consequences of renewables than of fossil fuel development. He pointed to bird deaths or habitat loss that can be caused by wind and solar development, but said little about the air pollution or spills that can come with oil, gas or coal production. And climate change was hardly mentioned at all.

"I think the biggest opportunity in solar is the roof," Zinke said. "Because when I see solar cells out on land, that land is no longer useful for anything else but energy. But there's a lot of roofs. And I think the greatest opportunity for the solar industry is look at where the roofs are."

By the end of 2016, utility scale solar made up 70 percent of the industry's growth, according to the Solar Energy Industries Association, the largest solar trade association.

Environmentalists accused Zinke of trying to draw attention away from the harm the administration is doing to the environment by promoting fossil fuel production.

"It's a false choice to say that we can either protect our wildlife or advance renewables on public lands," said Alex Daue, assistant director for energy and climate campaign at The Wilderness Society.

Zinke did not mention the solar leasing program at BLM, which was launched during the Obama administration, an omission that some are taking as an encouraging sign. If he does not formally tell BLM field staff to slow down or turn their attention to other matters, it could lessen the

immediate effect on the environmental studies and other work happening on the ground, said Nathanael Greene, director of the Natural Resources Defense Council's renewable energy policy initiative.

Still, his general disinterest in the solar industry's priorities such as improved siting and streamlined permitting could amount to "death by neglect" for the program, he said.

Solar developers also could lose valuable federal tax incentives if BLM slow rolls its approval of their projects, Eddy noted.

Furthermore, it's unlikely that rooftop solar panels would be able to replace the potential generation available on public lands without unduly straining the electric grid, said Kim Delfino, Defenders of Wildlife California program director.

California "learned the hard way that ... we do have to have a certain amount of utility scale renewable energy as we work really hard to put in place the grid and policies to have rooftops," Delfino said in an interview Tuesday.

BLM estimated in 2012 that about 24,000 megawatts of solar panels could be installed on about 214,000 acres of federal land over a 20-year period. Under the Obama administration, BLM authorized 42 projects totaling 9,540 MW. No new leases are expected to be offered until next year at the earliest, officials have said.

Solar leasing is dwarfed by the amount of land occupied by the oil and gas industry. The oil and gas industry held 27 million acres under lease as of Sept. of last year, including 12 million acres under production, according to BLM data. And that figure is down from a peak in 1989 when the industry had 67 million acres under lease. BLM leased 62,000 acres to solar developers by October 2016.

The Interior Department and BLM did not respond to requests for comment Tuesday.

Zinke's remark may foretell yet more gloom and uncertainty for the solar industry, which already faces the prospects of tariffs on the cheap, imported solar panels that fueled its growth. Tariffs would likely jack up costs for developers and installers, leading to project slowdowns and the loss of as many as 88,000 jobs, the industry says.

The Solar Energy Industries Association, which represents both rooftop and utility-scale developers, offered an optimistic interpretation of Zinke's comments.

"The beauty of solar energy is it can be deployed in multiple ways. From rooftop panels to large scale installations owned by utilities, there is room for all solar energy and each one plays an important role in the diversification of our nation's electricity mix," SEIA CEO Abigail Ross Hopper said in a statement. "We are pleased both Sec. Zinke and [Energy Secretary Rick] Perry took part in National Clean Energy Week and we look forward to continued conversations with both of them on the ways in which solar is strengthening America."

Other proponents pointed to the wide support solar enjoys on both sides of the political aisle.

"I think there's bipartisan support for providing access to federal lands for energy development, I can't imagine it's been undermined, despite what the Secretary said today," said Todd Foley, senior vice president of policy and government affairs at the American Council on Renewable Energy. "To put it as some people do, we shouldn't be picking winners and losers."

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EPA building Pruitt secure communications room Back

By Alex Guillén | 09/26/2017 03:59 PM EDT

EPA is building a special secure communications room for Administrator Scott Pruitt, according to contract records first reported today by the Washington Post.

EPA hired Richmond, Va.-based Acoustical Solutions to construct a "privacy booth for the administrator" at a cost of $24,570, according to the contract details. It is expected to be completed by Oct. 9.

The privacy booth will serve as a Sensitive Compartmented Information Facility, EPA spokeswoman Liz Bowman told the Post. SCIFs, as they are known in Washington lingo, are rooms specially secured against physical and electronic eavesdropping and hacking that are used for discussing classified issues.

EPA already has a SCIF facility used for discussing sensitive matters, the Post reported. The agency's SCIF appears to have existed for years; an agency guide on national security issues dated 2006 includes information on accessing and maintaining the agency's CIA-accredited SCIF facilities.

EPA last week said employees will have to complete new rounds of training for handling sensitive information, including classified data on critical infrastructure.

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How Bannon and Pruitt boxed in Trump on climate pact Back

By Andrew Restuccia and Josh Dawsey | 05/31/2017 08:00 PM EDT

Donald Trump's chief strategist and Environmental Protection Agency administrator maneuvered

for months to get the president to exit the Paris climate accord, shrewdly playing to his populist instincts and publicly pressing the narrative that the nearly 200-nation deal was effectively dead — boxing in the president on one of his highest-profile decisions to date.

Steve Bannon and Scott Pruitt have sought to outsmart the administration's pro-Paris group of advisers, including Trump's daughter Ivanka, who were hoping the president could be swayed by a global swell of support for the deal from major corporations, U.S. allies, Al Gore and even the pope. But some of that pro-Paris sentiment wound up being surprisingly tepid, according to White House aides who had expected that European leaders would make a stronger case during Trump's trip abroad in May.

Those who want Trump to remain also faced an insurmountable hurdle: The president has long believed, rightly or wrongly, that the U.S. is getting a raw deal under the accord, and it proved nearly impossible to change his mind.

The internal reality show will culminate Thursday when Trump finally announces his decision, after a rush of leaks Wednesday from administration officials saying he was on the verge of pulling the plug on U.S. participation in history's most comprehensive global climate agreement.

"I will be announcing my decision on Paris Accord, Thursday at 3:00 P.M.," Trump tweeted Wednesday night, without revealing the outcome. "The White House Rose Garden. MAKE AMERICA GREAT AGAIN!"

Some White House aides held out the prospect that the president still might take the middle course that Ivanka Trump and others had advocated — staying in the deal while drastically scaling back the Obama administration's nonbinding carbon cleanup promises. But three White House officials said Wednesday that they expect Trump to make a clean break by withdrawing from the agreement, though they noted it's possible the president will change his mind at the last minute.

In recent months, Pruitt and Bannon made sure Trump heard from a parade of conservative leaders and Republican lawmakers who raised concerns that the deal would hobble his pro-fossil-fuel energy agenda.

"We made very much the economic message argument," said Club for Growth President David McIntosh, whose group wrote letters to the White House and spoke to senior staff. "It was bad for the U.S. economy. It would stifle economic growth and the United States should withdraw."

As the news of the impending decision spread Wednesday, White House chief of staff Reince Priebus began calling and fielding calls from lawmakers, indicating that the U.S. was unlikely to stay in the agreement, one person familiar with the conversations said.

If Trump withdraws, Paris' foes will have Pruitt and Bannon to thank.

One Republican close to the White House called it the "classic split" and said conservative activists had flooded the White House in recent weeks, after seeing increasing chatter that Trump

might stay in. This person said Bannon and Pruitt worked quietly to make sure Trump was hearing their side and touched base occasionally on political strategy to woo him.

"You had the New Yorkers against it, and all the campaign loyalists for it," this person said, referring to the push to withdraw. "When the New Yorkers get involved, it gets complicated for Trump and everyone else around him."

Pruitt and Bannon have told others repeatedly for months that Trump will pull out of the agreement, as they aggressively pushed a narrative that they hoped would prove to be true, even as White House aides continued to debate the issue.

"Some of the debate was for show to help the moderates feel like they had their say," said one person who has spoken to Pruitt. "Pruitt has believed all along that this was never in doubt."

Pruitt, who frequently attacked the EPA's regulations in court when he was Oklahoma's attorney general, used his new post as EPA administrator to orchestrate an aggressive campaign to marshal conservative opposition to the Paris agreement.

He bashed the deal during a closed-door April meeting of the National Mining Association's executive committee, telling the group that the agreement would hurt the economy. Pruitt's staff also urged lawmakers and conservative groups to publicly criticize the agreement, sources familiar with the issue told POLITICO, which had the effect of increasing public pressure on Trump.

Bannon similarly argued in meetings with Trump and his team that the president would be breaking his campaign promise to "cancel" the agreement if he decided to remain. And he argued that the accord is a bad deal for the United States because other countries aren't doing enough to curb their emissions.

Pruitt and Bannon's anti-Paris campaign was meant to counter a separate offensive by members of the administration who supported staying in the pact, including Ivanka Trump and her husband, Jared Kushner.

In recent months, Ivanka Trump set up a process in which the president would regularly hear from people who supported remaining in the agreement, according to administration officials.

The "remain" camp believed, perhaps naively, that Trump could be influenced by the support the Paris deal has received from major corporations, including Exxon Mobil, which Secretary of State Rex Tillerson led for more than a decade.

"Ivanka is doing what she can to get him to stay," one official said. "But that doesn't mean he's going to do it."

White House aides outlined a plan to remain in the agreement while weakening former President Barack Obama's pledge to cut domestic greenhouse gas emissions. They made the case that Trump could use the goodwill generated from remaining to negotiate better economic incentives

for fossil fuels, and they even won the buy-in of several coal companies that detested Obama's climate policies.

They hoped European leaders could convince Trump he would risk damaging diplomatic relations if he withdrew. Ivanka Trump also brought Gore to Trump Tower to try to sway her father's mind during the presidential transition, and Pope Francis handed the president a copy of his papal encyclical on climate change when the two men met at the Vatican last week.

Trump took calls from a parade of business leaders and foreign leaders in recent weeks, most pressing him to remain, according to a senior administration official — and the calls continued on Wednesday.

"He had tremendous pressure from international leaders, from members of his own Cabinet and advisers in the international sphere not to pull out of the accord because of the perceived loss of face," said McIntosh, the Club for Growth president.

But while the leaders of G-7 nations all pressed Trump to remain in the agreement during last week's summit in Italy, Paris supporters in the White House have privately groused that they didn't make an aggressive enough case.

European officials countered they tried not to push Trump too much during the meetings, believing that a hard sell could backfire. And they were buoyed by early signals from White House officials ahead of the summit that Trump was open to remaining.

Indeed, European officials received a series of mixed messages from Trump's team during the summit. National Economic Council Director Gary Cohn, a Paris supporter and the only U.S. official permitted to attend meetings with G-7 leaders, told reporters that Trump was "evolving" on climate change, which many interpreted to mean that he would remain.

White House officials chalked up Cohn's comments to Trump's habit of echoing the perspective of the last person he talked to. By that time, Bannon and other opponents of the agreement had returned to the United States. But Trump's decision to delay a final verdict on the agreement gave Pruitt and Bannon a final opportunity to make their case. Pruitt met with Trump to discuss Paris on Tuesday.

Most European officials were unwilling to comment about the prospect that Trump will withdraw, as they have not yet received official word from the White House and are still holding out hope that the president will change his mind.

The officials have already begun looking to other countries for support on climate change, with the European Union set to promise deeper cooperation with China. Some officials have even adopted a new informal nickname for the major remaining countries that support action on climate change: the G-6.

Some Trump administration officials were reeling on Wednesday after the news first broke that Trump was prepared to withdraw.

Trump had not officially told his entire team of senior aides he was considering leaving the agreement Wednesday when news leaked out. "Everyone assumed that's what was going to happen, but we weren't called all in and told, 'Oh, we're putting this story out today," one person said.

Having learned a lesson after Trump changed his mind about pulling out of NAFTA, administration officials cautioned against definitive reporting, warning that the president is notoriously fickle. As administration officials began tamping down reports that Trump's decision was final, White House aides were swamped with calls, emails and texts from lobbyists and diplomats seeking clarification.

Officials close to Trump sometimes leak information before it is final — hoping to back him into a corner, or believing that comments during a private meeting represent his ultimate view. White House officials put out word in April that he was pulling out of NAFTA, even though Trump had not made up his mind, and news leaked during the campaign that he would pick Mike Pence as his running mate even as he weighed other candidates.

"Sometimes people close to Trump put things into the media environment to see how he'll react to it," one adviser said. "If your idea gets good coverage, it's likely to help him decide to go with what you're saying."

One of the biggest lingering questions: If he withdraws, how will Trump do it?

He could abide by the formal procedures in the underlying text of the agreement, which mandate that a formal withdrawal will not go into effect until Nov. 4, 2020, at the earliest. Or he could pull out of the United Nations Framework Convention on Climate Change, the underlying 1992 treaty that governs the negotiations, which would allow for a speedier pullout — a far more radical step that would see the U.S. abstain from the entire climate negotiating process.

He could also declare that the agreement is a treaty, which would require a two-thirds-majority ratification vote in the Senate that would certainly fail.

Whatever he does, supporters of the climate agreement expect a harsh reaction from the United States' friends if the country pulls out.

"I think the diplomatic backlash will be worse than it was when the U.S. rejected Kyoto," said Susan Biniaz, the State Department's longtime former climate change lawyer, referring to the George W. Bush administration's decision to spurn the 1997 Kyoto climate agreement.

One former U.S. official agreed: "Will global leaders trust the U.S. to negotiate a climate treaty ever again? After Kyoto and Paris, who will trust us to keep our word as a nation? Our credibility is gone."

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EHS Federal Regulatory Alert

October 27, 2017 - Number 207

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Summaries

ENDANGERED SPECIES
Hawaii/Critical Habitat Boundaries for Certain Plants
ENDANGERED SPECIES

Final rule of the U.S. Fish and Wildlife Service removes textual descriptions of critical habitat boundaries for certain plants in Hawaii where it has been determined that maps are sufficient for such delineation. The rule applies to designations for plants on the islands of Hawaii, Kauai, and Niihau. The rule is effective Nov. 27, 2017. Contact: Carey Galst; USFWS; 703-358-1954. Citations: 50 CFR 17.94

82 FR 49751 (10/27/2017)

Regulatory Update

FOOD SAFETY
Center for Veterinary Medicine Dispute Resolution Procedures Guidance
FOOD SAFETY

Notice announces the intention of the FDA to seek OMB approval for a continuing information collection request regarding the Center for Veterinary Medicine's guidance for industry (Guidance #79) concerning the dispute resolution procedures for science-based decisions on products regulated by the agency. The guidance addresses scientific controversies involving issues of technical expertise and outlines how the agency applies existing regulations to review such disputes. Comments are due Dec. 26, 2017. Contact: Ila Mizrachi; FDA, Office of Operations; 301-796-7726; PRAStaff@fda.hhs.gov. Citations: 21 CFR 10.75

82 FR 49836 (10/27/2017)

Regulatory Update

FOOD SAFETY

Genetically Engineered Cotton/Determination of Status
FOOD SAFETY

Notice of the Animal and Plant Health Inspection Service announces the receipt of a petition from Bayer CropScience LP, of Research Triangle Park, N.C., requesting a determination of nonregulated status of cotton designated as event GHB811, which has been genetically engineered for dual resistance to the herbicides glyphosate and isoxaflutole. Comments are due Dec. 26, 2017. Contact: John Turner; APHIS, Biotechnology Regulatory Services; 301-851-3954; john.t.turner@aphis.usda.gov. Citations: 7 CFR 340

82 FR 49782 (10/27/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
California/Palen Solar Photovoltaic Project
GENERAL ENVIRONMENT AND SAFETY

Notice of the Bureau of Land Management, in cooperation with Riverside County, Calif., announces the availability of a draft supplemental environmental impact statement, environmental impact report, and draft land use plan amendment for the Palen Solar Photovoltaic Project, near Desert Center, Calif. The project, which now is proposed by EDF Renewable Energy, of San Diego, was abandoned by several previous applicants and involves the construction and operation of a 500-megawatt solar photovoltaic facility with a proposed project footprint of approximately 3,400 acres. The project also involves the construction of a 6.7-mile single circuit 230-kilovolt transmission line connecting it to the Southern California Edison Red Bluff Substation. The agency has identified the reduced footprint alternative as the preferred alternative. Comments are due Dec. 11, 2017. Contact: Mark DeMaio; BLM, Palm Springs-South Coast Field Office; 760-833-7124; mdemaio@blm.gov

82 FR 49846 (10/27/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Determination Concerning Safety and Effectiveness/Cardene SR
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a determination that Cardene SR (nicardipine HCl) extended-release capsules, 30 milligrams (mg), 45 mg, and 60mg, were not withdrawn from sale for reasons of safety or effectiveness. The determination will allow the FDA to approve abbreviated new drug applications that refer to the product if relevant legal and regulatory requirements are met. Contact: Daniel Gottlieb; FDA, Center for Drug Evaluation and Research; 301-796-6650

82 FR 49840 (10/27/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Development of Drugs for Treatment of Pediatric Gastroesophageal Reflux Disease
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the availability of a draft guidance for industry concerning development of drugs for treatment of pediatric gastroesophageal reflux disease. The guidance is intended to assist in clinical drug development and addresses clinical presentation by age and disease, study populations, endpoints, and pharmacometric issues affecting dosing. Comments are due Dec. 26, 2017. Contact: Stacy Barley; FDA, Center for Drug Evaluation and Research; 301-796-2137

82 FR 49837 (10/27/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Environmental Impact Statements
GENERAL ENVIRONMENT AND SAFETY

Notice of the EPA announces the availability of environmental impact statements filed Oct. 16-20, 2017. Contact: Kelly Knight; EPA, Office of Federal Activities; 202-564-7146; knight.kelly@epa.gov. Citations: 40 CFR 1506.9

82 FR 49802 (10/27/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
First Responder Network Authority/East Region
GENERAL ENVIRONMENT AND SAFETY

Notice of the National Telecommunications and Information Administration, First Responder Network Authority (FirstNet), announces the availability of the final programmatic environmental impact statement for the east region of the proposed nationwide public safety broadband network. The PEIS addresses deployment and operation of the proposed broadband network in the east region consisting of Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. Once a record of decision is signed, the proposed FirstNet projects will submit site-specific environmental documentation to determine whether individual projects have been adequately evaluated in the PEIS or instead warrant a categorical exclusion, environmental assessment, or environmental impact statement. Contact: Amanda Pereira; NTIA, First Responder Network Authority, 571-665-6072

82 FR 49785 (10/27/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Formal Dispute Resolution/Issues Related to Pharmaceutical Current Good Manufacturing Practice
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the FDA to seek OMB approval for a continuing information collection request concerning a guidance for industry on formal dispute resolution of scientific

and technical issues related to pharmaceutical current good manufacturing practice (CGMP). The guidance provides manufacturers of veterinary and human drugs, including human biological drug products, with information on how to resolve disputes about scientific and technical issues relating to CGMP that may arise during FDA inspections of pharmaceutical manufacturers or during the FDA's assessment of corrective actions. The guidance also describes procedures for raising disputes to the Office of Regulatory Affairs and center levels and for requesting review by the dispute resolution panel. Comments are due Dec. 26, 2017. Contact: Domini Bean; FDA, Office of Operations; 301-796-5733; PRAStaff@fda.hhs.gov

82 FR 49832 (10/27/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Louisiana, Texas/East-West Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the availability of the environmental assessment for the East-West Project, proposed by Florida Gas Transmission Co. (FGT), of Houston. The project involves the construction and operation of approximately 25.22 miles of new lateral and connection pipeline and four new meter stations in Acadia and Calcasieu parishes in Louisiana and Jefferson, Matagorda, Orange, and Wharton counties in Texas for a new capacity of 275 million cubic feet per day on FGT's pipeline system. Comments are due Nov. 20, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOnlinesupport@ferc.gov

82 FR 49800 (10/27/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oklahoma/Pensacola Hydroelectric Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces meetings on the procedure for relicensing the Grand River Dam Authority's Pensacola Hydroelectric Project, located on the Grand River in Craig, Delaware, Mayes, and Ottawa counties in Oklahoma. The meetings will provide an overview of the integrated licensing process that will be used beginning in January 2018, the schedule for the project, and how FERC assesses information needs during the study planning process. The meetings are scheduled for Nov. 14, 2017, in Langley, Okla., and Nov. 15, 2017, in Langley and Grove, Okla. Contact: Rachel McNamara, FERC; 202-502-8340; rachel.mcnamara@ferc.gov

82 FR 49799 (10/27/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Patient-Focused Drug Development
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a workshop to discuss methodological approaches to collecting patient experience data for submission to the FDA to inform regulatory decision-making. The

workshop will be used to obtain feedback from stakeholders on considerations for standardized nomenclature and terminologies for patient-focused drug development, including methods to collect meaningful patient input throughout the drug development process and methodological considerations for data collection, reporting, management, and analysis. The workshop will inform the development of a patient-focused drug development guidance. A discussion document outlining the topic areas that will be addressed in the draft guidance will be published before the workshop. The workshop is scheduled for Dec. 18, 2017, in Silver Spring, Md. Comments are due Feb. 16, 2018. Contact: Meghana Chalasani; FDA, Center for Drug Evaluation and Research; 240-402-6525; Meghana.Chalasani@fda.hhs.gov

82 FR 49838 (10/27/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Prohibition on Phthalates in Toys and Child Care Articles

GENERAL ENVIRONMENT AND SAFETY

Final rule of the Consumer Product Safety Commission prohibits children's toys or child care articles containing concentrations of more than 0.1 percent of diisononyl phthalate (DINP), diisobutyl phthalate (DIBP), di-n-pentylphthalate (DPENP), di-n-hexyl phthalate (DHEXP), and dicyclohexyl phthalate (DCHP). The rule also restates the permanent prohibition on the manufacture for sale, offer for sale, distribution in commerce, or importation of children's toys or child care articles containing concentrations of more than 0.1 percent of di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), or benzyl butyl phthalate (BBP). The rule is effective April 25, 2018. Contact: Carol Afflerbach; CPSC, Office of Compliance and Field Operations; 301-504-7529; cafflerbach@cpsc.gov. Citations: 16 CFR 1307.1, 1307.2, 1307.3

82 FR 49938 (10/27/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Prohibition on Phthalates in Toys and Child Care Articles/Notice of Requirements

GENERAL ENVIRONMENT AND SAFETY

Proposed rule of the Consumer Product Safety Commission would update notice of requirements for prohibitions of children's toys and child care articles to reflect a concurrent final rule that prohibits children's toys or child care articles containing concentrations of more than 0.1 percent of specified phthalates. The rule also would implement a new test method to determine whether there are prohibited phthalates in children's toys or child care articles. The test method is substantially the same to the current test method except for revisions to reflect the updated list of phthalates in the concurrent rule. Comments are due Jan. 10, 2018. Contact: Scott Heh; CPSC, Directorate for Laboratory Sciences; 301-504-7646; sheh@cpsc.gov. Citation: 16 CFR 1112.15

82 FR 49767 (10/27/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

West Virginia/Hawks Nest and Glen Ferris Hydroelectric Projects

GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the availability of the final environmental assessment regarding an application by Hawks Nest Hydro LLC, of Gauley Bridge, W.Va., for the Hawks Nest and Glen Ferris hydroelectric projects on the New and Kanawha rivers in Fayette County, W.Va. The application addresses the continuation of a run-of-river operation and an increase in the minimum flow for the bypassed reach for the Hawks Nest project and the continuation of a run-of-river operation for the Glen Ferris project. The final EA concludes that relicensing the projects, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment. Contact: Monir Chowdhury; FERC; 202-502-6736

82 FR 49799 (10/27/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Electronic Logging Device Exemption Request/Motion Picture Association of America
HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Federal Motor Carrier Safety Administration announces the receipt of an application from the Motion Picture Association of America for an exemption for commercial drivers providing transportation of property to or from a theatrical or television motion picture production site. The applicant requests an exemption from the electronic logging device requirements designed to record drivers' hours of service, allowing drivers instead to complete paper records of duty status. Comments are due Nov. 27, 2017. Contact: Tom Yager; FMCSA, Driver and Carrier Operations Division; 614-942-6477; MCPSD@dot.gov. Citations: 49 CFR 395

82 FR 49771 (10/27/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Electronic Logging Device Exemption Request/Pipe Line Contractors Association
HAZARDOUS MATERIALS TRANSPORTATION

Notice of the FMCSA announces the denial of an application (82 FR 31796; 07/10/2017) from the Pipe Line Contractors Association, of Dallas, for an exemption for pipeline contractor vehicle drivers. The applicant requested an exemption from the installation and driver use requirements for electronic logging devices designed to record driver hours-of-service for a period of five years. The agency has determined that the applicant would not achieve a level of safety that is equivalent to, or greater than, the level that would be achieved without such exemption. Contact: Tom Yager; FMCSA, Office of Carrier, Driver and Vehicle Safety Standards; 614-942-6477; MCPSD@dot.gov. Citations: 49 CFR 395

82 FR 49923 (10/27/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Electronic Logging Device Exemption Request/Western Equipment Dealers Association

HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Federal Motor Carrier Safety Administration announces the receipt of an application from the Western Equipment Dealers Association on behalf of several organizations for an exemption for farm, industrial, and outdoor power equipment dealers. The applicant requests an exemption from the electronic logging device requirements designed to record drivers' hours of service, allowing drivers instead to complete paper records of duty status. Comments are due Nov. 27, 2017. Contact: Tom Yager; FMCSA, Driver and Carrier Operations Division; 614-942-6477; MCPSD@dot.gov. Citations: 49 CFR 395

82 FR 49770 (10/27/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Sleeper Berth Time Pilot Program
HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Federal Motor Carrier Safety Administration announces the submission of a new information collection request to the OMB regarding a pilot program for temporary relief from sleeper berth requirements for licensed commercial drivers who regularly use a sleeper berth to accumulate their required hours of nonduty work status. The program would allow a limited number of commercial drivers to split the required 10 hours of nonduty work status. The agency is seeking to compile driver metrics and to assess safety performance and fatigue levels. The collection would include applications, questionnaires, daily field studies, weekly phone briefings, and use of instrumented vehicles concerning safety performance and fatigue levels. The agency also would compile electronic logging device data, onboard monitoring system data, roadside violation data, wrist actigraphy data, Psychomotor Vigilance Test data, subjective sleepiness ratings, and sleep logs data. Comments are due Nov. 27, 2017. Contact: Michel; FMCSA, Research Division; 202-366-4354; Nicole.michel@dot.gov. Citations: 49 CFR 395.1

82 FR 49924 (10/27/2017)

Regulatory Update

OIL AND GAS INDUSTRY
Natural Gas Data Collection Program
OIL AND GAS INDUSTRY

Notice of the Department of Energy, Energy Information Administration, announces the submission of six revised information collection requests to the OMB regarding the Natural Gas Data Collection Program. The collections address the forms for the annual reporting of natural and supplemental gas supply and disposition (EIA-176), the monthly reporting of underground gas storage (EIA-191), the survey for natural gas processing plants (EIA-757), and the monthly reporting of natural gas purchases and deliveries to consumers (EIA-857). The collections also address the monthly natural gas marketer survey (EIA-910) and the weekly underground natural gas storage report (EIA-912). The revisions add questions, update response options, modify the data collected and survey schedules, and provide for respondent confidentiality. Comments are due Nov. 27, 2017. Contact: Michael Kopalek; EIA, Office of Petroleum and Biofuel Statistics; 202-586-4001; Michael.Kopalek@eia.gov

82 FR 49797 (10/27/2017)

Regulatory Update

PESTICIDES
Pesticide Product Registrations/New Uses
PESTICIDES

Notice of the EPA announces the receipt of four applications to register new uses for pesticide products containing currently registered active ingredients. The applications by various companies are for one fungicide, one herbicide, and two insecticides. Comments are due Nov. 27, 2017. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDFRNotices@epa.gov

82 FR 49801 (10/27/2017)

Regulatory Update

PESTICIDES
Pesticide Tolerance Exemption/Bacillus Amyloliquefaciens Strain F727
PESTICIDES

Final rule of the EPA establishes an exemption from the requirement of a tolerance for residues of Bacillus amyloliquefaciens strain F727 in or on all food commodities when used in accordance with label directions and good agricultural practices. The rule is issued in response to a petition filed by Marrone Bio Innovations, of Davis, Calif. The rule is effective Oct. 27, 2017. Objections and hearing requests are due Dec. 26, 2017. Contact: Robert McNally; EPA, Office of Pesticide Programs; 703-305-7090; BPPDFRNotices@epa.gov. Citations: 40 CFR 180.1347

82 FR 49745 (10/27/2017)

Regulatory Update

RADIATION
ACRS Planning and Procedures Subcommittee Meeting
RADIATION

Notice of the NRC announces a meeting of the Advisory Committee on Reactor Safeguards Subcommittee on Planning and Procedures to discuss proposed ACRS activities and related matters. The meeting is scheduled for Nov. 1, 2017, in Rockville, Md. Comments are due Nov. 1, 2017. Contact: Quynh Nguyen; NRC; 301-415-5844; Quynh.Nguyen@nrc.gov

82 FR 49859 (10/27/2017)

Regulatory Update

WATER
Monohull Outboard Boats/Engine Weight and Flotation Standards
WATER

Final rule of the U.S. Coast Guard updates standards for outboard engine weights used in

calculating safe loading capacities and required amounts of flotation material for monohull outboard boats that are less than 20 feet in length. The rule replaces current standards with the American Boat and Yacht Council's S-30 Outboard Engines and Related Equipment Weights Standard to require additional flotation in new boats to support the weight of heavier engines. The rule is effective June 1, 2018. Contact: Jeffrey Ludwig; USCG; 202-372-1061; Jeffrey.A.Ludwig@uscg.mil. Citations: 33 CFR 183.41, 183.220, 813.320, Table 4 to 33 CFR 183, Subpart H

82 FR 49737 (10/27/2017)

Regulatory Update

WATER
Susquehanna River Basin Commission/Projects Approved for Consumptive Water Uses
WATER

Notice of the Susquehanna River Basin Commission announces a list of projects approved for consumptive use of water in August 2017. The notice addresses 21 projects approved by rule for consumptive use, including uses related to unconventional natural gas and other hydrocarbon development. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net. Citations: 18 CFR 806.22

82 FR 49922 (10/27/2017)

Regulatory Update

WATER
Susquehanna River Basin Commission/Projects Rescinded for Consumptive Uses of Water
WATER

Notice of the Susquehanna River Basin Commission lists the projects rescinded for the consumptive use of water during August 2017. The list includes two projects located in Lycoming County, Pa. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net. Citations: 18 CFR 806.22

82 FR 49923 (10/27/2017)

Regulatory Update

WATER
Towing Safety Advisory Committee Meeting
WATER

Notice of the U.S. Coast Guard announces a meeting of the Towing Safety Advisory Committee. The agenda includes presentations and discussions concerning tasks of the current subcommittees, including tug and barge operations and manning, Subchapter M implementation, inland firefighting, towing liquefied natural gas barges, and regulatory reform. The agenda also includes consideration of a new subcommittee and task concerning load line exemption for river barges on lakes Erie and Ontario. The meeting is scheduled for Dec. 5-6, 2017, in New Orleans. Comments are due Nov. 21, 2017. Contact: Jose Perez; USCG; 202-372-1410; jose.a.perez3@uscg.mil.

82 FR 49842 (10/27/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 10/11/2017 6:36:49 PM
Subject: FERC declines to extend comment period on DOE pricing rule

By Darius Dixon

10/11/2017 02:33 PM EDT

FERC denied the requests today of dozens of industry organizations seeking more time to comment on the DOE's grid resiliency pricing proposal.

Energy trade groups representing the oil, natural gas, solar and wind industries, as well as several power generators likely affected by DOE's rule, had asked for 90 days to comment on the plan and 45 days for reply comments. That would push the comment deadlines into 2018. Last week, FERC said it would accept initial comments for less than a month, and today's decision stuck to that timeframe.

"Upon consideration, the motions of the Energy Industry Associations, Independent Producers, and Industrial Energy Consumers of America for extension of time to file comments are hereby denied," FERC's notice states.

On Tuesday, the National Association of Regulatory Utility Commissioners, which represents state regulators and tends to have significant influence with FERC, also requested a longer comment period, but their request wasn't cited in FERC's notice today.

WHAT'S NEXT: FERC is taking initial comments through Oct. 23 and reply comments through Nov. 7.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/10/ferc-declines-to-extend-comment-period-on-doe-pricing-rule-094149

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Tue 10/10/2017 5:25:34 PM
Subject: Playbook Power Briefing, presented by Chevron: TRUMP friends urging president to fight MUELLER -- BANNON privately slammed PENCE as VP pick -- BIG MEDIA MOVES: MOLLY BALL to Time, ABBY PHILLIP to CNN

View online version | Add politicoplaybook@politico.com to your address book.

Today's Playbook Power Briefing presented by Chevron

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman), DANIEL LIPPMAN (daniel@politico.com; @dlippman), ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

NEWS -- NBC'S VAUGHN HILLYARD (@vaughnhillyard) -- DISASTER DECLARATION IN CALIFORNIA: "New: The Vice President, on behalf of the administration, set to make major disaster declaration of California wildfires. VP called Gov. Jerry Brown this morning & is currently at Sacramento County Office of Emergency Services. Will deliver remarks soon."

THE PRESIDENT, appearing in the Oval Office next to Henry Kissinger early this afternoon, said he has confidence in Secretary of State Rex Tillerson.

-- FROM ALEX LEARY'S POOL REPORT: "Asked if his dispute with Sen. Bob Corker will affect tax reform, POTUS said: 'I don't think so. I don't think so at all. I think we're well on our way. The people of this country want tax cuts, they want lower taxes. We're the highest taxed nation in the world. ...'"

... JULY 2016 TWEET pinned to the top of WSJ's Richard Rubin's Twitter feed: "Because this is my lot in life, I will note, again, that the US is a low-tax country."

-- TRUMP ON HIS HEALTH CARE CHANGES : "They'll be able to buy, they'll be able to cross state lines and they will get great, competitive health care and it will cost the United States nothing. Take care of a big percentage of the people we're talking about, too. With Congress the way it is, I decided to take it upon myself, so we'll be announcing that soon as far as the signing is concerned. But it's largely worked out. It's very simple in one way but very intricate in another. It will be great, great health care for many, many people."

SPEAKER PAUL RYAN is going to Puerto Rico Friday.

Good Tuesday afternoon. LOTS OF MEDIA MOVES -- MOLLY BALL is leaving the Atlantic and joining Time as national political correspondent. ... **ABBY PHILLIP** is leaving the Washington Post to join CNN as a White House correspondent. ... **BEN PERSHING** will become editor of National Journal; he was previously NJ's managing

editor. ... **GEOFF BENNETT** is leaving NPR to become an NBC News White House correspondent.

TRUMP V. MUELLER SHOWDOWN? -- "Trump urged by some to go on the attack against Mueller," by the AP's Tom LoBianco and Eric Tucker: "Even as President Donald Trump's advisers encourage him to accept the realities of special counsel Robert Mueller's probe, longtime friends and allies are pushing Trump to fight back, citing concerns that his lawyers are naive to the existential threat facing the president. Trump supporters and associates inside and outside the White House see the conciliatory path as risky to the maverick president's tenure. Instead, they want the street-fighting tweeter to criticize Mueller with abandon. ...

"In private, Trump remains relatively calm for now, but that doesn't mean he thinks the Russia probe is legitimate, and he could return to fighting Mueller at any moment, according to a group of about 15 Trump allies, advisers and former campaign aides, who spoke on condition of anonymity to speak candidly about private conversations with the White House." http://bit.ly/2xurveO

PHOTOS FROM THE CALIFORNIA FIRES -- "The Destruction From the California Fires in Photos and Maps," from NYT -- ***9 pix on one page*** http://nyti.ms/2gaRSyJ

ON THE PRESIDENT'S MIND -- @realDonaldTrump at 6:30 a.m.: "Since Congress can't get its act together on HealthCare, I will be using the power of the pen to give great HealthCare to many people - FAST" ... **at 6:42 a.m.:** "With Jemele Hill at the mike, it is no wonder ESPN ratings have 'tanked,' in fact, tanked so badly it is the talk of the industry!" ... **at 8:13 a.m.:** "Highly respected author, Christopher Bedford, just came out with book, 'The Art of the Donald, Lessons from America's....' Really good book!" ... **at 8:50 a.m.:** "The Failing @nytimes set Liddle' Bob Corker up by recording his conversation. Was made to sound a fool, and that's what I am dealing with!"

-- NOTE: Bedford appeared on "Fox and Friends" this morning at 7:45 a.m. to promote his book -- the first that he's written. http://bit.ly/2yXmlEh ... ***$13.51 on Amazon*** http://amzn.to/2yX9JwY

TEAM TRUMP INFIGHTING -- "Steve Bannon Privately Slammed Pence VP Pick," by BuzzFeed's Joseph Bernstein and Henry Gomez: "Steve Bannon privately slammed the selection of Mike Pence as Donald Trump's running mate a month before taking over the Trump campaign, according to emails obtained by BuzzFeed News. ... On July 15, 2016, the day the Trump campaign announced that it had selected Pence, Breitbart's former technology editor Milo Yiannopoulos wrote to Bannon and Breitbart editor Alex Marlow. 'Seems like a bad pick. Should I tweet something ambivalent about him? People are telling me Trump likely didn't want this. ...What's our party line on this?'

"'This is the price we pay for cruzbots and #nevertrump movement,' Bannon responded. 'An unfortunate necessity...very. feel free to do whatever u want. we, as always, will remain above it all.' And two days later, Bannon signed off on a

Yiannopoulos column trolling the socially conservative Pence by asking him to attend a 'big gay party for Trump.' (Yiannopoulos is gay.)" http://bzfd.it/2xvuluD

HOLLYWOODLAND -- MORE WEINSTEIN ALLEGATIONS -- "From Aggressive Overtures to Sexual Assault: Harvey Weinstein's Accusers Tell Their Stories," by Ronan Farrow in The New Yorker: "In the course of a ten-month investigation, I was told by thirteen women that, between the nineteen-nineties and 2015, Weinstein sexually harassed or assaulted them, allegations that corroborate and overlap with the Times's revelations, and also include far more serious claims.

"Three women -- among them [Italian actress and director Asia] Argento and a former aspiring actress named Lucia Evans -- told me that Weinstein raped them, allegations that include Weinstein forcibly performing or receiving oral sex and forcing vaginal sex. Four women said that they experienced unwanted touching that could be classified as an assault. In an audio recording captured during a New York Police Department sting operation in 2015 and made public here for the first time, Weinstein admits to groping a Filipina-Italian model named Ambra Battilana Gutierrez, describing it as behavior he is 'used to.' Four of the women I interviewed cited encounters in which Weinstein exposed himself or masturbated in front of them." http://bit.ly/2xu8QzL

-- "Gwyneth Paltrow, Angelina Jolie and Others Say Weinstein Harassed Them," by NYT's Jodi Kantor and Rachel Abrams: "When Gwyneth Paltrow was 22 years old, she got a role that would take her from actress to star: The film producer Harvey Weinstein hired her for the lead in the Jane Austen adaptation 'Emma.' Before shooting began, he summoned her to his suite at the Peninsula Beverly Hills hotel for a work meeting that began uneventfully. It ended with Mr. Weinstein placing his hands on her and suggesting they head to the bedroom for massages, she said." http://nyti.ms/2ye5T5i

****** **A message from Chevron:** Advanced technology is helping us find safer ways to deliver energy. We're piloting a program that uses drones to monitor tanks and pipelines. Watch the video: http://politi.co/2yv61yq ******

BEHIND THE CURTAIN -- "In Kim Jong Un's summer palace, fun meets guns," by Reuters Ju-min Park and James Pearson in Seoul: "In the seaside city of Wonsan, North Korean families cook up barbecues on the beach, go fishing, and eat royal jelly flavor ice cream in the summer breeze. For their leader Kim Jong Un, the resort is a summer retreat, a future temple to tourism, and a good place to test missiles. He is rebuilding the city of 360,000 people and wants to turn it into a billion-dollar tourist hotspot. At the same time, he has launched nearly 40 missiles from the area, as part of his accelerated tests of North Korea's nuclear deterrent.

"'It may sound crazy to outsiders to fire missiles from a place he wants to develop economically, but that's how Kim Jong Un runs his country,' said Lim Eul-chul, an expert on the North Korean economy at Kyungnam University in South Korea. This combination of tourism and nuclear weapons is emblematic of Kim Jong Un's strategy

for survival, say researchers and people familiar with the project." http://reut.rs/2xw2YWl

-- "Hacking North Korea is easy. Its nukes? Not so much," by Wired's Andy Greenberg: "As tensions with North Korea escalate into a full-on cold war, a cold cyberwar is playing out in tandem: Beneath the very public nuclear standoff, both the US and North Korea have privately ramped up their digital aggression, the Kim regime's hackers rampaging through networks around the globe and the US answering with its own attacks on the systems used by those hackers.

"But despite the U.S. government's dominating powers in the digital realm, security experts and former intelligence officials believe that battlefield favors North Korea. US hackers can take bites out of the edges of North Korea's infrastructure. But getting to its core-and anywhere close to disrupting or even delaying its nuclear capabilities-will be extremely difficult, they say, if not impossible." http://bit.ly/2xujUNf

CAMPAIGN STOP -- "To take back the House, Democrats 'arm the rebels' with new tools and manpower," by WaPo's Mike DeBonis: "Since February, the DCCC has hired full-time paid organizers in 38 districts focused on building relationships with the grass roots. And on Tuesday, the organization is rolling out its latest effort to connect motivated activists with the national party's resources, takeitback.com, an online 'toolbox' that aims to put potential activists in direct touch with the party operatives on the ground in battlefield districts." http://wapo.st/2xvov1R

-- HOT DOC: Rep. Sam Johnson, a Texas Republican not running for re-election, donated $100,000 from his campaign account to Southern Methodist University.

AT THE PENTAGON -- "Mattis to Generals: Start Talking to the Press," by Defense One's Kevin Baron: "On Friday, Defense Secretary Jim Mattis instructed top commanders to speak to the media more freely, Defense One has learned. The secretary is hoping to end a misperception among some senior leaders that they should keep quiet, in part because he wants them to speak up on the looming budget battle in Congress, according to a senior defense official.

"Mattis gave his guidance at Friday's closed-door Senior Leadership Conference, a Pentagon gathering of generals and admirals that includes the combatant commanders, or COCOMs, who are the senior officers in the U.S. military chain of command." http://bit.ly/2xuvdF9

SNEAK PEEK -- The newest episode of "Good Luck America," Pete Hamby's show on Snapchat, is out today. Hamby spoke to Dreamers and New York City Mayor Bill de Blasio on DACA. http://bit.ly/2xvApZj

SPOTTED: Preet Bharara at lunch today at Cafe Un Deux Trois in midtown Manhattan

TRANSITIONS -- OBAMA ALUMNI -- Keith Maley has started as director of PR at the Trust for Public Land. He previously was director of regional media in the Obama White

House.

WELCOME TO THE WORLD - OBAMA ALUMNI -- Karen Richardson, former associate director in the Obama WH office of public engagement and former deputy assistant secretary for public affairs at State, and **Judge Lamar Baker,** former Obama WH special assistant and associate counsel, who is now an associate justice of the Second District of the California Courts of Appeal, on Saturday welcomed Cady Madison Elizabeth Baker at 7.5 lbs. ***Pic*** http://bit.ly/2g96Yoz

ENGAGED -- Spencer Launer, state accounts manager at Quorum and alum of the U.S. Chamber and the offices of Sen. Maria Cantwell (D-Wash.) and Rep. Julia Brownley (D-Calif.), this weekend got engaged to **Alison Peckett,** landscape architect at LandDesign, in Pennsylvania. "While touring the famous Frank Lloyd Wright Fallingwater house, Spencer's identical twin and Alison's sister surprised the bride-to-be as Spencer proposed." ***Pic*** http://bit.ly/2gqJS9F

WEEKEND WEDDINGS -- ROMNEY ALUMNI -- Micah Spangler, deputy director of legislative affairs at the United Nations Foundation and a Romney 2012 alum, married **Jill Nguyen,** senior client strategy manager at Phone2Action, with a small group of friends at the NYC City Clerk's Office in lower Manhattan. "Chris Moody of CNN was the legal witness to the intimate affair, joined by his wife Cristi, Robbie Myers, and Broadway's Augie Haas ... The couple will be going on honeymoon in Russia starting next Monday." ***Pic*** http://bit.ly/2kCVcnR

-- Griffith Waller, a PR specialist for the City of Montgomery and a DDC Advocacy alum, got married this weekend to **Bailey McKell,** outreach coordinator at the Alabama Department of Child Abuse and Neglect Prevention, at the Avondale United Methodist Church in Birmingham, Ala. "The two met at Capitol Hill's since-shuttered Lil' Pub in 2013. At the time, Bailey was working for the D.C. Board of Education, and Mr. Waller for the Civil War Trust." ***Pic*** http://bit.ly/2yVbnPz

****** **A message from Chevron:** Advanced technology is helping us find better and safer ways to deliver energy to America. We're piloting a program that uses drones, HD imaging, and thermal mapping capabilities to monitor Chevron wells, tanks, and miles of pipeline. Watch the video: http://politi.co/2yv61yq ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 9/7/2017 7:03:23 PM
Subject: EPA projects fall proposal to repeal Clean Power Plan

By Alex Guillén

09/07/2017 02:59 PM EDT

EPA Administrator Scott Pruitt expects to sign the proposal to repeal the Clean Power Plan "in the fall of 2017," the agency said in a court filing today.

The filing offered no other details on the Trump administration's plan to repeal the rule, which has been under review at the White House Office of Management and Budget since June 8.

EPA added that the CPP repeal's classification as a "long term action" in the July update to the Unified Agenda was inadvertent. Environmental groups had seized on that classification, which indicates rules will not progress within the following 12 months, to argue that the D.C. Circuit Court of Appeals should issue its ruling on the Clean Power Plan rather than keep the lawsuit suspended indefinitely.

EPA said it will correct the classification error in the next edition of the Unified Agenda.

WHAT'S NEXT: The repeal proposal will most likely be released within the next few months.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/09/epa-projects-fall-proposal-to-repeal-clean-power-plan-092602

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Fri 8/25/2017 5:06:00 PM
Subject: Playbook Power Briefing, presented by Chevron: THE LATEST on Hurricane Harvey -- U.S. imposes sanctions on Venezuela -- COHN drafted resignation letter after Charlottesville

View online version | Add politicoplaybook@politico.com to your address book.

Today's Playbook Power Briefing presented by Chevron

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman) and ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

UPDATE ON THE HURRICANE BARRELING TOWARD TEXAS, from POLITICO's weather guru Steven Shepard -- The center of Harvey is now within 100 miles of Corpus Christi, with winds of 110 mph. Modest strengthening is possible before the center moves onshore overnight. If the center of the storm makes landfall north of Corpus Christi, that could spare the city of 326,000 the worst of the storm surge. But a wobble south could be devastating.

-- More bad news : Unlike most landfalling hurricanes in the U.S., Harvey could be a slow-motion tragedy that dominates the news for the next week. The latest forecast has the center of a tropical storm still near Houston NEXT WEDNESDAY. That's why the National Hurricane Center is calling for "catastrophic" and "life-threatening" flooding from rainfall for much of Texas (including Houston), and parts of Louisiana. They don't throw around words like that lightly; rainfall amounts could be over 30 inches, or about 9 months' worth of rain here in D.C. ... ***The latest hurricane track*** http://bit.ly/2gbo9p5 ... ***Projected rainfall*** http://bit.ly/2gcd0V2

-- @realDonaldTrump: "I have spoken w/ @GovAbbott of Texas and @LouisianaGov Edwards. Closely monitoring #HurricaneHarvey developments & here to assist as needed." ... **@ChuckGrassley:** "@realDonaldTrump #hurricane keep on top of hurricane Harvey dont mke same mistake Pres Bush made w Katrina"

ZOOM OUT: "Hurricane Harvey packs political perils for Trump," by Steve Shepard: "The stakes are high for Trump and other elected leaders, like Texas Gov. Greg Abbott. It's been nearly 12 years since a major hurricane -- one with maximum sustained winds stronger than 110 mph - made landfall in the United States. It's been nine years since Texas has seen a direct hit from a hurricane. And the storm could have national impacts, too: Much of Texas' oil and gas production is likely to be disrupted, at least in the short term and perhaps longer.

"Landfalling hurricanes have a way of dominating the news cycle . Even a president whose tweets typically send the media scrambling can be blown off cable news by live footage of reporters struggling to remain standing in tropical-storm-force

wind gusts. And after the storm passes, all attention turns to rescue and recovery efforts." http://politi.co/2w4pWBH

BREAKING -- "U.S. imposes first economic sanctions against Venezuela," by the Miami Herald's Patricia Mazzei and Franco Ordoñez: "The U.S. imposed its first economic penalties against Venezuela on Friday, hitting the South American country's financial sector in an attempt to starve President Nicolás Maduro's government of cash.

"The Trump administration banned trades of Venezuelan debt, prohibiting Maduro's government and its state-run oil company, Petróleos de Venezuela SA, from selling new bonds to Americans or in U.S. financial institutions. President Donald Trump signed an executive order approving the sanctions Thursday. 'In an effort to preserve itself, the Maduro dictatorship rewards and enriches corrupt officials in the government's security apparatus by burdening future generations of Venezuelans with massively expensive debts,' Press Secretary Sarah Huckabee Sanders said in a statement." http://hrld.us/2vnLdnc

OH BOY -- "Gary Cohn, Trump's Adviser, Said to Have Drafted Resignation Letter After Charlottesville," by NYT's Eileen Sullivan and Maggie Haberman: "The sharp critique from Mr. Trump's top economic adviser, Gary D. Cohn, came nearly two weeks after deadly violence in Charlottesville, Va., in response to a rally led by white nationalist groups. Mr. Cohn, who is Jewish, seriously considered resigning and even drafted a letter of resignation, according to two people familiar with the draft. ...

"In the days after the Charlottesville violence, Mr. Cohn's family -- including his wife -- told him he needed to think seriously about departing, according to two people briefed on the discussions. Several of his friends in the business community also urged him to step away from the administration. Mr. Cohn is a former executive at Goldman Sachs. Mr. Cohn came close to resigning, according to one of the people briefed on the discussions. He met with Mr. Trump privately at the president's golf club in New Jersey last Friday, scrapping his plans to spend the evening at his second home in the Hamptons." http://nyti.ms/2wanckR

Happy Friday. PROGRAMMING NOTE: Playbook Power Briefing will be going on recess until Sept. 5, the day after Labor Day. If the week turns intensely newsy, we'll re-evaluate. Expect your morning Playbook in your inbox every day.

THE FRIDAY CONVERSATION -- On "Washington Week," hosted by Bob Costa: WaPo's Dan Balz, Jake Sherman, AP's Julie Pace and WSJ's Nancy Youssef at 8 p.m. on PBS.

THE PRESIDENT IS BACK on the offensive against Republicans. **@realDonaldTrump** at 8:25 a.m.: "Strange statement by Bob Corker considering that he is constantly asking me whether or not he should run again in '18. Tennessee not happy!"

FROM TARA PALMERI -- "Caroline Wiles, Trump's former scheduler who had issues

with her background check in February, has been back in the White House since July 8. Her old title was deputy assistant to the president and director of scheduling. Now her new title is special assistant to the president and associate director of presidential personnel. She's based in the EEOB."

****** **A message from Chevron:** We're piloting a program that uses drones to keep an eye on Chevron wells, tanks, and pipelines-all to keep DOERS and what they're doin' safer. Watch the video: http://politi.co/2vLsVyX ******

IN FOGGY BOTTOM -- "Tillerson's Commitment to Racial Diversity Has History at Exxon," by Bloomberg's Jeff Green: "U.S. Secretary of State Rex Tillerson pledged this month to promote more people of color into leadership roles in his agency. His track record during 11 years at the helm of Exxon Mobil Corp. suggests he means it. At Exxon, people of color make up 30 percent of management and professional staff -- a stark contrast with the State Department's senior foreign service staff, which is 12 percent minority." https://bloom.bg/2gce0IB

WADING BACK IN -- "Obama makes rare endorsement in crucial St. Petersburg race," by POLITICO Florida's Marc Caputo: "Former President Barack Obama is intervening in a bellwether Florida election, endorsing St. Petersburg Mayor Rick Kriseman in the hopes of juicing Democratic turnout in Tuesday's multi-candidate race in order to force a November run-off, sources tell POLITICO. Obama's rare endorsement is crucial both for Kriseman -- who has been bleeding support from African-American voters -- and for a demoralized Florida Democratic Party that's still reeling over President Donald Trump's surprise win in November. ...

"In a draft statement obtained by POLITICO, Obama said he was endorsing Kriseman because of his policy positions. ... Whether Obama will campaign in St. Petersburg in the coming months is unclear, but Kriseman's campaign is sure to use him in paid media." http://politi.co/2waKwyR

SECOND THOUGHTS -- "NRCC chair: 'Clear' mistake by Republicans to push healthcare reform first," by Washington Examiner's Al Weaver: "Rep. Steve Stivers, R-Ohio, says it was a mistake for House Republicans to try to tackle healthcare reform first this year instead of other topics, including tax reform, and cast doubt on the idea that the Senate would be able to pass any Obamacare repeal bill this year. 'Oh, in hindsight, it's clear,' Stivers, the chairman of the National Republican Congressional Committee, told the Washington Examiner when asked if it was a mistake to attempt healthcare reform first. 'But it is what it is. You had to do them in some order. ... I would argue healthcare is pretty much...' Stivers said before catching himself. 'We're shifting focus," he added, referring to issues like tax reform and other more achievable goals.'" http://washex.am/2wbzYQ6

ANOTHER TRUMP HOTEL STORY -- "Trump Hotel at Night: Lobbyists, Cabinet Members, $60 Steaks," by NYT's Katie Rogers: "It was nearing midnight at the Trump International Hotel, and the president's son was eating macaroni and cheese.

Enveloped in the smooth tones of jazzy hotel music, soft light from a million tiny chandelier crystals and the scent of candied bacon, Eric Trump, fresh from a rally this month in West Virginia, declined a question from a reporter and instead posed one of his own.

"'Is everything perfect?' he asked, much like an attentive concierge. From the Trump family's point of view, how could it not be?" *With cameos by Anthony Scaramucci, Jill Kelley and Brad Parscale* http://nyti.ms/2wb9Wwu

MEDIAWATCH -- "Our left-right media divide told through Charlottesville," by Tyler Fisher: "Using analyses from Cortico and the Laboratory for Social Machines at the MIT Media Lab, we looked at what partisan Twitter users shared during and after the events of Charlottesville. We found a clear split in the story as told through partisan sources." http://politi.co/2ix9fKE

DESSERT -- "How Late Night With Seth Meyers became the calm in a political comedy storm," by Vox's Caroline Framke: "Just a couple of hours before taping another episode of Late Night, Seth Meyers glanced at the TV muted on his wall, with its endless breaking news scrawl that might as well have been screaming, "DOOM," and sighed. 'I thought the campaign was the World Series, and it turned out it was spring training,' he said. '[On Election Day], it was like, 'Ohh, no, the season's starting now.'" http://bit.ly/2gc6MUZ

SPOTTED : Mark Penn, Juleanna Glover and Georgetown basketball coach Patrick Ewing all having breakfast separately at the Four Seasons this morning

TRANSITIONS -- Samantha Bisogno has been hired to be the communications manager for government affairs at the Ocean Conservancy where she will start in September. She most recently was press secretary for Rep. Rick Nolan (D-Minn.).

BONUS BIRTHDAY OF THE DAY: Ronn Torossian, CEO of 5W Public Relations. **How he's celebrating:** "At home with my two daughters. They are the reason why I work so hard and they are the meaning behind everything in my life." **Read his Playbook Plus Q&A:** http://politi.co/2gcpMTI

****** **A message from Chevron:** This is a story about energy, safety, and some truly high-flyin' doin'. We're piloting a program that uses drones, HD imaging, and thermal mapping to help keep a close eye on Chevron wells, tanks, and pipelines-all to keep DOERS and what they're doin' safer. Watch the video: http://politi.co/2vLsVyX ******

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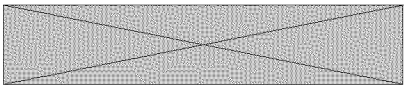
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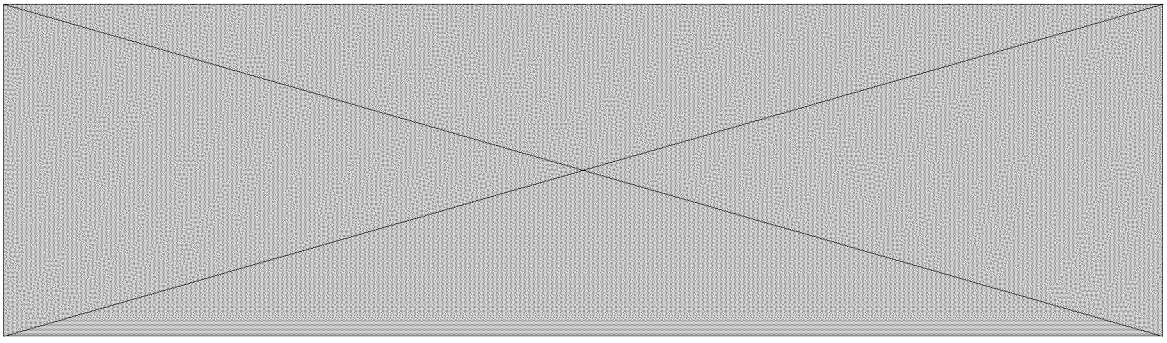
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Mon 8/14/2017 10:05:18 PM
Subject: Your Quarterly Update | Legislative Compass





[redacted]

Dear Ryan,

Greetings from POLITICO Pro and welcome to your Quarterly Update. Our team has been hard at work this summer on updates and enhancements to your Pro account.

[redacted]

Today's update highlights the launch of Pro's newest product, Legislative Compass. We're also thrilled to announce our first Pro-only policy summit.

[redacted]

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From: InsideEPA.com
Sent: Fri 8/11/2017 11:14:36 AM
Subject: The Morning Headlines from InsideEPA.com -- August 11, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

August 11, 2017

Latest News

Judge Faults 2-1 Order As 'Shadow' Process But Queries Plaintiffs' Claims

The federal judge hearing litigation challenging President Donald Trump's executive order (EO) requiring EPA and other agencies to repeal two rules for every new measure issued appeared to criticize the measure during Aug. 10 arguments, charging it functions as a "shadow" regulatory review process that would not have a transparent effect.

Former EPA Staff Raise Early Concerns Over Drop In Enforcement Results

Former EPA officials are raising early concerns over an apparent significant drop in the number of environmental law enforcement cases and civil penalties that the Trump administration is pursuing, saying that if the initial trends continue in the coming weeks and months it would signal a massive retreat from EPA enforcement.

Sessions Urged To Expand Third-Party Ban To Block Unauthorized Payments

The free-market Competitive Enterprise Institute (CEI) is urging Attorney General Jeff Sessions to expand the reach of his controversial policy barring the use of third-party payments in settlements with EPA and other agencies to instead block any settlement that requires unauthorized spending, charging in EPA's case the practice has allowed the agency to advance a clean energy policy agenda that is not approved by Congress.

EPA Re-Opens Vehicle GHG Rule's Mid-Term Review, Expanded To MY21

EPA has formally restarted its review of Obama-era vehicle greenhouse gas standards for years just prior to 2025, issuing a long-awaited notice that expands the review to include weighing potential changes to model year 2021 standards -- as *Inside EPA* recently first reported.

After Extending CPP Suit Pause, Court Puts NSPS Case On Indefinite Hold

A federal appellate court has placed litigation over the Obama-era greenhouse gas standards for new and modified power plants -- the legal prerequisite for the Clean

Power Plan (CPP) for existing sources -- on indefinite hold, just days after the court extended for 60 days its prior order placing litigation over the CPP into abeyance.

EPA Coal Ash Permit Guide Limits States' Flexibility But Avoids New Rule

EPA's guidance for how states' coal ash permit programs should comply with the agency's ash disposal rule limits states' flexibility from the regulation's various provisions in their programs -- a potential win for environmentalists seeking strict adherence to the rule, although EPA is not codifying the guide through a new rulemaking.

Daily Feed

D.C. Circuit rejects requests for en banc review of methane NSPS suit

In an 8-3 vote, the court rejected rehearing of its ruling vacating EPA's stay of methane limits on new drilling operations.

D.C. Circuit suspends briefing in suit over CSAPR update

The U.S. Court of Appeals for the District of Columbia Circuit has granted power companies' request to postpone litigation over Obama-era revisions to the Cross-State Air Pollution rule.

Environmentalists resist EPA bid to extend landfill-methane delay case

Any extension would allow EPA the “benefit” of continuing the rule's delay, environmentalists say.

Ewire: Surprise opposition to Pruitt's climate science review

In today’s Ewire: Some conservative and industry groups are questioning whether EPA Administrator Scott Pruitt’s “red-team, blue-team” exercise is a good idea. Plus: Utah seeking $1.9 billion over Gold King Mine spill.

Senate EPW Democrats seek immediate RMP implementation

Democratic members of the Senate environment committee say immediate implementation of the Risk Management Program revisions would help save lives.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Mon 10/23/2017 9:44:12 AM
Subject: Morning Energy, presented by Chevron: Senate takes up massive disaster aid package — Pruitt science adviser directive coming — Interior political appointee lands new responsibilities

By Anthony Adragna | 10/23/2017 05:42 AM EDT

With help from Esther Whieldon, Tim Starks and Darius Dixon

CONGRESS MOVING ON DISASTER AID: The Senate takes the first procedural step today toward getting additional resources to Puerto Rico — more than a month after Hurricane Maria hit — even as 80 percent of the island remains without power and 30 percent lacks clean drinking water. The House-passed $36.5 billion disaster aid package H.R. 2266 (115) includes nearly $19 billion for FEMA while also providing a much needed cash infusion to the National Flood Insurance Program's borrowing capacity. It's expected to pass by Wednesday after Senate Majority Whip John Cornyn received a commitment that additional hurricane aid for his state of Texas would come in a subsequent bill, removing one of the largest obstacles to passage.

Calls for an emergency response CEO: Calling the long delays in restoring electricity and clean water "unconscionable," Senate Minority Leader Chuck Schumer, along with Reps. Nydia Velazquez and Jose Serrano , are asking President Donald Trump to appoint a CEO of response and recovery to help coordinate the government's response. "This person will have the ability to bring all the federal agencies together, cut red tape on the public and private side, help turn the lights back on, get clean water flowing and help bring about recovery for millions of Americans who have gone too long in some of the worst conditions," Schumer said in a statement. He called for the person to have a "direct line" to Trump.

And time is of the essence: Thousands of low-income properties across the island may no longer be able to meet legal standards for housing assistance if power cannot be restored soon, Pro Financial Services' Lorraine Woellert reports. "Due to the ongoing and unique circumstances in Puerto Rico, we're reviewing every available option to assist residents during this difficult time," HUD spokesman Brian Sullivan said.

Presidents tout fundraising: The five living former presidents announced Saturday they'd raised $31 million in private funds from over 80,000 donors to help hurricane recovery in Texas, Florida, Puerto Rico and other areas. ME will admit to having Lin-Manuel Miranda's benefit song stuck in his head.

WELCOME TO MONDAY! I'm your host Anthony Adragna, and Andeavor's Stephen Brown was first to identify Rep. Chris Stewart as the author of Elizabeth Smart's book. For today: How many states have just one congressman? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

ON TAP THIS WEEK — PRUITT'S LATEST DIRECTIVE: The timing isn't exactly clear yet, but look for EPA Administrator Scott Pruitt to issue a directive limiting scientists who

receive agency research grants from being able to serve on its various advisory boards. "If we have individuals that are on those boards that are receiving money from the agency, sometimes going back years and years to the tune of literally tens of millions of dollars, over time, that to me causes questions on the independence and the veracity of the transparency of the recommendations that are coming our way," Pruitt said in an interview posted Friday by the Heritage Foundation's Daily Signal. It's unclear if the same restrictions would apply to scientists that receive funding from industry groups regulated by EPA.

Pruitt's view on environmentalism: "True environmentalism from my perspective is using natural resources that God has blessed us with to feed the world, to power the world with the sensitivity that future generations cultivate, to harvest, to be respectful good stewards, good managers of our natural resources, to bequeath those natural resources for the next generation."

WORTH A READ: The New York Times looks at how the arrival of Nancy Beck, a former American Chemistry Council executive, at EPA has led to weaker chemical regulation that may result in the "underestimation of the potential risks to human health and the environment." Beck returned from the private sector in May after receiving an ethics waiver and began pressing right away for changes to chemical regulations long-sought by industry. "It was a clear demonstration this administration has been captured by the industry," said Elizabeth Southerland, an Office of Water employee who retired in July.

EPA's eyebrow-raising response: "No matter how much information we give you, you would never write a fair piece. The only thing inappropriate and biased is your continued fixation on writing elitist clickbait trying to attack qualified professionals committed to serving their country," Liz Bowman, a spokeswoman for the agency who worked at the American Chemistry Council before joining the administration, said in an email to the newspaper.

CLIMATE DATA PUSH GROWS: Seventeen cities around the U.S., including New Orleans, Atlanta and Boston, are now hosting climate change data that EPA has removed from its website, Chicago Mayor Rahm Emanuel announced. "While the Trump administration buries their heads deeper in the sand when it comes to climate change, local leaders from across the country continue to confront the challenge head-on," he said. Chicago wants to expand its site to include an open-sourced repository of new scientific research.

ARE YOU A YES PERSON OR A NOPR-SON? If you have any thought on the Energy Department's grid resilience pricing proposal, you're just about out of time. FERC set a deadline on initial comments for today — less than a month after the rule was filed with regulators. The deadline for reply comments is Nov. 7, two weeks from Tuesday. If you've misplaced FERC's list of questions, here it is.

Days for FERC to take a "final action": 49

MANY A TARGET: The Homeland Security Department and the FBI issued a joint warning about a sophisticated hacking campaign that has targeted the energy, nuclear, water, aviation and manufacturing sectors. The targets include both governments and other organizations. Although the alert, issued late last week, doesn't identify the nationality of the attackers, it does reflect a

Symantec report from last month where the company found similarities between those attackers and a campaign that U.S. officials tied to Russia.

"This campaign comprises two distinct categories of victims: staging and intended targets. The initial victims are peripheral organizations such as trusted third party suppliers with less secure networks," the joint DHS-FBI report states. "The threat actor uses the staging targets' networks as pivot points and malware repositories when targeting their final intended victims. The ultimate objective of the cyber threat actors is to compromise organizational networks."

** **A message from Chevron:** When an endangered butterfly was found near a Chevron refinery, we protected the habitat and still plant the only thing they eat—buckwheat. Watch the video: http://politi.co/2gyQXsp **

TWO HOUSE BILLS OF NOTE: Lawmakers are expected to vote on two bills of interest to ME readers this week. One, H.R. 732 (115), would bar federal agencies from requiring defendants to donate money to outside groups as part of federal government settlements. The other, H.R. 469 (115) , would place various limitations on the use of federal consent decrees that frequently require new regulatory actions. The House Rules Committee meets today at 5 p.m. to consider how to structure debate on both bills.

SECOND TIME'S THE CHARM? After winning the support of Sen. Joni Ernst for Trump's pick to run the EPA air office, the Senate Environment and Public Works Committee will try again on Wednesday to move a host of nominees. On deck is the highly controversial selection of Bill Wehrum to run the air office and Michael Dourson's selection for EPA chemicals chief, as well as the less contentious picks of David Ross as head of the EPA water office, Matthew Leopold for EPA general counsel, Jeff Baran's re-nomination to the NRC and Paul Trombino's selection to be administrator of the FHWA.

CELEBRATION FROM BIOFUEL BACKERS: Pruitt's letter Thursday making major concessions on the Renewable Fuel Standard led to sighs of relief from biofuel backers but frustration from oil refiners, Pro's Eric Wolff reports. "[Pruitt] didn't kick tires on changing the RFS, he tried to take a baseball bat to the program, and the response was matching and in response to, from a magnitude perspective, to the initial foul," Brooke Coleman, head of the industry lobby group Advanced Biofuels Business Council, said.

That's not how refiners felt: "Some Midwesterners cannot accept any premise that the RFS could be improved. As a result, their overreaction included everything from holds on confirmations to even more personal threats launched at the White House and EPA," one refining source told Eric.

Help wanted: Meanwhile, Pennsylvania Gov. Tom Wolf sent Trump a letter Friday asking him to take steps to help Northeast refiners deal with the high costs associated with compliance credits, known as RINs. "I specially request that you ask Administrator Pruitt to waive the renewable volume obligation for Northeast refiners until or unless the market prices deflate," Wolf wrote.

PRUITT VISITS NEBRASKA: Continuing his state visits, Pruitt stopped by Nebraska Friday where he met with Gov. Pete Ricketts and other officials to discuss the agency's efforts to revamp the Waters of the U.S. regulation. "In his work of rolling back the old rule and writing a new one, Pruitt is returning power to the states and protecting the rights of our farm families and small business owners," Ricketts said. Afterwards, Pruitt hit up Omaha where he met with officials from railroad giant Union Pacific about the agency's agenda.

BLM ANNOUNCES SAGE GROUSE PUBLIC MEETINGS: The Bureau of Land Management will hold a series of public meetings in Idaho, Colorado, California and Oregon in November on potential changes to plans for protecting greater sage grouse habitat. The meetings will be in Idaho on Nov. 2, 6 and 7, in California on Nov. 3, in Oregon on Nov. 7, and in Colorado on Nov. 9. The sage grouse plans involve 10 Western states, so BLM may announce more meetings in the weeks ahead and it will accept emailed comments through either Nov. 27 or 15 days after the last public meeting, whichever is later. The agency created the plans in 2015 under an agreement with states in lieu of listing the bird as either endangered or threatened under the Endangered Species Act but re-opened them at Zinke's bidding.

WESTERN VALUES PROJECT SUES FOR SAGE GROUSE RECORDS: The Montana-based Western Values Project, which focuses on public land issues, is suing Interior to release copies of emails between Zinke, members of his sage grouse review team and oil and gas groups to determine the extent to which they were able to influence the agency's decision to reshape the sage grouse plans and guidance on energy development.

ME FIRST -- INTERIOR BEEFS UP BLM, BOEM SENIOR STAFF OVER NOMINEE DELAY: The Interior Department last week quietly assigned a senior political staffer to lend an extra hand overseeing the agencies that are key to carrying out the administration's energy goals until the Senate confirms Joe Balash as secretary for land and minerals management.

In Secretarial order No. 3357 dated Oct. 17, Deputy Secretary David Bernhardt said there is a "an immediate need for additional executive level supervision and direction" over the Bureau of Land Management, Bureau of Ocean Energy Management, Bureau of Safety and Environmental Enforcement and the Office of Surface Mining Reclamation and Enforcement and assigned Aurelia Skipworth, the deputy assistant secretary for fish, wildlife and parks; to help out.

Balash's nomination easily cleared the Senate Energy and Natural Resources Committee in September with a voice vote but Interior spokeswoman Heather Swift in an emailed statement accused Senate Democrats of dragging their feet on the nomination. "Rather than let that slow our progress, we are utilizing team members across the bureaus to move the ball forward for the American people," she said. In related news, Virginia Johnson, an Interior beachhead staffer and principle deputy secretary for fish wildlife and parks in July left for a job at the USO, according to her LinkedIn profile.

HANNITY V. INGRAHAM ON SOLAR TARIFFS: Whether to slap cheap imported solar equipment with tariffs has split Laura Ingraham and fellow Fox News host Sean Hannity, Pro's Eric Wolff reports. Ingraham said on her radio show Friday that "Chinese manipulation of the solar market has hurt U.S. manufacturers" and urged Trump to hit back with steep tariffs. But

Hannity has made an ad warning that Suniva and SolarWorld are trying to manipulate U.S. trade laws and pointing out that both had foreign owners. "American taxpayers should not have to bail out one foreign company so another foreign company can get a payout," he said.

NO MINCING WORDS HERE: Russian President Vladimir Putin bashed efforts by some European nations, Poland and Denmark chief among them, to block two Russian gas pipelines, POLITICO Europe's David M. Herszenhorn reports. "Attempts are being made to create obstacles in the way of our efforts to forge new energy routes - South Stream and Nord Stream - even though diversifying logistics is economically efficient, beneficial for Europe and promotes its security," Putin said in a speech at the Valdai Discussion Club.

SIGNED, SEALED, DELIVERED: The Bureau of Ocean Energy Management approved a key step of Deepwater Wind's 144-megawatt Revolution Wind project that will enable the company to collect the biological and wind performance data it needs to file a construction plan, Pro's Esther Whieldon reports. Massachusetts is slated to pick the winning contracts in July, and Deepwater Wind has said it could bring the project online by the end of 2023.

FRIESS WON'T RULE OUT BARRASSO CHALLENGE: Wealthy GOP megadonor Foster Friess tells Fox Business he won't raise money to pick off Republican incumbents, but he's not ruling out launching a bid to unseat Wyoming Sen. John Barrasso. "Better messaging, return of civility and untangling the health care logjam are my motivation; not that I am hell bent on replacing John Barrasso," he said.

Not amused: During an appearance on "Fox News Sunday," Senate Majority Leader Mitch McConnell referred to Steve Bannon and others not backing GOP incumbents as "specialists at nominating people who lose, and that isn't going to help President Trump achieve his agenda," POLITICO's Rebecca Morin reports.

QUICK HITS

— E.P.A. Cancels Talk on Climate Change by Agency Scientists. New York Times.

— Governor Brown Signs Order Allowing EPA to Help With Cleanup of Hazardous Waste from North Bay Fires. NBC Bay Area.

— OKC firm secures $200 million contract to restore power in Puerto Rico. News OK.

— U.S.-backed forces take Syria's largest oil field from Islamic State. Chicago Tribune.

— The World's Next Environmental Disaster. Wall Street Journal.

HAPPENING THIS WEEK

MONDAY

1:00 p.m. — Press call with PJM president and CEO, contact:

kassandra.meholick@edelman.com.

5:00 p.m. — House Rules Committee holds a hearing on various bills, H-313

6:00 p.m. — "Can Fossil Fuel Companies Be Held Liable for Climate Change?" Columbia Law School, Jerome Greene Hall, Room 104, 435 West 116th Street, New York, NY

TUESDAY

1:00 p.m. — Lawmakers host "Half-Earth Day" celebration and conversation with E.O. Wilson, U.S. Capitol Building Visitor Center: Congressional Auditorium and Atrium

2:30 p.m. — "Reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act: Fisheries Science," Senate Commerce Coast Guard Subcommittee, Russell 253

4:00 p.m. — "Crude Nation: How Oil Riches Ruined Venezuela," Cato Institute, 1000 Massachusetts Ave. NW

6:00 p.m. — 'Flint' viewing and panel discussion with Rep. Dan Kildee, U.S. Capitol Visitors Center Auditorium

WEDNESDAY

10:00 a.m. — "Empowering State Based Management Solutions for Greater Sage Grouse Recovery," House Natural Resources Committee, Longworth 1324

10:00 a.m. — Senate Environment and Public Works Committee holds a business meeting and hearing on "The Wildfire Prevention and Mitigation Act of 2017," Dirksen 406

2:00 p.m. — House Natural Resources subcommittee hearing on American Indian lands bill, House Natural Resources Indian, Insular, and Alaska Native Affairs Subcommittee, Longworth 1324

THURSDAY

10:00 a.m. — "Examine Cyber Technology and Energy Infrastructure," Senate Energy and Natural Resources Committee, Dirksen 366

10:00 a.m. — "Improving Oversight of the Regulatory Process: Lessons from State Legislatures," Senate Homeland Security Subcommittee on Regulatory Affairs and Federal Management, Dirksen 342

12:00 p.m. — Natural Gas Roundtable hosts USTDA's Energy Sector Worldwide Team Lead, Carl B. Kress, University Club, 1135 16th Street, NW

THAT'S ALL FOR ME!

** **A message from Chevron:** This is a story about DOERS, butterflies, and buckwheat. In '75, the endangered El Segundo Blue butterfly was found near a Chevron refinery. We protected the habitat and planted the only thing they eat—buckwheat. We're still planting and keeping an eye on our littlest neighbor. Watch the video: http://politi.co/2gyQXsp **

To view online:
https://www.politicopro.com/tipsheets/morning-energy/2017/10/senate-takes-up-massive-disaster-aid-package-today-025166

Stories from POLITICO Pro

Cornyn extracts Trump pledge of Texas hurricane aid Back

By Sarah Ferris | 10/19/2017 05:47 PM EDT

The Senate's No. 2 Republican today endorsed a $36.5 billion disaster aid package, resolving one of the standoffs holding up the bill.

A spokesman for Sen. John Cornyn (R-Texas) said Cornyn will support the House-passed aid package, H.R. 2266 (115), after personal assurances from the White House that more money for Texas will be delivered next month.

"The president strongly indicated his preference that a second appropriations request, which will come in November, will include funds specifically to aid Texans recovering from Harvey," Cornyn told Texas reporters in a call.

The House package includes nearly $19 billion to replenish FEMA, largely intended for emergency efforts in Puerto Rico. It would also restore the National Flood Insurance Program's borrowing capacity to ensure all hurricane victims, including in Texas and Florida, receive timely payments.

But just two days ago, Cornyn said the package was "inadequate" for his home state, which was recently slammed by Hurricane Harvey.

Texas lawmakers in Congress have been pressured by Gov. Greg Abbott to seek more funding — and fast. After the House denied the Texas delegation's $18.7 billion request for Harvey-specific aid last week, Abbott blasted the representatives for lacking a "stiff spine."

Without a cash infusion, the National Flood Insurance Program's claims funding would run dry on Oct. 23, a FEMA spokesman told POLITICO this week.

To view online click here.

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Puerto Rico housing subsidies at risk as blackout drags on Back

By Lorraine Woellert | 10/20/2017 06:42 PM EDT

Puerto Rico could lose funding for thousands of low-income housing units if power to the island isn't restored soon.

The Department of Housing and Urban Development, which subsidizes 203 housing projects on the island, is prohibited by law from providing Section 8 assistance to buildings that aren't "decent, safe, and sanitary."

As an electrical blackout drags on a month after Hurricane Maria, it's likely that fewer properties will be able to meet that standard, and the agency is being forced to review its options.

"Due to the ongoing and unique circumstances in Puerto Rico, we're reviewing every available option to assist residents during this difficult time," HUD spokesman Brian Sullivan said in a statement. About 20,000 housing units in 203 projects on the island receive project-based subsidies to provide affordable housing.

The agency has long interpreted "decent, safe and sanitary" housing to include continuous running water and electricity. In Puerto Rico, evaluating the livability of HUD's subsidized units has been slow going, and it's too soon to know how much damage has been done.

Meanwhile, property owners and managers say they're shipping generators to the island and sending couriers armed with cash to pay for gas to keep the machines running.

The Institute of Real Estate Management, an affiliate of the National Association of Realtors, whose members manage nearly 40 percent of federally assisted housing units, is urging HUD Secretary Ben Carson to keep the subsidies flowing.

"Penalizing these properties and, more importantly, these tenants, is simply adding more hardship to this community," the group wrote in a letter to HUD. "Without the federal portion of the rent, many of these properties will simply fail, and this stock of affordable housing will be lost."

After Hurricane Katrina hit New Orleans, some subsidies to ruined housing projects were converted to rental vouchers, which were distributed to individuals in need. Many of those low-income households pulled up roots and moved away from the city. In Puerto Rico, there are far fewer, if any, places for families to go.

"It's not only an invitation for people to leave the island, it means you're going to displace that many more families," said Mike Ford, NAR's point person on Puerto Rico. "Maybe it's not what we would call safe and decent housing in Mississippi or Arkansas, but it's better to have a house with a roof over your head in a rainstorm than be outside."

Colin Wilhelm contributed to this report.

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Back

Biofuel backers claim victory in EPA battle Back

By Eric Wolff | 10/20/2017 05:37 PM EDT

Biofuels backers were breathing a sigh of relief on Friday after EPA Administrator Scott Pruitt backed away from changes to the Renewable Fuels Standard, a reversal that left oil refiners frustrated.

Pruitt acceded to demands from Sen. Joni Ernst that he publicly promise not to pursue plans to change the biofuel program rules — changes that had been sought by oil refiners who have long complained about the costs of implementing the program that many see as a giveaway to the corn states.

Pruitt's letter to Ernst, Sen. Chuck Grassley and five other Midwestern Republican senators delivered what they'd asked for: A promise not to expand the group of companies required to comply with the program, to keep the biodiesel volume requirements at levels proposed in July, to not alter the policy that strips RFS credits from exported ethanol, and to explore allowing year-round sale of gasoline with 15 percent ethanol nationwide.

The quick reversal by Pruitt — at the direction of President Donald Trump — showed the influence of the biofuel lobby, corn growers and farm-state lawmakers to scuttle changes in the decade-old policy sought by the energy industry.

"This was a basket of bad ideas for biofuels," said Brooke Coleman, head of the industry lobby group Advanced Biofuels Business Council. "And there's no way that we could have any other response than to take this approach. [Pruitt] didn't kick tires on changing the RFS, he tried to take a baseball bat to the program, and the response was matching and in response to, from a magnitude perspective, to the initial foul."

The push by the senators, as well as Midwestern governors, "made a huge difference in this matter," said Michael McAdams, head of the Advanced Biofuels Association. "In addition, the collective unity of the entire biofuels industry, including those who distribute and market these fuels, made a significant impression on the importance and support for the RFS program."

But oil refiners who have said the high cost of biofuel credits, called Renewable Identification Numbers, was costing them hundreds of millions of dollars, lamented the power of the biofuels lobby and the corn-belt lawmakers.

"The [Pruitt] letter is a result of political pressure applied by Midwestern politicians," said one

refining source. "Some Midwesterners cannot accept any premise that the RFS could be improved. As a result, their overreaction included everything from holds on confirmations to even more personal threats launched at the White House and EPA."

The unified and vociferous campaign by the biofuels industry in attacking the proposal that would have lowered biodiesel volume mandates surprised some in the refining industry, as well as the political staff in the EPA, sources tell POLITICO.

The Trump administration's embrace of the oil industry had raised refiners' hopes that it could have the best opportunity in years for significant RFS changes, and refining giant Valero Energy, along with a group of Pennsylvania companies, believed they would get relief from what they considered an onerous program.

But Grassley took to the Senate floor to blast Pruitt's biofuel plans as a "betrayal" of Trump's promises to protect ethanol, and he arranged a call with Trump and Pruitt that led to the meeting in his office with Pruitt and Ernst as well as Deb Fischer (Neb.), John Thune (S.D.), Ben Sasse (Neb.), Pat Roberts (Kan.) and Mike Rounds (S.D.). Following that meeting, Ernst demanded the public statement from Pruitt, and said she would withhold her support for Bill Wehrum, who was nominated to run the agency's air office, forcing a delay in the Environment and Public Works Committee's vote until next week.

Ernst spokeswoman Brook Hougeson told POLITICO, "Now that Sen. Ernst has received the assurances that the EPA will support the spirit and the letter of the RFS, she will support Mr. Wehrum."

Valero was disappointed its efforts to change the program had been shot down by the fierce political opposition.

"These senators have intervened in a regulatory process, and the proposals and concepts in the letter address RFS implementation problems to which these senators have offered no constructive solutions," Valero said in a statement. "The only unifying principle of their bullying opposition seems to be a desire to maintain the status quo at all costs and to protect windfall profits associated with unregulated trading of renewable identification numbers, or RINs. Their position advances neither the goals nor the efficient implementation of the RFS, and places U.S. manufacturing jobs at risk."

But in a statement, the White House made clear that Trump remained fully behind the biofuels program.

"President Donald J. Trump promised rural America that he would protect the Renewable Fuel Standard, and has never wavered from that promise," spokeswoman Kelly Love said in a statement. "The president has had constructive conversations with several key officials about the RFS over the past week, and he understands their concerns. The Trump administration will protect the RFS and ensure that our Nation's hardworking farmers continue to fuel America."

One energy executive said the biofuel backers were victorious because they were unified in their

support for the RFS, while Republicans, the oil industry, and even the refiners were not on the same page.

"The ethanol boys won this round, no doubt, but at a pretty high cost," said Stephen Brown, vice president for federal government affairs for Andeavor. "The refining industry is anything but united on the RFS beyond a sunset as individual companies have each made investments and honed mitigation strategies to comply with the statute. As those investment decisions become increasingly operationally embedded, the industry will continue to splinter on the suite of RFS issues."

But some producers are still wary of Pruitt's pledge in his Thursday letter, and they note that he promised to release a final rule in which none of the mandatory volumes will be less than he proposed in July. For some producers, those volumes were already too low.

"There's some work to do here," Coleman said. "We won't know until the rule is done. And we recognize it's an ongoing rulemaking, it's not like they're going or republish the rule, they've said what they can say. The final rule really matters."

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Back

Solar tariff fight pits Ingraham against Hannity Back

By Eric Wolff | 10/20/2017 03:53 PM EDT

Conservative talk radio host Laura Ingraham urged President Donald Trump to impose tariffs on solar equipment imports today — rebutting the argument by Fox News host Sean Hannity that such tariffs would be a bailout to two foreign-owned companies in the U.S.

"Chinese manipulation of the solar market has hurt U.S. manufacturers," Ingraham said on her show while interviewing Matt Card, an executive with Suniva, one of the companies that brought the trade case seeking tariffs on imported solar panels.

"This is where Trump fulfills his promises that he made on the campaign trail to stand up for American manufacturing by using current U.S. law that other presidents basically didn't pay that much attention to," Ingraham said.

But most of the industry opposes tariffs, and solar installers have enlisted Hannity to urge Trump not to implement trade barriers. He made an ad saying the two companies were trying to manipulate U.S. trade laws, and pointed out that both had foreign owners. "American taxpayers should not have to bail out one foreign company so another foreign company can get a payout," he says in the ad.

Suniva, which is backed by a Chinese solar company, and SolarWorld, a U.S. subsidiary of a

German company, last month won a 4-0 decision from the U.S. International Trade Commission saying that they had been harmed by cheap solar panel imports.

WHAT'S NEXT: The ITC will hold a hearing to discuss tariff options next week.

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Back

BOEM approves key step for Deepwater Wind-Tesla offshore wind project Back

By Esther Whieldon | 10/20/2017 04:17 PM EDT

The Bureau of Ocean Energy Management has approved a key step for Deepwater Wind's 144-megawatt Revolution Wind project proposed off the coast of Massachusetts and Rhode Island.

In a letter dated Oct. 12 and posted by the agency today, BOEM said it approved Deepwater's "site assessment plan" to install a meteorological buoy at the site of the project. The buoy will give the company the biological and wind performance data it needs to file a construction plan.

Deepwater has held a lease for the area since 2013 and in July announced plans with Tesla to combine the wind project with a 40 megawatt-hour onshore battery in their bid to win a long-term clean-energy contract in Massachusetts.

Deepwater late last year brought the nation's first offshore wind project online — the 30-megawatt Block Island project off the Rhode Island coast.

WHAT'S NEXT: Massachusetts is slated to pick the winning contracts in July, and Deepwater Wind has said it could bring the project online by the end of 2023.

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EHS Federal Regulatory Alert

August 07, 2017 - Number 150

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Summaries

AIR
Air Emission Sources/Test Methods, Performance Specifications and Testing
AIR

Final rule of the EPA removes obsolete provisions concerning Performance Specification 2 for sulfur dioxide and nitrogen oxides in continuous emission monitoring systems and stationary sources. The provisions are no longer necessary due to an Aug. 30, 2016, final rule (81 FR 59800) that revised test methods, performance specifications, and testing standards for various air emission sources. The rule is effective Aug. 7, 2017. Contact: Lula Melton; EPA, Office of Air Quality Planning and Standards; 919-541-2910; melton.lula@epa.gov. Citations: 40 CFR 60, Appendix B

82 FR 36688 (08/07/2017)

Regulatory Update

AIR
Kentucky SIP/Regional Haze Progress Report
AIR

Proposed rule of the EPA would approve a revision to the Kentucky SIP regarding the state's regional haze progress report. Under the rule, the agency would approve the state's determination that the regional haze plan is adequate to meet the reasonable progress goals for the first implementation period through 2018 and does not currently require substantive revisions. Comments are due Sept. 6, 2017. Contact: Michele Notarianni; EPA Region 4, Air Planning and Implementation Branch; 404-562-9031; notarianni.michele@epa.gov. Citations: 40 CFR 51.308, 40 CFR 52

82 FR 36707 (08/07/2017)

Regulatory Update

AIR

NESHAP for Off-Site Waste and Recovery Operations

AIR

Proposed rule of the EPA would revise the NESHAP for off-site waste and recovery operations (OSWRO). The revision would remove additional monitoring requirements for equipment leaks from pressure relief devices on containers. The revision is in response to a May 16, 2016, petition (81 FR 30182) for reconsideration of a final rule (80 FR 14247; 03/18/2015) that revised the NESHAP for OSWRO based on the results of a residual risk and technology review. The agency is seeking comments concerning whether to impose frequent inspections for filled or partially filled OSWRO containers that remain on-site longer than 60 days, whether additional inspection requirements should apply to all containers or only to larger containers, and whether the agency should incorporate inspection requirements under 40 CFR 264 and 265, Subparts BB and CC for RCRA-permitted and interim status facilities. If requested by Aug. 14, 2017, a hearing will be held Aug. 22, 2017, in Washington, D.C. Comments are due Sept. 21, 2017. Contact: Angie Carey; EPA, Office of Air Quality Planning and Standards; 919- 541-2187; carey.angela@epa.gov. Citations: 40 CFR 63.691

82 FR 36713 (08/07/2017)

Regulatory Update

AIR

Test Procedure for Dedicated-Purpose Pool Pumps

AIR

Final rule of the Energy Department, Office of Energy Efficiency and Renewable Energy, establishes a test procedure for dedicated-purpose pool pumps applicable to self-priming and nonself-priming pool filter pumps, waterfall pumps, and pressure cleaner booster pumps. The rule also adds definitions, specifies a new weighted energy factor (WEF) metric to characterize energy performance, and includes a test method to determine the self-priming capability of pool filter pumps. In addition, the rule incorporates by reference the Hydraulic Institute's Standard 40.6-2014, Methods for Rotodynamic Pump Efficiency Testing; UL's Standard 1081-2014, Standard for Swimming Pool Pumps, Filters, and Chlorinators; Canadian Standards Association's Standard C747-2009, Energy Efficiency Test Methods for Small Motors; IEEE's Standard 113-1985, Test Procedures for Direct-Current Machines; IEEE's Standard 114-2010, Standard Test Procedure for Single-Phase Induction Motors; and NSF International's Standard 50-2015, Equipment for Swimming Pools, Spas, Hot Tubs, and Other Recreational Water Facilities. The test procedure does not apply to integral cartridge-filter pool pumps, integral sand-filter pool pumps, storable electric spa pumps, or rigid electric spa pumps, and the scope of energy conservation standards applicable to dedicated-purpose pool pumps will be established in a separate action. Compliance with the final rule will be mandatory for representations of WEF and other metrics addressed by the adopted test procedures made on or after Feb. 3, 2018. The rule is effective Sept. 6, 2017. Contact: Ashley Armstrong; EPA, Office of Energy Efficiency and Renewable Energy; 202-586-6590; Ashley.Armstrong@ee.doe.gov. Citations: 10 CFR 429.4, 429.59, 429.110, 429.134, 431.462, 431.463, 431.464, 431.466, 10 CFR 431, Subpart Y, Appendix A

82 FR 36858 (08/07/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Assurance Cases for Infusion Pump Manufacturers
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the withdrawal of a March 15, 2017, notice (82 FR 13817) regarding the intention to seek OMB approval for a continuing information collection request regarding safety assurance cases for infusion pump devices. The collection would have addressed requirements for infusion pump manufacturers to describe how and why their device meets FDA safety standards. The agency is withdrawing the notice because the information collected for safety assurance cases is already included in another collection. The withdrawal is effective Aug. 7, 2017. Contact: Amber Sanford; FDA, Office of Operations; 301-796-8867; PRAStaff@fda.hhs.gov. Citations: 21 CFR 880.5725

82 FR 36792 (08/07/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Cooperative Manufacturing Arrangements for Licensed Biologics
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the FDA to seek OMB approval for a continuing information collection request regarding a guidance for industry concerning cooperative manufacturing arrangements for biological products subject to licensure under Section 351 of the Public Health Service Act. The guidance addresses various types of manufacturing arrangements and describes certain reporting and recordkeeping responsibilities associated with the arrangements, including standard operating procedures and the notification of all important proposed changes to production and facilities, of the results of tests and investigations regarding or possibly impacting the product, and of when products are manufactured in a contract facility. Comments are due Oct. 6, 2017. Contact: Domini Bean; FDA, Office of Operations; 301-796-3850; PRAStaff@fda.hhs.gov

82 FR 36797 (08/07/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Drug and Biological Products/User Fee Waivers, Reductions and Refunds
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the submission of a continuing information collection request to the OMB concerning a guidance for industry regarding user fee waivers, reductions, and refunds for drug and biological products. The collection addresses the types of waivers and reductions permitted under the Federal Food, Drug and Cosmetic Act and specifies the procedures for submitting requests for waivers or reductions. The collection also addresses user fee exemptions for orphan drugs. The collection includes a revised burden estimate due to a processing change that requires waiver applicants to submit documentation directly to the FDA and to submit fewer supporting documents. Comments are due Sept. 6, 2017. Contact: Domini Bean; FDA, Office of Operations; 301-796-5733; PRAStaff@fda.hhs.gov

82 FR 36795 (08/07/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Hydroelectric Incentive Program
GENERAL ENVIRONMENT AND SAFETY

Notice of the Energy Department announces the availability of guidance and the opening of the application period for the Hydroelectric Incentive Program. The guidance provides hydroelectric incentive payment requirements and specifies the information that owners or authorized operators of hydroelectric facilities can provide the department when applying for incentive payments. The notice specifies that the incentive payment is available for electric energy generated and sold during calendar year 2016. Applications are due Sept. 6, 2017. Contact: Timothy Welch; DOE, Office of Energy Efficiency and Renewable Energy; 202-586-7055; hydroincentive@ee.doe.gov

82 FR 36762 (08/07/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Illinois/Brandon Road Lock and Dam Aquatic Nuisance Species Controls
GENERAL ENVIRONMENT AND SAFETY

Notice of the U.S. Army Corps of Engineers announces the availability of a draft integrated feasibility study and environmental impact statement for the plan to prevent the spread of aquatic nuisance species between the Great Lakes and Mississippi River basins through the Chicago Sanitary and Ship Canal and other aquatic pathways. The study and EIS evaluate structural and nonstructural options and technologies near the Brandon Road Lock and Dam, in Will County, Ill., to prevent the upstream transfer of aquatic nuisance species. The study and EIS also identify potential adverse impacts that alternatives may have on existing uses and users of the waterways. Meetings will be announced at a later date. Comments are due Sept. 21, 2017. Contact: Andrew Leichty; USACE, Rock Island District; 309-794-5399; Andrew.L.Leichty@usace.army.mil

82 FR 36760 (08/07/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Oncologic Drugs Advisory Committee Meeting
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a meeting of the Oncologic Drugs Advisory Committee to discuss a supplemental new drug application for sunitinib malate oral capsules (sNDA 021938/033), submitted by C.P. Pharmaceuticals International C.V., represented by Pfizer Inc., of New York. The capsules are used for the adjuvant treatment of adult patients at high risk of recurrent renal cell carcinoma following nephrectomy. The meeting is scheduled for Sept. 9, 2017, in Silver Spring, Md. Comments are due Sept. 5, 2017. Contact: Cindy Chee; FDA, Center for Drug Evaluation and Research; 301-796-9001; ODAC@fda.hhs.gov

82 FR 36789 (08/07/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Prescription Drug Advertisements
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the submission of a continuing information collection request to the OMB regarding requirements for prescription drug and biological product manufacturers, packers, and distributors to disclose in advertisements certain information about the advertised product's uses and risks. The collection addresses requirements regarding disclosures, waiver requests, prior approval of advertisements, and programs for assuring significant new adverse information about the drug is publicized promptly and adequately to the medical profession. Comments are due Sept. 6, 2017. Contact: Domini Bean; FDA, Office of Operations; 301-796-5733, PRAStaff@fda.hhs.gov. Citations: 21 CFR 202.1

82 FR 36799 (08/07/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Product-Specific Bioequivalence Recommendations
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the availability of final guidances for industry to provide product-specific bioequivalence (BE) design recommendations to support abbreviated new drug applications for drug products containing various active ingredients. Comments may be submitted at any time. Contact: Xiaoqiu Tang; FDA, Center for Drug Evaluation and Research; 301-796-5850

82 FR 36792 (08/07/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Products Containing Organohalogen Flame Retardants
GENERAL ENVIRONMENT AND SAFETY

Notice of the Consumer Product Safety Commission announces a meeting to receive comments on a petition (80 FR 50238; 08/09/2015) requesting a rulemaking to declare several categories of products containing additive organohalogen flame retardants to be "banned hazardous substances." The petition was filed by Earthjustice and the Consumer Federation of America and joined by various parties. The meeting is scheduled for Sept. 14, 2017, in Bethesda, Md. Contact: Michael Babich; CPSC, Division of Toxicology & Risk Assessment; 301-987-2606. Citations: 16 CFR 1500

82 FR 36705 (08/07/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Regulatory Review Period/Cinqair
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a determination of the regulatory review period for the human biologic product Cinqair (reslizumab) in response to an application submitted by UCB Celltech, of Slough, U.K. The product is indicated for add-on maintenance treatment of patients with severe asthma who are 18 years of age or older and who have an eosinophilic phenotype. Comments are due Oct. 6, 2017. Petitions for a determination of whether the applicant for extension acted with due diligence during the regulatory review period are due Feb. 5, 2018. Contact: Beverly Friedman; FDA, Office of Regulatory Policy; 301-796-3600

82 FR 36790 (08/07/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Regulatory Review Period/Vonvendi
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a determination of the regulatory review period for the human biologic product Vonvendi (von Willebrand Factor (Recombinant)) in response to an application submitted by Baxalta GmbH, of Opfikon, Switzerland, and Baxalta Inc., of Bannockburn, Ill. The product is indicated for on-demand treatment and control of bleeding episodes in adults diagnosed with von Willebrand disease. Comments are due Oct. 6, 2017. Petitions for a determination of whether the applicant for extension acted with due diligence during the regulatory review period are due Feb. 5, 2018. Contact: Beverly Friedman; FDA, Office of Regulatory Policy; 301-796-3600

82 FR 36794 (08/07/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Schedules I and II Controlled Substances 2018 Aggregate Production Quotas
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the Drug Enforcement Administration to establish the 2018 aggregate production quotas for controlled substances in Schedules I and II and an assessment of annual needs for list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine. The agency intends to adjust aggregate production quotas for numerous controlled substances and chemicals to provide for the estimated medical, scientific, research, and industrial needs of the U.S.; lawful export requirements; and the establishment and maintenance of reserve stocks. The quotas include imports of ephedrine, pseudoephedrine, and phenylpropanolamine but do not include imports of controlled substances for use in industrial processes. Comments are due Sept. 6, 2017. Contact: Michael Lewis; DEA, Diversion Control Division; 202-598-6812. Citations: 21 CFR 1303, 1315

82 FR 36830 (08/07/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
FMCSA Administrative and Rulemaking Procedure
HAZARDOUS MATERIALS TRANSPORTATION

Proposed rule of the Federal Motor Carrier Safety Administration would require use of a negotiated rulemaking or advance notice of proposed rulemaking process for all major rules regarding commercial motor vehicle safety and authorize the administrator to waive the requirement under certain circumstances. The rule would further revise the process for preparing and adopting rules by defining "petition" to include requests for a new regulation, regulatory interpretation or clarification, or determination that a regulation should be modified or eliminated. A process for filing and addressing petitions also would be established. In addition, the rule would provide that, on receipt of a comment, the comment period for direct final rules would be extended while the agency determines whether the comment qualifies as adverse. Finally, the rule would add definitions and make editorial corrections. Comments are due Oct. 6, 2017. Contact: Bivan Patnaik; FMCSA, Regulatory Development Division; 202-366-8092; Bivan.Patnaik@dot.gov. Citations: 49 CFR 389.3 through 389.39 (nonconsecutive)

82 FR 36719 (08/07/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Marine Portable Tanks
HAZARDOUS MATERIALS TRANSPORTATION

Notice announces the intention of the U.S. Coast Guard to seek OMB approval for a continuing information collection request regarding the approval of alterations to marine portable tanks and nonspecification portable tank designs used to transfer hazardous materials during offshore operations. Comments are due Oct. 6, 2017. Contact: Anthony Smith; USCG, Office of Information Management; 202-475-3532. Citations: 46 CFR 64

82 FR 36810 (08/07/2017)

Regulatory Update

OIL AND GAS INDUSTRY
Alaska/National Petroleum Reserve Oil and Gas Lease Sale
OIL AND GAS INDUSTRY

Notice of the Bureau of Land Management announces a request for nominations and comments on tracts for the upcoming National Petroleum Reserve in Alaska (NPR-A) oil and gas lease sale, including tracts currently unavailable for leasing under the 2013 NPR-A integrated activity plan. Nominations and comments are due Sept. 6, 2017. Contact: Wayne Svejnoha; BLM, Alaska Energy and Minerals Branch; 907-271-4407. Citations: 43 CFR 3131.2

82 FR 36827 (08/07/2017)

Regulatory Update

OIL AND GAS INDUSTRY

Federal Oil and Gas and Federal and Indian Coal Valuation/Repeal
OIL AND GAS INDUSTRY

Final rule of the Department of the Interior, Office of Natural Resources Revenue, repeals amendments included in a July 1, 2016, final rule (81 FR 43338) regarding valuation of oil and gas produced from federal onshore and offshore leases and coal produced from federal and Indian leases for royalty purposes. The July 2016 rule was subsequently delayed (82 FR 11823; 02/27/2016) in response to three separate petitions challenging the final rule filed in the U.S. District Court for the District of Wyoming. The current rule also reinstates provisions governing the valuation of oil, natural gas, and coal produced from federal leases and coal produced from Indian leases that were in effect before Jan. 1, 2017. In addition, the current rule applies the reinstated provisions prospectively and supersedes the notification of postponement of effectiveness of the 2017 Valuation Rule. The rule is effective Sept. 6, 2017. Contact: Elizabeth Dawson; ONRR; 303-231-3653. Citations: 30 CFR 1202.51, 1206.10 through 1206.473 (nonconsecutive)

82 FR 36934 (08/07/2017)

Regulatory Update

WATER
Commercial Vessels/Inspection or Examination Fees
WATER

Notice of the U.S. Coast Guard announces the submission of a continuing information collection request to the OMB regarding direct user fees for inspection or examination of U.S. and foreign commercial vessels. The collection addresses the identifying information required during vessel inspection and the option for vessel owners to pay inspection fees for future years. Comments are due Sept. 6, 2017. Contact: Anthony Smith; USCG, Office of Information Management; 202-475-3532

82 FR 36811 (08/07/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 9/28/2017 12:37:38 PM
Subject: Sep. 28 -- EHS State Regulatory Alert

EHS State Regulatory Alert

September 28, 2017 - Number 187

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Mississippi

HAZARDOUS WASTE MANAGEMENT
Hazardous Waste Management
Mississippi HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Quality amends regulations under Title 11, Part 3, Chapter 1, Rules 1.1 through 1.23 (nonconsecutive), concerning hazardous waste management. The rule makes technical and administrative corrections and provides references concerning implementation of the EPA e-manifest system. A hearing is scheduled for Nov. 7, 2017, in Jackson. Comments are due Oct. 20, 2017. Contact: Ted Lampton; DEQ; 601-961-5573; tlampton@mdeq.ms.gov

—Mississippi Regulations (09/25/2017)

Regulatory Update

Montana

WATER
On-Site Subsurface Wastewater Treatment
Montana WATER

Proposed rule of the Department of Environmental Quality amends regulations under ARM 17.36.103 through .804 (nonconsecutive) to update on-site subsurface wastewater treatment standards relating to review of subdivisions. The rule incorporates by reference the 2017 version of Department Circular DEQ-8 concerning standards for subdivision storm drainage to clarify drainage review requirements and provide information on new technologies that can be used to design drainage facilities. The rule also removes design requirements and updates applicable fees and provisions concerning applications, review procedures, board of health certifications, storm drainage plans, professional engineer-designed systems, and sewage and water supply

systems. A hearing is scheduled for Oct. 13, 2017, in Helena. Comments are due Oct. 20, 2017. Contact: Sandy Scherer; DEQ; 406-444-4386; sscherer@mt.gov

—Montana Administrative Register (09/22/2017)

Regulatory Update

WATER
Water Right Permitting
Montana WATER

Notice of the Department of Natural Resources and Conservation announces an extension of the comment period for a Sept. 8, 2017, proposed rule to amend regulations under ARM 36.12.101 through .1801 (nonconsecutive) and repeal regulations under ARM 37.12.106 to update water rights permitting standards and procedures. The rule adds notice requirements for temporary appropriations of water for emergency fire training and clarifies that no filing fee refunds will be authorized after the department has issued a deficiency letter to applicants. The rule also adds requirements for objections concerning adverse effects to instream flow rights for fish, wildlife, and recreation; clarifies aquifer testing requirements; and adds permit application requirements for projects in sage grouse habitats. In addition, the rule clarifies deficiency letter timelines and outcomes and acceptable surface water measurement data and removes duplicative provisions concerning testing and monitoring. Finally, the rule updates the definition of "combined appropriation" and removes the definition of "municipal use" to conform with judicial decisions. The comment period is extended to allow the Water Policy Interim Committee to review and discuss the proposal. Comments now are due Oct. 20, 2017. Contact: Millie Heffner; DNRC; 406-444-0581; mheffner@mt.gov

—Montana Administrative Register (09/22/2017)

Regulatory Update

Nevada

AIR
Pollution Control, Inspections of Vehicles
Nevada AIR

Notice of the Department of Motor Vehicles announces a workshop and hearing on a Sept. 18, 2017, proposed rule to amend regulations under NAC 445B.579, .580, .585, .598, .590, and .850 and rescind regulations under NAC 445B.859 through .873 concerning air pollution control and inspections of certain vehicles. The rule requires reinspection of certain motor vehicles of model year 1995 or older, certain heavy-duty vehicles of model year 1996 or newer, and certain motor vehicles powered by diesel engines that have failed an inspection for an improper gas or fuel cap. The workshop is scheduled for Oct. 16, 2017, and the hearing is scheduled for Nov. 6, 2017, both in Carson City and via teleconference in Las Vegas. Comments are due Oct. 13, 2017. Contact: DMV; 775-684-4549

—Nevada Register (09/25/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Mon 8/21/2017 2:05:44 PM
Subject: POLITICO's Morning Energy: Energy industry wants brakes pumped on regulatory rollbacks — Icahn out as Trump adviser — Deadline this week for Zinke's monument review

By Anthony Adragna | 08/21/2017 10:00 AM EDT

With help from Alex Guillén and Esther Whieldon

WHERE ARE THE BRAKES ON THIS ROLL BACK? Even as they're publicly touting the efforts of President Donald Trump to roll back regulations, some oil and gas companies are increasingly worried the administration may go too far, Pro's Ben Lefebvre reports . A dozen executives, lobbyists, lawyers and analysts are worried about the fallout if the rules' loosening is followed by a major disaster, and they are concerned that unscrupulous competitors could benefit from the axing of rules that their companies have already spent money to comply with. They're also uneasy with efforts to renegotiate trade deals like NAFTA or reorganize the agencies responsible for overseeing offshore drilling. "Every industry wants regulations that make sense, but you don't need to roll things back so far that it opens an opportunity for outsiders to criticize, or something bad happens and then [rulemaking] goes the other way but even further," Brian Youngberg, energy analyst at investment firm Edward Jones, tells Ben.

One example of a rule drawing too much attention from the Trump team is the Obama-era Interior Department rule tightening methane emission standards for oil and gas wells and pipelines on public lands. Trade associations American Petroleum Institute and Western Energy Alliance publicly cheered Interior Secretary Ryan Zinke's push to rewrite the rule, but behind the scenes, Exxon Mobil, BP and other large oil and gas companies considered the rule relatively minor, lobbying and industry sources said. Those companies already had the technology to comply and they planned to pay off the implementation costs through the sale of methane they captured. And others operating in Colorado already had to comply with a state rule that closely resembled the federal one.

Industry officials are scratching their heads at Interior's review of whether to combine the Bureau of Ocean Energy Management, which leases the federal Outer Continental Shelf to energy companies, with the Bureau of Safety and Environmental Enforcement, which regulates the companies' activities. "When there's - God forbid - the inevitable accident in the Gulf of Mexico, why would you want to be known as the administration that made that move?" said one lawyer representing oil and gas companies. Officials said they didn't ask for the reorganization and first heard about it when Zinke floated the idea.

WELCOME TO MONDAY! I'm your host Anthony Adragna, and Bracewell's Frank Maisano was first out of the gate to identify Luxembourg as the world's last remaining grand duchy. For today: What's the only country with two independent nations landlocked within its borders? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

ICAHN'T BELIEVE THIS IS HAPPENING: Carl Icahn's failure to rewrite biofuel rules

looks to have foreshadowed the billionaire investor's departure as an adviser to Trump, and questions about whether his effort violated ethics rules are still swirling, our Eric Wolff writes. Icahn stepped down as an unpaid Trump adviser on regulations on Friday, just ahead of EPA's rejection of the change in the Renewable Fuel Standard's "point of obligation," which could come any day.

Though the White House has insisted that Icahn only served in an informal role, Trump's move to tap him to alter regulations had raised eyebrows among ethics watchdogs since Icahn's vast holdings, from insurance to liquefied natural gas and rail cars, often put his businesses in the cross-hairs of Washington regulators.

"There was a perception of government that was not in line with ethics rules. Donald Trump came in and said the ethics rules don't apply to him. Icahn had convinced himself the same would apply to him," said Jeff Navin, a partner at Boundary Stone Partners and a former acting chief of staff at the Department of Energy under Obama.

ZINKE MONUMENT RECOMMENDATIONS DUE THIS WEEK: Zinke has until Aug. 24 to send Trump recommendations on whether to rescind or tweak more than a dozen national monuments created by former presidents, most of which are in Western states. Zinke has whittled down the list of monuments on the chopping block from 22 to 16, but he has only visited seven of those, plus one the Commerce Department is reviewing. It remains to be seen whether Zinke will recommend Trump test his authority under the Antiquities Act and rescind any of the monuments - a move that would certainly face legal challenges. Zinke in June made preliminary recommendations that Trump trim back the size of the Bears Ears National Monument in Utah.

Californians for monument visits: Ahead of Zinke's Thursday deadline for reviewing a host of national monuments designated under the Antiquities Act, a bunch of California politicians asked him to come visit the sites still under examination in their state. "We invite you once more to visit our state, meet face to face with the communities who love and protect our treasured landscapes before making a recommendation that might reduce or revoke monument status," the letter, led by Rep. Judy Chu, says.

Congressional leaders pushed, too: The chairs of the Congressional Asian Pacific American Caucus, the Congressional Black Caucus and the Congressional Hispanic Caucus sent a letter Friday to House and Senate leadership urging them to resist any legislative efforts to limit the president's ability to designate monuments under the Antiquities Act. "Any attempt to curtail the President's authority to protect these places or to remove protections already put in place by other Presidents is an attack on our shared history," Reps. Cedric Richmond, Michelle Lujan Grisham and Chu wrote.

EPA SEEKS 16-MONTH DELAY OF TEXAS HAZE DEADLINE: EPA on Friday asked a federal court in D.C. to rewrite a consent decree reached with environmental groups under the Obama administration requiring the agency to take action on Texas pollution contributing to regional haze. The court had previously given EPA until Sept. 9 to either accept a state plan or write a federal plan, but on Friday EPA asked the court to give it until Dec. 31, 2018. The

agency's filing says that since the Trump administration took office, "EPA and Texas have engaged in a productive level of dialogue that has not occurred in many years." EPA and Texas regulators have agreed on a plan to write a rule "that would be more consistent with the [Clean Air Act's] preference for cooperative federalism, and would produce a plan that more effectively addresses concerns raised by the State," the filing added.

Environmentalists have until Aug. 29 to object in court, but they made their feelings clear in a Friday evening statement blasting EPA's proposal as bad news for residents of Oklahoma who breathe in some of that Texas air. "Scott Pruitt just made it clear that he plans to abandon the residents of his home state to placate Texas polluters who don't give a second thought about Oklahoma families or its natural places," said Johnson Bridgwater, director of the Sierra Club's Oklahoma Chapter. The green groups noted that EPA was supposed to have done all this back in 2007, making the proposed delay that much more untenable.

RECORDS SOUGHT IN SAGE GROUSE REVIEW: The Western Values Project filed a FOIA request Sunday seeking copies of communications between various Interior officials participating in its sage grouse review and various energy groups, including the Western Energy Alliance, American Petroleum Institute and Petroleum Association of Wyoming. That comes as Western Values Project released a document that it said showed Zinke's early August order for his department to alter how it and states implement conservation plans for the bird was based heavily on recommendations from the Western Energy Alliance. "This is a dangerous trend that is becoming a pattern for Secretary Zinke - offer lip-service to the West while granting private industry unfettered control of our public lands," Jayson O'Neill, deputy director of the Western Values Project, said in a statement.

THERE'S A GROUP FOR EVERYTHING: Four governors on the Outer Continental Shelf Governors Coalition - Maine's Paul LePage, Mississippi's Phil Bryant, Alabama's Kay Ivey and Alaska's Bill Walker - released a letter Friday urging Zinke to include all possible areas as the agency develops its five-year offshore drilling plan. "Access to offshore energy resources will allow coastal states and communities to realize great economic opportunities," they wrote.

TRICKLE OF CHANGE ON CLIMATE? Some Republicans may be taking their first steps to distance themselves from their party's hard line on climate change, but there are doubts from some that participation in the House Climate Solutions Caucus represents anything more than political cover for endangered lawmakers, POLITICO California's David Siders reports. But Rep. Carlos Curbelo , one of the group's co-founders, said it was working on "blocking and tackling ... opposing anti-climate legislation" and already showed progress from a couple of years ago when hardly any GOP members spoke out on climate change. "I think the next phase, and hopefully we can get to that this Congress, is to turn the caucus into an ideas factory, get behind proactive legislation," the South Florida Republican said.

NEW AD AGAINST REGULATORY BILLS: Clean Air Moms Action is out with a new ad today urging Congress to oppose the Regulatory Accountability Act H.R. 5 (115) and the Regulations from the Executive in Need of Scrutiny Act H.R. 26 (115) , two measures they say would threaten environmental and public health protections. The $250,000 digital campaign will run across Missouri, Indiana, Montana, Florida and Virginia - the states of Democratic senators

that bill backers would need to get them to 60 votes in the Senate. Both bills have passed the House on largely party-line votes.

MAKE OR BREAK IN THE PEACH STATE? Three backers of the Vogtle nuclear project in Georgia - Southern Co.'s Georgia Power, Oglethorpe Power Co. and the Municipal Electric Authority of Georgia - last week asked the Energy Department for a bigger lifeline, but one state regulator was skeptical that would determine whether the project proceeds, Pro's Darius Dixon reports . "I'm not sure that the loan guarantee piece of the project equation is a make or break issue for us," Tim Echols, the vice chairman of the Georgia Public Service Commission, said by email. "The Toshiba payments are far more important." The long-delayed and over-budget project suffered the bankruptcy of its lead contractor and reactor designer Westinghouse this spring.

DOE CELEBRATES COAL EXPORT: Officials from the Energy and Commerce Departments will gather with Ukrainian Ambassador to the U.S. Valeriy Chaly today at 2 p.m. in Baltimore in recognition of the first shipment of Pennsylvania thermal coal bound for Ukraine. U.S. participants include Wells Griffith, acting assistant secretary for international affairs at DOE, and Israel Hernandez, acting under secretary of the International Trade Administration.

TRUCK LOBBY WORRIED ABOUT TRUMP EPA REOPENING PHASE 2 RULE: The American Trucking Associations is "concerned" about EPA Administrator Scott Pruitt's announcement last week that he will revisit parts of the Obama administration's Phase 2 emissions standards for heavy duty trucks. The split highlights a regulation that had largely gotten the buy-in of the trucking industry in order to avoid state-level patchwork rules. The only major legal challenge to the rule was over EPA's first-time aerodynamic rules for trailers, which is the part of the rule Pruitt plans to re-open. In a statement on Friday, ATA President and CEO Chris Spear said the industry is concerned that cracking open the federal rule for this one issue "has opened the door to California taking the lead, and a more aggressive track, in setting trailer standards." A California Air Resources Board spokesman told Trucks.com that it is "premature" to discuss whether state rules in development will break from the federal regulation.

MORE ASIAN CARP TROUBLE FOUND: It's unclear how it made its way past several electric barriers meant to keep the invasive species out, but an adult Asian carp got quite close to Lake Michigan, according to a report from a coalition of federal agencies released Friday. "Time is of the essence to both implement a permanent solution and take immediate steps to stop Asian carp from reaching our Great Lakes," Michigan Sen. Debbie Stabenow said in response.

QUICK HITS

- The Trump administration just disbanded a federal advisory committee on climate change. Washington Post.

- Sempra Energy Reaches Deal to Acquire Oncor. Wall Street Journal.

- Shell Loads Oil in Libya for the First Time in Five Years. Bloomberg.

- Polis Backs Oil And Gas In Surprise Comments At Industry Lunch. Western Wire.

- As India's Climate Changes, Farmers In The North Experiment With New Crops. NPR.

- Pennsylvania coal company to open second mine since Trump took office. Fox News.

THAT'S ALL FOR ME!

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Wed 8/2/2017 9:42:59 AM
Subject: Morning Energy: Pruitt cleared by scientific integrity panel — New front in RFS battle — What will Southern have to say about Vogtle today?

By Annie Snider | 08/02/2017 05:41 AM EDT

With help from Esther Whieldon, Alex Guillén and Darius Dixon.

PRUITT'S CLIMATE COMMENTS CLEARED BY SCIENTIFIC INTEGRITY PANEL: A panel of EPA employees has concluded that Administrator Scott Pruitt's controversial assertion that carbon dioxide is not the primary driver of climate change during a television interview in March did not violate the agency's scientific integrity policy. That policy "specifically encourages employees to express their opinion should the employee disagree with scientific data, scientific interpretations, or scientific conclusions," the panel of high-ranking EPA officials wrote, noting that Pruitt "did not suppress or alter Agency scientific findings."

Lost in the mail? The panel's conclusion was included in a letter from Thomas Sinks, director of EPA's Office of the Science Advisor, addressed to the Sierra Club, which had formally complained about Pruitt's climate comments. But the green group said Monday evening that it had not received that letter, which first appeared in conservative media outlets. For its part, EPA's press office circulated an article from the Washington Free Beacon to publicize the letter.

Elena Saxonhouse, a senior attorney with Sierra Club, said in a statement that her group was told by EPA staff that the proper process is for the complaining party to be informed first. Moreover, she added: "Pruitt's 'opinions' can have especially weighty consequences for the many scientists working below him, yet the letter treats him like any other employee."

HAPPY WEDNESDAY. I'm your guest host, Annie Snider, and I've got you for the rest of the week. The NRDC's Joan Matthews is the competition to beat, being the first to send in the correct trivia answer for a second day in a row. Benjamin Harrison, Herbert Hoover, Lyndon B. Johnson, Bill Clinton and Barack Obama were the five presidents born in August, and Warren G. Harding was the one to die this month. For today: On this day in 1939, Albert Einstein and Leo Szilard wrote to President Franklin D. Roosevelt; what did they ask him to do? Send your answers — and your tips, energy gossip and comments to asnider@politico.com or follow us on Twitter @AnnElizabeth18, @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

POLITICO Pro Policy Summit, Sept. 14: An all-day summit featuring deep-dive conversations and incisive interviews that explore policy trends inside and outside government. Space is limited to current Pro customers at the director level or above. Learn More.

NUCLEAR EYES TURN TO GEORGIA: Now that the V.C. Summer nuclear project in South Carolina appears to be on its last legs after the two owners announced plans to ditch the effort, the nuclear policy universe turns its attention to Southern Co., which holds its quarterly earnings call today. Southern, through its Georgia Power unit, is the lead owner of the two-reactor Vogtle plant expansion facing a lot of the same struggles Summer did: cheap natural gas,

cost overruns, anxious investors, and the bankruptcy of their primary contractor, Westinghouse. Taxpayers also have a stake in Vogtle. The Energy Department has provided loan guarantees for $3.4 billion to Georgia Power, $3.1 billion to Oglethorpe Power Co., and $1.8 billion to the Municipal Electric Authority of Georgia. More than $5.3 billion of that money has been advanced to the firms since Feb. 2014, according to Treasury Department records. SCANA, the majority owner of the Summer project, saw its stock rise 5 percent each day since announcing plans to abandon the reactors.

But many came to Vogtle's pre-defense since Monday, including two top members of Georgia's utility regulator (its vice chairman, Tim Echols, has tweeted on the subject more than a dozen times). It goes something like this: Georgia Power has more than three times as many customers (making the cost impacts of the project lower), Vogtle is getting a $3.7 billion payout from Westinghouse parent company Toshiba ($1.5 billion more than Summer is getting), and the Georgia project has been seen as being better managed. Still, every month of indecision costs the Vogtle co-owners about $100 million. Rather than steal Southern's thunder, an Oglethorpe spokesman told ME the Vogtle co-owners are still working "to develop a detailed schedule and cost-to-complete for the project." Southern CEO Tom Fanning will hold court with investors starting at 1 p.m.

Meanwhile, in the Sunshine state nuclear critics see the South Carolina shut down as a signal that the supposed "nuclear renaissance is over, Politico Florida's Bruce Ritchie reports. Florida Power & Light Co. told the state's Public Service Commission regulators in May planning to continue its "pause" of two new nuclear units at its Turkey Point power plant south of Miami while it seeks to learn from efforts further north.

FAREWELL, DREAMS OF SUMMER RECESS: August got a whole lot sweatier when John Cornyn told reporters Tuesday that the upper chamber will, indeed, stay in session through next week, cutting its precious August recess time in half.

Minibus idling in the driveway: Majority Leader Mitch McConnell started the process to fast-track the House-passed appropriations measure funding the Defense and Energy Departments, as well as the Army Corps of Engineers, Veterans Administration and Legislative branch. But don't get your hopes up yet — leaders use the "Rule 14" process, which allows a measure to bypass committees and head straight to the floor, for dozens of bills each month that go exactly nowhere. Moreover, both McConnell spokesman Don Stewart and a Senate appropriations aide warned not to read too much into the majority leader's gesture (h/t Budget & Appropriations Brief).

But what about the noms? Odds aren't looking good for most (any?) of the energy nominees awaiting confirmation moving during that extra time either. ME caught up with Sen. Dean Heller about his hold on deputy Energy secretary nominee Dan Brouillette and the Nevada Republican said there's no deal, "just conversations and discussions." The two Republican FERC nominees also don't look like they'll be gaining any momentum before recess, in part because the White House still hasn't coughed up the Democratic nominee Trump announced in June.

When asked about the two GOP picks for the Nuclear Regulatory Commission, EPW Chairman

John Barrasso said he generally wants "every one" of the Senate's pending nominees confirmed. But Barrasso also said he hasn't talked to his ranking member, Sen. Tom Carper — which is a big red flag. Carper has been saying for months that he wants NRC Commissioner Jeff Baran, a Democrat, to get reconfirmed alongside the new commissioners, both of whom he supports. Without Carper's blessing, it's hard to see how they get into a big package that needs unanimous support.

BUT SOMEONE IS CONFIRMED: The Senate approved Lucian Niemeyer to be an Assistant Secretary of Defense for Energy, Installations and Environment Tuesday. Niemeyer, a retired Air Force lieutenant colonel, previously oversaw military installations and federal energy and environmental programs as a staffer on the Senate Armed Services Committee.

OLD PROBLEM, NEW HEADACHES: Another battle in the long-running war over the Renewable Fuel Standard may be ready to break out in the wake of last week's D.C. Circuit Court of Appeals decision voiding EPA's use of a waiver to lower the amount of ethanol that refiners had to blend into the gasoline supply in 2016, as compared with targets set by Congress more than a decade earlier.

The issue, Eric Wolff reports, is that the court offered little guidance on how to correct that problem for a year that is already in the history books, leaving EPA to decide whether to force refiners to spend up to a half a billion dollars on additional compliance credits for fuel that they've already sold, or find a way to let refiners off the hook.

The obvious solution — requiring additional Renewable Identification Numbers — has drawn protests from refiners. Instead, they argue the agency could simply rewrite the rule to reflect the actual amount of biofuels used in 2016, just as it did in previous years. But ethanol producers argue the agency should not be able to simply paper over its mistake. Here's Eric with more.

DEEPWATER, TESLA TEAM UP ON OFFSHORE WIND PROJECT: Tesla and Deepwater Wind are proposing an offshore wind project that would be paired with battery storage. The 144-megawatt "Revolution Wind" project Deepwater wants to build offshore Massachusetts would be paired with a 40 megawatt-hour battery storage system from Tesla. The companies were among dozens of wind, solar, hydropower and even high-voltage transmission line developers that last week bid for 15-year to 20-year "clean energy" contracts with utilities in Massachusetts. The commonwealth posted the bids online Tuesday. Deepwater Wind in December brought the nation's first offshore wind project online offshore of Rhode Island.

WEDNESDAY IS FOR WATER: Get ready for some Senate Energy and Natural Resources water wonkery this morning, when Arizona Republican Jeff Flake 's Water and Power subcommittee will look at how infrastructure, management and innovation can improve water security in the arid West. The hearing will set the stage for the inclusion of Western water issues in the infrastructure package some lawmakers are still holding out hope for. With Arizona's top water official testifying, the hearing could also shed light on an emerging deal between the U.S. and Mexico to share in shortage along the over-allocated Colorado River.

If you go: The hearing is at 10 a.m. in 366 Dirksen.

DEMS QUESTION ZINKE'S REVENUE GOALS: Senate Energy and Natural Resources Committee ranking Democrat Maria Cantwell and House Natural Resources Committee top Democrat Raul Grijalva in a Tuesday letter to Interior Secretary Zinke questioned whether he is keeping his pledge to ensure the American people receive their fair share when companies use public land to extract oil, gas and coal resources. The agency's "actions so far this year have served to do the exact opposite, reducing the return that taxpayers receive instead of increasing it," they wrote. Cantwell and Grijalva asked Zinke to answer a number of questions, including how his reinstated and expanded royalty policy committee would address these fiscal issues.

EPA APPROVES FLINT LOAN FORGIVENESS: The city of Flint is off the hook for $21 million in federal drinking water loans, EPA said Tuesday. The move, requested by GOP Michigan Gov. Rick Snyder, frees up more money for the city's efforts to replace lead service lines and upgrade its infrastructure in the wake of a major lead contamination crisis. "Rebuilding our nation's infrastructure is one of the President's top priorities, and EPA is especially focused on those communities, like Flint, that need it the most," EPA Administrator Scott Pruitt said in a statement.

LEGAL FILING OF THE DAY: The American Civil Liberties Union's West Virginia chapter wants to defend TV comedian John Oliver in the lawsuit over his recent segment on coal magnate Bob Murray. The ACLU's "friend of the court" brief filed on Tuesday argues that Oliver had various constitutional rights to air the segment, which among other things referred to Murray as a "geriatric Dr. Evil." Murray's suit is an attempt "to chill protected speech and silence the marketplace of ideas," the ACLU told a federal court in a brief which includes sections titled "Anyone Can Legally Say 'Eat S---, Bob!'" and "You Can't Sue People for Being Mean to You, Bob."

The group notes that while its brief "pokes fun at the absurdity of this case, the legal issues raised by it are anything but comical." (Still, the ACLU included a photo comparison between Murray and the fictional Dr. Evil on page 14.) Murray and his company are currently trying to get the case sent to a state court and secure an order stopping HBO from sharing the segment further.

GREENS CALL FOR SCRUTINY OF ENHANCED OIL RECOVERY: In a report out this morning, Clean Water Action is calling for increased environmental protections around the common practice that uses fluids or gasses to push oil to the surface. Enhanced oil recovery is regulated under a Safe Drinking Water Act program that hasn't seen its regulations updated in decades, requires little monitoring and data collection, and is targeted for a 30 percent cut under Trump's budget proposal, the report finds. It argues that it's difficult for state and federal agencies to push for stricter oversight without evidence of violations or proven cases of drinking water contamination, but that with meek budgets, these are almost impossible to collect.

MAINE LEGISLATURE VOTING ON VETOED SOLAR BILL: The Maine Legislature is slated to vote today on an override of Gov. Paul LePage's veto of L.D. 1504, a measure that would have utility regulators formulate new recommendations on the future of net metering in 2019. The bill does not stop the state from starting to phase out its net-metering program in the

meantime. The Legislature passed the measure in June with a veto-proof majority but it remains unclear whether lawmakers will hold their ground.

MOVER, SHAKER: Jamie Nolan leaves her post as communications director for DOE's SunShot Initiative today to launch her own communications consultancy focused on energy, clean tech, climate and transportation.

QUICK HITS

— Islamic State and climate change seen as world's greatest threats, poll says. New York Times.

— Tesla's longtime battery technology director leaves company. Bloomberg.

— 59,000 farmer suicides in India over 30 years may be linked to climate change, study says. Washington Post.

— Big Oil Bites the Low-Price Bullet, Wall Street Journal.

HAPPENING TODAY

10 a.m. - The Senate Energy and Natural Resources Water and Power Subcommittee holds a hearing on water security and drought preparedness, Dirksen 366.

2:30 p.m. - Citizens for Responsible Energy Solutions Forum hosts a discussion on the future of "Job Growth in the Solar Industry and Free Trade," G11 Dirksen.

THAT'S ALL FOR ME!

To view online:
https://www.politicopro.com/tipsheets/morning-energy/2017/08/pruitt-cleared-by-scientific-integrity-panel-024031

Stories from POLITICO Pro

Battle lines emerging over how EPA can fix last year's ethanol mandate Back

By Eric Wolff | 08/01/2017 06:27 PM EDT

Ethanol producers and oil refiners are bracing for a future fight over problems in the past.

The dilemma fit for an episode of "Doctor Who" stems from EPA's decision to reduce the amount of ethanol that refiners had to blend into the gasoline supply in 2016, compared with targets Congress had mandated more than a decade before. The D.C. Circuit Court of Appeals last week voided EPA's use of a waiver to lower the Renewable Fuel Standard target, but it offered little guidance on how to correct that problem for a year that is already in the history books.

EPA now must decide whether to force refiners to spend up to a half-billion dollars on additional compliance credits for fuel they have already sold — or to find a way to let bygones be bygones. The Trump administration has made it a priority to reduce compliance costs for businesses, and the law provides numerous options EPA could use to effectively let refiners off the hook, though ethanol producers likely would fight any move they saw as too friendly to the oil industry.

The court's decision would bump up the requirement for blending conventional biofuel into the fuel supply in 2016 by 500 million gallons, to 15 billion gallons. Since the fuel is already blended, the agency would have to ask refiners to make up the difference by turning in Renewable Identification Numbers, the credits used to prove RFS compliance. It would take between $400 million and $500 million worth of RINs to close that gap, according to Morgan Stanley Research.

The D.C. Circuit did not set any deadline for EPA to decide what to do, and sources on both sides of the dispute agree the question of how to address the 2016 volumes may remain unresolved indefinitely. An EPA spokesman said the agency is still reviewing the case.

Rich Alonso, an attorney at Sidley Austin who represents merchant refiners, says that approach would not achieve the goals of the RFS, which Congress first enacted in 2005 and expanded in 2007 to get more corn ethanol and advanced biofuels into the gasoline supply.

"I think that would be totally unreasonable. At that point you're asking people to pay more cash. There's no relationship between more RINs and blending more ethanol," he said. "I don't expect this administration to do that. It's an option, but people relied on the 2016 volumes. Their compliance books are closed. Refineries are suffering great economic stress and harm today — to increase that stress and harm, that would push a lot of refiners to the breaking point."

Biofuel advocates said forcing refiners to comply with the higher target for 2016 would not be too painful.

"They should call in the RINs," said Brooke Coleman, executive director of the Advanced Biofuels Business Council. "There are reasonable ways to do it."

But there are plenty of easier options, Alonso argued. The simplest would be to not enforce the rule for 2016. EPA would rewrite the rule without the waiver and then let all the refiners slide.

EPA could also rewrite the rule to reflect the actual amounts of biofuel used in 2016, an approach EPA used for 2014 and 2015, when it blew past mandatory deadlines for setting volumes. The D.C. Circuit upheld the rules for those two years at the same time it remanded the 2016 volumes back to the agency. Or EPA could take advantage of administrative options, like unretiring RINs that had expired unused, handing out free RINs to allow compliance, and so on.

Frank Macchiarola, downstream director for the American Petroleum Institute, a major oil trade association, still thinks EPA could use its general waiver authority, but it should use an alternative justification. The D.C. Circuit rejected EPA's logic that it could reduce the blending

requirement because of insufficient demand, saying the waiver is intended for supply shortfalls when ethanol producers cannot meet program requirements.

But Macchiarola argues that the agency could rewrite the rule using its waiver by justifying it as preventing severe economic harm.

"The statute could not have envisioned a situation where there would be such marketplace disruption by adhering to the statutory volumes," he said.

Ethanol producers say EPA should not be able to simply paper over its mistaken use of the waiver last year.

"We are still reviewing the decision and our options, but simply ignoring the court order or papering over their obligation to revisit the 2016 RVO is not an option for EPA," Renewable Fuels Association CEO Bob Dinneen said in a statement. "It is important to note that there's only a 500 million gallon difference from EPA's 2016 RVO and what the statute required."

Dinneen said the agency had recently revised the number of 2016 RINs upward by almost 500 million gallons, so using credits to comply wouldn't be difficult. And he said the agency could allow companies to carry forward their higher obligation into future years, to ease the pain of the transition. Coleman said there's more ethanol this year and last year, so there are more RINs available for retiring.

Coleman and API's Macchiarola agree on one thing, though: EPA might not do anything for a while.

"They could put it at the end of the priority list," Macchiarola said. "They have plenty to do."

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Sent: Sat 9/23/2017 10:32:27 PM
Subject: Tom Price to halt taxpayer-funded travel on private jets

Acknowledging that "we've heard the criticism," Health and Human Services Secretary Tom Price said Saturday that he will stop using private jets at taxpayer expense until his department's inspector general completes a review.

Price's concession, which he made during an appearance on Fox News, comes after POLITICO identified more than $400,000 in charter jet spending since May.

Full story: http://www.politico.com/story/2017/09/23/tom-price-private-jet-travel-review-hhs-243057

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Fri 8/18/2017 9:42:08 AM
Subject: Morning Energy: Scott Pruitt's campaign in waiting? — Comments pour in on offshore drilling plan — Oregon lawmakers back Suniva solar petition

By Anthony Adragna | 08/18/2017 05:40 AM EDT

With help from Emily Holden

IS SCOTT PRUITT PLAYING THE LONG GAME? Ostensibly to gather feedback on rolling back an Obama-era water rule, EPA Administrator Scott Pruitt's 10-state trek this summer — jam-packed with local media hits — is raising eyebrows around the Beltway that the former Oklahoma attorney general is laying the groundwork for a political campaign once he leaves President Donald Trump's Cabinet, Pro's Emily Holden reports. "Whatever he may claim to be, he is a politician with campaign experience," one GOP strategist said, noting EPA likely won't be "his career culmination goal."

It's not immediately clear what office Pruitt, 49, could seek but speculation has focused on the Senate seat held by Jim Inhofe — should the 82-year old fifth-term senator decide to retire or not seek re-election in 2020. If he does seek elected office, Pruitt could be the first EPA chief to make that jump. His inner circle is dominated by key personnel with links back to Oklahoma, though state strategists say they haven't heard of any campaigns on the horizon: "I can tell you that I have not heard anybody in Oklahoma talk about a Senate run for Scott Pruitt," Oklahoma GOP political strategist Pat McFerron told Emily.

But what's clear to former Republican EPA chiefs is Pruitt has an entirely different focus than past administrators. Former George W. Bush EPA chief Christine Todd Whitman noted he's spending more time on television and away from headquarters. "You've got plenty on your plate. You really don't have a lot of time to go and do the kinds of stuff he's doing," said Whitman, a former New Jersey governor. EPA declined to comment on Pruitt's future plans but defended his trips. "Unlike the previous administration which imposed its regulatory regime from Washington, Administrator Pruitt is taking the conversations directly to the states," said EPA spokesman Jahan Wilcox.

History lesson: Former GOP-appointed EPA Administrator Bill Ruckelshaus said Pruitt "clearly has not bought into the mission of EPA," and is "more interested in reducing the regulatory impact." Though Pruitt's often compared to Anne Gorsuch, who Reagan appointed to EPA to ease environmental regulations, Ruckelshaus argued the Oklahoman might be more effective at shrinking the agency's profile than Gorsuch who didn't successfully dismantle much. "They weren't as knowledgeable about the laws...the people they brought in were not very skilled," he said. "What this administration is doing is bringing in somebody who has been suing the agency for a long time, although never very successfully." He said Pruitt and his staff, comprised of Hill staffers, are familiar enough with the statute to be "skillful at unraveling the agency's system." Ruckelshaus added that other news from the administration is distracting from Pruitt's rollbacks.

TGIF AND WE MADE IT EVERYONE! I'm your host Anthony Adragna, and the Senate

Energy Committee's Sean Solie was first to identify Kiribati as the only country in all four hemispheres (though France may as well depending on how you count its land overseas). For today: What's the world's only remaining grand duchy? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

LIFELINE SOUGHT FOR GEORGIA NUCLEAR PROJECT: Southern Co. and Oglethorpe Power Corp. are in talks with the Energy Department to potentially increase the record $8.3 billion loan guarantee for the two troubled new reactors under construction at Plant Vogtle in Georgia, Bloomberg reports. "We have filed an application to potentially increase the amount of funds available for the Vogtle project under our DOE loan guarantee agreement to keep all options open for customers," Georgia Power spokesman Jacob Hawkins told the wire service. People familiar with the discussions say the project's growing costs may mean the companies can qualify for additional government support. DOE spokeswoman Shaylyn Hynes said the agency "continues to have daily conversations with our borrowers about the status of Plant Vogtle."

LET IT (CONTINUE TO) FLOW: Both the Trump administration and the company behind the Dakota Access pipeline argued in briefs filed late Thursday the pipeline should continue to operate while the Army Corps of Engineers revisits an environmental review a federal court ruled earlier this was inadequate. Dakota Access LLC said in its brief "the extremely low likelihood of any harm if the pipeline remains operational" and the "the certain disruption should the Court order otherwise" justified keeping the project running. A federal judge back in June found the Army Corps used flawed risk and environmental justice analysis when clearing the pipeline operator to finish construction.

LET THOSE DRILLING COMMENTS FLOW: Interior officials have plenty of information — 56,000 comments — to weigh as they begin the arduous process of crafting a new five-year offshore drilling plan after Thursday's comment deadline. Some input that caught ME's eyes:

—**Virginia Gov. Terry McAuliffe** asked for his state to not be included after previously expressing openness to the idea provided the state got a cut of drilling revenues. "The program as proposed does not adequately protect Virginia's interests and we hope you will heed our request to exclude our coastal areas," he wrote.

—**Major energy associations** called the drilling plan's expansion to also include new areas in the Atlantic, Eastern Gulf of Mexico, Beaufort and Chukchi seas of Alaska and Pacific. "The decisions made now will have long-lasting impacts on U.S. energy policy," nine trade groups, including the American Petroleum Institute, National Ocean Industries Association and Independent Petroleum Association of America, wrote. "To continue our march towards greater energy independence, bold, forward-looking decisions need to be made."

—**Thirty Democratic senators, led by Oregon's Jeff Merkley,** urged Interior Secretary Ryan Zinke in a letter to maintain existing protections and exclusions in the current 2017-2022 offshore drilling plan. "We believe the existing program correctly excludes areas from the leasing program that pose significant environmental, economic, and cultural risk, as well as face

strong community opposition. We urge you to maintain the protections and exclusions outlined in the current 2017-2022 Program," they wrote.

—**More than 1,500 veterans** wrote Zinke that expanding offshore drilling was not compatible with military readiness. And a coalition of green groups, including Natural Resources Defense Council, the Sierra Club, Earthjustice, Oceana, Greenpeace and the Center for Biological Diversity, said more than 370,000 people were opposed to any drilling expansion. "There are no new facts to consider," the groups said in a statement. "The public opposes this reckless step and there is no need in the United States for the limited energy that would be produced."

TRUMP, SCOTT TALK DIKE FUNDING: Maybe not your ordinary lunch chatter, but Trump and Florida Republican Gov. Rick Scott heavily focused on the state's push to get money to repair a federally operated dike around Lake Okeechobee while breaking bread Thursday, POLITICO Florida's Matt Dixon reports. Florida wants federal money to help repair the Herbert Hoover Dike around the lake. "Governor Scott wants to do all he can to protect Florida's environment and President Trump is very supportive," Scott communications director John Tupps said in a statement.

GORE TO TRUMP: TIME TO RESIGN: Former Vice President and environmental advocate Al Gore urged Trump to quit during an interview released Thursday, POLITICO's Darren Samuelsohn reports. Asked what single piece of advice he'd give Trump, Gore told the website LADbible: "Resign."

Speaking of: Gore will keynote the National Clean Energy Summit co-hosted by former Sen. Harry Reid and Nevada Gov. Brian Sandoval on Oct. 13. "Vice President Gore is the most prominent environmental activist in the world today, and I am pleased my friend is coming to Nevada for the National Clean Energy Summit," Reid said in a statement. More on the summit here.

MAIL CALL! OREGONIANS BACK SUNIVA SOLAR TARIFF PETITION: Five Oregon Democrats, including Senate Finance ranking member Ron Wyden, sent a letter to the International Trade Commission backing "appropriate remedies" to a surge in cheap solar imports that many argue have harmed domestic manufacturers. "Should the ITC make an affirmative finding, we support recommending a remedy that will save and strengthen this important American manufacturing industry," they wrote. The ITC held a public hearing earlier this week on petitions from Suniva and SolarWorld Americas seeking steep tariffs on imported solar cells and modules.

PUMP THE BREAKS ON WOTUS REPEAL: More than 100 House Democrats are out with a letter today to Pruitt urging him to reconsider plans to revamp the Obama administration's Waters of the U.S. rule. "We would be willing to work with an administration that wants to develop thoughtful changes that maintain protections for this life-sustaining resource, but this repeal is reckless," the letter, led by Rep. Don Beyer, says.

MORE LAWMAKERS WEIGH IN ON MONUMENTS: California senior Sen. Dianne Feinstein sent Zinke a letter urging him not to alter the boundaries of the six national monuments

from her state still under review. "I encourage you to visit these remarkable places and witness firsthand their inspirational beauty and significance to our nation," she wrote, thanking Zinke for recommending no changes to the Sand to Snow National Monument on Wednesday. In addition, Rep. Martha McSally (R-Ariz.) sent a somewhat bizarre letter urging Zinke to "carefully consider" the impact of his decisions but offering no recommendations for how he should approach the three other Arizona national monuments still under review.

DOJ sued for monument records: The Western Values Project filed a lawsuit Thursday after DOJ's Office of Legal Counsel didn't respond to FOIA requests seeking records related to any efforts to legally justify a roll back of national monument designations made under the Antiquities Act. "The Trump administration is stonewalling the release of public information as they try to fabricate legal loopholes to revoke or resize national monuments," Jayson O'Neill, Western Values Project's deputy director, said in a statement. In particular, the suit seeks records from DOJ communications with Pacific Legal Foundation and American Enterprise Institute staff, as well as two specific attorneys.

SETTING THE RECORD STRAIGHT: Paul Bailey, president of the American Coalition for Clean Coal Electricity, tells ME his group's paper urging the Department of Energy to rethink parts of its draft grid study was misunderstood by some. "The way this appeared in one trade press ... it sounded like we were being critical of natural gas and that's not really the purpose of the paper or in fact the tone of it," Bailey said. "I hope they would be fair about pointing out the shortcomings of natural gas, as well as the advantages. All electricity sources have pluses and minuses." That said, Bailey said he wants staff to distinguish between reliability and resiliency and note that gas can't always make its way to power plants in emergency situations.

OKLAHOMA REP POISED FOR NASA NOMINATION: Trump is getting ready to tap Oklahoma GOP Rep. Jim Bridenstine as NASA administrator, according to multiple reports this week. Bridenstine has been the rumored selection for months. His selection would likely spell trouble for the agency's Earth science program that studies, among other things, climate change. Back in 2013, Bridenstine demanded an apology from Obama on the House floor for what he called the " gross misallocation" of taxpayer dollars into the study of climate change.

KEEP ON TRUCKIN': EPA plans to reconsider parts of the Obama administration's 2016 Phase 2 emissions rule for heavy-duty trucks, which established new standards for model years 2021-2027 of tractor-trailers, school buses, delivery vans and other large workhorse vehicles, Pro's Alex Guillén reports. The agency may revise trailer standards and a part of the rule that classifies gliders — refurbished engines installed into a new tractor chassis — as a new motor vehicle. It plans to keep separate requirements for tractor engines.

GREENS GO BIG FOR NORTHAM: Virginia's League of Conservation Voters announced Wednesday it would spend $1.1 million on a field campaign boosting Democrat Ralph Northam's bid for governor. The effort will stress door-to-door campaigning in the Richmond area and also back Mark Herring for attorney general and Justin Fairfax for lieutenant governor. "We live in an era of unprecedented attacks on the environment from the federal level and Ralph is the only candidate in this race who will stand up to this radical agenda and do the right thing for the air we breathe, water we drink, and the special places we love," Michael Town, the group's

executive director, said in a statement.

WHILE ZINKE'S AWAY: Deputy Interior Secretary David Bernhardt was in Zinke's home state of Montana Thursday "at the dedication of a new wildlife corridor" at the site of a former mine, he tweeted. Kinross Gold U.S.A., Inc., Trout Unlimited and the Rocky Mountain Elk Foundation teamed up to protect the site near Yellowstone and top politicians, including Gov. Steve Bullock, Sens. Jon Tester and Steve Daines and Rep. Greg Gianforte all attended.

HAVE A LISTEN: DOE is out with a new podcast looking at what next week's solar eclipse might mean for the electric grid. Have a listen here. And the Third Way released a short video detailing how the agency helps develop and commercialize new energy technologies.

MOVER, SHAKER: Ramsey Kropf, former deputy solicitor for Interior's water resources division, has joined Somach Simmons & Dunn as a shareholder. She'll work out of the firm's Boulder, Colo. office in its western water practice.

CONGRATS! Jeff Grappone, who works in corporate communications at Siemens USA, proposed to Amy Graham, who works in public affairs at the EPA, on Tuesday. "Jeff proposed on Siasconset Beach in Nantucket and they celebrated at dinner in town with friends before finishing the night at the Club Car's piano bar." A picture of the couple here. (h/t Playbook)

QUICK HITS

— Henry Hub Emerges as Global Natural Gas Benchmark. Wall Street Journal.

— How did Trump wind up sharing a toast with Gov. Christie Whitman? NJ.com.

— NY sues feds over LI Sound dumping plan. Newsday.

— Pruitt assigns political appointee to vet grant requests. E&E News.

— July ranks 2nd for heat globally, hottest recorded on land. AP.

— Norway authorities stop Greenpeace protests at Arctic well. Reuters.

HAPPENING TODAY

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https://www.politicopro.com/tipsheets/morning-energy/2017/08/scott-pruitts-campaign-in-waiting-024298

Stories from POLITICO Pro

Is Scott Pruitt on the campaign trail? Back

By Emily Holden | 08/18/2017 05:02 AM EDT

EPA Administrator Scott Pruitt has logged thousands of miles this summer touting his plans to rewrite the Obama administration's environmental regulations — and fueling speculation that he's laying the groundwork for a political campaign once he leaves his cabinet post.

The former Oklahoma attorney general who made a name for himself by launching more than a dozen lawsuits against the Obama administration has visited 10 states in a few short weeks, hitting local media outlets along the way in a strategy that Beltway strategists say resembles more a candidate seeking political support than an EPA administrator pressing for regulatory changes.

One conservative talk radio host in Iowa even joked about Pruitt's August trip to the state. "If you're writing a book, you come to Iowa, or you must be running for the presidency," WHO-AM's Simon Conway said to Pruitt.

The trips, which have taken Pruitt mostly to Republican-led states, are ostensibly to highlight his efforts to loosen Obama-era water regulations. But he's also spending time with GOP leaders and influential industries and packing in as many media hits as possible, laying out well-rehearsed talking points to bash former President Barack Obama's EPA as part of his modern-day stump speech.

While Pruitt may be building up a national profile as he travels to 25 states, it's not clear exactly what office he may seek. Speculation has focused on the Senate seat held by Jim Inhofe — should the 82-year-old fifth-term senator decide to retire or not seek reelection in 2020.

Drew Edmondson, the former Democratic Oklahoma AG whom Pruitt defeated in 2010, said political observers in the state had expected Pruitt to run for a House seat that could be vacated by Rep. Jim Bridenstine in 2018, "as a holding place until a Senate seat came open." But insiders say he opted against that option before becoming EPA chief.

"A Senate race would fundraise in a lot of places besides Oklahoma," noted Edmondson, who is currently running for governor. "He's doing what he needs to do to keep the oil companies and gas companies liking him, so he has a source of funding should he decide to run."

Pruitt, 49, has done a good job of publicly elevating his "thankless" cabinet post, "which would lend itself to assume he has higher political aspirations," said one GOP strategist.

"Whatever he may claim to be, he is a politician with campaign experience," the source said, noting that Pruitt could jump to governor or senator since he's relatively young and EPA likely won't be "his career culmination goal."

EPA declined to comment on Pruitt's future plans, and defended his trips.

"Unlike the previous administration which imposed its regulatory regime from Washington, Administrator Pruitt is taking the conversations directly to the states," said EPA spokesman Jahan Wilcox, noting Pruitt's stop in Iowa to talk about water regulations, in Indiana to highlight a Superfund site and in Minnesota, where he was invited by Democratic Gov. Mark Dayton.

Pruitt served in the Oklahoma Senate for eight years before becoming the state's AG, where he helped build a political network through the Republican Attorneys General Association.

During his time chairing the group, it raised at least $2.2 million from energy companies, according to a POLITICO analysis, including from Koch Industries, Exxon Mobil, Chevron, Murray Energy, Cloud Peak Energy, Xcel Energy, DTE Energy, Southern Co., SolarCity and trade groups representing the coal, utility and nuclear industries.

If Pruitt does seek elected office, he could be the first EPA chief to make that jump. But former Republican-appointed agency chiefs say if he is focusing on a future campaign, environmental protection and public health will suffer.

"If you think about this as a stepping stone to some other job ... you can't do it," said Bill Ruckelshaus, who served as EPA's first administrator under President Richard Nixon and who returned to head the agency again under President Ronald Reagan.

Running the agency well means asking businesses to spend money on things that reduce their profits but that are important, Ruckelshaus said, which is "not a way to make friends.

"He clearly has not bought into the mission of EPA. It's fairly simple: Protect public health and reduce pollution that impacts the environment," he said. "He is more interested in reducing the regulatory impact."

Previous EPA leaders have frequently made trips to meet state regulators or visit regional offices, but Pruitt's visits so far skipped those or conducted them at arm's length, with staff sometimes unaware he was in the area.

EPA noted Pruitt was joined by some regional staff members while visiting Indiana, Missouri, Texas and Colorado. While he didn't go to regional offices while traveling, he "has met with every acting regional administrator, and has attended senior staff meetings where individuals from every regional office are represented," the agency official said, adding that Pruitt has also met with top health and environmental groups.

Pruitt's travel seems to have a different emphasis than former chiefs, according to former George W. Bush EPA chief Christine Todd Whitman, since he's spending more time on television and away from headquarters.

"You've got plenty on your plate. You really don't have a lot of time to go and do the kinds of stuff he's doing," said Whitman, a former New Jersey governor. Her most prominent media appearances came after the Sept. 11 terrorist attacks, during a series of anthrax attacks and when

the Columbia space shuttle crashed, she said.

Pruitt has been in local news more than two dozen times as he traveled to eight states carried by President Donald Trump and only two — Colorado and Minnesota — led by Democrats. In Colorado, he toured the site of the Gold King Mine spill, where EPA employees and contractors accidentally released toxic waste water into a river in 2015. In Minnesota, he met with Dayton, the Democratic governor who told reporters he didn't want to be "micromanaged" by a regional EPA office in Chicago.

None of Pruitt's predecessors have held elected office after running EPA. Most have gone to academia, environmental think tanks and lobbying firms, company boards or other federal government roles. And most arrived at EPA with either state environmental agency experience or science backgrounds. A few came from state legislatures, and only Whitman and Mike Leavitt, of Utah, had served as a governors.

Washington observers widely expect Pruitt to pursue a Senate seat, although there's no sign that Inhofe, a legend in Oklahoma politics, will depart. Inhofe's office pointed to a 2016 interview in which the senator said he had no plans to retire in 2020.

The Oklahoma governor's race in 2018 is already a crowded field. Pruitt could be looking to another federal post, like attorney general, or even a run on a presidential ticket, according to some. All eyes in Oklahoma are on the 2018 elections, where Republicans are vying for multiple statewide seats. Some Oklahoma political experts say Pruitt may be biding his time.

"I can tell you that I have not heard anybody in Oklahoma talk about a Senate run for Scott Pruitt," said Oklahoma GOP political strategist Pat McFerron. He said he's in touch with Pruitt's former chief of staff and campaign manager — who haven't divulged any impending political plans.

"I think it is just his style," McFerron said. "Maybe he wants to keep doors open."

McFerron added that if Inhofe decides not to run for reelection, "there's no doubt Scott Pruitt's name would be near the top of that list."

Pruitt has stacked EPA with people connected to Inhofe, who has praised the EPA chief. Chief of staff Ryan Jackson, deputy chief of staff Byron Brown and policy advisers Mandy Gunasekara and Brittany Bolen all worked under Inhofe, as did Susan Bodine, Trump's nominee for EPA enforcement chief, who is awaiting Senate confirmation.

Pruitt has also maintained key personnel with links back to Oklahoma, including three staffers from his AG office and a former campaign aide. And he hired law school friend and colleague Ken Wagner as a senior adviser and former SpiritBank executive Albert "Kell" Kelly, who had no prior experience in environmental issues, to lead his Superfund task force.

Hiring staff with campaign experience is not uncommon, but Pruitt's inner circle is dominated by them. And career employees say he is not consulting them on major decisions, relying on his

Oklahoma-rooted squad instead.

Still, Andrew Miller, a former Virginia attorney general and energy lobbyist who encouraged Pruitt to be the Republican voice against Obama's environmental regulations, said he would be "astounded" if Pruitt did run for elected office any time soon.

"This is just inside-the-Beltway gossip," Miller said. "I see him continuing at EPA as long as he wants to and certainly for the next four years."

On top of the dozens of local media appearances during his tour, Pruitt is frequently on cable news networks, especially Fox News, and his aggressive political style stands out among Trump's other cabinet secretaries who are working to unravel Obama policies.

He said in his Iowa radio interview that his state tour is meant to send the message that "EPA is not intended to be an adversary," and that he wants to empower the states to regulate themselves. But Ruckelshaus said EPA was created because states needed backup.

"Industries would threaten to leave the state if you pushed them too hard on an environmental regulation," he said.

Pruitt often uses the media exposure to criticize his own agency for its work under the previous administration.

"The last administration said, 'We're going to use regulatory power to say that certain sectors of our economy were wrong. War on coal. War on natural gas. War on fossil fuels.' Where is that in the statute?" he told Conway. "Where is it that the EPA has authority to declare war in that regard?"

He mentions Obama by name in almost every interview, often blasting his climate policies and saying EPA has overstepped its jurisdiction and the Constitution.

Contrary to most scientists, Pruitt says climate change is not an "existential threat" that will "impact our existence as a nation and as humankind.

"An existential threat is Iran. An existential threat is North Korea," he said in the same interview.

In the run-up to Trump's decision to leave the Paris climate agreement, Pruitt appeared often on TV to lobby for the U.S. to exit the deal. He's planning an official program to debate mainstream climate science, which he has suggested could be televised. That would launch him even further into the national spotlight.

Pruitt has also come under fire for spending lots of time at home in Oklahoma, which he defended as necessary for EPA business.

Alex Guillén contributed to this report.

To view online click here.

Back

Court says DAPL oil can flow for now Back

By Ben Lefebvre | 06/21/2017 04:21 PM EDT

A district court judge allowed the Dakota Access pipeline to continue delivering oil for at least through the summer as the parties in a case against the pipeline operator prepare a new round of briefings.

A decision on whether Dakota Access will have to shut down its pipeline will probably take until September, said Earthjustice attorney Jan Hasselman, who represents the Standing Rock Sioux Tribe in their fight against the Dakota Access pipeline.

Judge James Boasberg of the U.S. District Court of the District of Columbia ordered the Army Corps of Engineers and Dakota Access submit new briefs by July 17 related to requests that the pipeline shut down. Plaintiffs Standing Rock Sioux and Cheyenne River Sioux tribe will respond one month later.

The tribes are contending that a spill by the pipeline, which carries crude oil from North Dakota to Gulf Coast refiners, would infringe on their religious ceremonies.

Boasberg earlier this month ordered the Army Corps of Engineers to conduct a new environmental impact statement after finding the Corps used flawed risk and environmental justice analysis when clearing the pipeline operator to finish construction.

President Donald Trump ordered the Corps to expedite approval for the pipeline as one of his first acts of office.

WHAT'S NEXT: Dakota Access and the Corps will submit briefs to the court by July 17.

To view online click here.

Back

Gore's advice for Trump: 'Resign' Back

By Darren Samuelsohn | 08/17/2017 06:48 PM EDT

Al Gore says it's time for President Donald Trump to leave office.

"Resign," the former Democratic vice president told the website LADbible in an interview

published Thursday. He was asked what single piece of advice he'd give Trump.

Gore, who is currently on a promotional tour for his new movie, "An Inconvenient Sequel: Truth To Power," has been highly critical of Trump in recent interviews over the president's moves to dismantle several high-profile Obama administration environmental policies.

"I thought, actually there was a chance he might come to his senses," Gore said earlier this month during an appearance on HBO's "Real Time with Bill Maher," referring to his own December visit to Trump Tower to meet with the president-elect on climate issues.

Since that pre-inauguration meeting, Trump has pulled the United States from the Paris international climate agreement and also moved to dismantle Environmental Protection Agency rules aimed at curbing greenhouse gases from power plants and automobiles.

During a July interview on NBC's "Today" show, Gore said Trump had "undermined our alliances, such as NATO."

"We've never had a president who's deliberately made decisions the effect of which is to tear down America's standing in the world," Gore said.

Gore's new film is a follow-up to his 2006 Oscar-winning original documentary, which featured the onetime Democratic presidential nominee delivering a slideshow presentation designed to raise awareness about climate change.

The White House did not immediately respond to a request for comment about Gore's advice to the president.

To view online click here.

Back

States, foreign governments press ITC to reject solar petition Back

By Luis Sanchez | 08/15/2017 05:48 PM EDT

Several industry leaders, state government officials and representatives of foreign governments pressed the U.S. International Trade Commission at a hearing Tuesday to reject a petition from two domestic solar manufacturers asking for steep tariffs on imported solar cells and modules.

U.S. solar manufacturer Suniva and SolarWorld Americas have asked the commission to declare that solar cell and module imports from predominantly Asian nations have caused "significant injury" to their domestic business.

"U.S. module manufacturers suffered net losses exceeding a billion dollars over a five-year period," Matthew J. McConkey, a spokesperson for Suniva, said at Tuesday's hearing. "As U.S.

demand for solar products increased from 2005 to 2016, foreign suppliers, including those from China, Korea, Canada and Malaysia, began capturing an even larger share of the U.S. market."

If the ITC agrees with the two companies that a "deluge" of solar imports had distorted the U.S. market, it could have huge impact on the renewable energy source that has grown rapidly over the past decade as costs for the panels that turn sunlight into electricity have plunged.

Chinese companies dominate the global production of solar cells and modules, and they have built extensive supply chains and manufacturing operations across Asia. President Donald Trump had often criticized China for its trade practices, and on Monday he issued an executive memorandum calling for U.S. trade officials to "consider all available options" to get China to stop coercing U.S. companies to hand over valuable technology.

Suniva, which is based in Georgia and is majority-owned by China's Shunfeng International, filed its section 201 petition with the ITC in April, just eight days after it filed for Chapter 11 bankruptcy protection. SolarWorld later joined the petition.

The commission has until Sept. 22 to make an injury determination and would submit its report on a proposed remedy to the president by Nov. 13. Trump then has until Jan. 12, 2018, to make a decision on a remedy and present his plan to Congress.

Suniva and SolarWorld are seeking an initial tariff of 40 cents per watt of capacity on all imported solar cells and a 78 cents per watt minimum price for modules, roughly twice the current domestic price for solar modules. Suniva alleges that wages for industry workers dropped by 27 percent and 1,200 U.S. manufacturing jobs were lost between 2012 and 2016 because of imports.

The two companies, the two largest surviving domestic manufacturers of solar cells and modules, are seeking the protections to keep cheaper solar modules from being sold on the U.S. market and further hurting the U.S. industry.

However, opponents of the petition said that manufacturing the equipment is only a small part of the U.S. solar industry. Out of the 260,000 people working in the U.S. solar industry, only about 38,000 people work in manufacturing.

The Solar Energy Industries Association argues that tariffs and price floors would damage the whole solar industry, eliminating 88,000 jobs.

"One out of every 50 new jobs created last year in the U.S. was a solar job. Solar is an American success story whose future remains bright," said Matthew Nicely, a spokesperson for SEIA. "Its continued success could be destroyed by the misguided actions of the two petitioners and their small group of supporters whose workers represent less than one percent of all those that work for this dynamic American industry."

Government officials from several U.S. states also expressed their opposition to the petition at Tuesday's hearing, citing potential job and investment losses.

"If this petition is granted, it may save a few hundred cell or module manufacturing jobs, but there are many thousands of good manufacturing installation jobs that will be lost," Jason Saine, a North Carolina state representative said. "A remedy will do more harm than good here with the only benefit going to a small number of companies that frankly don't deserve it."

Al Christopher, director of the Virginia Department of Mines, Minerals and Energy, said that solar projects were not just helping the economy in his state; they also act as "a vital marketing tool in attracting the growing number of companies seeking renewable energy options when deciding where to make investments."

Several representatives of foreign governments also argued the tariffs weren't justified and they urged the commission to exclude their nations from possible tariffs.

"The value of imports from Korea was quite low for most of the period investigated," Korean Minister Counsellor for Trade, Industry and Energy Chang K. Kim said. When the shipments from his country increased in 2016, the imports went to the "utility segment of the market and were part of the share the domestic industry could not supply."

Sibylle Zitko, a representative for the European Commission, went a step further, contending "'inefficiencies" and "bad investments" were more to blame for Suniva and SolarWorld's woes rather than imports.

"The criteria for the inquisition for safeguard measures are clearly not met in this case and thus the investigation should be terminated," Zitko said.

McConkey said the argument that Suniva and SolarWorld brought their financial problems on themselves was both false and offensive, and the petitioners only needed to show at Tuesday's hearing that they had suffered because of the imports. "We'll get to remedy later this fall," he said,

To view online click here.

Back

EPA will review parts of Phase 2 truck emissions rule Back

By Alex Guillén | 08/17/2017 04:47 PM EDT

EPA will revisit certain parts of the Obama administration's 2016 Phase 2 emissions rule for heavy-duty trucks, the agency announced today.

The rule set new standards for model years 2021-2027 of tractor-trailers, school buses, delivery vans and other large workhorse vehicles. The Truck Trailer Manufacturers Association sued to block EPA's novel aerodynamic requirements for trailers, arguing the agency cannot set vehicle

standards for a product without an actual engine.

The Trump administration is considering revisions to the trailer standards, but it will leave in place separate requirements for tractor engines.

The final 2027 trailer standards by themselves would have secured as much as a 9 percent drop in carbon dioxide emissions and fuel consumption compared to a 2017 trailer, and the separate standards for tractor engines would achieve up to 25 percent emissions reductions by 2027, according to Obama administration estimates.

EPA said it will also reconsider part of the rule that classifies gliders — refurbished engines installed into a new tractor chassis — as a new motor vehicle. House appropriators last month voted to have EPA report to Congress on the glider issue, although that language may not survive the ultimate spending package that clears Congress.

"We intend to initiate a rulemaking process that incorporates the latest technical data and is wholly consistent with our authority under the Clean Air Act," EPA Administrator Scott Pruitt said in a statement.

WHAT'S NEXT: EPA will begin a rulemaking process to revise or completely rescind those parts of the rule. The earliest compliance deadlines are in 2018. The trailer association unsuccessfully sought relief in court, but EPA may now offer administrative delays in light of its new rulemaking.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Wed 9/27/2017 1:31:19 AM
Subject: BREAKING NEWS: Moore wins Alabama GOP Senate primary

Republican challenger Roy Moore has defeated Sen. Luther Strange in Alabama's Senate primary.

Moore had 57 percent of the vote to Strange's 43 percent when the Associated Press called the GOP runoff with 43 percent of precincts reporting. Strange, who was appointed earlier this year to fill Attorney General Jeff Sessions' old seat, is the first senator to lose a primary since 2012. Moore will face Democratic nominee Doug Jones in the special general election in December.

See http://www.politico.com/story/2017/09/26/alabama-senate-results-strange-moore-243175 for full coverage.

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From: Bloomberg BNA
Sent: Fri 10/27/2017 11:52:16 AM
Subject: Oct. 27 -- EHS State Regulatory Alert

EHS State Regulatory Alert

October 27, 2017 - Number 207

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Colorado

HAZARDOUS MATERIALS TRANSPORTATION
Radiation Control/Transportation of Radioactive Material
Colorado HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Department of Public Health and Environment, Hazardous Materials and Waste Management Division, amends regulations under 6 CCR 1007-1, Part 1, regarding the transportation of radioactive material. The rule updates definitions for radiation control to reflect a concurrent final rule that updates regulations under 6 CCR 1007-1, Part 17, concerning transportation of radioactive materials. The rule is effective Nov. 14, 2017. Contact: James Jarvis; DPHE; 303-692-3454; james.jarvis@state.co.us

—Colorado Register (10/25/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Radiation Control/Transportation of Radioactive Material
Colorado HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Department of Public Health and Environment, Hazardous Materials and Waste Management Division, amends regulations under 6 CCR 1007-1, Part 17, regarding the transportation of radioactive material. The rule expands exemptions for transportation of certain low-level radioactive materials, clarifies that the state is responsible for review of certain package-related quality assurance programs for use of Type B packages under a general license, and incorporates federal requirements for package quality assurance. The rule also expands recordkeeping requirements for irradiated fissile material shipments, adds package and conveyance equations used for calculating limits for mixtures or unknown quantities of radioactive materials, and revises and adds package limits for certain isotopes. In addition, the rule revises definitions and updates contact information for notifications for shipments of nuclear waste. The rule is effective Nov. 14, 2017. Contact: James Jarvis; DPHE; 303-692-3454; james.jarvis@state.co.us

—Colorado Register (10/25/2017)

Regulatory Update

PESTICIDES
Administration and Enforcement of the Pesticide Act
Colorado PESTICIDES

Final rule of the Department of Agriculture, Plant Industry Division, amends regulations under 8 CCR 1203-1 regarding the administration and enforcement of the Pesticide Act. The rule updates the incorporation by reference of federal standards under 40 CFR 152, 153, 156, and 167 as of 2016, including provisions of a Feb. 26, 2016, final rule that clarified active and inert ingredients that are permitted in products eligible for the minimum risk pesticide exemption. The rule is effective Nov. 30, 2017. Contact: Karen Lover; Department of Agriculture; 303-869-9004; karen.lover@state.co.us

—Colorado Register (10/25/2017)

Regulatory Update

PESTICIDES
Administration and Enforcement of the Pesticide Applicator's Act
Colorado PESTICIDES

Final rule of the Department of Agriculture, Plant Industry Division, amends regulations under 8 CCR 1203-2 regarding the administration and enforcement of the Pesticide Applicators' Act. The rule revises criteria for determining which pesticides may be used in the cultivation of cannabis to allow for the use of unregistered pesticides only during research and demonstration activities. The rule also updates commercial applicator storage signage requirements to permit the use of other types of standardized pesticide storage signage, maintains current emergency contact information requirements and storage marking provisions, and requires any applicator who obtains a waiver of sign requirement from a local fire department to maintain a copy of that waiver in their files. In addition, the rule adds a new post-harvest potato pest control category. The rule is effective Nov. 30, 2017. Contact: Karen Lover; Department of Agriculture; 303-869-9004; karen.lover@state.co.us

—Colorado Register (10/25/2017)

Regulatory Update

WATER
Guidance for Implementation of Narrative Sediment Standard
Colorado WATER

Notice of the Department of Public Health and Environment, Water Quality Control Commission, announces a hearing to consider extension of the Dec. 31, 2017, expiration date for the guidance for implementation of the narrative sediment standard (Commission Policy 96-1). The hearing is scheduled for Dec. 11, 2017, in Denver. Comments are due Nov. 29, 2017. Contact: Nancy Horan; Water Quality Control Commission; 303-692-3463; cdphe.wqcc@state.co.us

—Colorado Register (10/25/2017)

Regulatory Update

WATER
Human Health-Based Water Quality Criteria and Standards
Colorado WATER

Notice of the Department of Public Health and Environment, Water Quality Control Commission, announces a hearing to consider extension of the Dec. 31, 2017, expiration date for the human health-based water quality criteria and standards (Commission Policy 96-2). The hearing is scheduled for Dec. 11, 2017, in Denver. Comments are due Nov. 29, 2017. Contact: Nancy Horan; Water Quality Control Commission; 303-692-3463; cdphe.wqcc@state.co.us

—Colorado Register (10/25/2017)

Regulatory Update

Florida

OCCUPATIONAL SAFETY AND HEALTH
Asbestos Consultants and Contractors
Florida OCCUPATIONAL SAFETY AND HEALTH

Notice of the Department of Business and Professional Regulation announces the withdrawal of an Oct. 23, 2017, proposed rule that would have amended regulations under FAC 61E1-1.001 to update and clarify licensure requirements for asbestos consultants and contractors. Contact: Thomas Izzo; DBPR; 850-488-0062

—Florida Administrative Weekly (10/25/2017)

Regulatory Update

Iowa

OCCUPATIONAL SAFETY AND HEALTH
Fire Safety Requirements for Hospitals and Health Care Facilities
Iowa OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Public Safety, State Fire Marshal Division, amends regulations under 661 IAC 205.1, .5, .10, .15, .20, and .25 regarding fire safety requirements for hospitals and health care facilities. The rule updates the incorporation by reference of the National Fire Protection Association's Life Safety Code to reflect the 2012 edition. The code addresses safety standards and requirements for hospitals, nursing facilities, hospices, intermediate care facilities for persons with intellectual disabilities or mental illness, ambulatory care facilities, and religious nonmedical facilities. The rule also removes certain state-specific

standards. A hearing is scheduled for Nov. 14, 2017, in Des Moines. Comments are due Nov. 14, 2017. Contact: DPS; 515-725-6145; admrule@dps.state.ia.us

—Iowa Administrative Bulletin (10/25/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Inspections, Citations, and Proposed Penalties
Iowa OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Workforce Development Department, Labor Services Division, amends regulations under 875 IAC 3.1, .11, .13, and .19 and rescinds regulations under 875 IAC 3.24 regarding occupational safety and health inspections, citations, and proposed penalties. The rule updates references and the penalty structure to conform to federal standards. The rule also removes forms incorporated by reference. If requested by Nov. 14, 2017, a hearing will be held Nov. 16, 2017, in Des Moines. Comments are due Nov. 16, 2017. Contact: Kathleen Uehling; WDD, Division of Labor Services; 515-725-6515

—Iowa Administrative Bulletin (10/25/2017)

Regulatory Update

Vermont

OCCUPATIONAL SAFETY AND HEALTH
VOSHA Rules for Walking and Working Surfaces
Vermont OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Labor amends regulations regarding walking and working surfaces for general industry to align with federal standards under 29 CFR 1910, Subpart D. The rule addresses requirements for surface conditions, ladders, step bolts and manhole steps, stairways, dockboards, scaffolds and rope descent systems, and fall protection. The rule also addresses personal protective equipment and training requirements. A hearing is scheduled for Dec. 11, 2017, in Montpelier. Comments are due Dec. 18, 2017. Contact: Daniel Whipple; Department of Labor; 802-828-5084; dan.whipple@vermont.gov

—Vermont Regulations (10/25/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 8/8/2017 3:39:03 PM
Subject: Court strikes down EPA limits on HFCs

By Eric Wolff

08/08/2017 11:35 AM EDT

A federal court today struck down EPA's attempt to ban a powerful heat-trapping gas under its authority to regulate substances that deplete the ozone layer.

The D.C. Circuit said EPA could not force manufacturers that had replaced ozone-depleting chemicals with hydrofluorocarbons to stop producing them. The Obama administration in 2015 said the high global warming potential of HFCs justified removing them from a list of acceptable replacements for chlorofluorocarbons, which are being phased out to protect the ozone layer in conjunction with the 1992 Montreal Protocol.

The court, in a 2-1 decision, said EPA too broadly interpreted its authority under the Clean Air Act in trying to ban HFC production altogether. However, Judges Janice Rogers Brown and Brett Kavanaugh said EPA could still bar the use of HFCs by companies that had not yet replaced their ozone-destroying coolants and that EPA could still potentially regulate HFCs under the Toxic Substances Control Act.

Judge Robert Wilkins, an Obama appointee, dissented from the decision, saying EPA's interpretation of its authority was reasonable.

The decision is a victory for French chemical manufacturer Arkema and Mexico-based Mexichem, both of whom make HFCs. It's a blow to U.S. manufacturers of coolants who dominate the market in next-generation chemicals that have much lower global heating potential. It also raises questions about the U.S. ability to implement an amendment to the Montreal Protocol that would curtail worldwide use of HFCs.

WHAT'S NEXT: The court remanded the rule back to EPA for reconsideration.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/court-strikes-down-epa-limits-on-hfcs-091599

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Mon 7/31/2017 2:06:22 PM
Subject: POLITICO's Morning Score: GOP Senate outside groups raise $17 million — McConnell heads down to Dixie — 2020 Democratic primary maneuvering galore

By Kevin Robillard | 07/31/2017 10:00 AM EDT

With Scott Bland

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

BIG MONEY - "Senate GOP outside groups raised $17M in first half of 2017," by Campaign Pro's Kevin Robillard: "The main outside groups backing Senate Republicans have nearly $22 million combined in their bank accounts after raising $17 million in the first six months of the year. The massive war chest, raised with Senate Majority Leader Mitch McConnell's help, should aid Senate Republicans as they try to win 10 Democratic-held seats in states President Donald Trump won last November, while playing defense for Nevada Sen. Dean Heller and Arizona Sen. Jeff Flake. Senate Leadership Fund, a super PAC which regularly launches blistering attacks on Democrats in television and digital ads, raised $8.2 million and had $9.6 million on hand as of June 30. One Nation, which promotes GOP policies and Republican senators who back them, raised $8.7 million and had $7 million in its bank account. ... 'The pivotal figure in all this has been McConnell,' [SLF President Steven] Law said. 'What most of the major donors have concluded is that Mitch McConnell is the one guy who steers clear of the chaos and focuses on the Republican agenda.' This year, McConnell has traveled extensively to meet with potential donors and hear their concerns, visiting Las Vegas, Los Angeles, San Francisco, New York, Dallas, Houston, Miami and Palm Beach, Fla." **Full story.**

TWO WEEKS OUT - "McConnell wages war down South," by POLITICO's Alex Isenstadt: "The Republican leader is aiming to thwart Rep. Mo Brooks and former state Supreme Court Chief Justice Roy Moore in a special election in Alabama next month. Both men are campaigning against McConnell as a despised symbol of the establishment - and both would exacerbate his already stiff challenge wrangling his GOP Conference. ... His super PAC is set to spend much as $8 million to boost his favored candidate, recently-appointed Republican Sen. Luther Strange. McConnell has activated his sprawling donor network and pressed the White House for more resources. ... And in a highly unusual step, one of the McConnell's top political lieutenants has begun quietly advising a long-shot Republican primary candidate running for Brooks' House seat. The move is designed to get in the congressman's head and dissuade him from emptying his campaign war chest ... This past week, Brooks, a member of the conservative House Freedom Caucus, said he would not vote for McConnell as majority leader and called for him to step down after the failure of the health care bill. Moore, who rose to national fame after he refused to obey a federal order to remove a monument of the Ten Commandments from an Alabama judicial building, made his feelings clear about the leader in a lengthy fundraising appeal with the subject line, 'You & Me vs Mitch McConnell.'" **Full story.**

- FIRST IN SCORE - SLF attacks Brooks on Trump, war funding: A new ad from Senate Leadership Fund features Alabamans attacking Brooks in a series of direct-to-camera interviews. "Mo Brooks said we can't trust Donald Trump. You know what I don't trust? Career politicians like Mo Brooks," a woman says to start the ad off. The ad then pivots to Brooks' votes against continuing resolutions, with military veterans accusing Brooks of "voting to cut off funding to fight ISIS." "Mo Brooks didn't have my back, and he won't be getting my vote," one of the veterans says. **Watch the ad here.**

2020 WATCH - "How 2018 became the new 2020," by POLITICO's Gabriel Debenedetti: "Top contenders are making endorsements, picking sides in party primaries and aggressively working the fundraising circuit on behalf of 2018 candidates, all the while building their own name recognition. ... The early focus on the midterms is a marked departure from previous practice and a further acceleration of the presidential campaign cycle. Prior to the 2016 presidential primary season, for example, Hillary Clinton and Bernie Sanders largely stayed off the campaign trail and out of elections until late 2014 - roughly six months before they officially announced their campaigns. ... Booker has been especially active - his travel itinerary reads like an atlas of at-risk Democratic incumbents. He's raised money for grateful colleagues in Florida, Ohio, Indiana, Montana and Michigan, among others, according to Democrats familiar with the itinerary. ... Warren, a fundraising juggernaut, has made several California fundraising stops, including one in San Francisco where the Massachusetts senator joined Esprit founder Susie Tompkins Buell, a high-level party donor and close Clinton friend. Another gave Warren face time with Oakland Athletics part-owner Guy Saperstein, who in 2016 offered Warren $1 million to run for president." **Full story.**

- "What is John Delaney thinking?" by Campaign Pro's Kevin Robillard: " Delaney, whose district stretches from some of Maryland's wealthiest D.C. suburbs to rural counties bordering West Virginia, thinks his combination of private and public sector experience, and his faith in both, are the answer. His campaign motto, at least for now, is 'Focus on the Future.' And Delaney is planning a campaign focused on problems caused by globalization, automation and technology, issues he says are getting ignored in a hopeless national political conversation. 'You need a villain in politics,' Delaney said in an interview. 'My villain is partisan politics. It's destroying our ability to govern.'" **Full story.**

Days until the 2017 election: 99.

Days until the 2018 election: 463.

Thanks for joining us. You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

MORE 2020 WATCH - "Joe Biden still wants to be president. Can his family endure one

last campaign?," by the Washington Post's Roxane Roberts in Rehoboth Beach, Del.: "The new house is on the edge of Cape Henlopen State Park, just north of the boardwalk: three stories, six bedrooms, three fireplaces and an expansive view of the Atlantic Ocean. The new owners are Joe and Jill Biden, rich for the first time in their lives, thanks to a three-book publishing deal - two by him, one by her - that allowed them to purchase the $2 million vacation home in this beachiest of beach towns. ... Since Joe left public life in January, the Bidens have never been more public. The past six months have seen the formation of the Biden Foundation, a way for Joe and Jill to support their pet causes, and the Biden Cancer Initiative to honor Beau. The University of Pennsylvania inaugurated the Penn Biden Center for Diplomacy and Global Engagement to study international issues, and the University of Delaware the Biden Institute for domestic initiatives. Last - but not least - there's a new political action committee, American Possibilities, a vehicle for raising money for Democratic candidates. ... With Washington in chaos and the Democrats without a standard-bearer, Joe Biden is arguably the most popular former vice president in history." **Full story.**

EARLY POLLING DATA - "Poll shows Mike DeWine still up big in name ID, favorability," by Cleveland.com's Seth A. Richardson: "The poll [of the Ohio Governor's race] shared with cleveland.com was paid for by the American Freedom Builders and administered by the Washington-based Tarrance Group. The results have DeWine leading Secretary of State Jon Husted, Lt. Gov. Mary Taylor and U.S. Rep. Jim Renacci. However, DeWine's favorability slipped 10 points from a similar poll in January. DeWine's favorable-unfavorable split was 61-20. That's a dip from the January poll that showed him with a 71 percent favorable rating." **Full story.**

PAC HEAT - "Pence raises $1M for his leadership PAC," CNN's Elizabeth Landers reports: "Vice President Mike Pence raised a cool $1 million for his leadership PAC on Tuesday evening during a summer soirée in Washington, according to a source close to Pence. The source told CNN that the event attracted more than 100 lawmakers, including members of the leadership in both the House and Senate. House Speaker Paul Ryan, Senate Majority Leader Mitch McConnell and House Majority Leader Kevin McCarthy were among those who attended after a successful vote for the Republicans earlier that day on health care. The President's daughter, Ivanka Trump, made a guest appearance to introduce the vice president at the event." **Full story.**

HACK JOB - "Hackers descend on Las Vegas to expose voting machine flaws," by Kevin Collier in Las Vegas: "[Carten] Schurman, a professor of computer science at the University of Copenhagen in Denmark, used a laptop's Wi-Fi connection Friday to gain access to the type of voting machine that Fairfax County, Virginia, used until just two years ago. Nearby, other would-be hackers took turns trying to poke into a simulated election computer network resembling the one used by Cook County, Illinois. ... They were among the hundreds of cybersecurity experts who descended on 'Voting Village,' one of the most talked-about features of the annual DEF CON hacker conference. In a cramped conference room, they took turns over three days cracking into 10 examples of voting machines and voter registration systems - a reminder, they say, of the risks awaiting upcoming U.S. elections." **Full story.**

THE NEXT FIGHT - "Major GOP-aligned group pledges to spend millions on tax reform fight," by McClatchy's Katie Glueck: American Action Network "expects to spend as much as

$20 million on a pro-tax reform effort dubbed the 'Middle Class Growth Initiative,' AAN told McClatchy. The program will promote tax cuts for 'working families and small businesses,' as well as a reformed tax code "that will be simpler, fairer and pro-growth," according to the organization. As part of the effort, AAN is pledging to spend $5 million in August alone, and is kicking off the initiative with a $1 million member-specific radio ad buy slated to run in 34 congressional districts, from Rep. Carlos Curbelo's Miami-area district to Rep. Mark Meadows' North Carolina seat to Rep. David Valadao's in California's Central Valley." **Full story.**

CODA - QUOTE OF THE DAY: "They're both Catholic, but that's probably about it." - A person close to new White House chief of staff John Kelly, on his similarities with communications director Anthony Scaramucci.

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Subject: BREAKING NEWS: Alexander and Murray say they've struck bipartisan Obamacare deal

Sens. Lamar Alexander and Patty Murray say they have reached an agreement on a bipartisan Obamacare deal to fund a key insurance subsidy program and provide states some flexibility around parts of the health care law.

Senators are expected to get a briefing on details at 5 p.m. today.

It would include two years of funding for Obamacare's cost-sharing program, which President Donald Trump cut last week. It also would allow states to use existing Obamacare waivers to approve insurance plans with "comparable affordability" as Obamacare plans.

"Sen. Murray and I have an agreement," Alexander said. "We're going to round up co-sponsors as best we can."

Read more: http://www.politico.com/story/2017/10/17/alexander-and-murray-say-theyve-struck-bipartisan-obamacare-deal-243872

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Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Lapsed Tax Credits Leave Renewables Twisting in the Wind

Posted August 14, 2017, 8:01 A.M. ET

By Brian Dabbs

The Bergey Windpower Co. factory south of Oklahoma City can produce 1,500 small-scale turbines annually. But current output is only a fraction of that capacity.

So now the pioneer in the wind energy industry is bracing to pare down staff. The company's struggles are partially due to the low price of small solar modules, which are helping that industry take the renewable energy sector by storm at the expense of wind.

But a big drop in sales for Bergey is also due to tax policy.

Small wind turbine producers such as Bergey are facing dire times because Congress allowed a wind installation tax credit to lapse at the beginning of 2017, while renewing credits for solar. And the lapse isn't restricted to wind. Geothermal pumps and fuel cells industries also lost the credit, triggering huge sales hits that are putting the future of a wide range of companies and their employees at risk.

Legislative efforts to restore the credits are afoot, but Republican congressional leaders aren't homing in on them.

Now producers of these "orphan" technologies are competing with a solar industry that reaps a 30 percent incentive as a result of its tax credit. That means a $30,000 solar panel installation will cost a homeowner $21,000 in the end. A $30,000 geothermal installation will cost the homeowner the full amount, as will a $45,000 wind system.

'They're Not Buying'

So Mike Bergey, president of the Norman, Okla., company, is now peddling only a few residential turbines to deep-pocketed clients.

"Our bread and butter customers were a guy who drives a truck and his wife is a nurse—just straight middle class. They're not buying," he told Bloomberg BNA. "We saw a step change. We'd been on a slide, and then we hit a cliff."

Karl Bergey, Mike's father and a former University of Oklahoma professor who designed the Piper Cherokee aircraft, led the company to national prominence in the 1970s. Bergey Windpower took shape during the oil embargo crisis then, and also during the rise of the nuclear industry, which aimed to dominate alternative energy.

Bergey turbines boomed, but then dwindled in the 1980s after oil prices reached historic lows. Now solar modules—whose tax credits Congress extended in late 2015 in a package that omitted the orphan technologies—are posing a real threat to the Bergeys' company, its staff, and the broader small-wind industry.

Bergey's staff now numbers 28 employees, a decline from 50 in recent years.

"We'll take short-term losses to try to retain skilled staff," Mike Bergey said, while cautioning about the sustainability of that approach. "If they don't fix this tax credit, we will have to make adjustments. We will have to start cutting more people." Lloyd Ritter, a spokesman for the Distributed Wind Energy Association, said the loss of tax credits also cut sales for other small wind producers.

Disparity with Solar

Wind energy, solar and geothermal pumps reduce their owners' need to purchase electricity from the grid, and also help reduce carbon emissions driving global warming.

The three technologies compete for market share, and natural conditions traditionally play a large role in customer choice. Windier areas generate more wind energy, and sunnier areas generate more solar energy. Subsurface geology and water, as well as the actual availability of land to put a borehole in place, are factors for geothermal pumps.

Geothermal pumps heat and cool buildings by sourcing subterranean temperatures, which are typically colder in the summer and warmer in the winter than temperatures at the surface.

"In some areas, you're going to get a better return doing geothermal, and in other areas, you're going to get a better return if the homeowner is putting in small wind," J.P. Delmore, a lobbyist for the National Association of Home Builders, which supports the orphaned credits, told Bloomberg BNA. "But if you're dealing with your client you say 'Well, it makes sense for you to do geothermal, but solar would be cheaper,' most are going to say 'Let's do solar.'"

The concern, he said, is that the other technologies won't be purchased if there isn't tax parity.

Solar credits for both residential and commercial installation are in effect through 2021. Those credits award residential and commercial owners who want to install solar modules with a 30 percent credit, a rate which begins to phase out in 2019. From 2022 on, commercial credits are authorized at 10 percent.

That means those in the market right now will pay nearly a third less for a solar product but the full price for all geothermal and fuel cells, as well as residential wind. Steve Smith, the president of Enertech Inc.,—a geothermal pump producer and distributor with a 80,000-square-foot factory in Mitchell, S.D.—said that disparity is taking a hatchet to his sales.

The company sold 42 percent fewer pumps from Jan. 1 to the end of July this year compared to the same time period last year, Smith told Bloomberg BNA. That translated to 19 job cuts this year at

the Mitchell factory, leaving 33 employees—about a 37 percent reduction.

"These are real jobs here in America that are being robbed because they let solar have the tax credit and we have to compete against them," Smith said. "It seems like the craziest penalty against American workers."

Rep. Kristi Noem (R-S.D.), the state's lone House member, supports plans to reinstate the credits. A spokesman for Sen. John Thune (R-S.D.) didn't comment directly on the credits, and a spokeswoman for Mike Rounds (R-S.D.) didn't respond for comment. But Smith said Rounds personally pledged support. The two hunted together at an event during Rounds' tenure as governor.

Solar Sales Up, Firms Falter

Residential solar installations continue to surge.

A banner year in 2016 led to the installation of more than 2.6 gigawatts capacity of residential solar, as well as more than 1.6 gigawatts capacity of commercial, according to Solar Energy Industries Association and GTM Research. The 2016 spike is due to an installation rush brought on by fears that the solar credit would expire as the credit for the other technologies ultimately did, SEIA spokesman Alex Hobson told Bloomberg BNA.

The installation rate is expected to fall slightly this year but still edge out pre-2016 levels by substantial margins. The first quarter of this year featured more than 560 megawatts capacity of residential and nearly 400 megawatts capacity of commercial. Solar prices also fell by nearly 20 percent during 2016, SEIA says.

But despite the solar installation growth, U.S. companies are faltering, and in some cases going belly up. SolarWorld AG and Suniva Inc.—both of which filed for bankruptcy earlier this year—are pushing the U.S. to slap tariffs on foreign imports of solar panels to staunch the domestic bleeding.

The Energy Information Association says the U.S. imported nearly 12.8 gigawatts capacity in 2016. The U.S. agency doesn't break that number down by residential, commercial and utility services. Meanwhile, the U.S. installed roughly 14.8 gigawatts capacity in 2016—the majority of that for utilities.

Representatives from the other renewable sectors, such as Geothermal Exchange Organization President Douglas Dougherty, argue the current tax system benefits Chinese and other foreign producers of solar products over U.S. companies that produce renewable energy products that compete with solar.

Dougherty said Enertech, the South Dakota geothermal pump producer, is actually faring better than others. Residential sales across the industry are down 45 percent this year, Dougherty told Bloomberg BNA.

"You tell me what business suddenly loses 45 percent of their revenue and stays in business," he said. "You've said goodbye to the geothermal heat pump industry."

The tax disparity isn't, however, sowing discord between solar and the other renewable sectors, industry representatives said. SEIA supports the restoration of the credits for the other sectors, Hobson said.

Revival Proves Elusive

A broad range of industry associations—in addition to the wind, geothermal and other technology-specific groups—also are asking Congress to reinstate the tax credits.

The American Farm Bureau Federation is pushing an extension of the commercial wind credit because farmers often use that technology. The National Association of Home Builders wants all the credits reinstated to provide home purchasers with as many options as possible to decrease energy costs. The National Rural Electric Cooperative Association, a collection of utilities, is aiming to incorporate more options into utility portfolios.

Those groups are lining up behind two bills: H.R. 1090 in the House and S. 1409, a similar Senate bill, that would put the credits back into effect.

Led by Rep. Tom Reed (R-N.Y.), the House bill has 104 co-sponsors, including many members of the tax-writing Ways and Means Committee. Bicameral negotiators are continuing to try to get reinstatement across the finish line.

"I'm eager to see the orphan energy tax credits extended in the very near future," Sen. Charles Schumer (D-N.Y.), the minority leader, told Bloomberg BNA in a statement. "I will make every effort to see these provisions extended in a must-pass vehicle when we come back from recess."

A spokesman for House Minority Leader Nancy Pelosi (D-Calif.) said a reinstatement would most likely be attached to a near-term omnibus appropriations package or tax reform. A spokesman, Drew Hammill, said that "virtually all Democrats" support reinstatement.

But similar plans have fell through in recent months as Reed and other lawmakers tried unsuccessfully to tack reinstatement of the credits onto fiscal year 2017 funding.

A spokesman for Senate Majority Leader Mitch McConnell (R-Ky.) declined to comment to Bloomberg BNA. Spokespeople for House Majority Leader Paul Ryan (R-Wis.) also didn't respond to requests for comment.

Conservative Opposition

The revival of the credits certainly aren't cheered on by all parties.

Americans for Prosperity, Citizens Against Government Waste, and other free-market groups continue to urge opposition to the incentives, arguing against any subsidies or tax breaks for energy technologies.

"The carve-outs and the loopholes that try to pick winners and losers in the energy industry are ultimately counterproductive," Levi Russell, spokesman for Americans for Prosperity, told Bloomberg BNA. "We just don't think it's the role of the federal government to prop up industries."

Some lawmakers, such as Sen. James Lankford (R-Okla.), agree.

"Senator Lankford has a long and established history of opposing credits," D.J. Jordan, Lankford's spokesman, told Bloomberg BNA. Lankford has introduced legislation in the past to ax all renewable energy production tax credits.

As an Oklahoma senator, Lankford represents Bergey on Capitol Hill. Meanwhile, Rep. Tom Cole (R Okla.),—the House member whose district includes Norman, Oklahoma, where the company is located—signed onto the House legislation that would restore the tax incentives.

Energy Tax Package Takes Hits

A strategy to bundle the orphan revivals into a larger energy tax package has some supporters in Congress. That approach would team the orphan credits up with early renewals of a nuclear production tax credit and a credit for carbon sequestration, which involves capturing carbon dioxide emissions from a power plant and storing them permanently underground.

Sens. Lindsey Graham (R-S.C.), Tom Carper (D-Del.), and Heidi Heitkamp (D-N.D.), among other senators, have expressed interest in that strategy, as have some House members. That coalition of lawmakers, however, took a hit in recent days. On the heels of an announcement that South Carolina utilities pulled the plug on construction of two nuclear reactors at the V.C. Summer plant, Graham abandoned his support for the nuclear credit.

The strategy is based on broadening the buy-in, and the absence of the South Carolina delegation in the coalition would be a loss. But broadening that buy-in too much may also torpedo support from the environmental community.

"We absolutely support the renewable energy industry and the important effect that it has on our economy," Lukas Ross, a climate and energy campaign official at Friends of the Earth. "What we don't support is bad faith deals that involve tiny, marginal support for wind energy and other renewables in exchange for shoveling cash into the troughs of nuke and clean coal boondoggles."

Broad Tax Overhaul Murky

Republican lawmakers often argue that a comprehensive overhaul to the tax code—which is now the foremost White House priority following the collapse of healthcare legislation—replaces the need for tax carve-outs akin to the orphaned energy credits.

But a number of analysts say a tax overhaul would be a particularly difficult legislative task. And some members of the renewable industry don't see it as a lifeline.

"There's this concept that tax reform will fix our problem. Tax reform does not fix our problem," Smith, the president of Enertech, said. He added that a tax overhaul likely wouldn't trash the next five years of solar credits. Republicans have said they don't aim to reel back the energy incentives already in place.

Holding On

Representatives for the orphaned technologies are quick to say their industries are on the brink. Industry members, however, are pledging perseverance.

Bergey says his company has been in business for 40 years and aims to stay in business for another 40. The Oklahoma native also finds some levity in the doldrums.

"My wife is in healthcare, and the joke is 'all bleeding eventually stops,'" he said.

Energy Department Sued Over Grid Reliability Study Records

Posted August 14, 2017, 01:45 P.M. ET

By Rebecca Kern

The Sierra Club launched an early challenge to a highly anticipated grid reliability study, filing a lawsuit over the Energy Department's alleged failure to provide records of any communication between department officials and the power sector.

The complaint, filed Aug. 14 in the U.S. District Court for the Northern District of California Oakland Division, claims the Energy Department violated the Freedom of Information Act when it failed to respond to a May 1 FOIA request. The Energy Department was asked to provide records of any communications between department officials working on the report and outside groups representing the fossil fuel industry or grid reliability experts.

The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg, founder of Bloomberg L.P. Bloomberg BNA is an affiliate of Bloomberg L.P.

In April, Energy Secretary Rick Perry directed Brian McCormack, his chief of staff, to conduct a 60-day study that would "explore the critical issue central to protecting the long-term reliability of the electric grid." Perry has questioned the impact of renewable subsidies and taxes on baseload resources and whether adding more renewables would affect the grid's reliability.

The Energy Department said it would make the study public once it is completed, which was expected in July. The final version has not been released, but Bloomberg News obtained a copy of a draft version in July written by department staff, which found wind and solar power don't pose a significant threat to the reliability of the U.S. power grid.

Can Some Nebraska Farmers Kill the Keystone XL Pipeline?

Posted August 14, 2017, 11:01 A.M. ET

By Jillian Goodman

"When I first started this, it was about my house," said Shannon Graves, who owns a hardware store in Polk, Neb.—population roughly 300—and lives less than 100 yards from the proposed route of the Keystone XL pipeline. "I just wanted to protect my home."

That was six years ago. Now, Graves said, "what was once just my home is now my world that I'm standing to protect."

So last week she headed to Lincoln, the state capital, for hearings to determine whether the pipeline would serve Nebraskans' public interest, the final regulatory hurdle for the long-contentious project.

After years of protest by environmentalists, the Obama administration in 2015 rejected TransCanada's proposal for the 1,179-mile pipeline, which would deliver crude oil from the Alberta tar sands to the Gulf of Mexico. In January, President Donald Trump resurrected the project with a presidential memo and executive order.

On a national level, the pipeline has been opposed largely by environmentalists, but in Nebraska, it's been fought mainly by farmers and ranchers who fear it could erode their soil and hurt their land values. Last week, a number of them—now educated in the intricacies of property easements, eminent domain, and bitumen—testified before the state's Public Service Commission, hoping to persuade its members to reject it.

TransCanada maintains the pipeline project would be an economic boon to the state. "The public benefit for Nebraskans is quite significant," said spokesman Matthew John. "We're talking about 4,400 jobs, direct and indirect"—that is, jobs building the pipeline and jobs with other employers expected to benefit, such as local restaurants and stores—"and tens of millions of dollars in state property taxes that will be paid out throughout the life of the project. As well as the economic benefits that are generated from construction."

But Nebraskan opponents argue that the vast majority of the jobs TransCanada has said the pipeline would create are construction-related and therefore short-term; those jobs, along with such indirect benefits as greater spending in local establishments, would evaporate once the project is completed. And tax revenue, they say, would evaporate in not much longer: The taxable value of the pipeline itself will depreciate over 15 years and payments gradually dwindle to zero.

The pipeline's current proposed route would cross the farm that Art Tanderup, a retired teacher and perhaps the landowners' breakout star, owns with his wife, Helen. After the hearings finished, Tanderup said he felt he and the other landowners had gotten a chance to educate the PSC on life for Nebraska farmers. "You get big corporate people coming in—they don't know us, they don't know Nebraska," he said.

Keystone XL is meant to be an extension of an existing Keystone pipeline that runs north-south through the eastern portion of the state. TransCanada has argued that its proposed route for the XL—which would cut diagonally across the state, crossing the Ogallala Aquifer, the historic Ponca Trail of Tears, and a small portion of the fragile Sandhills region—is the safest and most environmentally friendly path. Other than an earlier route, nixed years ago under pressure by the governor and the federal government, it's also the most direct route from the Canadian tar sands to the existing pipeline junction in Steele City, Neb..

Although the landowners would prefer that the PSC reject the pipeline entirely, their lawyers argued that the more responsible route would be one that parallels the existing pipeline, creating an energy corridor that would avoid disturbing additional land. On the first day of the proceedings, under questioning by the landowners' lawyers, TransCanada's representatives acknowledged that collocating the two pipelines would mean crossing fewer miles of Nebraska farmland and that because they weren't locked into a route in South Dakota for the XL, they wouldn't need additional approval to do so.

After the hearings concluded Aug. 10 morning, a day and a half ahead of schedule, the landowners' lawyers said they were pleased with what they'd presented. "Our pitch is, look at the net benefit," attorney Brian Jorde said. "It can't be, 'Is this just the not-so-bad pipeline?' If it's not a net benefit to the state, we don't need it."

TransCanada's lawyers, James Powers and Patrick Pepper of the firm McGrath North, left shortly after the hearing without answering questions and didn't respond to a previous interview request.

PSC spokeswoman Deb Collins said in an email that commissioners could not comment given the ongoing legal proceeding. The commission has until Nov. 13 to decide.

Regardless of its decision, opponents said they still expect to wind up in court over the pipeline, perhaps in eminent-domain battles over efforts to build it on their land.

"We are exhausted," Graves said. She's been opposing the pipeline for six years now, others for even longer. But she added: "My daddy raised me to never give up. You just never give up. There's too much at stake to give up."

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First Solar to Profit If Trump Slaps Tariffs on Panel Imports

Posted August 14, 2017, 01:39 P.M. ET

By Christopher Martin

First Solar Inc. is standing on the sidelines of a trade dispute that could give its products a significant leg up.

The U.S. International Trade Commission has scheduled a hearing Aug. 15 on a request by Suniva Inc. for the U.S. to impose tariffs on imported solar panels. The petition alleges that China—which accounts for more than 80 percent of global solar panel production—gives manufacturers unfair government support.

The commission is expected to make a decision next month, and a finding of harm could lead President Trump to impose duties as early as November.

The petition by Suniva, which filed for bankruptcy in April, has roiled the industry, which argues that it would drive up prices and result in the loss of an estimated 88,000 jobs, a third of the solar workforce. No U.S.-based solar manufacturers support it, according to the Washington-based Solar Energy Industries Association. Cheap panels have spurred a boom in U.S. rooftop installations, with small-scale solar generation almost doubling from 2014 to 2016, according to the Energy Information Administration.

Tempe, Arizona-based First Solar, a member of SEIA, stands to gain the most from import duties of as much as 40 cents per watt, said Jeffrey Osborne, an analyst at Cowen & Co. "Because the complaint specifically goes after silicon panels, thin-film technologies like First Solar's will be considerably cheaper in comparison," Osborne said.

First Solar's chief executive officer said on July 27 that his company isn't participating in the dispute. A spokesman for the company referred to the CEO's comments when asked for a response.

"If there is a determination of injury, a modest type of remedy will not be harmful at all to the industry and I think it'll survive and more jobs will be created," CEO Mark Widmar said on a conference call. "Hopefully what it will do is enable more manufacturing in the U.S."

A group of 16 U.S. senators and 53 House members sent letters on Aug. 11 to the head of the ITC urging it to reject the petition.

Rooftop developers like Sunrun Inc. and Vivint Solar Inc., imposing an import duty could double the amount they pay for panels, cutting into their already razor-thin margins and ultimately slowing demand. Large developers are betting that a tariff will be imposed and have begun stockpiling

inventory ahead of a decision, which has temporarily reversed the decline in prices, according to Joseph Osha, an analyst at JMP Securities LLC.

Module prices in the U.S. increased to about 43 cents a watt, up from about 33 cents before the trade case was filed, Osborne said. For now, that's helping improve margins for the world's biggest manufacturers, mainly in China, which include JA Solar Holdings Co., JinkoSolar Holding Co. and Trina Solar Ltd.

'Significant Disruption'

But once a tariff is imposed, Asian and European manufacturers will have a significant disadvantage in U.S. markets and their options to get around it are limited, Osborne said. They could build some cell and module manufacturing in the U.S., but there's little infrastructure to support their operations and the duties may only be in place while Trump is in the White House.

A tariff would also hurt San Jose, California-based SunPower Corp., the second-biggest U.S. panel maker, because the bulk of its polysilicon panels are assembled in Asia. SunPower faces a double whammy because it develops big solar farms that would cost more to build.

"It's a significant disruption," Tom Werner, SunPower's CEO, said in an interview.

A small tariff may not be as bad as the developers are making it out to be, said Osha.

"The solar installers are warning of dire consequences but another 10 cents on the panel price isn't going to be terrible," Osha said. "The market will adjust."

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Fast, Dirty Natural Gas Plants Get Boost from Electric Cars

Posted August 14, 2017, 8:46 A.M. ET

By Kelly Gilblom, Weixin Zha and Mathew Carr

Britain's goodbye to fossil-fuel cars by 2040 could boost the need for dirtier natural gas-powered stations.

The government's goal to replace gasoline and diesel cars with those powered by electricity could see the construction of so-called open-cycle gas stations, said Carsten Poppinga, senior vice president of trading and origination at Statkraft AS, the Norwegian utility that operates hydro power plants and wind farms across the U.K.

Such units can keep the grid from buckling from the strain of people charging cars in peak demand periods. The catch? While the plants can start generating power almost instantly, they don't recycle waste heat, making them emit more greenhouse gases per megawatt than the combined-cycle stations that comprise the largest share of the U.K.'s daily power output.

Britain may have no choice but to use the less environmentally friendly option, though. With little spare generation capacity, the nation is vulnerable to power shortages, particularly on cold, winter days when wind and solar energy may be in short supply.

"Fundamentally there isn't as much overcapacity on the British market as in Germany," Poppinga said by phone from Dusseldorf. "You could think about building open-cycle gas power plants to increase the flexibility in the system."

Open-cycle gas generators cost less to build but have higher emissions per megawatt-hour produced than combined-cycle gas turbines. OCGTs convert about 33 percent of their fuel into power, while CCGTs manage as much as 60 percent, according to the fossil-fuel industry environment group IPIECA in London. That's still less dirty than oil, diesel or coal-fired stations, which can emit double what a gas-fired station does.

Still, the flexibility of the plants will help more intermittent renewables enter the system, bolstering the shift toward cleaner energy, according to Drax Group Plc. The utility plans four open-cycle plants in the U.K. that it calls "rapid-response gas."

Under U.K. environmental rules, the units can run a maximum of 2,250 hours, or about three months per year, a spokeswoman with the Selby, England-based company said. Drax doesn't expect to operate its plants for that long.

RWE AG's U.K. unit "has taken initial planning steps" to build a 300 megawatt open-cycle gas plant east of London in a town called Tilbury, Germany's biggest power producer said in its first-half financial statement on Aug. 11. The area previously had coal-fired and biomass power plants, though it stopped generating power in 2013. RWE is seeking to redevelop the site and also plans a 2,500 megawatt CCGT.

The challenge for the U.K. is to have enough power plant capacity to cover demand peaks until electric-car users adjust their charging habits to when consumption and prices are low.

Britain will need to add 52 terawatt-hours of power capacity between now and 2040, or 16 percent of what's available now, to meet extra demand thanks to electric vehicles, according to data from Barclays Plc and Bloomberg New Energy Finance. Some of the need for flexible power supply will be met by cables linking the U.K. to France, Norway and Belgium.

Fossil-fuel prices have rebounded in Europe as grids need the power from them to help balance supply and demand as renewable-electricity output advances. The front-month natural gas price has jumped 35 percent in the past year, while 2018 European coal is up 31 percent, according to ICE Futures Europe.

"Massive investment in flexible power generation, electricity storage and the grid itself will be necessary to keep the lights on," Johannes Wetzel, a research analyst for cross-commodity analytics at Wood Mackenzie Ltd., said in an emailed note. The electric-vehicle rule will be "a challenge for power grid stability."

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FS Bioenergia's Brazil Corn Ethanol Plant Seen as First of Many

Posted August 14, 2017, 11:40 A.M. ET

By Michael Kepp

Brazil's first ethanol plant to exclusively use corn, in a country that makes nearly all of its ethanol

from sugar cane, has begun industrial-scale operations and is expected to lead to as many 10 other such nearby plants during the next decade.

The 450-million-real ($142-million), 240 million liter a year ethanol plant in Mato Grosso state had its formal opening Aug. 11. The plant's owner and operator is FS Bioenergia, a joint venture between Summit Energy, a U.S. private equity firm, and Fiagril, a Brazilian grains trader. Mato Grosso, located in western Brazil, is the center of the country's corn production.

FS Bioenergia will buy some of its corn from Fiagril. It has bought technology for the corn-based gasoline additive from the Kansas-based ICM Inc.

The plant "represents a new and alternative ethanol production pathway in Brazil," FS Bioenergia President Henrique Ubrig told Bloomberg BNA. "This alternative ethanol production pathway will lead to up to 10 corn-based ethanol plants being built in the state in the next five to 10 years."

As Matto Grosso farmers began planting a second corn harvest in recent years, they increasingly needed local buyers for excess corn from both harvests, Ubrig said. The surplus corn's price has become competitive with that of cane in the state.

Leopoldo Mendonca, secretary of economic development in Mato Grosso state, told Bloomberg BNA Aug. 11, that the state's two annual corn harvests allow corn-based ethanol plants to run 12 months a year, while cane-based ethanol plants can operate only eight months a year.

"This advantage [over cane-based ethanol plants], plus the competitive prices of corn and cane in the state, should lead to more corn-based ethanol plants being built here, Mendonca said.

Brazil has four "flex" plants that produce ethanol from both sugarcane and corn. Three are in Mato Grosso and one is in neighboring Goias state, Glauber Silveira, vice president of the Association of Soy & Corn Producers in Mato Grosso State, told Bloomberg BNA.

Brazil is starting to produce ethanol from corn at a time when U.S. corn-based ethanol exports to Brazil are skyrocketing. Ethanol imports to Brazil, nearly all coming from the U.S., grew fourfold in the first months of 2017, according to the Brazilian Sugarcane Industry Association, the country's main producers' group.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Wed 8/30/2017 8:04:16 PM
Subject: Administrator Scott Pruitt Statement on President Trump's Tax Reform Proposal

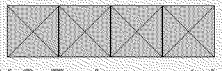
Contact Information: press@epa.gov

Administrator Scott Pruitt Statement on President Trump's Tax Reform Proposal

WASHINGTON (August 30, 2017) -- U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt today released the following statement on President Trump's tax reform proposal:

"President Trump is leading the fight for tax reform that will benefit all Americans. At EPA, we have worked to promote regulatory certainty that will help create jobs and produce a cleaner environment. This goes hand in hand with the President's plan to create a tax system that will provide clarity and restore fairness for a more prosperous America."

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Wed 11/29/2017 6:24:42 PM
Subject: EPA DEPUTY NOMINATION MOVES TO SENATE FOR FULL CONSIDERATION

EPA DEPUTY NOMINATION MOVES TO SENATE FOR FULL CONSIDERATION

WASHINGTON – (November 29, 2017) Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt applauded the U.S. Senate Environment and Public Works (EPW) Committee's vote advancing Andrew Wheeler, nominee to be EPA deputy administrator. Wheeler's nomination now moves to the Senate for full consideration, along with four other EPA nominees. Administrator Scott Pruitt released the following statement following this vote:

"Andrew is an environmental policy expert with deep understanding of EPA issues. I look forward to his consideration before the Senate and his confirmation in the near future. I know Andrew will help us advance the President's Agenda, with his thoughtful and collaborative leadership at EPA."

More quotes of approval for Andrew Wheeler:

U.S. Senator James Inhofe: "I am pleased that President Trump has nominated Andrew Wheeler to serve as deputy administrator at the EPA. There is no one more qualified than Andrew to help Scott Pruitt restore EPA to its proper size and scope. When he served as my staff director of the Environment and Public Works Committee, he provided me with invaluable guidance, and in turn became a close friend. I am confident he will serve the American people and President Trump with exceptional skill in this position, and I look forward to ensuring his swift confirmation."

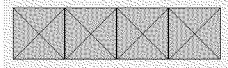
U.S. Congressman Bill Johnson: "Andrew Wheeler will do a fine job at EPA, helping to ensure the agency's mission of protecting the environment is maintained without the EPA becoming an unnecessary impediment to responsible energy exploration and job creation."

U.S. Congressman David B. McKinley: "With extensive experience working on Capitol Hill, in the Executive branch, and in the private sector, Andrew Wheeler is eminently qualified and a great pick to serve as Deputy Administrator of the EPA. There are few people in Washington who have the same depth of knowledge and experience on energy and environment issues. I look forward to continuing working with Andrew once he is confirmed in his new role."

Former U.S. Senator Joe Lieberman: "Andrew was Republican staff director during part of the time I was on the Senate Environment Committee. We worked together on some issues and disagreed on others. He conducted himself in a fair and professional manner. I hope his nomination will receive similarly fair consideration by the Senate."

Jay Timmons, President and CEO, National Association of Manufacturers: "Andrew's significant experience on Capitol Hill, and his extensive background working on environmental and natural resource policy makes him an outstanding choice to join the leadership at the EPA. Manufacturers have welcomed Administrator Pruitt's efforts to bring balance to rulemaking at the agency and focus on the EPA's core mission. We're confident Andrew will help advance that mission and ensure that our country can achieve the dual goals of responsible environmental stewardship and strong economic growth."

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Media
Sent: Mon 10/23/2017 9:40:17 AM
Subject: Morning Media: The art of the dodge -- Bannon, Breitbart lines blur -- Millennials pay for old media -- Can Newseum survive? -- BuzzFeed goes Hollywood

By Michael Calderone | 10/23/2017 05:38 AM EDT

PRESIDENT TRUMP FINALLY FOUND A NEWS MEDIA POLL HE LIKES. For the second time in five days, the president tweeted Sunday the results of a POLITICO/Morning Consult poll indicating that 46 percent of voters believe the bogus claim that the news media fabricates stories about him. Not only aren't reporters making up stories (as I wrote Thursday), but they also regularly give the White House and federal agencies the opportunity to respond to legitimate questions prior to publication -- and are rebuffed.

-- Sunday's New York Times provided a good case study in how the Trump administration will dismiss an entire line of inquiry rather than address specific points of concern before the news is out (and can even be dubbed "fake"). Pulitzer Prize-winning investigative reporter Eric Lipton tried for months to get the EPA to respond to dozens of questions for his Sunday front page story on an industry insider-turned-top-EPA-official helping to rewrite environmental rules that benefit chemical companies. Lipton said he "did want to hear their views" and "was disappointed" to only get the following terse response.

-- "No matter how much information we give you, you would never write a fair piece," EPA spokeswoman Liz Bowman told him in an email. "The only thing inappropriate and biased is your continued fixation on writing elitist clickbait trying to attack qualified professionals committed to serving their country."

-- A similar situation played out in the pages of The Times Magazine, with contributor Jason Zengerle describing having "provided a detailed list of questions" to the White House about Secretary of State Rex Tillerson's relationship with Trump. The response he received: "The president has assembled the most talented Cabinet in history and everyone continues to be dedicated towards advancing the president's America First agenda. Anything to the contrary is simply false and comes from unnamed sources who are either out of the loop or unwilling to turn the country around."

Good morning and welcome to Morning Media. I'm not going to dismiss your good faith questions, so hit me up at mcalderone@politico.com and @mlcalderone. Daniel Lippman contributed to the newsletter. Archives. Subscribe.

TUNE-IN: Sgt. La David Johnson's wife speaks exclusively today on ABC's "Good Morning America." And O'Reilly accuser Juliet Huddy sits down with NBC's Megyn Kelly for an exclusive interview at 9 a.m.

STOP BY: I'll be moderating a Politico panel at 8:30 a.m. Wednesday at Union Station Columbus Club on "The Media and Polarization: Golden Age or End of an Era? The panelists are **Rick Edmonds**, Media Business Analyst, Poynter Institute; **Amy Mitchell**, Director of

Journalism Research, Pew Research Center: **Amanda Terkel**, Washington Bureau Chief, HuffPost; and **Neil Patel**, publisher of The Daily Caller. RSVP here and also let me know if you have questions you'd like to hear.

LINE BLURS BETWEEN BANNON'S PLANS AND BREITBART: USA Today's Eliza Collins looks at how Bannon's electoral goals and Breitbart's coverage converge. Specifically, she describes a meeting at the "Breitbart Embassy" involving former Congressman Michael Grimm, aide Michael Caputo, Bannon and Washington editor Matt Boyle.

"**Caputo said Boyle was behaving** in the meeting as a reporter who had been invited to observe rather than participate," she wrote. But Boyle got more involved as it progressed, Caputo recalled: "It seemed to me like he gained interest and he said, 'Look, this is something that fits into our editorial direction. How can we work together?'"

FOX STAFFERS 'DREADING' WORKING FOR LAURA INGRAHAM, The Daily Beast's Lachlan Markay and Asawin Suebsaeng report: "According to numerous sources, Ingraham has been, occasionally, a verbally abusive boss, who will not hesitate to scream at employees if something goes awry. Two former employees of her radio show recounted to The Daily Beast separate instances of Ingraham hurling objects at staff members in displeasure."

-- Fox News knocked the Daily Beast story as "a transparent, predictable and sexist attack from a left-wing website run by a CNN political analyst whose mandate it is to troll Fox News for traffic purposes on a daily basis" and questioned Sam Stein, the site's political editor an MSNBC contributor, editing it.

BILL O'REILLY SETTLED $32 MILLION HARASSMENT CLAIM: The Times' Emily Steel and Michael Schmidt, whose revelations about O'Reilly's secret settlements to women in April led to the Fox New star's downfall, with another shocker this past weekend: Longtime network analyst Lis Weihl alleged "repeated harassment, a nonconsensual sexual relationship and the sending of gay pornography and other sexually explicit material to her."

-- And yet the Murdochs, who knew about the January settlement, and were claiming at the time to be cleaning up Fox News following the ouster of Roger Ailes, gave O'Reilly a new contract the following month. This latest story could further complicate parent company 21st Century Fox's $15 billion takeover of Sky broadcasting in the U.K. given that regulators take into consideration whether the Murdochs' management is "fit and proper."

Sound Bites:

"Nobody pays $32M for false allegations - nobody." [Gretchen Carlson]

"Wondering how many ppl won't even see today's NYT O'Reilly report because they only watch Fox News, listen to talk radio, read Breitbart." [Oliver Darcy]

"White privilege is Bill O'Reilly getting re-signed after paying $32M while Colin Kaepernick, who protested for justice, remains jobless." [Touré]

SCOTTIE NELL HUGHES SAYS SHE'S BEEN SHUNNED BY CONSERVATIVE MEDIA since alleging in a lawsuit that she was raped by Fox Business host Charles Payne, who was suspended but returned to the air after a network investigation. "Hughes, on the other hand, claims that she has been blackballed - not only from Fox but other media outlets," writes The Washington Post's Margaret Sullivan. "That happened, she alleges, after she ended the relationship and word of her complaint came to Fox's attention; tabloid stories and leaked emails hurt her reputation and vastly limited her opportunities even before she filed suit. Now a once-promising career, she says, is in ruins."

FACT-CHECKERS MAKE THEIR CASE IN RED STATES: The Washington Post's Paul Farhi hit the last stop on PolitiFact's tour to explain what they do. "In Charleston, [West Virginia] the library crowd - generally older, largely white - seems to want to know what's wrong with America's politics and the media that covers it," Farhi writes. "There are questions about 'fake news,' the influence of billionaire donors on campaign rhetoric, the overuse of anonymous sources in news stories, and about whether, just maybe, it might be time to start licensing journalists to separate the pros from the poseurs."

-- That final suggestion may see practical, but giving the government the power to determine who can question public officials would be a threat to the free press.

MEANWHILE, AUTHOR MARTIN AMIS LEFT NEW YORK to visit a Trump rally for a new Esquire piece up today. "The audience in Youngstown was human; but the humans had surrendered their individuality to the crowd," he wrote. "So it is hard to say what kind of animal they had reduced themselves to. A millipedal hydra, perhaps - and the size of a leviathan. And at the direction of its tamer, this colossal beast performed its party tricks, its chants, its boos and hisses, its cheers and whoop."

"YOUNG SUBSCRIBERS FLOCK TO OLD MEDIA," by POLITICO's Jason Schwartz: "Millennials are subscribing to legacy news publications in record numbers - and at a growth rate, data suggests, far outpacing any other age group. Since November's election, the New Yorker, for instance, has seen its number of new millennial subscribers more than double from over the same period a year earlier. According to the magazine's figures, it has 106 percent more new subscribers in the 18-34 age range and 129 percent more from 25-34."

BUZZFEED GOES HOLLYWOOD: The Times' Sydney Ember reports: "BuzzFeed started its motion picture arm in 2014. Initially, the division specialized in creating clickable video content, racking up an estimated three billion views a month. But over the last year BuzzFeed Motion Pictures has expanded its purview. These days [motion pictures head Matthew] Henick and his team of 42 people concentrate their energies on mining BuzzFeed articles, lists and video shorts for ideas that may be spun into feature-length movies or television series."

CAN THE NEWSEUM SURVIVE? The Times Sopan Deb reports: "The Newseum has run up deficits every year since it opened a grand new home in 2008. Though it attracts a respectable number of visitors (820,000 expected this year) who pay top dollar ($24.95 for adults) in a city filled with free museums, the institution is simply not taking in enough money to cover its bills.

It still owes roughly $300 million on its new building, and the interest rates on the loans spiked last year."

JIMMY CARTER, MEDIA CRITIC: The 93-year-old former president, who would still like help broker peace with North Korea, weighed in on press coverage with The Times' Maureen Dowd: "I think the media have been harder on Trump than any other president certainly that I've known about. I think they feel free to claim that Trump is mentally deranged and everything else without hesitation."

SARAH SANDERS SEEMS TO AGREE: The White House press secretary spoke to Bush press secretary Dana Perino on Fox News Sunday: "I do think there is a heightened tension certainly between this administration and the press. ... I think you can see that in the coverage. I mean I've been around press and working politics my entire life, and I've never experienced the level of kind of hostility that I think we see day to day."

MONTANA REPUBLICAN ADVOCATES VIOLENCE AGAINST JOURNALIST: Karen Marshall, vice-president of programs for Gallatin County Republican Women, said she would have shot Guardian reporter Ben Jacobs, who was assaulted by Montana Congressman Greg Gianforte for asking him a question. Marshall made the comment on the Voice of Montana radio program, according to The Guardian.

-- The Gianforte incident was one of several physical attacks on journalists in May and occurred as Republican politicians seemed increasingly emboldened to bash the press and "joke" about violence, as I wrote at the time.

EX-POLITICO REPORTER DANIEL LIBIT is living in Chicago, but his sights are set on New Mexico. The Times' Marc Tracy writes on Libit's aggressive coverage of the University of New Mexico's athletic program: "To read his work was to see a gleeful spirit of muckraking, a fondness for 10,000-word posts and a penchant for grandstanding about his legal battles (he has filed two lawsuits seeking records)."

-- "I freely grant the strangeness of what I'm doing," Libit, 34, said in an interview last month in the apartment he shares with his wife overlooking the Chicago River. "I'm in Chicago, and I'm writing about a team that people shouldn't nationally care about."

EXTRAS:

-- Right-wing blogger and filmmaker Mike Cernovich has published some names from the "Sh--ty Media Men" list of anonymous allegations.

-- Newsweek's Alexander Nazaryan rips James O'Keefe's investigation into the New York Times.

-- Watch: Brian Stelter shows how the Trump White House responds to media scrutiny.

-- The Ringer's Bryan Curtis writes on Jemele Hill's return today to ESPN's airwaves.

-- NBA writers weigh in on covering a new season.

KICKER:

"Jann is the spirit of [Rolling Stone], but what they will be buying is not the spirit. They're going to be buying the brand. On some level that's kind of sad, and I hope that Jann does find somebody who's willing to keep up the spirit that he started. But it's hard for me to imagine who that would be and why they would bother to do that because it's always been about Jann's social calendar. It's about his world. His worldview, his cosmology, and you can't buy that."- *Jann Wenner biographer Joe Hagan on the iconic magazine up for sale.*

To view online:
http://www.politico.com/media/tipsheets/morning-media/2017/10/23/the-art-of-the-dodge-001363

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From: InsideEPA.com
Sent: Mon 8/7/2017 11:14:27 AM
Subject: The Morning Headlines from InsideEPA.com -- August 7, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

August 7, 2017

Latest News

Court Ruling Expands CWA Liability For Coal Ash Leaks To Groundwater

A federal district judge has backed environmentalists' claims that leaks from a coal ash disposal site in Tennessee violate the Clean Water Act (CWA) and ordered the Tennessee Valley Authority (TVA) to take the costly step of excavating ash stored at the site to remedy the problem – expanding a string of novel cases backing CWA liability for ash leaks to groundwater.

After Controversy, Congress Limits EPA Power On Small Refiner RFS Waivers

Congress in its final fiscal year 2017 spending law restricted EPA's discretion in granting waivers to small refiners from the renewable fuel standard (RFS) following a long-running controversy, language that may have allowed Administrator Scott Pruitt to overcome legal objections and grant some waivers that EPA and the Energy Department (DOE) staff had initially recommended against because they did not comply with requirements in place at the time.

Emboldened Environmentalists Seek Vacatur Of Landfill Methane Rule Delay

Environmental groups are asking a federal appeals court to overturn what they say is another unlawful effort by EPA to pause a climate change rule, this time targeting Administrator Scott Pruitt's suspension of Obama-era limits on emissions of the potent greenhouse gas methane from landfills.

5th Circuit Weighs Authority To Hear Suit Over SO2 NAAQS Designations

The U.S. Court of Appeals for the 5th Circuit is weighing whether it has authority to hear a challenge by Texas and electric utility Luminant to EPA's designation of certain areas of the Lone Star State as violating federal sulfur dioxide (SO2) standards, weeks after the 7th Circuit said such challenges should be heard in the D.C. Circuit.

EPA Defends CWA Permit Limits By Citing Deference To Agency Science

EPA is urging the U.S. Court of Appeals for the 1st Circuit to grant broad deference to

the agency's decisions crafting Clean Water Act (CWA) discharge permits, countering a Massachusetts city's suit that says regulators should face a high bar to show a clear relationship between poor water quality and the releases they seek to limit.

Survey Shows EPA Moving Ahead With Potential Refinery ELG Revisions

EPA is moving ahead with the Obama administration's plan to study oil refineries' wastewater discharges to inform a possible rulemaking to strengthen the 1985 effluent limitation guideline (ELG) for the sector, a blow to industry hopes that the Trump administration would drop the plan even though EPA is not committing to an ELG update.

High Court Fight Over CWA Rule Litigation Venue Could Also Affect JDs

The pending Supreme Court case over whether challenges to rules defining Clean Water Act (CWA) jurisdiction should first be heard in appellate or district court could not only affect cases over rules on the law's scope but also suits over site-specific jurisdictional determinations (JDs) that regulators issue finding a waterbody might be covered by the CWA.

Daily Feed

Alumni group launches job center for exiting EPA employees

“We are not encouraging our former colleagues at EPA to leave,” a top official said. “However, if they do decide to leave, or have that decision forced on them, we want to help them find another good job.”

EPA backs Sierra Club's Title V objections

A Sierra Club attorney says Pruitt's decision is not a surprise because “the law and the regulations are so clear . . . I don't think they really had any other choice.”

Opinion: A pessimistic view on Trump's federalism

“Striking the right balance between federal and state power requires careful attention to context and the costs and benefits of decentralization,” says Micheal Livermore, an associate professor of law at the University of Virginia.

D.C. Circuit sets argument in coal ash rule challenge

The appeals court will hear argument Oct. 17, which could be the Trump administration's first chance to weigh in on the substance of the Obama-era ash disposal rule.

Ewire: Is ozone reversal strike two in Pruitt's deregulatory agenda?

Is EPA Administrator Scott Pruitt's sudden decision to designate areas attainment

with Obama-era ozone standards this October the latest setback in his efforts to roll back the previous administration's policies?

Environmentalists seek bolstered injection rules for EOR

"EOR technologies and the dangers they pose to the environment are largely unknown to the public. EOR presents real threats to drinking water, yet oversight of these practices has lagged," their report says.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 8/10/2017 12:05:25 PM
Subject: Aug. 10 -- EHS State Regulatory Alert



EHS State Regulatory Alert

August 10, 2017 - Number 153

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Florida

WATER
St. Johns River WMD/Consumptive Water Use Permits
Florida WATER

Final rule of the St. Johns River Water Management District amends regulations under FAC 40C-2.101 regarding consumptive water use publications incorporated by reference. The rule specifies that the Applicant's Handbook, Consumptive Uses of Water now references the Northern District Groundwater Flow Model Version 5.0. The rule is effective Aug. 22, 2017. Contact: Thomas Mayton; SJRWMD; 386-329-4108; tmayton@sjrwmd.com

—Florida Administrative Weekly (08/08/2017)

Regulatory Update

Kentucky

HAZARDOUS WASTE MANAGEMENT
Hazardous Waste Permit Review, Determination Timetables, Fees
Kentucky HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department for Environmental Protection, Division of Waste Management, amends regulations under 401 KAR 39:120 to establish timetables for the review and determination of hazardous waste permit applications and the fee schedule for hazardous waste management. The rule, which is part of a consolidation of hazardous waste regulations, adds filing, modification, and annual registration fees for certain applicants and permitholders. The rule also provides that the agency will refund certain fees if it fails to provide a written determination of receipt of a generator's request to treat hazardous waste on-site within 60 days. A hearing is scheduled for Aug. 24, 2017, in Frankfort. Comments are due Aug. 31, 2017. Contact: Louanna Aldridge; DEP; 502-782-6538; Louanna.Aldridge@ky.gov

—Administrative Register of Kentucky (08/01/2017)

Regulatory Update

RADIATION
TENORM Radiation Protection Standards in Oil and Gas Development
Kentucky RADIATION

Proposed rule of the Cabinet for Health and Family Services, Department of Public Health, adopts regulations under 902 KAR 100:180 to establish radiation protection standards for the possession, use, transport, transfer, and disposal of technologically enhanced naturally occurring radioactive material (TENORM) concerning oil and gas development. The rule specifies applicability to activities related to TENORM with an activity concentration greater than 5 picocuries per gram of combined radium-226 and radium-228. The rule also establishes requirements for sample collection and analysis, transporting TENORM waste for management or disposal, recordkeeping, and the disposal of waste. In addition, the rule addresses requirements for material or real property containing TENORM, worker training and safety, violations, exemptions, and definitions. A hearing is scheduled for Aug. 21, 2017, in Frankfort. Comments are due Aug. 31, 2017. Contact: Tricia Orme; CHFS, Office of Legal Services; 502-564-7905; tricia.orme@ky.gov

—Administrative Register of Kentucky (08/01/2017)

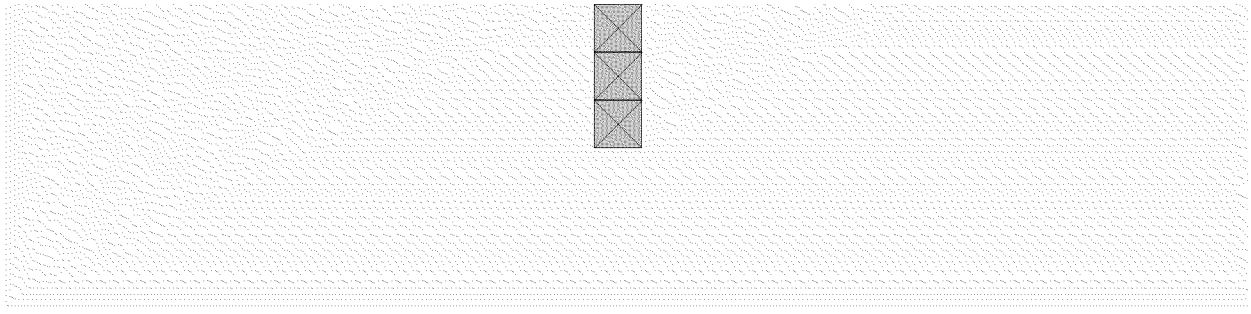
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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Security Today
Sent: Thur 9/28/2017 11:45:47 AM
Subject: CBP Officer Ambushed, US STD Epidemic, Border Wall, FBI Seeks Aid, ICE Top Ten Fugitive Arrest





To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 8/16/2017 12:37:54 PM
Subject: Aug. 16 -- EHS State Regulatory Alert



EHS State Regulatory Alert

August 16, 2017 - Number 157

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Alaska

AIR
Fairbanks North Star Borough Nonattainment Area
Alaska AIR

Notice of the Department of Environmental Conservation announces the cancellation of two hearings on a July 19, 2017, proposed rule to amend regulations under 18 AAC 50.075, .077, and .990; adopt regulations under 18 AAC 50.079; and repeal and readopt regulations under 18 AAC 50.030 regarding air quality improvement in the Fairbanks North Star Borough (FNSB) nonattainment area. The rule incorporates local ordinances enacted by the FNSB Assembly and revisions to the state air quality control plan. The rule also establishes nonattainment area permit requirements and visible emissions standards, deletes obsolete language, and adds definitions. In addition, the rule addresses heating device test methods and requirements for wood-fired and coal-fired heating devices. The two hearings, scheduled for Aug. 18, 2017, in Anchorage and Juneau, have been canceled because a hearing request was not received. Two additional hearings are still scheduled for Aug. 18, 2017, in Fairbanks. Contact: Cindy Heil; DEC, Division of Air Quality; 907-269-7579; dec.air.comment@alaska.gov

—Alaska Regulations (08/14/2017)

Regulatory Update

California Regions

AIR
Architectural Coating VOC Emissions
California Regions AIR

Proposed rule of the Ventura County Air Pollution Control District amends regulations under Rule 74.2 concerning architectural coatings to implement Control Measure R-333-2107 from the

district's 2016 air quality management plan. The rule reduces reactive organic compound emissions from the application of architectural coatings. The rule also establishes new test methods for waterborne coatings with volatile organic compound content (VOC) less than 150 grams per liter. In addition, the rule allows coating manufacturers to continue using formulation data to determine VOC content. A meeting is scheduled for Sept. 28, 2017, in Ventura. Comments are requested, but a due date is not specified. Contact: Stan Cowen; Ventura County APCD; 805-645-1408; stan@vcapcd.org

—California RegionsRegulations (08/10/2017)

Regulatory Update

WATER
NPDES General Permit/Groundwater Treatment Facilities
California Regions WATER

Notice of the San Francisco Regional Water Quality Control Board announces the availability of a draft NPDES general permit (Order No. R2-2017-00XX) for groundwater treatment facilities in accordance with the Clean Water Act and Porter-Cologne Water Quality Control Act. The permit covers discharges associated with the extraction and treatment of groundwater impacted by volatile organic compounds, fuel leaks, fuel additives, and related wastes in the San Francisco Bay region. A meeting is scheduled for Nov. 8, 2017, in Oakland. Comments are due Sept. 11, 2017. Contact: Marcos De la Cruz; San Francisco RWQCB; 510-622-2365; marcos.delacruz@waterboards.ca.gov

—California RegionsRegulations (08/15/2017)

Regulatory Update

Illinois

AIR
Definition of Volatile Organic Material
Illinois AIR

Notice of the Pollution Control Board announces an extension of the deadline for final action on proposed amendments to regulations under 35 IAC 211.7150 regarding the definition of volatile organic material. The amendments would align provisions with the federal exemption of hydrofluoroether compound from the definition of volatile organic compound under 40 CFR 51.100. The notice includes a schedule for the rulemaking and specifies that additional time is needed due to unavoidable delays in preparing the proposal. The board extends the deadline for final action until Nov. 30, 2017. Contact: Michael McCambridge; PCB; 312-814-6924; michael.mccambridge@illinois.gov

—Illinois Register (08/11/2017)

Regulatory Update

AIR

National Ambient Air Quality Standards
Illinois AIR

Notice of the Pollution Control Board announces an extension of the deadline for final action on concurrently proposed amendments to regulations under 35 IAC 243 regarding national ambient air quality standards to align with federal requirements under 40 CFR 50. The revisions implement the 2012 primary annual NAAQS for particulate matter (PM-2.5) and modify requirements for handling monitoring data influenced by exceptional events. The revisions also incorporate a technical correction to an equation used for calculating compliance with PM-2.5 NAAQS in ambient air, the designation of one new federal equivalent method for nitrogen dioxide in ambient air, and updates to the list of designated reference and equivalent methods. The notice includes a schedule for the rulemaking and specifies that additional time is needed due to unavoidable delays in preparing the proposal. The board extends the deadline for final action until Nov. 30, 2017. A hearing is scheduled for Sept. 21, 2017, in Chicago and Springfield via teleconference. Contact: Michael McCambridge; PCB; 312-814-6924; michael.mccambridge@illinois.gov

—Illinois Register (08/11/2017)

Regulatory Update

AIR
Ozone State Implementation Plan/Definition of Volatile Organic Material
Illinois AIR

Notice announces the intention of the Pollution Control Board to revise the ozone state implementation plan and regulations under 35 IAC 211.7150 to align with the federal exemption of hydrofluoroether compound from the definition of volatile organic material under 40 CFR 51.100. If adopted, the amendment will be submitted to the U.S. EPA. A hearing is scheduled for Sept. 21, 2017, in Chicago and Springfield via teleconference. Comments are due Sept. 25, 2017. Contact: Michael McCambridge; PCB; 312-814-6924; michael.mccambridge@illinois.gov

—Illinois Register (08/11/2017)

Regulatory Update

AIR
State Implementation Plan/National Ambient Air Quality Standards
Illinois AIR

Notice announces the intention of the Pollution Control Board to revise the state implementation plan for national ambient air quality standards and regulations under 35 IAC 243 to align with federal requirements under 40 CFR 50. The revisions implement requirements for the 2012 primary annual NAAQS for particulate matter (PM-2.5) and modify requirements for handling monitoring data influenced by exceptional events. The revisions also incorporate a technical correction to an equation used for calculating compliance with PM-2.5 NAAQS in ambient air, the designation of one new federal equivalent method for nitrogen dioxide in ambient air, and updates to the list of designated reference and equivalent methods. If adopted, the amendment will be submitted to the U.S. EPA. A hearing is scheduled for Sept. 21, 2017, in Chicago and Springfield via teleconference. Comments are due Sept. 25, 2017. Contact: Michael McCambridge; PCB; 312-814-6924; michael.mccambridge@illinois.gov

—Illinois Register (08/11/2017)

Regulatory Update

OIL AND GAS INDUSTRY
Minimum Safety Standards for Transportation of Gas and Gas Pipeline Facilities
Illinois OIL AND GAS INDUSTRY

Final rule of the Commerce Commission amends regulations under 83 IAC 590.10 and .20 to incorporate federal minimum safety standards for transportation of gas and gas pipeline facilities, as of April 14, 2017. The rule also requires gas transportation companies and pipeline facilities operators to file with the commission federal reports required under 49 CFR 191.29 regarding the National Pipeline Mapping System. The rule is effective July 26, 2017. Contact: Brian Allen; Commerce Commission, Office of General Counsel; 217-558-2387

—Illinois Register (08/11/2017)

Regulatory Update

New York

WATER
Susquehanna River Basin Commission/Projects Approved for Consumptive Water Uses
New York WATER

Notice of the Susquehanna River Basin Commission announces a list of projects approved for consumptive use of water during the period June 1-30, 2017. The notice addresses 13 projects approved for consumptive use, including uses related to unconventional natural gas and other hydrocarbon development. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

—New York State Register (08/09/2017)

Regulatory Update

Washington

GENERAL ENVIRONMENT AND SAFETY
Department of Ecology Rulemaking Agenda
Washington GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Ecology announces the availability of the semiannual rulemaking agenda for July through December 2017. The topics to be addressed include air quality, hazardous waste and toxics reduction, shoreland and environmental assistance, the toxics cleanup program, water resources, water quality, and department administration. Contact: Bari Schreiner; Department of Ecology; 360-407-6998; Bari.Schreiner@ecy.wa.gov

—Washington State Register (08/16/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Department of Ecology/Public Records Fees
Washington GENERAL ENVIRONMENT AND SAFETY

Emergency rule of the Department of Ecology adopts regulations under WAC 173-03-9000E to provide that the calculation of actual costs of producing copies of public records would be unduly burdensome due to a lack of funds. The rule also specifies that the agency will calculate fees under the statutory fee schedule. The rule is effective July 23, 2017, and expires Nov. 20, 2017. Contact: Department of Ecology; 360-407-6000

—Washington State Register (08/16/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Department of Ecology/Hazardous Waste Cleanup Grants and Loans
Washington HAZARDOUS WASTE MANAGEMENT

Notice announces the intention of the Department of Ecology to adopt regulations under WAC 173-323-010 through -120 to establish standards and procedures for hazardous waste cleanup grants and loans under the Model Toxics Control Act. The rule establishes requirements for loans for covered activities, including air quality, shoreline, oil spill, and water quality programs. The rule addresses standards for applications, evaluations, awards, performance, reimbursement, agreement, and agreement modification. Contact: Bari Schreiner; Department of Ecology; 360-407-6998; rulemaking@ecy.wa.gov

—Washington State Register (08/16/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Heating Oil Tanks
Washington HAZARDOUS WASTE MANAGEMENT

Notice announces the intention of the Pollution Liability Insurance Agency to amend regulations under WAC 374-80 to expand the program for providing technical assistance to owners and operators of petroleum storage tanks. The rule expands the scope of advice and technical assistance provided by the agency to include petroleum storage tanks identified by the Department of Ecology. The rule also clarifies the process for owners or operators of heating oil tanks to notify agency of suspected or confirmed releases, addresses the initial investigation process for heating oil tank releases, and addresses the process by which the agency issues an opinion on whether independent remedial actions to address a release from a heating oil tank or a petroleum storage tank meets the substantive requirements of the Model Toxics Control Act. A comment due date is not specified. Contact: Cassandra Garcia; PLIA; 800-822-3905; rules@plia.wa.gov

—Washington State Register (08/16/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Petroleum Underground Storage Tank Revolving Loan and Grant Program
Washington HAZARDOUS WASTE MANAGEMENT

Notice announces the intention of the Pollution Liability Insurance Agency to adopt regulations under WAC 374-90 to establish the Petroleum Underground Storage Tank Revolving Loan and Grant Program. The program will assist owners and operators of petroleum underground storage tank systems in remediating past releases; upgrading, replacing, or removing petroleum UST systems to prevent future releases; and installing new infrastructure or retrofitting existing infrastructure for dispensing renewable or alternative energy. The rule addresses eligibility for loans and/or grants, requirements for applications, and the process for funding approved loans and/or grants. A comment due date is not specified. Contact: Cassandra Garcia; PLIA; 800-822-3905; rules@plia.wa.gov

—Washington State Register (08/16/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tank Community Assistance Program
Washington HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Pollution Liability Insurance Agency repeals regulations under WAC 374-60 to remove obsolete provisions regarding the Underground Storage Tank Community Assistance Program. The rule is submitted for expedited amendment. Objections are due Oct. 2, 2017. Contact: Cassandra Garcia; PLIA; 360-407-0512

—Washington State Register (08/16/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Board of Boiler Rules
Washington OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of the Department of Labor and Industries, Board of Boiler Rules, to amend regulations under WAC 296-104 to update and clarify board standards and procedures. The rule makes installers of boilers and pressure vessels responsible for permit requirements, fees, and civil penalties and incorporates the current edition of the National Board Inspection Code for in-service inspection and non-nuclear repairs and alterations of boilers and unfired pressure vessels. The rule also removes the permit exemption for owner/user inspection agencies and state specials and adds procedures for removing condemned boilers or unfired pressure vessels from service. In addition, the rule adds vessel usage status definitions and a definition for "installer" and makes board meetings quarterly. Comments are requested, but a due date is not specified. Contact: Alicia Curry; DLI; 360-902-6244; Alicia.Curry@Lni.wa.gov

—Washington State Register (08/16/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Electrical Safety Standards, Administration and Installation/Temporary Permits
Washington OCCUPATIONAL SAFETY AND HEALTH

Notice of the Department of Labor and Industries announces the withdrawal of a Dec. 7, 2016, notice of intent to adopt regulations under WAC 296-46B to establish procedures for the issuance of temporary permits in lieu of certificates of competency for electricians from other states. The rule also would have allowed Canadian Red Seal endorsed journeyperson construction electricians to qualify for the state journey level electrician competency examination. The withdrawal is dated July 20, 2017. Contact: Maggie Leland; DLI; 360-902-4504

—Washington State Register (08/16/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Railroad Companies/Transportation of Employees
Washington OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of the Utilities and Transportation Commission to amend regulations under WAC 480-62 to remove the seating capacity threshold and require all vehicles transporting railroad employees to meet commission safety standards. A workshop is scheduled for Oct. 5, 2017, in Olympia. Comments are due Aug. 28, 2017. Contact: Mathew Perkinson; UTC; 360-664-1236; mperkinson@utc.wa.gov

—Washington State Register (08/16/2017)

Regulatory Update

WATER
Energy Facility Site Evaluation Council/NPDES Permits
Washington WATER

Notice announces the intention of the Energy Facility Site Evaluation Council to amend regulations under WAC 463-76-054 and -062 regarding schedules of compliance and modification of National Pollutant Discharge Elimination System (NPDES) permits to conform with federal standards and related requirements of the Department of Ecology. The rule revises the process for making minor revisions to NPDES permits, prohibits suspension of permits, and allows termination of permits. Comments are due Sept. 15, 2017. Contact: Jim La Spina; 360-664-1362; EFSEC; efsec@utc.wa.gov

—Washington State Register (08/16/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Fri 10/13/2017 5:18:52 PM
Subject: BREAKING NEWS: Trump says he will not certify Iran's compliance with nuclear deal

President Donald Trump announced Friday that he will decertify Iran's compliance with the landmark 2015 nuclear deal, throwing the Obama-era agreement into doubt but stopping short of calling on Congress to reimpose nuclear sanctions on the Islamic Republic.

"History has shown that the longer we ignore a threat, the more dangerous that threat becomes," Trump said. "We will not continue down a path whose predictable conclusion is more violence, more terror and the very real threat of Iran's nuclear breakout."

The plan outlined by Trump on Friday strikes a blow against the Iran deal without outright killing it, punting the agreement's future to Congress, while imposing fresh sanctions on Iran's Revolutionary Guard Corps over its alleged support for terrorist groups.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Mon 8/21/2017 2:05:35 PM
Subject: POLITICO's Morning Score: Trump's loyalty put to test in GOP primaries — Committee fundraising totals — Trump approval in mid-30s in key Midwest states

By Elena Schneider | 08/21/2017 10:00 AM EDT

With Scott Bland, Kevin Robillard and Daniel Strauss

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

WITH HIM OR AGAINST HIM - "Republicans' primary litmus test: Trump loyalty," by Campaign Pro's Kevin Robillard: "Taxes, spending and even health care have taken a back seat to the most potent new litmus test in Republican primaries: allegiance to President Donald Trump. Even as the president spars with members of his own party and his approval rating has plummeted to historic lows, Republican Senate campaigns across the country are preparing to use instances of disloyalty to Trump to bludgeon primary opponents who've gotten on the wrong side of the president. Loyalty to Trump has quickly become the most potent issue within the Republican base, according to a dozen candidates and strategists immersed in 2018 races. It has already put Sens. Jeff Flake and Dean Heller under pressure in their states, sparked bickering between GOP candidates in two of Republicans' top 2018 targets, Indiana and West Virginia, and sunk one candidate running for Alabama's open Senate seat." **Full story.**

CASH RACE - FIRST IN SCORE - DSCC raises $3.5 million in July: The Democratic Senatorial Campaign Committee raised $3.5 million in July and has $18.5 million on hand. "Our generous supporters are doing everything they can to make sure we stop their harmful agenda - and that includes making sure Democrats have the resources to fight back next fall," DSCC executive director Mindy Myers said.

- DCCC tops NRCC fundraising totals in July: The DCCC brought in $6.2 million to the NRCC's $3.8 million during July, per FEC filings. But the NRCC has more cash on hand with just under $35 million, while the DCCC has nearly $23 million.

- "RNC raises millions more than DNC in July," via The Hill's Ben Kamisar: "The Republican National Committee expanded its massive fundraising lead over the Democratic National Committee in July as the Democrats posted their worst July haul in a decade. The DNC raised just $3.8 million in July, compared to the $10.2 million raised by the RNC in the same month. While the GOP has no debt, the DNC added slightly to its debt in July, which now sits at $3.4 million." **Full story.**

- "Vice President Mike Pence is heading to California to raise money with Kevin McCarthy," via The Los Angeles Times. Full story.

EARLY POLLING DATA - GOP poll shows Missouri Republicans want competition for Hawley: A poll of Missouri GOP primary voters found 55 percent want Attorney General Josh Hawley to run against Democratic Sen. Claire McCaskill, and 45 percent don't. Even if he does, 72 percent would like him to face competition in the primary and about 50 percent believe he would be vulnerable to political attacks focused on him using his position as attorney general as a stepping stone. JTD Strategies conducted the poll of 1,022 likely GOP primary voters, which has a margin of error of plus or minus 3.1 percentage points. **Full results here.**

BATTLEGROUND: MIDWEST - Trump approval in mid-30s in NBC/Marist polls of Michigan, Pennsylvania, Wisconsin: President Donald Trump's approval is well underwater in three key battleground states with Senate and governor's races in 2018. Trump's approval stands at 36/55 among registered voters in Michigan, 35/54 in Pennsylvania and 34/56 in Wisconsin. Trump also has a net negative approval among non-college whites in the polls of Michigan and Wisconsin, though he is slightly above-water (44/42) among that group in Pennsylvania.

- Democrats have early double-digit leads on the generic congressional ballot in all three states. They lead Republicans 48-35 in Michigan, 47-37 in Pennsylvania and 46-38 in Wisconsin. **The splits among college/non-college whites** are enormous in Pennsylvania and Wisconsin. In Pennsylvania, where Democrats are attacking GOP-held seats in the Philadelphia suburbs, white college grads say they want a Democratic Congress 55 percent to 35 percent. But Republicans also hope to target Democratic Rep. Matt Cartwright in the working-class 17th District, and non-college Pennsylvania whites want GOP control, 45 percent to 37 percent. **See the poll results here.**

Days until the 2017 election: 78.

Days until the 2018 election: 442.

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

FIRST IN SCORE - American Action Network airs ads on tax reform: American Action Network is airing ads on CNN and releasing a mobile billboard ahead of Speaker Paul Ryan's live town hall Monday night to promote the "need for meaningful tax reform that will lower rates for working families and small businesses," per a statement from the group. **Watch the national cable ad here.**

NEW THIS MORNING - WEB WARS - Clean Air Moms Action hits five states with digital buy: The environmental group is up with a $250,000 digital ad buy targeting five states to urge Congress not to support the Regulatory Accountability Act (RAA) and the Regulations from the Executive in Need of Scrutiny Act (REINS) Act, "two bills that threaten life-saving consumer protections that keep our air and water clean, our food and workplaces safe and our

families healthy," per a statement from the group. The ad will air in Missouri, Indiana, Montana, Florida and Virginia. **Watch the ad here.**

ALABAMA RUNOFF POLL - Moore leads Strange: A new JMC Analytics poll released Sunday found former Alabama Judge Roy Moore leading Sen. Luther Strange in the Republican primary runoff for Senate. Fifty-one percent of respondents said they would vote for Moore if the election were held today, while 32 percent said they would vote for Strange. Another 17 percent said they were undecided. See the full results **here**.

CHARLOTTESVILLE FALLOUT - "Charlottesville and Trump's Response Reshape Virginia Gubernatorial Race," by The New York Times' Jonathan Martin: " ... The gubernatorial race in this swing state was already set to be the next big test of the nation's politics, its results inevitably to be read as a harbinger for the 2018 midterm elections and President Trump's fate. But the events last weekend in one of its historical centers - in the city that Thomas Jefferson called home and on the university campus that he designed and founded - ensure that the nation's highest-profile campaign this fall will also be fought in part along the highly combustible lines of racial politics." **Full story.**

SCOTUS WATCH - Texas appeals redistricting ruling, legislature will not redraw maps: Texas Attorney General Ken Paxton on Friday started the appeal process of the U.S. district court ruling that overturned two of the state's congressional districts. In **the filing** , the state asked for a temporary reprieve from redrawing its maps and said that Gov. Greg Abbott will not call a special legislative session to redistrict. The district court denied the motion to stay and asked the parties to the suit to start the process of submitting new maps for consideration. Next up we'll see if the Supreme Court decides to hear the appeal - and whether it stops the redrawing process in the meantime.

- MEANWHILE - Former assistant U.S. attorney Jay Hulings is the second major Dem to jump into GOP Rep. Will Hurd's TX-23, via the San Antonio Express-News: Hulings is the son of two CIA agents, "whose prosecutorial résumé includes the recent Crystal City corruption case that resulted in the convictions of former City Manager James Jonas and former Mayor Ricardo Lopez. ... Hulings is also a friend and former law-school classmate of Julián and Joaquin Castro, and his political team will basically be the Castro campaign team." He joins a Democratic primary with Gina Ortiz Jones, a former intelligence officer who launched her campaign earlier this month. **Full story.**

2018 WATCH - "Republican strategist has new Idaho political funding group" by the Associated Press' Kimberlee Kruesi: "A top Republican strategist and fundraiser has quietly launched a new political action committee in Idaho, but he is not revealing which candidate or measure will receive his support in the 2018 election, according to documents filed with secretary of state's office. GOP operative Carl Forti filed the paperwork to create Building Idaho's Future, Inc. on Aug. 8. The group has not yet had to submit a campaign disclosure report, meaning there is no information that has been made public about the group's donors or contributions. ... In Idaho, political committees must file documents with the state so they can start collecting contributions and and spend money but are not required in those documents to identify specifically who or what they support." **Full story.**

- "Kansas lawmaker Jim Ward announces gubernatorial run," by the Associated Press: "A top Democratic legislator, House Minority Leader Jim Ward, announced Saturday that he is joining a crowded field of candidates seeking to replace Republican Gov. Sam Brownback. Ward, an attorney from Wichita, has been an outspoken opponent of Brownback's agenda, particularly tax cuts pushed by the governor." **Full story.**

- "McCaskill reaching out to rural Missouri ahead of election," by The Associated Press's Summer Ballentine: "Democratic Sen. Claire McCaskill is spending the August recess trekking through Republican strongholds in rural Missouri as she gears up for what's expected to be a fierce battle for a third term. Missouri has shifted even further to the right since the former state auditor joined the Senate in 2007. Republicans haven't lost a statewide race since 2012 when McCaskill won her second term, and they haven't lost a presidential race for more than two decades." **Full story.**

TREND WATCH - "More GOP lawmakers bucking their party on climate change," by POLITICO California's David Siders: "While President Donald Trump continues to dismantle Obama-era climate policies, an unlikely surge of Republican lawmakers has begun taking steps to distance themselves from the GOP's hard line on climate change. The House Climate Solutions Caucus, a bipartisan backwater when it formed early last year, has more than tripled in size since January, driven in part by Trump's decision in June to withdraw the United States from the Paris climate accord. And last month, 46 Republicans joined Democrats to defeat an amendment to the annual defense authorization bill that would have deleted a requirement that the Defense Department prepare for the effects of climate change. The willingness of some Republicans to buck their party on climate change could help burnish their moderate credentials ahead of the 2018 elections." **Full story.**

STATE BY STATE - Club for Growth launches new Senate super PACs: "Two GOP donors have poured money into the Club for Growth's new state-specific federal super PAC in Ohio, part of a new campaign finance strategy the Republican group plans to replicate around the country in 2018. CFG Action Ohio filed its second campaign finance report Friday, showing a $250,000 donation from Republican megadonor Richard Uihlein. The group has almost $490,000 on hand after raising another quarter-million dollars from Missouri Republican donor David Humphreys in June." **Full story.**

- "After decisive role in 2016 election, pressure's on Nevada Latino voters to stay engaged in 2018," by The Nevada Independent's Michelle Rindels and Luz Gray: "It translates to 'If we don't vote, we're going to lose. If we keep losing, those that will be left on the corners are those that we love most in the world.' And it's a sentiment that's especially meaningful for Nevada's Hispanic voters, who are credited with putting now-Sen. Catherine Cortez Masto and Hillary Clinton over the top in 2016 but are projected to stay home at a higher rate during a sleepier midterm." **Full story.**

ADMINISTRATION SPEED READ - "White House Bracing for an Angry Reception in Phoenix," by The New York Times' Noah Weiland and Maggie Haberman: "Officials in the White House and in Arizona are bracing for a furious reception to President Trump's campaign

rally in Phoenix this week, amid the fallout from his comments faulting "both sides" for racially charged violence in Charlottesville, Va. Of particular concern for some officials is the prospect that Mr. Trump may be planning to announce a pardon for Joe Arpaio, the former sheriff of Maricopa County, Ariz., who became an avatar for hard-line policies with his roundups of undocumented immigrants. Some of Mr. Trump's advisers worry that a pardon could deepen the racial wounds exposed in the last week and compound the president's political problems." **Full story.**

CODA - QUOTE OF THE DAY: "I don't have any plans to do anything like that. I'm rooting for him to get it together." - Ohio Gov. John Kasich on a possible 2020 GOP primary challenge to Trump, POLITICO reported.

To view online:
http://www.politico.com/tipsheets/morning-score/2017/08/21/trumps-loyalty-put-to-test-in-gop-primaries-221976

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Fri 10/6/2017 2:05:11 PM
Subject: POLITICO's Morning Score: Blackburn jumps into Tennessee Senate race — Murphy resigns from Congress — Republicans weigh backing new ad disclosures

By Maggie Severns | 10/06/2017 10:00 AM EDT

With Zach Montellaro, Elena Schneider and Kevin Robillard

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

Morning Score will not publish on Monday, Oct. 9. Our next Morning Score newsletter will publish on Tuesday, Oct. 10. Please continue to follow Campaign Pro issues here.

YOUR TENNESSEE FRONTRUNNER - "Blackburn enters Tennessee Senate race, as Haslam passes," by Kevin Robillard: "Tennessee GOP Rep. Marsha Blackburn announced she would run for Senate on Thursday, the same day her biggest potential primary challenger, Gov. Bill Haslam, opted out of the contest. In her announcement video , Blackburn takes aim at the upper chamber she hopes to join and boasts about her conservative credentials. She says the Senate Republican majority's failure to repeal Obamacare is a 'disgrace' and calls the Senate 'dysfunctional' and 'enough to drive you nuts.'" **Full story.**

- The New York Times' Jonathan Martin and Alex Burns: "A battery of Republican senators had telephoned Tennessee's governor, Mr. Haslam, a popular and wealthy establishment figure, and invoked Mr. Moore's primary election victory to argue that the identity of the party was on the line, according to a Republican official familiar with the line of argument. Mr. Corker and Senator Lamar Alexander of Tennessee led the charge. ... In a sign of their determination to retain the seat, establishment-aligned Tennessee Republicans immediately began trumpeting R. Brad Martin, a former state legislator and onetime chief executive of Saks as a potential candidate." **Full story.**

- Club for Growth endorses Mark Green: The Club for Growth immediately endorsed state Sen. Mark Green to replace Blackburn after she announced her Senate bid.

SPECIAL ELECTION SIREN - "Tim Murphy resigns from Congress," via POLITICO's Rachael Bade and Jake Sherman: "Rep. Tim Murphy (R-Pa.), the embattled anti-abortion lawmaker who allegedly encouraged his lover to terminate a pregnancy, on Thursday announced his plan to resign from office later this month - just a day after announcing his plan to retire following the 2018 election."

- Here's what's next: "In Pennsylvania special elections, the state central committees for both parties select primary nominees, rather than through a primary vote. ... Two Republican candidates announced their bids on Thursday - state Sen. Guy Reschenthaler, a former judge and

Iraq War veteran, and state Sen. Kim Ward. Local operatives also named state Rep. Rick Saccone, who's currently running for the U.S. Senate, as another potential candidate. Three Democrats were already vying to take on Murphy before he resigned, including Pam Iovino, a veteran who picked up an endorsement from VoteVets on Wednesday. But Democratic operatives said they expect more candidates to jump in, naming Matt Smith, president of the Greater Pittsburgh Chamber of Commerce, state Rep. Dan Miller and Westmoreland County Commissioner Ted Kopas." **Full story.**

HARD TARGET - Swing Left targets Ryan's district: The progressive fundraising organization Swing Left will target House Speaker Paul Ryan's district in 2018 and raise money for whichever Democratic candidate wins the nomination to take on Ryan. Hosts of the progressive podcast Pod Save America announced the move on Thursday night during a live taping. Swing Left has raised over $1.8 million for Democratic challengers this year.

- The DCCC's first ad campaign targets Ryan, too: "Paul Ryan and Washington Republicans," the ad says, "it's the same thing every time." The six-figure ad buy will run on MSNBC and CNN nationally, along with a three-week radio ad campaign in 11 to battleground districts, including those of: Reps. French Hill (AR-02), Martha McSally (AZ-02), Jeff Denham (CA-10), David Valadao (CA-21), Brian Mast (FL-18), Mike Bost (IL-12), Kevin Yoder (KS-03), Andy Barr (KY-06), Bruce Poliquin (ME-02), Don Bacon (NE-02) and Will Hurd (TX-23). Watch the ad here. **Full story.**

FULL DISCLOSURE - "Lawmakers weigh pushing Facebook, Twitter to share who buys political ads," by POLITICO's Elana Schor, Kyle Cheney and Ashley Gold: "Republicans in Congress are weighing joining with Democrats to demand greater transparency for political ads on Facebook and Twitter, as both parties look for ways to prevent a 2018 repeat of Russia's election meddling last year. ... though Republicans have historically opposed regulating political speech, some now appear open to new rules amid pressure to act against Russian influence before the 2018 midterms. Sens. Susan Collins (R-Maine) and James Lankford (R-Okla.), who both sit on the intelligence committee where Warner is the top Democrat, said in interviews this week that they're looking at the proposal he and Klobuchar have crafted." **Full story.**

Days until the 2017 election: 32.

Days until the 2018 election: 396.

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

Q3 FUNDRAISING - VA-SEN: Democratic Sen. Tim Kaine raised $1.8 million in the third quarter and has a whopping $8.4 million on hand.

IL-06: Democrat Kelly Mazeski announced raising $415,000 in the third quarter and has over $325,000 on hand for the crowded primary to face GOP Rep. Peter Roskam.

- KS-02: Democrat Paul Davis announced raising over $400,000 for his run for the open Republican-held seat.

- NY-01: Democrat Perry Gershon raised $500,000 since launching his campaign, but did not release his cash on hand total.

- NY-19: Democrat Antonio Delgado announced raising $400,000 for his run against GOP Rep. John J. Faso.

BIG VIRGINIA NUMBERS - A new poll from the Washington Post/Schar School gives Democrat Ralph Northam a sizable lead over Republican Ed Gillespie in the run for governor. Northam is up 53 percent to 40 percent, with Libertarian Cliff Hyra pulling 4 percent. The poll was in the field from Sept. 28 through Oct. 2, with a margin of error of 3.5 percentage points. **More numbers.**

-The Republican Governors Association released a memo disputing the survey: The memo, written by OnMessage's Wes Anderson and Kayla Dunlap, notes the Post's survey missed the gubernatorial race in 2013. It also questions the number of Democrats included in the survey and argues the number of voters interviewed by cell phone is too high. "For these reasons, we believe this survey has failed to meet many of the standards required to be considered an accurate survey and should be taken with a pound of salt, maybe even more," the duo writes. **Read the full memo here.**

BANNON'S NEXT PROJECT - "Ex-convict Michael Grimm: Steve Bannon is 'very excited' to get me re-elected to Congress," by Newsweek's Celeste Katz: "Michael Grimm is dead certain of these things: He didn't deserve that prison time. He can recapture his old seat representing New York in Congress. And he'll get back to Washington with the enthusiastic support of one Mr. Steve Bannon. 'We're definitely going to work together. ... And I can say that Steve Bannon was very excited about it,' Grimm told Newsweek in an exclusive interview after his Wednesday sitdown on Capitol Hill with the former chief strategist to President Donald Trump." **Full story.**

BUT WAIT, THERE'S MORE - "Top GOP Senate recruit courts Bannon after threat," by POLITICO's Kevin Robillard and yours truly: "The Republican establishment pick to take on Democratic Sen. Claire McCaskill quietly reached out to former White House chief strategist Steve Bannon last week - the latest step taken by concerned Republicans to counter Bannon's threats to wreak havoc across the Senate landscape in 2018.

"Two Republican sources said Attorney General Josh Hawley, a soft-spoken 37-year-old with an Ivy League pedigree who is expected to officially announce a run soon, called Bannon late last week. ... On the call, Hawley reminded Bannon of their mutual friends, including the Mercer megadonor family, which bankrolls much of Bannon's political work. Hawley met with Robert Mercer last fall when he was running for attorney general, one Republican close to Hawley

said." **Full story.**

AD BREAK - The American Action Network is launching a $2 million buy on tax reform in California, North Carolina and Florida, per McClatchy's Katie Glueck.

FROM THE FEC FILES - Clyburn amends campaign reports to the tune of $300K: South Carolina Democratic Rep. Jim Clyburn's campaign recently refiled several years' worth of FEC reports after finding they overstated Clyburn's campaign balance by, as of the most recent filing, $342,904. The campaign committee told the FEC the balance listed with the FEC had been off since 2009.

- Defending Main Street brings in $300,000: The moderate Defending Main Street super PAC reported raising $300,000 in September, in the form of three $100,000 contributions from PACs associated with the Air Line Pilots Association, the International Union of Operating Engineers and the United Brotherhood of Carpenters and Joiners.

ICYMI - "A New Pro-Trump Super PAC Takes Aim at the Republican Establishment," via The Atlantic's Rosie Gray: "A group of pro-Trump media figures are launching a super PAC aimed at making an impact in the 2018 midterms. Jeff Giesea, Mike Cernovich, and Jack Posobiec, organizers of the 'Deploraball' party to celebrate President Trump's inauguration earlier this year, are behind the super PAC, which is being called #Rev18. The trio plans to back anti-establishment primary challengers in the midterms." **Full story.**

- Tennessee Rep. Craig Fitzhugh announces gov. run: Fitzhugh, a Democrat, released a video announcing his run for governor on Thursday. "This is the field I played on in high school, in West Tennessee," Fitzhugh says in the ad. "It was one of the first integrated teams in the South. To me, it just felt right to be playing alongside the kids I grew up with."

QUOTE OF THE DAY: "We look forward to seeing how national Democrats can spin yet another special election loss into a so-called 'moral victory,'" NRCC chairman Steve Stivers said in a statement about the forthcoming special election to replace departing Rep. Tim Murphy.

To view online:
http://www.politico.com/tipsheets/morning-score/2017/10/06/blackburn-jumps-into-tennessee-senate-race-222691

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Wed 9/20/2017 2:03:56 PM
Subject: POLITICO's Morning Score: Debate night in Virginia — RNC paid hundreds of thousands in Trump family legal bills — DCCC targets Yoder in radio, digital ads

By Elena Schneider | 09/20/2017 10:00 AM EDT

With Zach Montellaro, Maggie Severns and Kevin Robillard

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

DEBATE NIGHT - "Few fireworks in gentlemanly Virginia gubernatorial debate," by Campaign Pro's Kevin Robillard: "With pressure building in a tight race, Virginia's leading gubernatorial candidates eschewed face-to-face political combat in their debate Tuesday night. Instead, their gentlemanly exchange contained few personal attacks and plenty of policy contrast on economic development, health care and immigration. Democratic Lt. Gov. Ralph Northam and Ed Gillespie, former chairman of the RNC, debated with few fireworks. Neither man deployed his most potent attacks against the other, and both ducked and dodged on some hot-button issues. There was no defining moment to be found. ...At one point during the debate, Gillespie appeared to announce his opposition to a legislative proposal from Sens. Lindsey Graham (R-S.C.) and Bill Cassidy (R-La.) to repeal Obamacare and replace it with state block grants. But post-debate, he said he hadn't read the legislation and wasn't able to take a position for or against it." **Full story.**

- **ANOTHER ONE** - **Fox News poll shows close race:** A Fox News poll released shortly before the debate, the fifth poll of the contest released in the past two days, gave Northam a 42 percent to 38 percent lead over Gillespie among registered voters. Among likely voters, Northam earned 42 percent to Gillespie's 41 percent. This poll follows a University of Mary Washington poll giving Northam a 5-point lead, polls from Suffolk University and Mason-Dixon showing a virtual tie, and a Quinnipiac University poll showing Northam with a 10-point lead. **Full results.**

- RGA gives Gillespie campaign another $1M: "The Republican Governors Association is donating another $1 million to the party's gubernatorial candidate in Virginia, former RNC Chair Ed Gillespie ...The RGA has now spent more than $4 million on the race." **Full story.**

SCHEDULING UPDATE - "Trump's Alabama rally to support Strange to be held Friday," by Louis Nelson: "Trump had announced earlier this week that he would campaign for Strange (R-Ala.) in Huntsville, Alabama, on Saturday, writing on Twitter that "Big Luther' is a great guy who gets things done!' Strange's campaign announced Monday afternoon that the rally featuring Trump would in fact take place at 7 p.m. Friday.Neither the White House nor a spokesman for Strange immediately responded to emails asking why the event had been moved up a day. **Full story.**

FIRST IN SCORE - New PAC to knock doors for Flake: A new super PAC called the Arizona Goldwater Tradition PAC hopes to raise and spend $2.9 million leading up to the Arizona Senate primary aiding embattled GOP Sen. Jeff Flake. The PAC, which registered with the FEC on Wednesday, is chaired by Arizona attorney Tim LaSota and was set up with help from GOP consultant Chuck Warren. It has hired multiple fundraisers including former Rubio fundraiser Carmen Miller Spence, Warren said. Arizona Goldwater Tradition PAC will focus on canvassing. "We want to have very well-educated teams of people talking to their neighbors, Republican voters and fiscally conservative independents" about Flake's conservative voting record, Warren said. "We're going out to have conversations with people. We're confident that if people know his voting record, they will not question Jeff Flake's conservative values."

DESSERT - "Read the 2013 Obama sketch cut from the Emmys," by POLITICO's Edward-Isaac Dovere: "Sean Spicer made it to the Emmys. Barack Obama was nixed. The former White House press secretary's surprise, controversial cameo at the Emmys on Sunday dredged up four-year-old bitter feelings among Obama White House staffers of a 2013 sketch that was stopped from going on the air, but that would have promoted Obamacare sign-ups just as the law was going into effect. A script was written . Segments with Tony Goldwyn, who plays President Fitzgerald Grant on "Scandal," and Jay Pharaoh, who was then playing Obama on "Saturday Night Live," were recorded. Some of those involved say Obama may have even shot his part himself." **Full story.**

PUBLIC HEARING - "Burr: Facebook to testify publicly on Russian electoral disruption," by POLITICO's Elana Schor: "The Senate Intelligence Committee chairman said today that he expects Facebook officials to appear at a public hearing examining its role in Russian efforts to influence the 2016 election. The social networking giant is under intense scrutiny for its involvement in Russian meddling during last year's presidential campaign and acknowledged earlier this month that it accepted about $150,000 in political ad spending from entities potentially linked to Russia." **Full story.**

Days until the 2017 election: 48.

Days until the 2018 election: 412.

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

AIR WAR - Save My Care launches TV blitz: The progressive group is out with a six-figure TV ad buy to urge Alaska Lisa Murkowski, Maine Sen. Susan Collins and West Virginia Sen. Shelley Moore Capito to vote against the Graham-Cassidy health care repeal bill. One ad says that "partisan politicians are at it again ... pressuring [Murkowski] to cave." **Watch the Alaska ad here. Watch the Maine ad here. Watch the West Virginia ad here.**

- DCCC launches digital ads against Rep. Yoder: The DCCC is targeting Kansas Rep. Kevin Yoder with radio and digital ads for "his vote against disaster relief funds for victims of Hurricanes Harvey and Irma," per a statement from the group. The 60-second radio ad calls the funding vote "one of those rare times when something actually got done in Washington, but our congressman, Kevin Yoder, voted no." **Listen to the ad now.**

SEEKING WRITERS - "GOP governors launch 'news' site critics call propaganda," by AP's Bill Barrow: "The Republican Governors Association has quietly launched an online publication that looks like a media outlet and is branded as such on social media. The Free Telegraph blares headlines about the virtues of GOP governors, while framing Democrats negatively. It asks readers to sign up for breaking news alerts. It launched in the summer bearing no acknowledgement that it was a product of an official party committee whose sole purpose is to get more Republicans elected. Only after The Associated Press inquired about the site last week was a disclosure added to The Free Telegraph's pages identifying the publication's partisan source." **Full story.**

HEARD ON THE HILL - Democratic lawmakers to push FEC: Democratic House and Senate lawmakers plan to send a letter to the FEC today urging the commission to "consider new rules that would prevent foreigners from using online advertising platforms like Facebook and Twitter to influence voters," CNN's Dylan Byers reports. Additionally, Sen. Mark Warner (D-Va.) is considering legislation that would place new disclaimers on advertisements. The new efforts from lawmakers come on the heels of Facebook announcing it had told $100,000 worth of ads to Russian nationals during the 2016 elections.

SPECIAL GUEST - "Obama to host an event for New Jersey governor candidate," by The Hill's Amie Parnes: "Former President Obama will host an event this fall for Phil Murphy, the Democrat running for governor of New Jersey, Democratic sources say. Murphy served as U.S. ambassador to Germany from 2009 to 2013 under Obama. He also worked for more than two decades at Goldman Sachs. It's one of several events Obama is expected to attend in the coming weeks as he seeks to lend his star power to Democrats across the country." **Full story.**

- RGA launches first television ad in New Jersey: "The Republican Governors Association is airing a television ad in the New Jersey governor's race, its first foray into a contest most believe Republicans have little chance of winning. The 15-second ad attacks Democrat Phil Murphy, a former ambassador and Goldman Sachs executive, for wanting to raise taxes." **Full story.**

GOOD FRIEND TO HAVE - "Republican Andy Ogles' bid for Bob Corker's U.S. Senate seat to get $4 million assist from Lee Beaman," by The Tennessean's Joel Ebert: "Nashville businessman and Republican donor Lee Beaman said Tuesday he plans to raise $4 million to assist with Andy Ogles' run for the U.S. Senate seat held by Bob Corker. 'There are donors who are already anxious to get involved in this race and our plan is to raise and spend $4 million over the next 13 months to provide President Trump with an ally in the U.S. Senate that he will be able to depend upon,' Beaman said in a news release sent by the Ogles campaign." **Full story.**

CASH RACE - RNC raised $7.3M in August: The Republican National Committee raised $7.3 million during the month of August, the committee said today, bringing its total fundraising

for the year up to $93.3 million. The RNC ended August with $45.8 million cash on hand, the committee said. Its August fundraising total is slightly more than the $6.7 million the RNC raised during August of 2013, the last off-year leading up to a midterm election. Then, the committee finished August with $12.5 million cash on hand." **Full story.**

- "RNC says it has spent over $400,000 on Trump family's legal bills," by POLITICO's Nolan D. McCaskill: "The RNC has spent nearly a quarter-million dollars on President Donald Trump's legal bills, an RNC official confirmed today. Reuters reported that Trump was using funds from the RNC and his reelection campaign to pay for lawyers amid FBI and congressional probes into Russian meddling in the 2016 presidential election, including possible collusion between Trump associates and Moscow." **Full story.**

RETIREMENT WATCH - "Sources: Trump encouraged Corker to run for Senate again," by AP's Erik Schelzig: "President Donald Trump is encouraging Sen. Bob Corker of Tennessee to run for another term, according to two people familiar with a meeting between the two Republicans at the White House last week. The Friday meeting was the first between Corker and Trump since they clashed over the president's comments about a violent white supremacist rally in Virginia last month." **Full story.**

PRIMARY CONCERNS - Vukmir names Walker campaign chair to steering committee: Wisconsin State Sen. Leah Vukmir laid out the steering committee for her U.S. Senate bid to challenge Democratic Sen. Tammy Baldwin last night. One name to jump out: former Bradley Foundation president Michael Grebe, who chaired Wisconsin Gov. Scott Walker's presidential campaign in 2016.

FROM THE COURTROOM - "Menendez legal team gets a victory on evidence," by POLITICO New Jersey's Matt Friedman: "Sen. Robert Menendez (D-N.J.) won a legal skirmish with prosecutors on Tuesday, when a judge said he would allow Menendez's legal team to tell jurors about official actions the senator took to help people other than his co-defendant, Salomon Melgen. ...Attorneys for Menendez, a Democrat, plan to introduce evidence showing he has helped many constituents with visa and other issues during his 11 years in the Senate - the same types of acts he's alleged to have done for Melgen and his foreign girlfriends, in exchange for Melgen providing lavish vacations, private jet flights and hundreds of thousands of dollars in political contributions." **Full story.**

TRANSITIONS - DLCC names communications director: The Democratic Legislative Campaign Committee has hired Mara Sloan as communications director. Sloan previously worked for Sens. Bob Menendez and Bill Nelson.

- Hatch challenger hires campaign manager: Jenny Wilson, the Democratic Salt Lake City Councilmember challenging Utah Sen. Orrin Hatch, has hired Democratic operative Scott Hogan to manage her campaign. Hogan most recently worked for former Labor Secretary Tom Perez's successful DNC chair campaign.

ADMINISTRATION SPEED READ - "Price's private-jet travel breaks precedent," by POLITICO's Dan Diamond and Rachana Pradhan: "In a sharp departure from his

predecessors, Health and Human Services Secretary Tom Price last week took private jets on five separate flights for official business, at a cost of tens of thousands of dollars more than commercial travel. The secretary's five flights, which were scheduled between Sept. 13 and Sept. 15, took him to a resort in Maine where he participated in a Q&A discussion with a health care industry CEO, and to community health centers in New Hampshire and Pennsylvania, according to internal HHS documents. The travel by corporate-style jet comes at a time when other members of the Trump administration are under fire for travel expenditures, and breaks with the practices of Obama-era Secretaries Sylvia Matthews Burwell and Kathleen Sebelius, who flew commercially while in the continental United States." **Full story.**

QUOTE OF THE DAY: "I think a lot of people would roll their eyes or raise their eyebrows at it. ... But I'm here to win." - Tyler Ruzich, a Shawnee Mission North student, launched a campaign for the Republican nomination for Kansas governor, The Kansas City Star reported.

To view online:
http://www.politico.com/tipsheets/morning-score/2017/09/20/debate-night-in-virginia-222382

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Sent: Fri 10/27/2017 11:04:46 AM
Subject: First Move: EPA Not Holding Nose on Animal Waste • Zinke Deputy On Regs • ExxonMobil's Chemical Offer

What you need to know to start your day.

EPA Not Holding Nose on Animal Waste • Zinke Deputy On Regs • ExxonMobil's Chemical Offer

By Chuck McCutcheon

Cows, pigs, chickens, and other farm animals generate lots of waste—so much, in fact, that it can greatly befoul air quality. Now the EPA wants to help farmers deal with the related paperwork.

The agency has put out materials it hopes can guide farmers through complying with a deadline next month to start reporting releases of hazardous air emissions from animal waste that are over the allowed limits in federal law, Abby Smith reports.

Hogs on a farm in Elma, Iowa.
Photo by Scott Olson/Getty Images

Farmers say they need all the help they can get on something so technical.

"The average farmer isn't a chemical engineer. There's going to be a tremendous learning curve," says Michael Formica, assistant vice president of domestic policy and counsel for the National Pork Producers Council.

Interior Secretary Ryan Zinke has often vowed to streamline regulations governing energy development on federal lands. One of his newest point people on the issue says he's looking at a variety of changes to bring it about.

The changes that David Bernhardt, Interior's deputy secretary, is contemplating are intended to shorten the time and trouble for everyone involved in the approval process for drilling and mining. That audience includes the Interior staff consumed with sizing up the litany of proposals to meet President Trump's goal of expanded U.S. energy production.

Bernhardt, a longtime natural resource attorney, knows that Interior risks losing a lot of court cases when environmentalists, states, and others sue the feds over violations of the National Environmental Policy Act and other laws. He tells Alan Kovski, who's writing about his interview with Bernhardt, that he thinks he's helping

his agency succeed at its efforts to be careful.

"I am pretty confident that our track record will be as good, if not better, than our predecessor's track record," Bernhardt says.

Exxon Mobil is urging the EPA to work with it and other chemical manufacturers, along with other industries, to learn how—and at what levels—people are exposed to chemicals.

The agency, when it reviews chemicals' risks, traditionally has been starved of information on people's exposures to chemicals. But an amended chemicals law now puts a premium on the agency having that kind of data as it weighs regulations to restrict chemical uses, Pat Rizzuto explains in a story out later this morning.

Without good exposure data, the agency makes assumptions about the extent to which people are exposed. Whether subsequent regulations are too restrictive—limiting chemical sales and use—or too lax—which could put people at risk—often hinges on debates over these assumptions.

Other Stories We're Covering

- Rebecca Kern and Bloomberg News reporters are expected to sit down today for an interview with FERC Chairman Neil Chatterjee. They will ask how his agency plans to address all of the comments about the Energy Department's grid proposal in a relatively short time.
- State solid waste management officials are wrapping up a meeting in Arlington, Va., and the EPA will discuss how to assess urban sites contaminated with lead. Sylvia Carignan is covering.
- Murray Energy Corp.'s CEO will have to tell miners that they can go to federal regulators about safety conditions without first notifying management, a mine regulatory panel says.
- Reducing byproduct fish and other creatures caught during commercial fishing for a different species is a focus of a U.N. wildlife summit wrapping up in Manila. Adam Allington is tracking.
- One of Scott Pruitt's loyal Senate allies wants to stop a vote on a Democratic FERC member to try to win floor votes on EPA nominees who face Democrats' opposition.

Quote of the Day

"No one entity has all the information. We really need to work together."
—Rosemary Zaleski, who heads the chemical exposure division at Exxon Biomedical Sciences Inc., discussing the company's desire to help the EPA on chemical risks.

Today's Events

- **9:30 a.m. • Water** • A House infrastructure committee's water resources panel holds webcasted roundtable in Miami on improving ports, dams, and other water-related infrastructure. David Schultz is monitoring.
- **3 p.m. • Climate Change** • George Washington University hosts "climathon" seeking technology-based solutions on addressing climate change.
- **4 p.m. • Alaska** • Alaska Center for Climate Assessment & Policy holds webinar on state's climate conditions.
- **All Day • Women's Convention** • NRDC Action Fund and other groups sponsor convention in Detroit addressing how women are affected by, and can change policies on, drinking water safety, as well as other issues.

Around the Web

- A new video game promotes attacks on oil pipelines, the game's critics say, demanding that the university whose professor developed it pull the plug.
- People who study wildfires say new thinking about them—such as regarding them as inevitable natural disasters comparable to earthquakes—will help with preparedness.
- Energy alliance launches initiative to halve transportation energy use by 2050.
- Maryland's water quality monitoring data indicates the best year on record since 2012.
- Democratic senators ask EPA: Show us the math that led you to propose rescinding the Clean Power Plan.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Mon 11/6/2017 3:17:03 PM
Subject: POLITICO's Morning Transportation, presented by the Association of American Railroads: Shuster interested in Armed Services chairmanship — Spending bills hang in the balance — Latta wants DHS action on car attacks

By Tanya Snyder and Brianna Gurciullo | 11/06/2017 10:00 AM EDT

With help from Stephanie Beasley

SHUSTER STAYING: While other soon-to-be term-limited House committee chairmen are planning to retire come 2019, Rep. Bill Shuster (R-Pa.) says he doesn't want to join them. "My intention is to stick around," Shuster recently told The Hill. "I've got some other opportunities. I'm pretty senior on the Armed Services Committee." He added that Chairman Mac Thornberry (R-Texas) "has another term, but I'm on the top prong there, and I've demonstrated that I can get things done." Shuster became the Transportation Committee's chairman in 2013 and will have to give up the gavel in January 2019. At least two committee members - Highways and Transit Subcommittee Chairman Sam Graves (R-Mo.) and Railroads Subcommittee Chairman Jeff Denham (R-Calif.) - are looking to succeed Shuster.

IT'S MONDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Tanya has her bike helmet on and is ready to roll, so be sure to send her your tips, well wishes and random thoughts: tsnyder@politico.com or @TSnyderDC.

"Sailing away beyond the reach of anyone / Far beyond the dreams of everyone / High from the heavens / I can't see the pain / Does anybody care?"

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) that are all about flying, driving, commuting and sailing?

THIS WEEK:

Tuesday - The Atlantic holds a series of discussions on artificial intelligence, self-driving cars and virtual reality. The Atlantic Council's Cyber Statecraft Initiative releases a report on "the critical cybersecurity challenges facing the aviation industry."

Wednesday - FAA Administrator Michael Huerta speaks at the National Air Transportation Association's Aviation Business Roundtable. The Design-Build Conference and Expo begins in Philadelphia. The Senate Commerce Committee marks up Bruce Landsberg's nomination to be a member of NTSB, Ray Martinez's nomination to be FMCSA administrator, Diana Furchtgott-Roth's nomination to be assistant secretary of transportation for research and technology and former Rep. Lynn Westmoreland's nomination to be a member of Amtrak's board. The Senate Environment and Public Works Committee holds a hearing on Kathleen Hartnett White's nomination to the Council on Environmental Quality.

WAIT THERE'S MORE! Also on Wednesday, the Senate Homeland Security and Governmental Affairs Committee holds a hearing on Kirstjen Nielsen's nomination to be Homeland Security secretary. The House Homeland Security Committee holds a hearing on TSA with Administrator David Pekoske. Before the hearing, Pekoske and DHS Inspector General John Roth will give members of the panel a classified briefing on the IG's most recent audit of TSA screenings, Steph scooped for Pros.

Thursday - Securing America's Future Energy holds a conversation on "the regulatory measures that should be taken to enable a safer and more efficient trucking future." The Information Technology & Innovation Foundation holds a talk about "how best to strike a balance between maintenance and innovation in future U.S. infrastructure investments." The Senate Homeland Security and Governmental Affairs Committee marks up Nielsen's nomination.

CLOSING TIME: Anyone who's been watching the countdown at the bottom of MT knows there's barely a month left before government appropriations expire - and "spending leaders have barely begun negotiating a compromise that could mark the toughest political wrangling of Donald Trump's presidency so far," report Sarah Ferris and Jennifer Scholtes. There's talk of pushing the Dec. 8 deadline until sometime in February. But if they try, defense hawks are sure to raise a stink about it. "If we go to another CR, we're going to be unable to defend ourselves," Rep. John Carter (R-Texas), who chairs the House spending panel in charge of homeland security, told POLITICO on Friday.

MUDDY WATERS: Top Republicans and Democrats on the House Transportation Committee want the GAO to keep close tabs on DOT's future INFRA grant decisions, following an agency report showing DOT hadn't provided clear rationale for its selection of 18 highway and freight projects from a pool of 218 applicants last year. Though the awards were made under the Obama administration, GAO noted that DOT's application review process remains opaque under the Trump administration. DOT agreed with the report's recommendations and said it would work to establish an evaluation plan and document key decisions made on applications for fiscal 2018. Pros can get all the details here.

LATTA WANTS ACTION ON CAR ATTACKS: Rep. Bob Latta (R-Ohio) has introduced a measure (H.R. 4227 (115)) that would require DHS to take a deeper look at vehicular terrorism threats. The bill would give the department six months to examine its efforts to prevent vehicle attacks and submit recommendations to Congress. Latta joins a chorus of lawmakers pressing for federal action on vehicular terrorism in the wake of last week's truck-ramming attack in New York City. DHS has largely deferred to the FBI and local law enforcement to investigate the incident, but Latta said the department should take more steps to prevent such attacks. "DHS needs to take appropriate actions to prevent these assaults on innocent lives," he said in a statement.

HEADS UP: Amendments won't be offered on the floor when the House considers its tax bill (H.R. 1 (115)), Ways and Means Chairman Kevin Brady (R-Texas) told POLITICO Playbook. "The work will be done in the committee and before we take it to the Rules Committee and later in conference," Brady said. More here. Related, House Speaker Paul Ryan said on Fox News Sunday that he feels "very good" about the chances of getting the tax bill passed through the

House before Thanksgiving.

** **A message from Association of American Railroads**: Moving 54 tons of goods annually for every American takes a lot of muscle, and a lot teamwork. See how intermodal has turned trucks and trains from competitors into collaborators while delivering for U.S. industry and consumers. http://bit.ly/2itLz6q **

FLY-IN: The North Dakota Motor Carriers Association is meeting with lawmakers Tuesday, Wednesday and Thursday to push for the Republican tax bill as well as funding for infrastructure upgrades. "It is the 41st American Trucking Associations state affiliate to conduct an annual fly-in this year," ATA's Jeremy Kirkpatrick told MT.

MT MAILBAG: Twenty-two organizations, ranging from the National Stone, Sand and Gravel Association to the Reason Foundation and from AASHTO to ASCE signed on to a letter urging members of the Ways and Means Committee to retain the federal tax exemption for private activity bonds, which the tax bill would eliminate. "This provision severely conflicts with the need to deploy all types of funding sources for transportation infrastructure improvements, including private capital," they wrote. "Ultimately, it would raise costs for most such projects, regardless of how they are financed." ... Kurt Nagle, president and CEO of the American Association of Port Authorities, also wrote to Ways and Means Committee leaders to advocate for protecting PABs, designating Harbor Maintenance Trust Fund spending as mandatory and funding infrastructure improvements.

FMCS-ADIOS: FMCSA's deputy administrator, Daphne Jefferson, has retired, Brianna reported for Pros on Friday. Cathy Gautreaux, most recently the Louisiana Motor Transport Association's executive director, is likely to succeed her, Transport Topics reports.

ICYMI: Senate Majority Leader Mitch McConnell (R-Ky.) filed cloture last week on Derek Kan's nomination to be under secretary of transportation for policy. Kan's nomination was approved by committee back in June. But Democratic senators hindered his confirmation in August over concerns about the Gateway Program. Kan was a general manager at Lyft and previously a policy adviser to McConnell. He has been a "senior advisor" at DOT since June, according to his LinkedIn.

ARRIVALS AND DEPARTURES: Michael Bilello is TSA's new assistant administrator for public affairs. He was most recently CEO and founder of Centurion Strategies and previously worked as a public affairs and media relations officer for the Marine Corps.

THE AUTOBAHN:

- "GOP tax bill has transportation advocates scrambling." The Hill.

- Average price per gallon up 17 cents in Los Angeles since 12-cent gas tax took effect. ABC7.

- "Trump to Japan: Make more cars in the U.S." POLITICO.

- Arrested Saudi investor prince owned 'sizable' stake in Lyft. The New York Times.

- "Electric-vehicle tax-credit proposal slows Tesla, Detroit." The Wall Street Journal.

- "USDOT preparing sweeping AV policy update, 3.0, including trucks and buses." Eno Transportation Weekly.

- "Japanese firms say U.S. NAFTA proposals would be harmful." POLITICO Pro Trade.

- "BMW recalling 1 million vehicles in North America." Reuters.

- "Russian airspace to remain open to Dutch airlines." POLITICO Europe.

THE COUNTDOWN: DOT appropriations run out in 33 days. The FAA reauthorization expires in 146 days. Highway and transit policy is up for renewal in 1,060 days.

** **A message from Association of American Railroads**: America's 21st century economy rides on the back of a modern intermodal freight rail network. Railroads are leveraging their unique shipping capabilities to meet growing demand for freight movement while supporting a trucking industry undergoing transformation. Read the full story of these two unlikely partners - and their impact on the American economy. http://bit.ly/2itMnIu **

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https://www.politico.com/tipsheets/morning-transportation/2017/11/06/shuster-interested-in-armed-services-chairmanship-223186

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Sent: Mon 7/31/2017 2:04:21 PM
Subject: POLITICO's Morning Energy: Energy issues the Senate might handle this month — Public weighs in on EPA delay of power plant discharge rule — Efficiency groups want Congress to be clear about Trump program spending

By Alex Guillén | 07/31/2017 10:00 AM EDT

With help from Darius Dixon, Annie Snider and Esther Whieldon

AUGUST: O-SENATE COUNTY: Senators are back in town this week rather than kicking off their traditional August recess, but with the GOP's health care repeal effort underwater (for now, anyway) there may be an opportunity for lawmakers to get something done on energy - which, almost unbelievably, is often a less contentious issue these days. Here's a look at energy issues on the Senate's backburner that might get renewed attention soon.

Energy bill: Senate Energy and Natural Resources Chairwoman Lisa Murkowski said earlier this month that she would push to get the bipartisan energy bill, S. 1460 (115), onto the floor in these extra weeks. It's largely the same as a version that passed the Senate overwhelmingly last year, and would offer the chamber an opportunity to do something concrete. However, Majority Leader Mitch McConnell may not have much interest in moving Murkowski's bill after she helped tank the GOP's Obamacare repeal efforts last week.

Appropriations: The last of the four major energy appropriations bills - the Senate's Interior-EPA package, overseen by Murkowski - has yet to be released. If it follows the recent tradition of Senate leniency on EPA spending, the agency would find itself in line for even fewer cuts than under the House version (which wielded the ax must less sharply than President Donald Trump's proposal). However, eyeballs will definitely be scouring the Interior side to find out whether Murkowski includes any payback against Secretary Ryan Zinke, who infamously tried to turn up the heat on her last week about her Obamacare stance.

Hearings: The Senate Environment and Public Works Committee has an oversight hearing on EPA's Superfund program scheduled for Tuesday morning. Witnesses are Steven Nadeau of the law firm Honigman Miller Schwartz and Cohn; Jeffery Steers, director for regional operations for the Virginia Department of Environmental Quality; and independent consultant Katherine Probst, who recently wrote a paper on Superfund's accomplishments and challenges.

HOW MANY NOMINATIONS PASS GO? Shortly after Friday's collapse of the latest Obamacare repeal effort, Senate Minority Leader Chuck Schumer said "a whole lot" of nominees may begin marching through the upper chamber. Plenty of energy nominees are hoping to get off the bench and into the game, including Trump's picks for EPA, the Nuclear Regulatory Commission, FERC and the Energy Department, who have already gotten committee approvals. As far as Senate politics go, there are two tracks of nominees: standalone picks, such as deputy Energy secretary nominee Dan Brouillette, and those who can be sewn into bipartisan packages, like the FERC hopefuls.

Much of the energy world has been waiting for Trump's FERC nominees to be confirmed, given the agency's months of paralysis. But don't expect too much movement there until the White House formally sends the nomination of Democratic pick Rich Glick to the Senate. Glick's nomination was announced June 28 but not much else has happened since, except Trump's plans to nominate Kevin McIntyre for agency chair. That has left GOP picks Neil Chatterjee and Rob Powelson on ice. At this point, even if the Glick and McIntyre paperwork came over today, there wouldn't be enough time for Murkowski to shuffle them through her committee before the Senate's abbreviated recess kicks off. A big question mark still hangs over Brouillette, who was approved by the energy panel on June 6. He's not a particularly controversial figure, but Sen. Dean Heller has had a hold on his nomination and it's unclear how or when that will be resolved.

More than 50 people are waiting for floor time, including NRC nominees Annie Caputo and David Wright and EPA enforcement pick Susan Bodine, and many may be good candidates for getting quietly approved in the final minutes before the Senate goes on recess.

HAPPY MONDAY AND GOODBYE TO JULY. I'm your special guest host Alex Guillén, and while I am one of the last people on Earth not watching "Game of Thrones," I can report that the pop-up bar on Seventh Street makes some tasty cocktails (especially the What Is Dead May Never Die). Marni Salmon of the Pew Charitable Trusts was first on Friday to identify James Madison as the shortest president, at a petite 5 feet 4 inches. Today's trivia: Trump, at 6 feet 2, is tied for fourth tallest president with five of his predecessors. Name all five. Send your tips, energy gossip and comments to aguillen@politico.com . Or follow us on Twitter @alexcguillen, @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

ZINKE, PERRY RETURN FOR CABINET MEETING: Interior Secretary Ryan Zinke and Energy Secretary Rick Perry have canceled travel plans in order to attend a quickly organized Cabinet meeting at 10 a.m. Zinke is wrapping up a trip out West and had to pull out of several meetings on Nevada monuments, and Perry has postponed a trip to visit DOE's Portsmouth Gaseous Diffusion Plant in Piketon, Ohio. It was not immediately clear last night whether EPA Administrator Scott Pruitt will attend, but ME thinks it's a good bet. The agenda seems likely to include Obamacare repeal (which now enjoys a starring role for Zinke) and the shake-up at the White House's top echelons.

Less likely to rate Cabinet attention today is Zinke's monument review. He was in Nevada on Sunday to tour Gold Butte National Monument and Basin and Range National Monument. Zinke told reporters that he hadn't made any decision about downsizing the two monuments, both of which were created last year, according to the Associated Press.

The nuclear angle: The Basin and Range monument has been of particular interest to people on both sides of the debate over the Yucca Mountain nuclear waste project, and axing or altering the monument could remove a significant hurdle for those hoping to build the site. Obama's vast 2015 monument designation was made in an area where a proposed rail link to Yucca was eventually supposed to go.

MY INTERIOR SECRETARY HAS A FIRST NAME, IT'S R-Y-A-N: Zinke (a noted hot dog aficionado) posted a Twitter photo in front of the Oscar Mayer Wienermobile on Sunday. He

gave the vehicle two thumbs up. That followed a Saturday horseback ride with New Mexico Sens. Tom Udall and Martin Heinrich through BLM-owned Sabinoso Wilderness.

ELGs - TELL ME ABOUT IT: EPA staffers are poised for an earful today as community activists from around the country head to the agency for a hearing on EPA's proposed delay of new standards for toxic water discharges from power plants. But first, environmental leaders from Illinois to New Mexico to Tennessee, along with the Sierra Club and Waterkeeper Alliance, will hold a presser this morning before marching to the public meeting.

EPA Administrator Scott Pruitt moved in April to reconsider the 2015 rule, following industry requests, and in May proposed delaying compliance deadlines during that reconsideration. The rule, which is the first update in more than three decades to limits on discharges of metals like mercury, lead and arsenic into waterways, has been cast by industry and Pruitt as part of a war on coal.

EFFICIENCY GROUPS URGE CONGRESS TO BE SPECIFIC ON SPENDING INSTRUCTIONS: A coalition of energy and water efficiency groups, including the Alliance to Save Energy and the U.S. Green Building Council, wants Congress to be crystal clear in how it wants money spent on energy efficiency programs and projects during fiscal year 2018. In a letter to key lawmakers, the groups say they are "increasingly concerned" that a continuing resolution or omnibus bill could give the Trump administration the discretion "to suspend or discontinue programs, activities, or projects in the absence of clear direction from Congress." Specific programs they are concerned about include Energy Star and WaterSense at EPA, both targeted for cutting under the White House's budget. The groups said any spending bill should include instructions for the Trump administration to continue those programs specifically, and they suggested ways for lawmakers to keep more detailed track of how agencies spend the money.

USDA CHIEF SCIENTIST PICK SKILLED AT INFLUENCING POTUS: Helena Bottemiller Evich from Pro Agriculture has a timely profile on Sam Clovis, Trump's choice for the Agriculture Department's chief scientist post. Clovis doesn't appear to have the scientific credentials required of the job - and the ag sector is OK with that. "Back in April, when Trump was on the verge of withdrawing the U.S. from NAFTA, it was widely reported that Agriculture Secretary Sonny Perdue helped walk the president away from the ledge by showing up at an Oval Office meeting with a map of the U.S. that pointed out areas that would be most harmed by an abrupt withdrawal - many of them counties and states that voted for Trump, and many of them rural," Helena writes. "It was actually Clovis who prepped Perdue for the meeting and Clovis who suggested the secretary take along the map to drive home his point in a visual, high-impact way, multiple sources with knowledge of the exchange said."

SAGE GROUSE RECOMMENDATIONS DEADLINE AHEAD: The team of Interior political and career staff assigned to review the agency's land-use conservation plans for sage grouse in Western states has until Sunday to send Zinke their recommendations, which may include ways to reduce barriers to fossil fuel development. Given that the deadline lands on a Sunday, the team is likely to submit the report before the end of this week.

NEXT STEP IN TRUMP ATTEMPT TO END CLIMATE SUIT: The 9th U.S. Circuit Court of Appeals on Friday said the Trump administration's request to stop a trial over the federal government's culpability for climate change "raises issues that warrant an answer." A three-judge panel, which earlier this week paused the lower court's ongoing trial preparation, said in a two-page order that the children and young adults who are suing the federal government in an Oregon federal court have 30 days to reply to the Trump administration's complaint. This appeals could decide whether the kids' climate lawsuit gets to trial at all. More here.

WHAT EPA WANTS YOU TO READ: EPA's press office on Sunday sent out a release touting an editorial in the Tulsa World yawning over last week's news that Pruitt frequently returned to Oklahoma throughout the spring.

- House Energy and Commerce Committee Democrats on Friday asked EPA's inspector general to review Pruitt's travel. At least one environmental groups has already made such a request to the IG.

QUICK HITS

- Tensions mount over contested coal mine ahead of decision. Casper Star-Tribune

- Thermal coal still in "recovery mode," says Arch Coal CEO, CST

- At EPA museum, history might be in for a change. Washington Post

- Black Lung Still Ravages Appalachia. West Virginia Public Broadcasting

- Portland Environmental Journalist Lizzie Grossman Dies At 59. Oregon Public Radio

THAT'S ALL FOR ME. Stay frosty, folks.

To view online:
http://www.politico.com/tipsheets/morning-energy/2017/07/31/energy-issues-the-senate-might-handle-this-month-221604

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Wed 10/11/2017 5:40:24 PM
Subject: Playbook Power Briefing, presented by Chevron: TRUMP threatens NBC News 'license' -- SCOOP: KIRSTJEN NIELSEN expected to be named DHS secretary -- MCCONNELL wants to end Senate judiciary blue slips -- STEPHEN STRASBURG starting tonight

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Today's Playbook Power Briefing presented by Chevron

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman), DANIEL LIPPMAN (daniel@politico.com; @dlippman), ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

Good Wednesday afternoon. TEXAS DEMOCRAT INTRODUCES IMPEACHMENT RESOLUTION -- TEXAS DEMOCRATIC REP. AL GREEN has noticed a resolution on the House floor to **IMPEACH** President Donald Trump. **THE HOUSE** will likely be forced to take action on this resolution at some point, but not today. If and when it does vote, the GOP-controlled chamber will likely table the resolution, which will put the issue to rest. **BUT, BUT, BUT ...** Green -- who represents the Houston area -- has opened a new front in the Democrat-versus-Trump war.

BUZZ -- MITCH MCCONNELL and **DONALD TRUMP** are scheduled to have dinner next week, according to multiple sources familiar with the plan. Trump has been warring recently with Sen. Bob Corker (R-Tenn.), a Senate committee chair and ally of McConnell's.

GOOD NEWS, WASHINGTON ... MAYBE?: The Nationals have named Stephen Strasburg the starter for tonight's must-win game against the Chicago Cubs, per WaPo's Chelsea Janes. First pitch is at 4:08 p.m. After last night's drama, we're not convinced of anything until the pitcher takes the mound.

A REAL HEADLINE IN AMERICA IN 2017: "Trump Threatens NBC's TV Licenses After Report That He Wanted More Nukes," by Bloomberg's Alex Wayne and Todd Shields: https://bloom.bg/2gvpVPa

-- THE TWEETS: @realDonaldTrump at 9:45 a.m.: "Fake @NBCNews made up a story that I wanted a 'tenfold' increase in our U.S. nuclear arsenal. Pure fiction, made up to demean. NBC = CNN!" ... **at 9:55 a.m.:** "With all of the Fake News coming out of NBC and the Networks, at what point is it appropriate to challenge their License? Bad for country!"

-- THE REALITY -- @joshgerstein: "They don't really have licenses. Their owned/operated stations do. And their affiliates, but other companies own those ... Also as w/equal time rules, GOP led charge for FCC to back off rigorous look at whether

stations operate in 'public interest'".

THIS IS A BIG DEAL... GOODBYE BLUE SLIPS -- The Weekly Standard's **FRED BARNES** talking to **MITCH MCCONNELL:** "No longer will 'blue slips' be allowed to deny a nominee a Senate Judiciary Committee hearing and vote on confirmation. In the past, senators have sometimes barred a nominee from their state by refusing to return their slip to the committee, thus preventing a hearing and confirmation.

"'The majority' -- that is, Republicans -- will treat a blue slip 'as simply notification of how you're going to vote, not as an opportunity to blackball,' McConnell told me. The use of blue slips, he noted, is not a Senate rule and has 'been honored in the breach over the years.' Now it won't be honored at all." http://tws.io/2xy9P1K

-- JUDICIARY CHAIR CHUCK GRASSLEY'S RESPONSE, per a spokesman: "The chairman of the Judiciary Committee will determine how to apply the blue slip courtesy for federal judicial nominees, as has always been the practice. Over the years, chairmen have applied the courtesy differently, but the spirit of consultation has always remained." ***More from Burgess Everett and Seung Min Kim*** http://politi.co/2zgBTEi

SCOOP -- "Trump expected to name Kelly's White House deputy as DHS secretary," by Eliana Johnson, Andrew Restuccia and Daniel Lippman: "President Donald Trump is expected to nominate Kirstjen Nielsen to run the Department of Homeland Security, possibly as soon as Wednesday, according to two administration officials and three outside advisers familiar with the process. Nielsen served as White House chief of staff John Kelly's chief of staff during his time as DHS secretary and moved with him to the West Wing as his principal deputy chief of staff when he was appointed in July, leaving the cabinet post vacant. ...

"People familiar with the search cautioned that, as with everything in the Trump White House, nothing is final until publicly announced. Nielsen, 45, is a cybersecurity expert and an attorney with an extensive background in homeland security, including stints at the Transportation Security Administration and on the White House Homeland Security Council under President George W. Bush." http://politi.co/2zg4JV6

THE LATEST ON RUSSIA -- "Nunes signs off on new subpoenas to firm behind Trump-Russia dossier," by CNN's Evan Perez, Manu Raju and Jeremy Herb: "The chairman of the House intelligence committee has issued subpoenas to the partners who run Fusion GPS, the research firm that produced the dossier of memos on alleged Russian efforts to aid the Trump campaign, according to sources briefed on the matter. The subpoenas -- signed by California Republican Rep. Devin Nunes -- were issued Oct. 4, demanding documents and testimony later this month and early November.

"Earlier this year, Nunes announced that he was stepping aside from directing the committee's Russia inquiry after he became the subject of an ethics investigation into his handling of classified information. But more recently, he has made clear that he is still playing an influential role, despite announcing that he had delegated authority on the

Russia matter to Republican Rep. Mike Conaway of Texas.

"A source familiar with the matter told CNN that all Russia-related subpoenas have been approved by Conaway, and Conaway confirmed to CNN Monday he asked for the most recent subpoenas. ... A Democratic committee source said 'the subpoenas were issued unilaterally by the majority, without the minority's agreement and despite good faith engagement thus far by the witnesses on the potential terms for voluntary cooperation.'" http://cnn.it/2xxpgHE

****** **A message from Chevron:** When an endangered butterfly was found near a Chevron refinery, we protected the habitat and still plant the only thing they eat- buckwheat. Watch the video: http://politi.co/2y5XNvF ******

IMPORTANT STORY -- "Desperate calls to save those trapped by fire, but emergency alert system failed many," by LA Times' Paige St. John, Dakota Smith, Hailey Branson-Potts and Joy Resmovits: "The distress calls crackled over the Napa County sheriff's dispatch radio in a rapid staccato late Sunday as flames sped toward residents on Atlas Peak Road. 'Parents trapped in garage,' an officer called in to the central dispatcher. Then: 'The fire is moving quickly through here.' Two minutes later, the dispatcher sent someone to another house on the same road: 'Two people trapped.' A minute passed, then a call to still another house: 'An elderly lady trapped.'" http://lat.ms/2wNEEuN

PUERTO RICO UPDATE -- "Puerto Rico's Health Care Is in Dire Condition, Three Weeks After Maria," by NYT's Frances Robles: "Harry Figueroa, a teacher who went a week without the oxygen that helped him breathe, died here last week at 58. His body went unrefrigerated for so long that the funeral director could not embalm his badly decomposed corpse. ... 'Because of the electricity situation, a lot of people died, and are still dying,' said Mr. Figueroa's daughter, Lisandra, 30. 'You can't get sick now.'"

"Nearly three weeks after Hurricane Maria tore through Puerto Rico, many sick people across the island remain in mortal peril. The government's announcements each morning about the recovery effort are often upbeat, but beyond them are hidden emergencies. Seriously ill dialysis patients across Puerto Rico have seen their treatment hours reduced by 25 percent because the centers still lack a steady supply of diesel to run their generators. Less than half of Puerto Rico's medical employees have reported to work in the weeks since the storm, federal health officials said." http://nyti.ms/2zfwRro

INTERESTING PERK -- "An old-school pharmacy hand-delivers drugs to Congress, a little-known perk for the powerful," by Stat's Erin Mershon: "Nearly every day for at least two decades pharmaceutical drugs have been brought by the carload to the Capitol -- an arrangement so under the radar that even pharmacy lobbyists who regularly pitch Congress on their industry aren't aware of it.

"The deliveries arrive at the secretive Office of the Attending Physician, an elaborate medical clinic where Navy doctors triage medical emergencies and provide basic health

care for lawmakers who pay an annual fee of just over $600. Every one comes from Washington's oldest community pharmacy, Grubb's. ... 'At first it's cool, and then you realize, I'm filling some drugs that are for some pretty serious health problems as well. And these are the people that are running the country,' [Grubb's owner Mike] Kim said, listing treatments for conditions like diabetes and Alzheimer's." http://bit.ly/2xyFmR6

SPY VS. SPY -- "China grabbed American as spy wars flare," by Ali Watkins: "It was January 2016. The U.S. official had been working out of the American consulate in the central Chinese metropolis of more than 10 million. He may not have seen the plainclothes Chinese security services coming before they jumped him. In seconds he was grabbed off the Chengdu street and thrown into a waiting van.

"The Chinese officials drove their captive -- whom they believed to be a CIA officer -- to a security facility where he was interrogated for hours, and, according to one U.S. official, filmed confessing to unspecified acts of treachery on behalf of the U.S. government.

"It wasn't until the early morning hours of the following day that other U.S. officials -- who were not immediately informed by their Chinese counterparts of the consular official's capture -- arrived to rescue him. He was eventually released back to their custody and soon evacuated from the country." http://politi.co/2zhOPcW

FOR YOUR RADAR -- "Game of Drones: U.S. poised to boost unmanned aircraft exports," by Reuters' Matt Spetalnick and Mike Stone: "The Trump administration is nearing completion of new "Buy American" rules to make it easier to sell U.S.-made military drones overseas and compete against fast-growing Chinese and Israeli rivals, senior U.S. officials said. ... [T]he U.S. administration is pressing ahead with its revamp of drone export policy under heavy pressure from American manufacturers and in defiance of human rights advocates who warn of the risk of fueling instability in hot spots including the Middle East and South Asia." http://reut.rs/2kHCRGc

PRICE'S (TEMPORARY) REPLACEMENT -- "Trump taps Eric Hargan as acting HHS secretary," by Dan Diamond: http://politi.co/2zfQvU4

CAMPAIGN STOPS -- "Pledge to Impeach Trump, a Key Donor Demands of Democrats," by NYT's Alex Burns: "One of the Democratic Party's most prominent financial backers is demanding that lawmakers and candidates on the left support removing President Trump from office, putting pressure on Democrats to make Mr. Trump's ouster a defining issue in the 2018 midterm elections.

"Tom Steyer, a billionaire California investor who spent more than $91 million supporting Democrats in the 2016 elections, issued the demand to his party in a letter on Wednesday. In his message, Mr. Steyer described Mr. Trump as a 'clear and present danger to the republic' and called on Democrats to pledge that they would seek to remove him from office if they take control of Congress next year. ... The letter, which was sent to Democratic congressional offices and the party's House and Senate

campaign committees, and shared with The New York Times by an aide to Mr. Steyer, represents a significant boost to efforts on the left to make impeachment a mainstream political consideration." http://nyti.ms/2zgknjw ... *The letter* http://bit.ly/2zfuWTM

-- "Undisclosed deal guaranteed Roy Moore $180,000 a year for part-time work at charity," by WaPo's Shawn Boburg and Robert O'Harrow Jr.: http://wapo.st/2zeyENn

HMM... -- "Fed Economists' Stakes in Forecasting Firm Spur an Internal Probe," by WSJ's Katy Burne: "The Federal Reserve's internal watchdog is probing a group of Fed economists who also own shares in a U.K. economic-forecasting company, a person familiar with the matter said. At issue is whether the economists' ownership stakes in the private firm could have created a conflict of interest. The inquiry, by the Fed's Office of Inspector General, centers on four economists who also have owned shares in London-based Now-Casting Economics Ltd. ... The inquiry is at a preliminary stage." http://on.wsj.com/2zfzWro

THE PARTY OF BANNON -- "Republicans nationwide begin to chase Steve Bannon's endorsement," by McClatchy's Katie Glueck: "It's not just the Senate -- Bannon is backing Michael Grimm, the ex-GOP congressman who was jailed for felony tax fraud and is now seeking his old Staten Island House seat again. Bannon recently spent time with a Pennsylvania gubernatorial candidate, Scott Wagner, who appeared with him at a conservative gathering in St. Louis and talked up spending 'two hours on the plane with Steve Bannon. I was pretty emboldened before, but I can tell you right now I'm like 500 percent more emboldened.'

"'And in a sign of just how far-reaching Bannon's influence is perceived to be among conservative candidates, multiple House -- and even statehouse -- hopefuls are also seeking to wrangle Bannon's support, looking for introductions and tracking him down at events." http://bit.ly/2xz81Ww

PLAYBOOK METRO SECTION -- "Michelin Releases Its 2018 Bib Gourmand List for DC: Per usual, there are some head-scratchers on the guide's 'cheap eats' list," by the Washingtonian's Ann Limpert: http://bit.ly/2zfrEjk

MEDIAWATCH -- HOT JOB -- The New York Times is hiring for a one year residency for a reporter to "tell image-driven stories focusing on subcultures" like "punk rappers in Seattle, Bachata performers in Vietnam, vintage Ralph Lauren collectors in Brooklyn and motocross racers in Jamaica." http://bit.ly/2zg1mNX

-- Alex Miehls started last week as an associate producer for Fox News' "The Story with Martha MacCallum." He was previously deputy press secretary for the House Oversight Committee and press secretary for Rep. George Holding (R-N.C.).

TRANSITIONS -- Beth Lynk has been promoted to assistant director of federal advocacy communications for Planned Parenthood Federation of America and Planned Parenthood Action Fund. She was previously state policy press officer.

WEEKEND WEDDING -- Morgan Wilson, senior legislative associate at the National Governors Association, and **Tom Sisk,** an official at DoD, were married this weekend in the bride's hometown, Birmingham, Alabama, at Avondale United Methodist Church followed by a reception at Avondale Brewing Company. *Pic* http://bit.ly/2y2jM7c

****** **A message from Chevron:** This is a story about DOERS, butterflies, and buckwheat. In '75, the endangered El Segundo Blue butterfly was found near a Chevron refinery. We protected the habitat and planted the only thing they eat-buckwheat. We're still planting and keeping an eye on our littlest neighbor. Watch the video: http://politi.co/2y5XNvF ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 10/17/2017 6:17:13 PM
Subject: Pruitt to limit science advisers who have received grant money

By Alex Guillén

10/17/2017 02:14 PM EDT

EPA Administrator Scott Pruitt today questioned whether scientists who received agency research grants in the past should be allowed to serve on its various advisory boards, and said he would issue an order limiting their roles.

Speaking at a Heritage Foundation event, Pruitt said that he is concerned about the recommendations coming from advisers who have received "sometimes tens of millions" of dollars in research grants from EPA.

"If we have individuals that are on those boards receiving money from the agency — sometimes going back years and years to the tune of literally tens of millions of dollars over time — that to me causes question on the independence and the veracity and the transparency of those recommendations that are coming our way," he said.

"Next week I'm going to issue a directive that addresses that ... to ensure the independence and transparency and objectivity with respect to the scientific advice that we're getting at the agency," he added.

Pruitt did not specify whether his order would simply impose restrictions or outright ban any scientist who has received grant money.

The move is likely to cause further uproar from Pruitt's critics, particularly since many established and reputable scientists have received a research grant from EPA in the past. EPA ethics rules prohibit board members from having a current grant.

House Republicans have unsuccessfully pushed legislation in recent years that would bar grant recipients from serving on EPA's boards.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/10/pruitt-to-limit-science-advisers-who-have-received-grant-money-094388

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From: POLITICO
Sent: Thur 9/7/2017 6:42:05 PM
Subject: BREAKING NEWS: Senate passes hurricane aid, government funding package

The Senate on Thursday passed legislation, 80-17, that would temporarily lift the nation's debt ceiling and fund the government, while delivering the first installment of emergency aid for victims of Hurricane Harvey.

The massive fiscal package was the result of a surprise mid-week deal between President Trump and congressional leaders. Trump could sign the bill as early as Friday. The agreement ends the threat of a government shutdown and a default on the national debt at the end of September, but just for three months. Congress now faces a Dec. 8 deadline to strike another deal to avert those fiscal cliffs.

Read more here.

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Sent: Mon 8/14/2017 8:03:08 PM
Subject: Aug. 14 -- Daily Environment Report - Afternoon Briefing

Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

Lapsed Tax Credits Leave Renewables Twisting in the Wind

Posted August 14, 2017, 8:01 A.M. ET

By Brian Dabbs

The Bergey Windpower Co. factory south of Oklahoma City can produce 1,500 small-scale turbines annually. But current output is only a fraction of that capacity.

So now the pioneer in the wind energy industry is bracing to pare down staff. The company's struggles are partially due to the low price of small solar modules, which are helping that industry take the renewable energy sector by storm at the expense of wind.

But a big drop in sales for Bergey is also due to tax policy.

Small wind turbine producers such as Bergey are facing dire times because Congress allowed a wind installation tax credit to lapse at the beginning of 2017, while renewing credits for solar. And the lapse isn't restricted to wind. Geothermal pumps and fuel cells industries also lost the credit, triggering huge sales hits that are putting the future of a wide range of companies and their employees at risk.

Legislative efforts to restore the credits are afoot, but Republican congressional leaders aren't homing in on them.

Now producers of these "orphan" technologies are competing with a solar industry that reaps a 30 percent incentive as a result of its tax credit. That means a $30,000 solar panel installation will cost a homeowner $21,000 in the end. A $30,000 geothermal installation will cost the homeowner the full amount, as will a $45,000 wind system.

'They're Not Buying'

So Mike Bergey, president of the Norman, Okla., company, is now peddling only a few residential turbines to deep-pocketed clients.

"Our bread and butter customers were a guy who drives a truck and his wife is a nurse—just straight middle class. They're not buying," he told Bloomberg BNA. "We saw a step change. We'd been on a slide, and then we hit a cliff."

Karl Bergey, Mike's father and a former University of Oklahoma professor who designed the Piper Cherokee aircraft, led the company to national prominence in the 1970s. Bergey Windpower took shape during the oil embargo crisis then, and also during the rise of the nuclear industry, which aimed to dominate alternative energy.

Bergey turbines boomed, but then dwindled in the 1980s after oil prices reached historic lows. Now solar modules—whose tax credits Congress extended in late 2015 in a package that omitted the orphan technologies—are posing a real threat to the Bergeys' company, its staff, and the broader small-wind industry.

Bergey's staff now numbers 28 employees, a decline from 50 in recent years.

"We'll take short-term losses to try to retain skilled staff," Mike Bergey said, while cautioning about the sustainability of that approach. "If they don't fix this tax credit, we will have to make adjustments. We will have to start cutting more people." Lloyd Ritter, a spokesman for the Distributed Wind Energy Association, said the loss of tax credits also cut sales for other small wind producers.

Disparity with Solar

Wind energy, solar and geothermal pumps reduce their owners' need to purchase electricity from the grid, and also help reduce carbon emissions driving global warming.

The three technologies compete for market share, and natural conditions traditionally play a large role in customer choice. Windier areas generate more wind energy, and sunnier areas generate more solar energy. Subsurface geology and water, as well as the actual availability of land to put a borehole in place, are factors for geothermal pumps.

Geothermal pumps heat and cool buildings by sourcing subterranean temperatures, which are typically colder in the summer and warmer in the winter than temperatures at the surface.

"In some areas, you're going to get a better return doing geothermal, and in other areas, you're going to get a better return if the homeowner is putting in small wind," J.P. Delmore, a lobbyist for the National Association of Home Builders, which supports the orphaned credits, told Bloomberg BNA. "But if you're dealing with your client you say 'Well, it makes sense for you to do geothermal, but solar would be cheaper,' most are going to say 'Let's do solar.'"

The concern, he said, is that the other technologies won't be purchased if there isn't tax parity.

Solar credits for both residential and commercial installation are in effect through 2021. Those credits award residential and commercial owners who want to install solar modules with a 30 percent credit, a rate which begins to phase out in 2019. From 2022 on, commercial credits are authorized at 10 percent.

That means those in the market right now will pay nearly a third less for a solar product but the full price for all geothermal and fuel cells, as well as residential wind. Steve Smith, the president of Enertech Inc.,—a geothermal pump producer and distributor with a 80,000-square-foot factory in

Mitchell, S.D.—said that disparity is taking a hatchet to his sales.

The company sold 42 percent fewer pumps from Jan. 1 to the end of July this year compared to the same time period last year, Smith told Bloomberg BNA. That translated to 19 job cuts this year at the Mitchell factory, leaving 33 employees—about a 37 percent reduction.

"These are real jobs here in America that are being robbed because they let solar have the tax credit and we have to compete against them," Smith said. "It seems like the craziest penalty against American workers."

Rep. Kristi Noem (R-S.D.), the state's lone House member, supports plans to reinstate the credits. A spokesman for Sen. John Thune (R-S.D.) didn't comment directly on the credits, and a spokeswoman for Mike Rounds (R-S.D.) didn't respond for comment. But Smith said Rounds personally pledged support. The two hunted together at an event during Rounds' tenure as governor.

Solar Sales Up, Firms Falter

Residential solar installations continue to surge.

A banner year in 2016 led to the installation of more than 2.6 gigawatts capacity of residential solar, as well as more than 1.6 gigawatts capacity of commercial, according to Solar Energy Industries Association and GTM Research. The 2016 spike is due to an installation rush brought on by fears that the solar credit would expire as the credit for the other technologies ultimately did, SEIA spokesman Alex Hobson told Bloomberg BNA.

The installation rate is expected to fall slightly this year but still edge out pre-2016 levels by substantial margins. The first quarter of this year featured more than 560 megawatts capacity of residential and nearly 400 megawatts capacity of commercial. Solar prices also fell by nearly 20 percent during 2016, SEIA says.

But despite the solar installation growth, U.S. companies are faltering, and in some cases going belly up. SolarWorld AG and Suniva Inc.—both of which filed for bankruptcy earlier this year—are pushing the U.S. to slap tariffs on foreign imports of solar panels to staunch the domestic bleeding.

The Energy Information Association says the U.S. imported nearly 12.8 gigawatts capacity in 2016. The U.S. agency doesn't break that number down by residential, commercial and utility services. Meanwhile, the U.S. installed roughly 14.8 gigawatts capacity in 2016—the majority of that for utilities.

Representatives from the other renewable sectors, such as Geothermal Exchange Organization President Douglas Dougherty, argue the current tax system benefits Chinese and other foreign producers of solar products over U.S. companies that produce renewable energy products that compete with solar.

Dougherty said Enertech, the South Dakota geothermal pump producer, is actually faring better than others. Residential sales across the industry are down 45 percent this year, Dougherty told Bloomberg BNA.

"You tell me what business suddenly loses 45 percent of their revenue and stays in business," he said. "You've said goodbye to the geothermal heat pump industry."

The tax disparity isn't, however, sowing discord between solar and the other renewable sectors, industry representatives said. SEIA supports the restoration of the credits for the other sectors, Hobson said.

Revival Proves Elusive

A broad range of industry associations—in addition to the wind, geothermal and other technology-specific groups—also are asking Congress to reinstate the tax credits.

The American Farm Bureau Federation is pushing an extension of the commercial wind credit because farmers often use that technology. The National Association of Home Builders wants all the credits reinstated to provide home purchasers with as many options as possible to decrease energy costs. The National Rural Electric Cooperative Association, a collection of utilities, is aiming to incorporate more options into utility portfolios.

Those groups are lining up behind two bills: H.R. 1090 in the House and S. 1409, a similar Senate bill, that would put the credits back into effect.

Led by Rep. Tom Reed (R-N.Y.), the House bill has 104 co-sponsors, including many members of the tax-writing Ways and Means Committee. Bicameral negotiators are continuing to try to get reinstatement across the finish line.

"I'm eager to see the orphan energy tax credits extended in the very near future," Sen. Charles Schumer (D-N.Y.), the minority leader, told Bloomberg BNA in a statement. "I will make every effort to see these provisions extended in a must-pass vehicle when we come back from recess."

A spokesman for House Minority Leader Nancy Pelosi (D-Calif.) said a reinstatement would most likely be attached to a near-term omnibus appropriations package or tax reform. A spokesman, Drew Hammill, said that "virtually all Democrats" support reinstatement.

But similar plans have fell through in recent months as Reed and other lawmakers tried unsuccessfully to tack reinstatement of the credits onto fiscal year 2017 funding.

A spokesman for Senate Majority Leader Mitch McConnell (R-Ky.) declined to comment to Bloomberg BNA. Spokespeople for House Majority Leader Paul Ryan (R-Wis.) also didn't respond to requests for comment.

Conservative Opposition

The revival of the credits certainly aren't cheered on by all parties.

Americans for Prosperity, Citizens Against Government Waste, and other free-market groups continue to urge opposition to the incentives, arguing against any subsidies or tax breaks for energy technologies.

"The carve-outs and the loopholes that try to pick winners and losers in the energy industry are ultimately counterproductive," Levi Russell, spokesman for Americans for Prosperity, told Bloomberg BNA. "We just don't think it's the role of the federal government to prop up industries."

Some lawmakers, such as Sen. James Lankford (R-Okla.), agree.

"Senator Lankford has a long and established history of opposing credits," D.J. Jordan, Lankford's spokesman, told Bloomberg BNA. Lankford has introduced legislation in the past to ax all renewable energy production tax credits.

As an Oklahoma senator, Lankford represents Bergey on Capitol Hill. Meanwhile, Rep. Tom Cole (R Okla.),—the House member whose district includes Norman, Oklahoma, where the company is located—signed onto the House legislation that would restore the tax incentives.

Energy Tax Package Takes Hits

A strategy to bundle the orphan revivals into a larger energy tax package has some supporters in Congress. That approach would team the orphan credits up with early renewals of a nuclear production tax credit and a credit for carbon sequestration, which involves capturing carbon dioxide emissions from a power plant and storing them permanently underground.

Sens. Lindsey Graham (R-S.C.), Tom Carper (D-Del.), and Heidi Heitkamp (D-N.D.), among other senators, have expressed interest in that strategy, as have some House members. That coalition of lawmakers, however, took a hit in recent days. On the heels of an announcement that South Carolina utilities pulled the plug on construction of two nuclear reactors at the V.C. Summer plant, Graham abandoned his support for the nuclear credit.

The strategy is based on broadening the buy-in, and the absence of the South Carolina delegation in the coalition would be a loss. But broadening that buy-in too much may also torpedo support from the environmental community.

"We absolutely support the renewable energy industry and the important effect that it has on our economy," Lukas Ross, a climate and energy campaign official at Friends of the Earth. "What we don't support is bad faith deals that involve tiny, marginal support for wind energy and other renewables in exchange for shoveling cash into the troughs of nuke and clean coal boondoggles."

Broad Tax Overhaul Murky

Republican lawmakers often argue that a comprehensive overhaul to the tax code—which is now the foremost White House priority following the collapse of healthcare legislation—replaces the need for tax carve-outs akin to the orphaned energy credits.

But a number of analysts say a tax overhaul would be a particularly difficult legislative task. And some members of the renewable industry don't see it as a lifeline.

"There's this concept that tax reform will fix our problem. Tax reform does not fix our problem," Smith, the president of Enertech, said. He added that a tax overhaul likely wouldn't trash the next five years of solar credits. Republicans have said they don't aim to reel back the energy incentives already in place.

Holding On

Representatives for the orphaned technologies are quick to say their industries are on the brink. Industry members, however, are pledging perseverance.

Bergey says his company has been in business for 40 years and aims to stay in business for

another 40. The Oklahoma native also finds some levity in the doldrums.

"My wife is in healthcare, and the joke is 'all bleeding eventually stops,'" he said.

EPA's Pesticide Industry Fee Accounting Has 'Weakness': Audit

Posted August 14, 2017, 02:15 P.M. ET

By Tiffany Stecker

The EPA can't be certain how much money is in its pesticide registration coffers, and that concerns the agency's watchdog.

The Environmental Protection Agency's inspector general was unable to properly account for the amount of money—a combination of pesticide industry fees and congressional appropriations—that was collected in fiscal year 2016 because of a "material weakness" that caused the agency to lose track of spending from the fund.

By paying a large part of employees' paychecks with congressional appropriations—which unlike industry fees, expire at the end of a fiscal year—the EPA "lost the audit trail" to show how much of the payroll expenses were paid for by taxpayers, the IG said in a report Aug. 14.

As a result, the inspector general was unable to complete its regular audit of the fund and couldn't determine whether any adjustments were necessary relating to payroll.

Pesticide manufacturers pay fees to the Pesticides Reregistration and Expedited Processing Fund to help move along the process of reviewing insecticides, weedkillers, disinfectants, and other products for risk to health and the environment. Manufacturers currently contribute up to $27.8 million in maintenance fees to uphold the registrations of their pesticides.

The industry is set to pay 12 percent more in registration fees if the Pesticide Registration Improvement Act is reauthorized this fall.

EPA Working to Fix Accounting

The EPA is in the process of correcting the weaknesses, the report stated.

Pesticide manufacturer Bayer CropScience has been tracking the issues with the pesticide fund, according to Charlotte Sanson, the company's U.S. head of regulatory affairs.

"We understand that EPA has updated their accounting systems to address this problem and have confidence that the agency has taken the necessary steps to ensure financial accountability," Sanson told Bloomberg BNA in an email.

The IG released two similar reports in July that addressed fiscal year 2014 and 2015 funding, in which it found that the EPA is sitting on almost $16 million in unobligated pesticide industry fees.

The trade association CropLife America, which represents pesticide manufacturers, told Bloomberg BNA that it is still reviewing the report.

Energy Department Sued Over Grid Reliability Study Records

Posted August 14, 2017, 01:45 P.M. ET

By Rebecca Kern

The Sierra Club launched an early challenge to a highly anticipated grid reliability study, filing a lawsuit over the Energy Department's alleged failure to provide records of any communication between department officials and the power sector.

The complaint, filed Aug. 14 in the U.S. District Court for the Northern District of California Oakland Division, claims the Energy Department violated the Freedom of Information Act when it failed to respond to a May 1 FOIA request. The Energy Department was asked to provide records of any communications between department officials working on the report and outside groups representing the fossil fuel industry or grid reliability experts.

The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg, founder of Bloomberg L.P. Bloomberg BNA is an affiliate of Bloomberg L.P.

In April, Energy Secretary Rick Perry directed Brian McCormack, his chief of staff, to conduct a 60-day study that would "explore the critical issue central to protecting the long-term reliability of the electric grid." Perry has questioned the impact of renewable subsidies and taxes on baseload resources and whether adding more renewables would affect the grid's reliability.

The Energy Department said it would make the study public once it is completed, which was expected in July. The final version has not been released, but Bloomberg News obtained a copy of a draft version in July written by department staff, which found wind and solar power don't pose a significant threat to the reliability of the U.S. power grid.

First Solar to Profit If Trump Slaps Tariffs on Panel Imports

Posted August 14, 2017, 01:39 P.M. ET

By Christopher Martin

First Solar Inc. is standing on the sidelines of a trade dispute that could give its products a significant leg up.

The U.S. International Trade Commission has scheduled a hearing Aug. 15 on a request by Suniva Inc. for the U.S. to impose tariffs on imported solar panels. The petition alleges that China—which accounts for more than 80 percent of global solar panel production—gives manufacturers unfair government support.

The commission is expected to make a decision next month, and a finding of harm could lead President Trump to impose duties as early as November.

The petition by Suniva, which filed for bankruptcy in April, has roiled the industry, which argues that it would drive up prices and result in the loss of an estimated 88,000 jobs, a third of the solar workforce. No U.S.-based solar manufacturers support it, according to the Washington-based Solar Energy Industries Association. Cheap panels have spurred a boom in U.S. rooftop installations, with small-scale solar generation almost doubling from 2014 to 2016, according to the Energy

Information Administration.

Tempe, Arizona-based First Solar, a member of SEIA, stands to gain the most from import duties of as much as 40 cents per watt, said Jeffrey Osborne, an analyst at Cowen & Co. "Because the complaint specifically goes after silicon panels, thin-film technologies like First Solar's will be considerably cheaper in comparison," Osborne said.

First Solar's chief executive officer said on July 27 that his company isn't participating in the dispute. A spokesman for the company referred to the CEO's comments when asked for a response.

"If there is a determination of injury, a modest type of remedy will not be harmful at all to the industry and I think it'll survive and more jobs will be created," CEO Mark Widmar said on a conference call. "Hopefully what it will do is enable more manufacturing in the U.S."

A group of 16 U.S. senators and 53 House members sent letters on Aug. 11 to the head of the ITC urging it to reject the petition.

Rooftop developers like Sunrun Inc. and Vivint Solar Inc., imposing an import duty could double the amount they pay for panels, cutting into their already razor-thin margins and ultimately slowing demand. Large developers are betting that a tariff will be imposed and have begun stockpiling inventory ahead of a decision, which has temporarily reversed the decline in prices, according to Joseph Osha, an analyst at JMP Securities LLC.

Module prices in the U.S. increased to about 43 cents a watt, up from about 33 cents before the trade case was filed, Osborne said. For now, that's helping improve margins for the world's biggest manufacturers, mainly in China, which include JA Solar Holdings Co., JinkoSolar Holding Co. and Trina Solar Ltd.

'Significant Disruption'

But once a tariff is imposed, Asian and European manufacturers will have a significant disadvantage in U.S. markets and their options to get around it are limited, Osborne said. They could build some cell and module manufacturing in the U.S., but there's little infrastructure to support their operations and the duties may only be in place while Trump is in the White House.

A tariff would also hurt San Jose, California-based SunPower Corp., the second-biggest U.S. panel maker, because the bulk of its polysilicon panels are assembled in Asia. SunPower faces a double whammy because it develops big solar farms that would cost more to build.

"It's a significant disruption," Tom Werner, SunPower's CEO, said in an interview.

A small tariff may not be as bad as the developers are making it out to be, said Osha.

"The solar installers are warning of dire consequences but another 10 cents on the panel price isn't going to be terrible," Osha said. "The market will adjust."

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FS Bioenergia's Brazil Corn Ethanol Plant Seen as First of Many

Posted August 14, 2017, 11:40 A.M. ET

By Michael Kepp

Brazil's first ethanol plant to exclusively use corn, in a country that makes nearly all of its ethanol from sugar cane, has begun industrial-scale operations and is expected to lead to as many 10 other such nearby plants during the next decade.

The 450-million-real ($142-million), 240 million liter a year ethanol plant in Mato Grosso state had its formal opening Aug. 11. The plant's owner and operator is FS Bioenergia, a joint venture between Summit Energy, a U.S. private equity firm, and Fiagril, a Brazilian grains trader. Mato Grosso, located in western Brazil, is the center of the country's corn production.

FS Bioenergia will buy some of its corn from Fiagril. It has bought technology for the corn-based gasoline additive from the Kansas-based ICM Inc.

The plant "represents a new and alternative ethanol production pathway in Brazil," FS Bioenergia President Henrique Ubrig told Bloomberg BNA. "This alternative ethanol production pathway will lead to up to 10 corn-based ethanol plants being built in the state in the next five to 10 years."

As Matto Grosso farmers began planting a second corn harvest in recent years, they increasingly needed local buyers for excess corn from both harvests, Ubrig said. The surplus corn's price has become competitive with that of cane in the state.

Leopoldo Mendonca, secretary of economic development in Mato Grosso state, told Bloomberg BNA Aug. 11, that the state's two annual corn harvests allow corn-based ethanol plants to run 12 months a year, while cane-based ethanol plants can operate only eight months a year.

"This advantage [over cane-based ethanol plants], plus the competitive prices of corn and cane in the state, should lead to more corn-based ethanol plants being built here, Mendonca said.

Brazil has four "flex" plants that produce ethanol from both sugarcane and corn. Three are in Mato Grosso and one is in neighboring Goias state, Glauber Silveira, vice president of the Association of Soy & Corn Producers in Mato Grosso State, told Bloomberg BNA.

Brazil is starting to produce ethanol from corn at a time when U.S. corn-based ethanol exports to Brazil are skyrocketing. Ethanol imports to Brazil, nearly all coming from the U.S., grew fourfold in the first months of 2017, according to the Brazilian Sugarcane Industry Association, the country's main producers' group.

Can Some Nebraska Farmers Kill the Keystone XL Pipeline?

Posted August 14, 2017, 11:01 A.M. ET

By Jillian Goodman

"When I first started this, it was about my house," said Shannon Graves, who owns a hardware store in Polk, Neb.—population roughly 300—and lives less than 100 yards from the proposed route of the Keystone XL pipeline. "I just wanted to protect my home."

That was six years ago. Now, Graves said, "what was once just my home is now my world that I'm standing to protect."

So last week she headed to Lincoln, the state capital, for hearings to determine whether the pipeline would serve Nebraskans' public interest, the final regulatory hurdle for the long-contentious project.

After years of protest by environmentalists, the Obama administration in 2015 rejected TransCanada's proposal for the 1,179-mile pipeline, which would deliver crude oil from the Alberta tar sands to the Gulf of Mexico. In January, President Donald Trump resurrected the project with a presidential memo and executive order.

On a national level, the pipeline has been opposed largely by environmentalists, but in Nebraska, it's been fought mainly by farmers and ranchers who fear it could erode their soil and hurt their land values. Last week, a number of them—now educated in the intricacies of property easements, eminent domain, and bitumen—testified before the state's Public Service Commission, hoping to persuade its members to reject it.

TransCanada maintains the pipeline project would be an economic boon to the state. "The public benefit for Nebraskans is quite significant," said spokesman Matthew John. "We're talking about 4,400 jobs, direct and indirect"—that is, jobs building the pipeline and jobs with other employers expected to benefit, such as local restaurants and stores—"and tens of millions of dollars in state property taxes that will be paid out throughout the life of the project. As well as the economic benefits that are generated from construction."

But Nebraskan opponents argue that the vast majority of the jobs TransCanada has said the pipeline would create are construction-related and therefore short-term; those jobs, along with such indirect benefits as greater spending in local establishments, would evaporate once the project is completed. And tax revenue, they say, would evaporate in not much longer: The taxable value of the pipeline itself will depreciate over 15 years and payments gradually dwindle to zero.

The pipeline's current proposed route would cross the farm that Art Tanderup, a retired teacher and perhaps the landowners' breakout star, owns with his wife, Helen. After the hearings finished, Tanderup said he felt he and the other landowners had gotten a chance to educate the PSC on life for Nebraska farmers. "You get big corporate people coming in—they don't know us, they don't know Nebraska," he said.

Keystone XL is meant to be an extension of an existing Keystone pipeline that runs north-south through the eastern portion of the state. TransCanada has argued that its proposed route for the XL—which would cut diagonally across the state, crossing the Ogallala Aquifer, the historic Ponca Trail of Tears, and a small portion of the fragile Sandhills region—is the safest and most environmentally friendly path. Other than an earlier route, nixed years ago under pressure by the governor and the federal government, it's also the most direct route from the Canadian tar sands to the existing pipeline junction in Steele City, Neb..

Although the landowners would prefer that the PSC reject the pipeline entirely, their lawyers argued that the more responsible route would be one that parallels the existing pipeline, creating an energy corridor that would avoid disturbing additional land. On the first day of the proceedings, under questioning by the landowners' lawyers, TransCanada's representatives acknowledged that collocating the two pipelines would mean crossing fewer miles of Nebraska farmland and that because they weren't locked into a route in South Dakota for the XL, they wouldn't need additional approval to do so.

After the hearings concluded Aug. 10 morning, a day and a half ahead of schedule, the landowners' lawyers said they were pleased with what they'd presented. "Our pitch is, look at the net benefit,"

attorney Brian Jorde said. "It can't be, 'Is this just the not-so-bad pipeline?' If it's not a net benefit to the state, we don't need it."

TransCanada's lawyers, James Powers and Patrick Pepper of the firm McGrath North, left shortly after the hearing without answering questions and didn't respond to a previous interview request.

PSC spokeswoman Deb Collins said in an email that commissioners could not comment given the ongoing legal proceeding. The commission has until Nov. 13 to decide.

Regardless of its decision, opponents said they still expect to wind up in court over the pipeline, perhaps in eminent-domain battles over efforts to build it on their land.

"We are exhausted," Graves said. She's been opposing the pipeline for six years now, others for even longer. But she added: "My daddy raised me to never give up. You just never give up. There's too much at stake to give up."

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Fast, Dirty Natural Gas Plants Get Boost from Electric Cars

Posted August 14, 2017, 8:46 A.M. ET

By Kelly Gilblom, Weixin Zha and Mathew Carr

Britain's goodbye to fossil-fuel cars by 2040 could boost the need for dirtier natural gas-powered stations.

The government's goal to replace gasoline and diesel cars with those powered by electricity could see the construction of so-called open-cycle gas stations, said Carsten Poppinga, senior vice president of trading and origination at Statkraft AS, the Norwegian utility that operates hydro power plants and wind farms across the U.K.

Such units can keep the grid from buckling from the strain of people charging cars in peak demand periods. The catch? While the plants can start generating power almost instantly, they don't recycle waste heat, making them emit more greenhouse gases per megawatt than the combined-cycle stations that comprise the largest share of the U.K.'s daily power output.

Britain may have no choice but to use the less environmentally friendly option, though. With little spare generation capacity, the nation is vulnerable to power shortages, particularly on cold, winter days when wind and solar energy may be in short supply.

"Fundamentally there isn't as much overcapacity on the British market as in Germany," Poppinga said by phone from Dusseldorf. "You could think about building open-cycle gas power plants to increase the flexibility in the system."

Open-cycle gas generators cost less to build but have higher emissions per megawatt-hour produced than combined-cycle gas turbines. OCGTs convert about 33 percent of their fuel into power, while CCGTs manage as much as 60 percent, according to the fossil-fuel industry environment group IPIECA in London. That's still less dirty than oil, diesel or coal-fired stations, which can emit double what a gas-fired station does.

Still, the flexibility of the plants will help more intermittent renewables enter the system, bolstering the shift toward cleaner energy, according to Drax Group Plc. The utility plans four open-cycle plants in the U.K. that it calls "rapid-response gas."

Under U.K. environmental rules, the units can run a maximum of 2,250 hours, or about three months per year, a spokeswoman with the Selby, England-based company said. Drax doesn't expect to operate its plants for that long.

RWE AG's U.K. unit "has taken initial planning steps" to build a 300 megawatt open-cycle gas plant east of London in a town called Tilbury, Germany's biggest power producer said in its first-half financial statement on Aug. 11. The area previously had coal-fired and biomass power plants, though it stopped generating power in 2013. RWE is seeking to redevelop the site and also plans a 2,500 megawatt CCGT.

The challenge for the U.K. is to have enough power plant capacity to cover demand peaks until electric-car users adjust their charging habits to when consumption and prices are low.

Britain will need to add 52 terawatt-hours of power capacity between now and 2040, or 16 percent of what's available now, to meet extra demand thanks to electric vehicles, according to data from Barclays Plc and Bloomberg New Energy Finance. Some of the need for flexible power supply will be met by cables linking the U.K. to France, Norway and Belgium.

Fossil-fuel prices have rebounded in Europe as grids need the power from them to help balance supply and demand as renewable-electricity output advances. The front-month natural gas price has jumped 35 percent in the past year, while 2018 European coal is up 31 percent, according to ICE Futures Europe.

"Massive investment in flexible power generation, electricity storage and the grid itself will be necessary to keep the lights on," Johannes Wetzel, a research analyst for cross-commodity analytics at Wood Mackenzie Ltd., said in an emailed note. The electric-vehicle rule will be "a challenge for power grid stability."

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 11/29/2017 6:11:57 PM
Subject: Former N.C. regulator quits state agency after being named to EPA panel

By Alex Guillén

11/29/2017 01:10 PM EDT

Donald van der Vaart, the former North Carolina environmental regulator once under consideration for a top post in President Donald Trump's EPA, has resigned from the state Department of Environmental Quality, the News & Observer reports.

Van der Vaart was recently named to a spot on EPA's Science Advisory Board, irking state Democratic leaders who complained he had not informed them before the appointment, and they said he did not speak for the state. He was recently placed on paid leave over conduct concerns.

Van der Vaart, who has a doctorate in chemical engineering from the University of Cambridge, demoted himself to a position from which he could not be removed for political reasons following Democrat Roy Cooper's win in last year.

In a resignation letter published by the newspaper, van der Vaart, a career DEQ official, said it was always his plan to return to a division leader role after running the agency.

He also complained that Cooper's administration "is moving to stifle my contributions to scientific and legal discourse in professional journals. This is deeply troubling." Van der Vaart published a piece in September calling for repeal of a key EPA pollution permitting program known as "Prevention of Significant Deterioration."

And he wrote that he "did not think that any reasonable person" would have anticipated DEQ's negative reaction to his SAB appointment.

WHAT'S NEXT: EPA did not immediately return questions about whether van der Vaart remains on the SAB or whether the agency will review his membership. He is currently listed as representing the "NC State Government."

To view online:
https://www.politicopro.com/energy/whiteboard/2017/11/former-nc-regulator-quits-state-agency-after-being-named-to-epa-panel-160622

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Sent: Wed 11/8/2017 4:31:28 PM
Subject: BREAKING NEWS: Judge issues gag order in Manafort, Gates case

The federal judge overseeing the criminal case against former Trump campaign chairman Paul Manafort and his associate Rick Gates has issued a gag order limiting comments to the media and the public by lawyers, defendants and witnesses in the case.

U.S. District Court Judge Amy Berman Jackson's directive Wednesday doesn't ban such statements outright, but prohibits any remarks that "pose a substantial likelihood of material prejudice to this case."

At a hearing last week, Jackson urged lawyers to make their arguments in court and "not on the courthouse steps." She also appeared to criticize a statement one of Manafort's lawyers made outside court calling the charges against his client "ridiculous."

Jackson offered both defendants and the government a chance to weigh in about the order before she issued it. No one did.

Read more: https://www.politico.com/story/2017/11/08/gag-order-issued-in-manafort-gates-case-244691

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Subject: CEO Report: Tax reform time — Stopgap spending plan a good bet — Key health insurance deadlines — Federal Reserve tea leaves

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08/07/2017 07:00 AM EDT

By SARA SMITH (ssmith@politico.com)

Welcome to the August edition of the CEO Report, POLITICO Pro's high-level outlook on the policy issues driving the month ... and beyond.

Stay tuned for action on tax reform: The success of Republican tax reform efforts hinges on what gets done during the dog days of summer. Republican lawmakers, business groups, conservative activists and President Donald Trump himself are fanning out across the country to build public support, notes Pro Tax Editor Toby Eckert. So far, that support has been tepid, at best, with polls showing voters have higher priorities. Members of the House, where tax bills originate, returned to their districts armed with talking points about the need for tax reform, while groups including the Business Roundtable, the American Action Network and Americans for Prosperity are running ads and getting their supporters out to members' town halls.

The end game is to deliver legislation to Trump's desk before year's end. The White House has laid out an ambitious timeline: committee votes on a bill in September, House action in October, Senate approval in November. That leaves no margin for error, and there are at least two big obstacles standing in the way of fast action — the need to raise the federal debt ceiling and pass a spending bill, neither of which will be easy. Moreover, important details such as setting tax rates, whether and how to fund the costs of reform, and which deductions to get rid of and which to keep, are still being sorted out. So for the hearings the White House envisions in September to mean anything, administration officials and congressional negotiators will have to make a lot of headway in August.

BUDGET & APPROPRIATIONS

Stopgap spending plan a good bet: While the House and Senate are on recess for the rest of the month, leaders are still working on a plan to avert a government shutdown and a catastrophic debt default before the fiscal year ends. The Sept. 30 deadline is still weeks away, but Republicans are eager to settle on a strategy before lawmakers return after Labor Day with just 12 workdays left before that reckoning. Even if they beat the buzzer this time and prevent a funding lapse, leaders are already

resigned to the idea of another short-term extension of current funding levels to buy more time. And if past go-rounds are prologue, it could be well into 2018 before federal agencies get updated funding.

Debt Ceiling Deadline: Looking for the path of least resistance on raising the debt ceiling, the Trump administration has stepped up its campaign this month for a "clean" increase in the nation's borrowing limit, hoping to avoid tricky negotiations with fiscal hard-liners on attaching spending cuts or other changes. GOP leaders in both chambers have reluctantly agreed to the plan, which is sure to enrage conservatives. Even so, leaders will have to deal with additional demands that could hamper their effort to raise the debt limit before the Sept. 29 deadline Treasury Secretary Steven Mnuchin has set. — *Jennifer Scholtes*

HEALTH CARE

After Obamacare repeal fails, all eyes are on insurance markets: A frustrated Trump has increasingly threatened to pull funding for a key Obamacare subsidy, but his advisers so far have talked him out of a move that could send the individual insurance markets into a tailspin. He faces two key deadlines in the next few weeks: whether to keep paying insurers the subsidy next month and whether to defend the payments in federal court. Meanwhile, insurers in most states must file final 2018 rates by Aug. 21 amid uncertainty about the future of Obamacare subsidies and whether Republican lawmakers will now drop their years-long assault on the health care law and focus on repairing it. Many insurers planning major rate hikes have partially attributed the increases they're seeking to uncertainty around repeal efforts in Washington. — *Jason Millman*

FINANCIAL SERVICES

FOMC to offer guidance on balance sheet, rates: The Federal Reserve's top policymaking body will release the minutes from its July meeting on Aug. 16. The central bank is likely to give clearer signals on the timing for its plan to start shrinking its massive balance sheet and its next rate hike, which could come as early as September. Both moves are likely to roil the financial markets if the Fed miscalculates on the timing.

IEX in SEC docket again: IEX rocked the financial world by winning SEC approval last year to operate a new stock exchange to compete with the two giants of the business, the New York Stock Exchange and Nasdaq. Now, the hard-charging startup, whose business model is designed to thwart the high-frequency traders that dominate the market, is back before the commission. This month, public comments are due to the SEC on a proposal to exempt certain IEX-listed securities from state law registration requirements, putting the upstart exchange on a par with its bigger rivals. IEX, hated by

other stock trading venues for disrupting the equities market, needs the commission's approval by October.

CFTC reviews swaps reporting: Comments are also due to the Commodity Futures Trading Commission on the agency's effort to update the reporting requirements for swaps, as part of a plan to complete an overhaul by 2019. The CFTC says the goal of the review is to get accurate and complete data on swaps transactions while streamlining reporting. Derivatives trading helped fuel the 2008 financial crisis, prompting Congress to assign the CFTC to create strict rules for the market. The request for comment to revise some of those rules stems from new CFTC Chairman Christopher Giancarlo's proposed swaps reporting reforms announced on July 10.

Trump appointees report for duty: A raft of fresh faces will get to work this month at agencies that are critical for the financial markets. Before leaving for summer break, the Senate confirmed a batch of nominees for top posts at the Treasury Department and the CFTC. They included David Malpass, who will become Treasury undersecretary for international affairs. At the CFTC, Giancarlo was confirmed as chairman after serving in an acting capacity following Trump's election. The CFTC will gain two new commissioners, Brian Quintenz and Rostin "Russ" Behnam, bringing it close to full capacity for the first time in years. — *Mark McQuillan*

DEFENSE

NDAA on hold with McCain sidelined: Senate Armed Services Chairman John McCain, who is undergoing chemotherapy and radiation treatment for brain cancer back home in Arizona, plans to return to Washington in September, but his absence pushes back debate on the National Defense Authorization Act. Senate leaders from both parties were ready to fast-track the defense policy bill after a failed vote on Republican health care legislation, but the move was blocked by Sen. Rand Paul (R-Ky.) in an attempt to secure votes on amendments that would bar indefinite detention and repeal the 2002 Iraq War authorization.

Appropriations also up in the air: The Senate Appropriations Committee still has not taken up defense spending. Senate Majority Leader Mitch McConnell (R-Ky.) began a fast-track process to bring a House-passed package of national security spending bills to the floor, but senators didn't vote on the legislation before adjourning for recess. That measure is unlikely to garner enough Democratic support to overcome a likely filibuster. Without a full-year defense spending bill and a bipartisan agreement to lift defense budget caps, a continuing resolution will likely be needed to avert a government shutdown.

Senate breaks nominee logjam: The Senate substantially reduced a backlog of civilian Pentagon nominees before leaving for recess. Eight senior nominees were confirmed, including Navy Secretary Richard Spencer and the Pentagon's new top

acquisitions official, Ellen Lord. The Senate also confirmed dozens of military nominations, including Air Force Gen. Paul Selva to serve a second term as vice chairman of the Joint Chiefs of Staff. — *Connor O'Brien*

TRADE

It's Trump time on NAFTA: President Donald Trump promised voters during the campaign he'd renegotiate trade deals to make sure American workers aren't getting squeezed. His best chance to make good on that pledge before the midterm elections starts Aug. 16, when senior-level negotiators from the U.S., Mexico and Canada get down to the business of updating NAFTA. Washington is the setting for the five-day first round. Major points to be discussed include ways to reduce the U.S. trade deficit and steps to strengthen labor and environmental provisions in the agreement, which took effect in 1994. Here's a look at the Trump administration's goals.

What say Ottawa? Canada and Mexico didn't want to reopen the deal — Trump did. The first glimpse of Mexico's negotiating priorities arrived last week, but the Canadians have played it close to the vest. Look for Ottawa to provide a better sense of its objectives when Canadian Foreign Minister Chrystia Freeland addresses Parliament's trade committee on Aug. 14. Canada's NAFTA priorities, based on some of the country's long-held interests, are likely to include greater access to U.S. government procurement markets and greater mobility for professionals across the United States' northern border.

No time like the present: While the schedule of subsequent negotiating rounds remains in flux, officials from all three countries continue to push to conclude talks by late this year or early next. High-level officials in both Canada and the U.S. have cast doubt on negotiators' ability to reach that goal, but Mexico is pushing for everything to be done before its presidential election in mid-2018.

Will Trump zing Beijing? A planned rollout of Trump's trade action against Beijing — targeting what the administration views as Chinese violations of U.S. intellectual property rights and forced technology transfer — was delayed late last week. The White House is still expected to go live with it this week.

The plan, sources told POLITICO, is for Trump to direct U.S. Trade Representative Robert Lighthizer to launch an investigation under Section 301 of the Trade Act of 1974. The investigation could examine China's controversial cybersecurity regulations, which companies have complained may force them to hand over valuable security software for inspection. Ordering the probe would ramp up trade tensions between Washington and Beijing, and could trigger a trade war. It would be a lengthy process that could extend into all aspects of Chinese industrial policies and also could result in unilateral U.S. trade sanctions.

Trump holding his trade horses: Two much-hyped Commerce Department reports examining whether to restrict steel and aluminum imports on national security grounds have been bottled up in an internal review. They had been expected by the end of June. Most manufacturers in both industries welcome import restrictions, which could come in the form of tariffs, quotas or a combination of the two. But U.S. companies that remain dependent on imports warn that such limits would hurt American jobs. Detractors fear that restrictions could lead other countries to retaliate, setting off a trade war. Also MIA is a report examining the causes of significant bilateral trade deficits. It also had been expected by the end of June. It is expected to identify to what degree the U.S. trade gaps are caused by discriminatory barriers like tariffs, dumping or intellectual property theft.

A KORUS showdown: Outside of Washington, August could bring a formal meeting with trade officials in Seoul to discuss the U.S.-Korea Free Trade Agreement. The Trump administration has requested it be reviewed. It took effect just five years ago. While Lighthizer requested that a meeting of the joint committee take place in Washington before mid-August, South Korea is pushing instead for a meeting in Seoul focused on examining the bilateral trade deficit and its causes before any changes are made to the deal. — *Megan Cassella*

DATAPOINT

More on U.S.-China trade policy: The president has said he thinks China is not doing enough to stop North Korea from building a nuclear weapon that could strike U.S. soil — and he has complained, in public and private, that China engages in unfair trade practices. The Trump administration is considering changes to the U.S.-China trade relationship, and his top advisers are discussing options that could include trade restrictions and economic sanctions. — *Cristina Rivero*

View the full graphic online and find out more about DataPoint here.

CYBERSECURITY

DHS enters key cyber phase: The government's main cybersecurity department is without a permanent leader for at least the next few weeks, leaving it in a position of uncertainty at a critical time for DHS.

The department is just starting to formalize tentative partnerships with state-level election officials to help secure the 2018 elections. In recent weeks, DHS finalized an

outline for coordinating with election officials as part of the department's work implementing the "critical infrastructure" tag placed on election systems in January.

And the DHS cyber wing is also on the precipice of a potential major reorganization. In late July, the House Homeland Security Committee approved a proposal to rebrand the National Protection and Programs Directorate as the Cybersecurity and Infrastructure Security Agency. The move would elevate and restructure the office to better reflect its cyber work. Meanwhile, one name familiar to cyber watchers has been floated as the next DHS head — House Homeland Security Committee Chairman Michael McCaul (R-Texas). As co-chairman of the Congressional Cybersecurity Caucus, McCaul has backed numerous high-profile cyber bills over the years and is a chief architect of the plan to reorganize DHS's cyber agency.

An eye on Russia: America's relationships with two main digital adversaries — Russia and China — appear headed toward new lows in the coming weeks. Congress recently pushed through a bill to further sanction Russia for its digital interference during the 2016 election. Trump opposed the measure — accusing lawmakers of unconstitutionally tying his hands on foreign policy — but signed the bill when it became clear Congress could easily override a veto. Moscow reacted angrily, kicking 755 U.S. diplomatic staffers out of Russia.

When Congress returns: Lawmakers left town with a number of unfinished cyber-related issues still on the table. When Congress returns in early September, the Senate is slated to finish up work on the annual defense authorization bill, which would fully fund the Trump administration's $647 million request for U.S. Cyber Command. Lawmakers will also start to grapple with legislation to renew Section 702 of the Foreign Intelligence Surveillance Act, which authorizes tools used to collect the digital chatter of foreign targets. Intelligence leaders insist they can't lose these powers, which sunset at the end of the year. But lawmakers appear to be moving toward a reauthorization measure that would inject more provisions meant to better protect the privacy of Americans whose information is incidentally collected under the programs. — *Cory Bennett*

EDUCATION

States submitting ESSA plans: The Education Department is working to review and approve new plans drafted by states under the Every Student Succeeds Act, the federal education law that replaced No Child Left Behind in 2015. The plans detail how states will hold schools and districts accountable for the performance of all students, with a particular focus on low-income and minority students. Sixteen states and D.C. submitted their plans for federal approval this spring, and the rest intend to do so next month. The Education Department has been working quickly to provide states with feedback, and the agency has come under fire for being confusing, inconsistent or heavy-handed in its approach. At the same time, Education Secretary Betsy DeVos has emphasized

flexibility for states, stressing that her agency will only review plans to ensure they gel with federal law. One state, Delaware, has been approved so far. And the Education Department this month will work to approve more plans on a rolling basis. — *Caitlin Emma*

ENERGY

Revived methane rule may not last long: EPA has reinstated a rule to limit methane emissions from future oil and gas wells after losing to environmentalists in court, but Administrator Scott Pruitt is moving quickly to put it back on ice. The D.C. Circuit overturned Pruitt's 90-day stay of the rule's central requirements on leak detection and ordered EPA to put them back into effect starting July 31. That may speed up Pruitt's work to finalize a two-year stay that would free oil and gas companies from the regulation through 2019. Public comments on that proposal are due Aug. 9, and EPA is expected to finalize the delay no later than September.

Power plant rule pending: Timing is murkier around the rest of EPA's rollback agenda, the centerpiece of which is repealing the Clean Power Plan. The Trump administration's first formal regulatory agenda offered no target date to complete that rule, leading environmentalists to ask the D.C. Circuit to issue its ruling in a case argued last year over the rule. Expect to see the court respond to that request later this month.

FERC gets to work: Two of Trump's picks for the Federal Energy Regulatory Commission were confirmed by the Senate last week. Adding Republicans Neil Chatterjee and Rob Powelson to the commission finally brings an end to FERC's six-month stretch without a quorum. August is normally a slow month for the agency, but after the long paralysis, expect the new commissioners to build their staffs and wade into a long list of interstate natural gas pipeline projects; oil, gas and electric rate cases; and enforcement probes. The next two FERC nominees, Democrat Rich Glick and GOP Chairman-to-be Kevin McIntyre, will have a Senate hearing Sept. 7.

Perry gets a wingman: The Senate also confirmed Deputy Energy Secretary Dan Brouillette, who is taking his second tour through the agency. We may see more activity out of DOE as Brouillette settles in to help out Energy Secretary Rick Perry. — *Darius Dixon and Alex Guillén*

EMPLOYMENT & IMMIGRATION

DHS shuffle: The president's decision to appoint Homeland Security Secretary John Kelly as White House chief of staff was based largely on Kelly's track record at the department, including a dramatic drop in border arrests, increased interior enforcement and heightened visa screening. But what happens to the department now that he's

gone?

Elaine Duke — an accomplished and respected technocrat — replaced Kelly as acting secretary. The leading contender for permanent replacement is McCaul, who in addition to his cybersecurity efforts also recently introduced a border security bill. That measure would authorize $10 billion over four years to place some combination of wall, fence, technology and aerial surveillance along the Mexican border. But McCaul will face opposition from the most vehement immigration hawks, whose candidate is Kansas Secretary of State Kris Kobach. He is a co-author of Arizona's highly restrictive 2010 immigration law, S.B. 1070, much of which was ruled unconstitutional by the U.S. Supreme Court. Kobach is also vice chairman of Trump's controversial commission on alleged voter fraud. He advised Trump on immigration during the campaign and met with him after the election to discuss Cabinet positions.

But Kobach is considered a less likely choice, given his lack of experience with the department and the hackles he'd likely raise among Democrats and pro-immigration Republicans. — *Ted Hesson*

TECHNOLOGY

Anti-sex-trafficking push may snag free speech: Tech companies and their trade groups are up in arms about a bill intended to crack down on websites — namely Backpage.com — that advertise sex trafficking. Websites such as Facebook, Twitter and Reddit, where users post content, and sites such as Airbnb, where users post reviews, have used a provision in U.S. law to avoid legal liability for posts that may be offensive or extremist. They fear that the bill, sponsored by Sens. Rob Portman (R-Ohio) and Richard Blumenthal (D-Conn.), would ensnare their legal protections under Section 230 of the Communications Decency Act as well as targeting bad actors. The Internet Association, an influential tech trade association whose members include Google and Facebook, immediately spoke out against the bill.

Opponents have the support of Sen. Ron Wyden (D-Ore.), who helped write the original law. Portman says his language is tailored so it wouldn't pick up websites that depend on the liability protection as it targets those that facilitate sex trafficking. A similar bill was introduced in the House in April by Rep. Ann Wagner (R-Mo.) On the other side of the debate, the National Center for Missing and Exploited Children and some anti-trafficking and law enforcement groups have thrown their support behind Portman's bill.

Redl confirmation not ready: The Senate Commerce Committee approved a slew of telecommunications-related nominees but left one behind. David Redl, a former congressional staffer who is Trump's nominee to head the Commerce Department's National Telecommunications and Information Administration, is still waiting for committee approval so his nomination can proceed. Redl ran into resistance from Sen. Ted Cruz (R-Texas), who dislikes Redl's statements on the transition that moved

internet governance from the U.S. to an international body last year.

TRANSPORTATION

Recess, but no break: FAA reauthorization bills pending in both chambers have been punted to September, with Congress in recess through August. The FAA's authority to collect and spend the taxes that fuel the aviation system will expire Sept. 30, leaving a tight deadline for enacting something into law. While John Thune, the Senate Commerce chairman, and his House counterpart Bill Shuster (R-Pa.) have refused to discuss an extension of current law past Sept. 30, it's all but assured that one will be necessary. Meanwhile, Shuster and his allies will be using the August break to continue trying to win over lawmakers to a beleaguered proposal to shift air traffic control to a nonprofit body. When the House left for recess, Schuster was still short of votes to bring his FAA bill to the floor. — *Kathy Wolfe*

AGRICULTURE

Scanning the farm bill horizon: Conventional wisdom holds that House and Senate Agriculture committee leaders would get down to the business of drafting the farm bill early next year. The current iteration expires next fall. But committee leaders got out of the blocks early, with both panels holding a series of listening sessions across the country, and they're aligned on wrapping up the legislation on an expedited timeline. House Agriculture Chairman Mike Conaway (R-Texas) told attendees during a field hearing in Texas on July 31 that his panel will start drafting the measure "over the next eight weeks or so," with the goal of bringing it to the House floor for a vote by the end of the year. Earlier, Senate Agriculture Chairman Pat Roberts (R-Kan.) signaled a similar intent when he urged the Senate majority leader, during a July 25 hearing, to take up the bill on the Senate floor this year. "The sooner the better," Mitch McConnell replied.

Great expectations: Getting a farm bill through the House and Senate this year won't be easy. The current version was enacted in February 2014 after three years of debate. The committees are barely a few months into preparations — and the 115th Congress has a whole lot going on off the farm. Big-ticket objectives that could lay waste to Conaway and Roberts' best-laid plans include raising the debt limit, approving appropriations bills and adopting a budget resolution to clear the way to tax reform. — *Catherine Boudreau*

EHEALTH

Changes ahead: The eHealth agenda for August is all about gearing up for change.

ONC and CMS are awaiting final comments on Medicare payment rules and their intricate health IT requirements, and ONC is plunging into the interoperability morass, seeking comments on its framework for information exchange and holding a two-day meeting for use of health IT.

We're also awaiting the final makeup of the new, 26-member Health IT Advisory Committee. The 21st Century Cures biomedical innovation bill established the committee to provide expert advice to ONC and HHS on how to proceed with such nerdy but important health care chores as interoperability, the usability of electronic health records and information blocking.

We may also see the first announcements for participation in FDA's digital health pilot program, which is set to begin Sept. 1. — *David Pittman*

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EHS Federal Regulatory Alert

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Summaries

AIR
Alaska SIP/2008 Lead NAAQS Infrastructure Requirements
AIR

Final rule of the EPA approves revisions to the Alaska SIP regarding infrastructure requirements for the 2008 lead NAAQS. The rule does not address infrastructure elements related to nonattainment new source review, nonattainment planning requirements, or certain interstate transport requirements previously approved in an Aug. 4, 2014, final rule (79 FR 45103). The rule is effective Sept. 11, 2017. Contact: Kristin Hall; EPA Region 10, Office of Air and Waste; 206-553-6357; hall.kristin@epa.gov. Citations: 40 CFR 52.70

82 FR 37307 (08/10/2017)

Regulatory Update

AIR
Designations for the 2015 Ozone National Ambient Air Quality Standards
AIR

Notice of the EPA announces the withdrawal of the one-year extension, until Oct. 1, 2018, of the deadline for the agency to issue initial area designations for the 2015 ozone NAAQS, which were established in an Oct. 26, 2015, final rule (80 FR 65292). The agency extended the deadline in a June 28, 2017, notice (82 FR 29246) to allow additional time to evaluate issues related to the standards. The EPA now intends to reassess whether there are areas with underlying technical issues, whether there are state designation recommendations that the agency intends to modify, and whether for any area there is insufficient information to make a designation. The EPA administrator may still determine that an extension of time to complete designations is necessary, but the original statutory deadline of Oct. 1, 2017, to make area designations is now applicable. Contact: Carla Oldham; EPA, Office of Air Quality Planning and Standards; 919-541-3347; oldham.carla@epa.gov. Citations: 40 CFR 81

82 FR 37318 (08/10/2017)

Regulatory Update

AIR
District of Columbia SIP/Regional Haze
AIR

Final rule of the EPA approves a revision to the District of Columbia SIP for regional haze. The revision includes a five-year progress report towards reasonable progress goals for regional haze and a determination of adequacy of the existing regional haze SIP. The rule is effective Sept. 11, 2017. Contact: Sara Calcinore; EPA Region 3; 215-814-2043; calcinore.sara@epa.gov. Citations: 40 CFR 52.470

82 FR 37305 (08/10/2017)

Regulatory Update

AIR
Florida SIP/2010 NO2 NAAQS Infrastructure Requirements
AIR

Direct final rule of the EPA approves revisions to the Florida SIP concerning the infrastructure requirements for the 2010 one-hour nitrogen dioxide (NO2) NAAQS. The revision addresses monitoring and data system requirements. The rule is effective Oct. 10, 2017, unless adverse comments are received by Sept. 11, 2017. Contact: Andres Febres; EPA Region 4, Air, Pesticides, and Toxics Management Division; 404-562-8966; febres-martinez.andres@epa.gov. Citations: 40 CFR 52.520

82 FR 37310 (08/10/2017)

Regulatory Update

AIR
Florida SIP/2010 NO2 NAAQS Infrastructure Requirements
AIR

Proposed rule of the EPA would approve revisions to the Florida SIP concerning the infrastructure requirements for the 2010 one-hour nitrogen dioxide (NO2) NAAQS. The revision addresses monitoring and data system requirements. A concurrent direct final rule adopts the revisions, effective Oct. 10, 2017. Comments are due Sept. 11, 2017. Contact: Andres Febres; EPA Region 4, Air, Pesticides, and Toxics Management Division; 404-562-8966; febres-martinez.andres@epa.gov. Citations: 40 CFR 52.520

82 FR 37378 (08/10/2017)

Regulatory Update

AIR
Florida SIP/Air Permitting, Compliance Assurance Program
AIR

Proposed rule of the EPA would approve portions of revisions to the Florida SIP that update non-Title V air permitting and compliance assurance program requirements. The revisions add 17 air general permits available to owners or operators of air emission sources as long as certain requirements are satisfied. The revisions also address new source preconstruction permitting requirements, stationary source control strategy programs, and emissions monitoring at stationary sources. In addition, the revisions add a definition of North American Industry Classification System, address public notice requirements, update test methods, and remove references to ozone nonattainment areas and an outdated form. Comments are due Sept. 11, 2017. Contact: Michele Notarianni; EPA Region 4, Air Planning and Implementation Branch; 404-562-9031; notarianni.michele@epa.gov. Citations: 40 CFR 51.160 through 51.164, 52

82 FR 37379 (08/10/2017)

Regulatory Update

AIR
Florida SIP/Interstate Transport Infrastructure Requirements
AIR

Proposed rule of the EPA would approve revisions to the Florida SIP concerning the infrastructure requirements for the 2010 one-hour nitrogen dioxide (NO2) NAAQS. The revision addresses interstate transport requirements to prevent contribution to nonattainment by or interference with maintenance in another state (prongs 1 and 2). Comments are due Sept. 11, 2017. Contact: Andres Febres; EPA Region 4, Air, Pesticides, and Toxics Management Division; 404-562-8966; febres-martinez.andres@epa.gov. Citations: 40 CFR 52.520

82 FR 37384 (08/10/2017)

Regulatory Update

AIR
Kentucky SIP/Jefferson County RACT Requirements
AIR

Proposed rule of the EPA would approve revisions to the Jefferson County portion of the Kentucky SIP regarding reasonably available control technology (RACT) for two major sources of nitrogen oxides (NOx). The revisions address standards of performance for graphic arts facilities using rotogravure or flexographic printing and changes to the Texas Gas Transmission NOx RACT plan. The revisions also remove the volatile organic compound bubble rule for the General Electric plant in Louisville and address changes to the Louisville Medical Steam Plant NOx RACT. Comments are due Sept. 11, 2017. Contact: Joel Huey; EPA Region 4, Pesticides and Toxics Management Division; 404-562-9104; huey.joel@epa.gov. Citations: 40 CFR 52

82 FR 37375 (08/10/2017)

Regulatory Update

AIR
New Jersey SIP/Source-Specific Emissions Limitations
AIR

Final rule of the EPA approves revisions to the New Jersey SIP for ozone. The revisions consist of source-specific reasonably available control technology determinations for controlling nitrogen oxides for four water bath heaters for the Transcontinental Gas Pipeline Corp., LNG Station 240, in Carlstadt, and for two boilers for the Joint Base McGuire-Dix-Lakehurst in Lakehurst. The revisions also include limits on fuel use and total number of hours of operation at Transcontinental's LNG Station 240 and limits on fuel use resulting in a reduction in natural gas use at Joint Base McGuire-Dix-Lakehurst. The rule is effective Sept. 11, 2017. Contact: Anthony Gardella; EPA Region 2, Air Programs Branch; 212-637-4249; gardella.anthony@epa.gov. Citations: 40 CFR 52.1570

82 FR 37308 (08/10/2017)

Regulatory Update

AIR
North Carolina SIP/Interstate Transport Good Neighbor Provision
AIR

Proposed rule of the EPA would approve revisions to the North Carolina SIP regarding the good neighbor provisions of the 2008 eight-hour ozone NAAQS. The agency proposes to determine that the SIP contains adequate provisions to prohibit emissions within the state from contributing significantly to nonattainment or interfering with maintenance of the 2008 eight-hour ozone NAAQS in any other state and that the SIP meets the requirements of prongs 1 and 2. Comments are due Sept. 11, 2017. Contact: Ashten Bailey; EPA Region 4, Air Planning and Implementation Branch; 404-562-9164; bailey.ashten@epa.gov. Citations: 40 CFR 52

82 FR 37371 (08/10/2017)

Regulatory Update

AIR
Pennsylvania SIP/Allegheny County Open Burning Standards
AIR

Direct final rule of the EPA approves revisions to the Allegheny County portion of the Pennsylvania SIP concerning open burning. The revisions clarify and codify provisions concerning materials that may be burned; the size of burn piles; setback requirements; use of chimneas, fire pits, and outdoor fireplaces; and burning restrictions on air quality action days. The rule is effective Nov. 8, 2017, unless adverse comments are received by Sept. 11, 2017. Contact: Gregory Beacoat; EPA Region 3; 215-814-2036; becoat.gregory@epa.gov. Citations: 40 CFR 52.2020

82 FR 37316 (08/10/2017)

Regulatory Update

AIR
Pennsylvania SIP/Allegheny County Open Burning Standards
AIR

Proposed rule of the EPA would approve revisions to the Allegheny County portion of the Pennsylvania SIP concerning open burning. The revisions clarify and codify provisions concerning materials that may be burned; the size of burn piles; setback requirements; use of chimneas, fire pits, and outdoor fireplaces; and burning restrictions on air quality action days. A concurrent direct final rule adopts the revisions, effective Nov. 8, 2017. Comments are due Sept. 11, 2017. Contact: Gregory Beacoat; EPA Region 3; 215-814-2036; becoat.gregory@epa.gov. Citations: 40 CFR 52.2020

82 FR 37374 (08/10/2017)

Regulatory Update

AIR
South Carolina SIP/Prevention of Significant Deterioration, Nonattainment NSR
AIR

Direct final rule of the EPA approves portions of revisions to the South Carolina SIP concerning prevention of significant deterioration (PSD) and nonattainment new source review (NSR) permitting. The revisions update the definition of "major stationary source" to include thresholds that correspond to precursors of ozone in serious and extreme ozone nonattainment areas. The revisions also remove "particulate matter (PM) emissions" and "PM" from the definition of "regulated NSR pollutant" and expand the definitions of "baseline actual emission" and "projected actual emission" to include emissions associated with malfunctions in determining PSD and nonattainment NSR applicability. In addition, the revisions update internal references. The rule is effective Oct. 10, 2017, unless adverse comments are received by Sept. 11, 2017. Contact: Brad Akers; EPA Region 4, Air, Pesticides, and Toxics Management Division; 404-562-9089; akers.brad@epa.gov. Citations: 40 CFR 52.2120

82 FR 37299 (08/10/2017)

Regulatory Update

AIR
South Carolina SIP/Prevention of Significant Deterioration, Nonattainment NSR
AIR

Proposed rule of the EPA would approve portions of revisions to the South Carolina SIP concerning prevention of significant deterioration (PSD) and nonattainment new source review (NSR) permitting. The revisions update the definition of "major stationary source" to include thresholds that correspond to precursors of ozone in serious and extreme ozone nonattainment areas. The revisions also remove "particulate matter (PM) emissions" and "PM" from the definition of "regulated NSR pollutant" and expand the definitions of "baseline actual emission" and "projected actual emission" to include emissions associated with malfunctions in determining PSD and nonattainment NSR applicability. In addition, the revisions update internal references. A concurrent direct final rule adopts the revisions, effective Oct. 10, 2017. Comments are due Sept. 11, 2017. Contact: Brad Akers; EPA Region 4, Air, Pesticides, and Toxics Management Division; 404-562-9089; akers.brad@epa.gov. Citations: 40 CFR 52.2120

82 FR 37378 (08/10/2017)

Regulatory Update

AIR
South Carolina SIP/State Trading Programs
AIR

Proposed rule of the EPA would approve a revision to the South Carolina SIP concerning the Cross-State Air Pollution Rule (CSAPR). The revision replaces federal implementation plan requirements for large electricity generating units (EGUs) to participate in the federal trading program for annual emissions of nitrogen oxides (NOx) and in one of two federal trading programs for sulfur dioxide (SO2) with a substantively identical requirement for such EGUs to join a new state trading program for NOx and SO2. The revision also eliminates the FIP emission standards addressing interstate transport requirements for the 1997 fine particulate matter NAAQS. Comments are due Sept. 11, 2017. Contact: Ashten Bailey; EPA Region 4, Air, Pesticides, and Toxics Management Division; 404-562-9164; bailey.ashten@epa.gov. Citations: 40 CFR 52

82 FR 37389 (08/10/2017)

Regulatory Update

ENDANGERED SPECIES
Texas Hornshell Endangered Listing
ENDANGERED SPECIES

Notice of the U.S. Fish and Wildlife Service reopens the comment period for an Aug. 10, 2016, proposed rule (81 FR 52796) that would list the Texas hornshell, a freshwater mussel species from New Mexico, Texas, and Mexico, as an endangered species. The agency also extends the final listing determination to Feb. 10, 2018, to obtain clarifying information to resolve a significant disagreement on the interpretation of limited surveys and the current conservation status of the species in Mexico. Comments now are due Sept. 11, 2017. Contact: Chuck Ardizzone; USFWS, Texas Coastal Ecological Services Field Office; 281-286-8282. Citations: 50 CFR 17

82 FR 37397 (08/10/2017)

Regulatory Update

ENDANGERED SPECIES
Washington State/Marine Mammals Incidental Take
ENDANGERED SPECIES

Notice of the National Marine Fisheries Service announces the receipt of a request from the Washington State Department of Transportation for authorization to take five species of marine mammals incidental to scour repair activities at the US 101/Chehalis River Bridge in Aberdeen, Wash. The authorization would allow take in the form of Level B harassment of the California sea lion, gray whale, harbor porpoise, harbor seal, and Steller sea lion over 12 days between July 16 and Sept. 30, 2018. Comments are due Sept. 11, 2017. Contact: Shane Guan; NMFS, Office of Protected Resources; 301-427-8401

82 FR 37426 (08/10/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Arizona/Nogales Interconnection Project
GENERAL ENVIRONMENT AND SAFETY

Notice of the Energy Department announces the receipt of amendments to an application from Nogales Transmission LLC, of Dallas, for a presidential permit to construct, operate, maintain, and connect an electric transmission line between the U.S. and Mexico. The Nogales Interconnection Project includes an approximately five-mile long overhead transmission system originating in Nogales, Ariz., and crossing the U.S.-Mexico border with a total power transmission capacity of up to 300 megawatts. The amendments would relocate the international border crossing 25 feet east and connect the project to the UNS Electric Inc. transmission system at the proposed Gateway Substation rather than the existing Valencia Substation. The agency has prepared a draft environmental assessment for the project. Comments or motions to intervene are due Sept. 11, 2017. Contact: Christopher Lawrence; DOE, Office of Electricity Delivery and Energy Reliability; 202-586-5260; Christopher.Lawrence@hq.doe.gov

82 FR 37444 (08/10/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Medical Imaging Drugs Advisory Committee
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a meeting of the Medical Imaging Drugs Advisory Committee to discuss the potential risk of gadolinium retention in the brain and other organs in patients receiving gadolinium-based contrast agents for magnetic resonance clinical imaging procedures. The meeting is scheduled for Sept. 8, 2017, in Silver Spring, Md. Comments are due Aug. 24, 2017. Contact: Jennifer Shepherd; FDA, Center for Drug Evaluation and Research; 301-796-9001; MIDAC@fda.hhs.gov

82 FR 37458 (08/10/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Qualification of Medical Device Development Tools
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the availability of a guidance on the qualification of medical device development tools (MDDT). The guidance addresses a new voluntary process within the Center for Devices and Radiological Health for qualification of MDDTs for use in device development and evaluation programs. The guidance also addresses the framework of an MDDT, including definitions of applicable terms, criteria for evaluating an MDDT for a specific context of use, considerations for qualification, and the contents of a qualification package. Comments may be submitted at any time. Contact: Kathryn O'Callaghan; FDA, Center for Devices and Radiological Health; 301-796-6349

82 FR 37456 (08/10/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
South Atlantic Region Snapper-Grouper Fishery Management Plan
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the National Marine Fisheries Service, in collaboration with the South Atlantic Fishery Management Council, to prepare a draft environmental assessment regarding a proposed amendment to the snapper-grouper fishery for the South Atlantic region fishery management plan (Amendment 43). The agency has decided to reduce the scope of Amendment 43 from that proposed in a Jan. 6, 2017, notice of intent to prepare a draft environmental impact statement (82 FR 1720). The current proposal would only revise the process for determining the commercial and recreational annual catch limits for red snapper, with the goal of implementing the new limits in July 2018. A hearing will be held during the council's meeting scheduled for Sept. 11-15, 2017, in Charleston, S.C. Comments are requested, but a due date is not specified. Contact: Frank Helies; NMFS, Southeast Regional Office; 727-824-5305; frank.helies@noaa.gov

82 FR 37441 (08/10/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Strategic Environmental Research and Development Advisory Board Meeting
GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Defense announces a meeting of the Strategic Environmental Research and Development Program Scientific Advisory Board. The agenda includes the review of new start research and development projects requesting program funds, which address topics including weapons systems and platforms, chemical properties of model surfactant-oil water systems, and organic pollutants and metals in stormwater. The meeting is scheduled for Sept. 13-14, 2017, in Arlington, Va. Comments may be submitted at any time. Contact: Herb Nelson; Department of Defense, SERDP Office; 571-372-6400; herbert.h.nelson10.civ@mail.mil

82 FR 37443 (08/10/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Strategic Environmental Research and Development Advisory Board Meeting
GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Defense announces a meeting of the Strategic Environmental Research and Development Program Scientific Advisory Board. The agenda includes the review of several new start research and development projects requesting program funds, which address topics including the impact of climate change on managing threatened and endangered species and ecosystem resiliency. The meeting is scheduled for Sept. 12, 2017, in Arlington, Va. Comments may be submitted at any time. Contact: Herb Nelson; Department of Defense, SERDP Office; 571-372-6400; herbert.h.nelson10.civ@mail.mil

82 FR 37442 (08/10/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Texas/Stratton Ridge Expansion Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the schedule of environmental review for the Stratton Ridge Expansion Project in Brazoria, Chambers, Lavaca, San Jacinto, Shelby, and Waller counties in Texas. The project, proposed by Texas Eastern Transmission LP and Brazoria Interconnector Gas Pipeline LLC, both of Houston, involves the construction and operation of facilities to create 322,000 dekatherms per day of firm transportation capacity to deliver natural gas from multiple receipt points on Texas Eastern's interstate pipeline system to a delivery point on Brazoria Pipeline's intrastate pipeline system. The issuance of the environmental assessment is scheduled for Oct. 5, 2017, and the 90-day federal authorization decision is due Jan. 3, 2018. Contact: FERC, Office of External Affairs; 866-208-3676; FercOnlineSupport@ferc.gov

82 FR 37448 (08/10/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Tobacco Products Subject to FDA Authority
GENERAL ENVIRONMENT AND SAFETY

Notice of the Food and Drug Administration announces the availability of the second edition of a guidance for industry (82 FR 22338; 05/15/2017) concerning the three-month extension of certain tobacco product compliance deadlines relating to the May 10, 2016, final deeming rule (81 FR 28974). The rule extends the agency's existing authority over conventional tobacco products to currently marketed products, including electronic nicotine delivery systems, cigars, pipe and waterpipe tobacco, gels and dissolvable nicotine products, and to future tobacco products not currently marketed. The rule also prohibits the sale of "covered tobacco products" to individuals under the age of 18 and requires the display of health warnings on cigarette tobacco, roll-your own tobacco, and covered tobacco product packages and in advertisements. The second edition further extends certain compliance dates for the final deeming rule. Comments may be submitted at any time. Contact: Gerie Voss; FDA, Center for Tobacco Products; 877-287-1373; CTPRegulations@fda.hhs.gov

82 FR 37459 (08/10/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
West Virginia/Rover Pipeline Project
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of FERC to prepare an environmental assessment for the proposed amendment to an application submitted by Rover Pipeline LLC, of Houston, for the Rover Pipeline Project in Marshall County, W.Va. The project would involve construction and operation of facilities at the previously approved and under construction Majorsville Compressor Station. A third 3,550 horsepower natural gas compressor unit would be installed at the compressor station, and new equipment would be run at the Majorsvillle Meter Station, which would bring the station to a total of 10,650 horsepower. The proposed facilities also would

increase the point capacity of the stations to 400 million cubic feet per day. Comments are due Sept. 4, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOnlinesupport@ferc.gov

82 FR 37447 (08/10/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
Florida/Coronet Industries Superfund Site
HAZARDOUS WASTE CLEANUP

Notice of the EPA announces a correction to a July 26, 2017, notice (82 FR 34655) of a proposed settlement agreement under CERCLA with CEMEX Construction Materials Florida LLC, of West Palm Beach, Fla., and Hexion Inc., of Columbus, Ohio, regarding the Coronet Industries Superfund site in Plant City, Fla. The settlement addresses the recovery of costs for EPA response actions at the site. The correction adds Coronet Industries Inc., of Plant City, as one of the settling parties. Contact: Paula Painter; EPA Region 4, Superfund Division; 404-562-8887; Painter.Paula@epa.gov

82 FR 37449 (08/10/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Delaware/Hazardous Waste Management Program
HAZARDOUS WASTE MANAGEMENT

Direct final rule of the EPA grants final authorization of revisions to the Delaware hazardous waste program under RCRA. The revisions incorporate federal standards through RCRA Cluster XVII. The rule is effective Oct. 10, 2017, unless adverse comments are received by Sept. 11, 2017. Contact: Evelyn Sorto; EPA Region 3, RCRA Waste Branch; 215-814–2123; sorto.evelyn@epa.gov. Citations: 40 CFR 271

82 FR 37319 (08/10/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Delaware/Hazardous Waste Management Program
HAZARDOUS WASTE MANAGEMENT

Proposed rule of the EPA would grant final authorization of revisions to the Delaware hazardous waste program under RCRA. The revisions incorporate federal standards through RCRA Cluster XVII. A concurrent direct final rule adopts the revisions, effective Oct. 10, 2017. Comments are due Sept. 11, 2017. Contact: Evelyn Sorto; EPA Region 3, RCRA Waste Branch; 215-814–2123; sorto.evelyn@epa.gov. Citations: 40 CFR 271

82 FR 37396 (08/10/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Mechanical Power Presses
OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of OSHA to seek OMB approval for a continuing information collection request regarding requirements for employers to periodically inspect power presses to ensure that all their parts, auxiliary equipment, and safeguards are in safe operating condition and adjustment. The collection addresses requirements for employers to inspect and test each press weekly to determine the condition of the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism. The collection also addresses requirements for employers to maintain record of inspections, tests, and maintenance work. Comments are due Oct. 10, 2017. Contact: Theda Kenney; OSHA; 202-693-2222. Citations: 29 CFR 1910.217

82 FR 37467 (08/10/2017)

Regulatory Update

OIL AND GAS INDUSTRY
Oil Spills/National Response Resource Inventory
OIL AND GAS INDUSTRY

Notice of the U.S. Coast Guard announces the submission of a continuing information collection request to the OMB regarding the National Response Resource Inventory for oil spill removal organizations. The collection compiles a comprehensive list of spill removal equipment in a response resource inventory, which the Coast Guard uses to improve effectiveness of deploying equipment and to develop contingency plans. Comments are due Sept. 11, 2017. Contact: Anthony Smith; USCG, Office of Information Management; 202-475-3532

82 FR 37464 (08/10/2017)

Regulatory Update

WATER
Alteration of Unreasonably Obstructive Bridges
WATER

Notice announces the intention of the U.S. Coast Guard to seek OMB approval for a continuing information collection request regarding the alteration of unreasonably obstructive bridges. The collection addresses responses from public and private owners of bridges over navigable waters of the U.S. that the Coast Guard will use to determine if any such structures are unreasonably obstructive, and to subsequently remove or alter them under the agency's statutory authority. Comments are due Oct. 10, 2017. Contact: Anthony Smith; USCG, Office of Information Management; 202-475-3532

82 FR 37462 (08/10/2017)

Regulatory Update

WATER

Alternative Compliance for International and Inland Navigation Rules

WATER

Notice announces the intention of the U.S. Coast Guard to seek OMB approval for a continuing information collection request regarding alternative compliance for international and inland navigation rules. The collection allows owners, operators, builders, or agents of a unique vessel to present reasons why the vessel cannot comply with existing international and inland navigation rules and how alternative compliance can be met. Comments are due Oct. 10, 2017. Contact: Anthony Smith; USCG, Office of Information Management; 202-475-3532. Citations: 33 CFR 81 through 89

82 FR 37463 (08/10/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 8/22/2017 8:07:47 PM
Subject: Aug. 22 -- Energy and Climate Report - Afternoon Briefing



Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

White House Denies Murray Coal Exemption, Despite Trump Promises

Posted August 22, 2017, 01:55 P.M. ET

By Rebecca Kern and Stephen Lee

The White House has denied requests to issue an emergency order to keep Murray Energy Corp. coal mines and FirstEnergy Corp. coal plants operating and the companies out of bankruptcy, despite President Donald Trump's promises to back the requests.

Murray Energy and FirstEnergy's executives met with Trump in late July and early August to ask the administration to provide an emergency order to keep the facilities open—an order the companies said is needed to help them avoid bankruptcy.

They claim their bankruptcies would endanger electric grid reliability, so the emergency order is warranted, according to Aug. 4 and Aug. 18 letters from Murray Energy to the White House and the Energy Department. The letters were obtained by the Associated Press and posted online. Murray Energy declined to comment to Bloomberg BNA.

Murray CEO Robert Murray said in the letter that FirstEnergy is "on the verge of bankruptcy" and if the company declares bankruptcy it would be forced to close the coal-fired power plants. FirstEnergy's bankruptcy would "force" Murray Energy into immediate bankruptcy, leading to 150,000 direct and indirect Murray Energy coal-mining job losses in West Virginia, Pennsylvania, Ohio, Kentucky, Illinois and Utah, according to the letters.

Jennifer Young, a spokeswoman for FirstEnergy, told Bloomberg BNA that the company still hasn't heard anything official from the Trump administration. FirstEnergy operates coal plants in Ohio, Pennsylvania, and West Virginia.

"We've spoken to federal officials on numerous occasions about the importance of baseload plants and the need for action to preserve those assets," Young said. "For FirstEnergy Solutions, which is the competitive side of our business that owns the power plants, bankruptcy could be a possibility."

The decision not to issue an emergency order appears in direct conflict with White House statements and action the Trump administration has taken in the past to support coal-mining jobs, including repealing the Clean Power Plan and removing the U.S. from the Paris Climate Agreement.

A White House spokeswoman told Bloomberg BNA Aug. 22 that they denied issuing an emergency order under the Federal Power Act because the companies' request "at this time is not an appropriate use of this authority."

Section 202(c) of the Federal Power Act allows the Energy Department secretary in a state of emergency to "require temporary connections of facilities, and generation, delivery, interchange, or transmission of electricity as the secretary determines will best meet the emergency and serve the public interest."

The Trump administration has used the emergency order under the Federal Power Act twice in the past seven months for a state-owned dam in Oklahoma and two Dominion Energy Virginia coal plants in Yorktown, Va. The Obama administration never used the emergency exemption. It was previously used during the 2000 California energy crisis and after Hurricane Katrina in 2005.

The Energy Department has yet to respond to Bloomberg BNA's request for comment.

Power Plant Emissions Should Be Part of Pipeline Review: Court

Posted August 22, 2017, 12:35 P.M. ET

By Chris Marr

Carbon emissions from gas-burning power plants should have been considered in federal regulators' review of a Florida natural gas pipeline, a federal appeals court ruled today.

A group of connected pipeline projects, including the 515-mile Sabal Trail, will need an updated environmental impact review by the Federal Energy Regulatory Commission following the U.S. Court of Appeals for the District of Columbia Circuit's decision. The Sabal Trail went into full commercial service in early July, carrying natural gas from an Alabama terminal through southern Georgia and to Florida power plants owned by NextEra Energy and Duke Energy. NextEra and Duke are also co-owners of the pipeline, along with Spectra Energy.

A three-judge panel agreed with the Sierra Club and two riverkeeper groups that argued FERC's original review of the project didn't adequately consider its climate change impacts. The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg, the majority owner of Bloomberg L.P., an affiliate of Bloomberg BNA.

The pipeline will let Florida power companies burn more natural gas instead of pursuing renewable energy alternatives, the plaintiffs said in their court filings.

"We conclude that at a minimum, FERC should have estimated the amount of power-plant carbon emissions that the pipelines will make possible," Judge Thomas B. Griffith wrote in today's opinion. The court remanded the case to FERC for preparation of a new environmental impact statement.

The opinion marks a departure from three recent rulings by the same court against the Sierra Club, in which the group contested federal approvals of liquefied natural gas facility projects. The judge noted a difference in those cases—that the LNG facilities' natural gas exports would be beyond FERC's regulatory authority and therefore beyond the scope of its consideration for environmental review.

"Here, FERC is not so limited," Griffith wrote. "Congress broadly instructed the agency to consider

'the public convenience and necessity' when evaluating applications to construct and operate interstate pipelines."

Colorado Governor Orders Pipeline Rule Update After Fatal Accidents

Posted August 22, 2017, 02:29 P.M. ET

By Tripp Baltz

Colorado Gov. John Hickenlooper (D) Aug. 22 directed the state's Oil and Gas Conservation Commission to upgrade its rules on inspection and pressure-testing of natural gas flow lines, one of a series of steps he has taken to improve safety following two deadly accidents. Hickenlooper announced in all seven steps the state will take involving the oil and gas industry. In April, two men were killed when a leaking flow line connected to a natural gas well owned by Anadarko Petroleum Co. caused a house to explode near Firestone, Colo. In May, a worker was killed and three others were seriously injured in an explosion caused by a buildup of combustible products in a trench being dug between oil storage tanks at an Anadarko site.

The direction to the OGCC involves rules for natural gas flow lines connecting wellheads to production facilities. The governor also called for an enhancement of the "8-1-1" system, where people can call to learn the location of underground pipelines before digging. Hickenlooper directed the commission to develop rules similar to those contained in a notice to oil and gas operators he ordered sent out following the Firestone explosion. The notice required companies to identify, inspect, and pressure-test all flowlines within 1,000 feet of homes and other occupied buildings. That process resulted in the testing of 120,000 flow lines at 23,000 different well sites across the state, he said.

Energy Transfer Suit Claims Greenpeace Incites Eco-Terrorism

Posted August 22, 2017, 03:11 P.M. ET

By Andrew Harris and Tim Loh

Energy Transfer Partners LP accused Greenpeace International, Earth First! and other groups of inciting terrorist acts and vandalism to generate publicity and raise money for their causes while hampering the ability of the Dakota Access pipeline majority owner to raise money for projects.

Energy Transfer is the second company to attack Greenpeace and its allies in court for engaging in what the firms claim is a racketeering scheme far beyond ordinary environmental advocacy (Energy Transfer Equity, L.P. v. Greenpeace Int'l, D.N.D., No. 1:17-cv-173, 8/22/17).

Resolute Forest Products Inc. made similar allegations over Greenpeace's campaign against logging in a May 2016 RICO lawsuit. Both companies are represented by Kasowitz Benson Torres LLP, a New York-based law firm whose managing partner Marc Kasowitz is President Donald Trump's attorney.

Greenpeace said the lawsuit won't stop its mission of "protecting the environment and standing in solidarity with vulnerable communities around the world."

The construction of the Dakota Access Pipeline, running from western North Dakota to southern Illinois, sparked months of protests last year and clashes between environmentalists and police drew international attention. The pipeline went into service June 1 following the construction of a

final link under a part of Lake Oahe near the Standing Rock Indian Reservation.

Greenpeace led a corrupt environmentalist organization, Energy Transfer claimed in the lawsuit, an enterprise that "cynically planted radical, violent eco-terrorists on the ground amongst the protesters, and directly funded their operations and publicly urged their supporters to do the same."

Negative publicity generated by the demonstrations caused Energy Transfer to lose "many hundreds of millions of dollars," and damaged its ability to raise money from capital markets, according to the complaint, filed Aug. 22 in Bismark, N.D.

Energy Transfer is seeking unspecified monetary damages, which would be tripled under U.S. racketeering laws, as well as a court order barring the groups from further protests and an order for the groups to return money to donors.

"Under the 'Greenpeace Model,' raising money and the network's profile is the primary objective, not saving the environment," Energy Transfer said. "'Issues are selected according to which ones will generate maximum publicity and donations, irrespective of the environmental merits."

Greenpeace said it hasn't yet received the lawsuit.

"We will comment in more detail at the appropriate time, but rest assured we will fully defend ourselves against legal attacks on our existence," Greenpeace spokesman Travis Nichols said.

The environmentalists' campaigns are based on fabricated evidence and witness accounts to deceive the public, Energy Transfer said.

The criminal enterprise, through Earth First! and Red Warrior Camp, funded and incited acts of terrorism in violation of the U.S. Patriot Act, Energy Transfer claimed. That included attempts and actual destruction of an energy facility and arson on government property, the company said.

Those acts, according to the lawsuit, including the burning of construction equipment and use of blowtorches to cut holes in parts of the pipeline. Had oil been flowing when the sabotage occurred, the pipeline might have exploded, endangering human lives and resulting in an environmental disaster, Energy Transfer said.

Among the other groups being sued by Energy Transfer is BankTrack, a Dutch not-for-profit group that raises money for non-governmental organizations.

The Dakota Access pipeline project spurred legal challenges from Native American tribes, principally the Standing Rock Sioux, objecting to the pipeline's path across man-made Lake Oahe. Energy Transfer intervened in that action on the side of the U.S. Army Corps of Engineers.

In June, a Washington federal court judge, having rejected earlier entreaties to block the project, said the Corps hadn't adequately considered the impacts of a potential spill from the line on fishing, hunting and "environmental justice, or the degree to which the pipeline's effects are likely to be highly controversial," and ordered it to reconsider those factors.

The Resolute Forest lawsuit is pending in federal court in San Francisco.

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Energy Transfer Told to Revise Rover Gas Line Drill Plans

Posted August 22, 2017, 01:23 P.M. ET

By Catherine Traywick

Energy Transfer Partners must submit revised horizontal directional drilling plans for the Rover natural gas pipeline along with other information before FERC will allow the company to resume drilling in certain areas, the agency said in an Aug. 22 filing.

Energy Transfer will have to provide names, contact information, and qualifications for all drilling inspectors, specialists and engineers, the Federal Energy Regulatory Commission said in the filing. FERC said it also would require weekly horizontal directional drilling monitoring reports from the company.

The company submitted a revised drilling plan Aug. 4, incorporating recommendations for third-party review. FERC halted horizontal drilling on certain segments of the pipeline following a 50,000-barrel spill of diesel-tainted drilling fluid.

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Supplying Lithium Gets Trickier as Electric Revolution Looms

Posted August 22, 2017, 11:09 A.M. ET

By Laura Millan Lombrana and Jonathan Gilbert

Hidden within the salt flats high in the Andes mountains of South America are vast deposits of the lithium that Elon Musk may need for his electric-car revolution. But extracting the mineral from brine ponds created by Orocobre Ltd. has proved more difficult than expected.

Bad weather and pump glitches meant production at the Olaroz facility in northern Argentina was 21 percent below Orocobre's initial target in the year through June. While things are getting back on track, Chief Executive Officer Richard Seville says the company "either underestimated the complexity or overestimated our capability."

Producers everywhere have struggled to keep up with demand as electric cars went from almost no sales a decade ago to more than half a million vehicles last year. The battery in a Model S from Musk's Tesla Inc. uses about 45 kilograms (100 pounds) of lithium carbonate. More mines are planned, but difficulties at Olaroz—the first new South American lithium mine in two decades—are limiting funding for new ventures in Argentina, home to the world's third-largest reserves.

"The uncertainty on the supply side is driving prices up and making investors nervous," said Daniela Desormeaux, CEO of Santiago-based lithium consulting firm SignumBOX. "We need a new project entering the market every year to satisfy growing demand. If that doesn't happen, the market will be tight."

Australia is the biggest lithium producer, though Chile and Argentina account for 67 percent of global reserves, according to the U.S. Geological Survey.

Extracting lithium from the salt flats that dot the arid northern regions of the South American

countries is a lot easier and cheaper than digging underground for metals like copper. Producers just pump the brine solution into evaporation ponds, harvesting the mineral once the moisture is gone.

Orocobre's experience in Argentina shows the process isn't without its challenges, especially for a newcomer.

The Brisbane, Australia-based company initially forecast production at 15,000 metric tons for the year through June. That was cut to 12,000-12,500 tons. And the final tally ended up at 11,862. Unusually cold and overcast weather slowed evaporation and restricted transport of supplies, while pumping glitches meant there wasn't always enough brine in the right places. Since then, Orocobre has invested in improving pumping from one pond to the next, just in time for the key evaporation period, Seville said in an interview last week.

The company's shares have retreated 30 percent this year after doubling in price last year.

"Lithium production isn't easy," Juan Esteban Fuentes, CRU Group's head of South America, said in an interview in Santiago. "It requires high technical and chemical knowledge. Clearly there will be more disruptions, to the extent that there are miners entering the market that have never extracted lithium and do not have that technical knowledge."

Rising demand for lithium used in a new breed of lightweight, rechargeable batteries caught producers of the mineral off guard. Tesla's gigafactory in Nevada aims to manufacture about 500,000 car batteries a year by 2018. The soft, silver-white metal is also used in cell phones.

Prices of lithium carbonate, the primary base-chemical produced by the industry, more than doubled in the five years to 2016, according to UBS Group AG. The material advanced about 5 percent to average $14,250 a ton in July from June, according to Benchmark Mineral.

With demand expected to keep rising as electric cars gain a bigger share of the global auto fleet, Argentina and Chile are attracting interest from mining companies because it costs about $2,000 to $3,800 a ton to extract lithium from brine, compared with $4,000 to $6,000 a ton in Australia, where lithium is mined from rock.

Still, most projects are expected to struggle to get off the ground.

Of the 39 lithium ventures tracked by CRU, only four have firm commitments, and all of those are in China, adding about 24,000 tons of annual supply. Another 10 projects representing 400,000 tons are rated "probable"—in Canada, Chile, China, Mexico, Argentina and Australia—but probably only about 30 percent will make it into production, CRU said.

Orocobre's teething problems are being closely watched by investors, who are becoming more reluctant to fund projects by new entrants in Argentina, said Gabriel Rubacha, head of South American operations at Lithium Americas Corp.

Lithium Americas is developing a project in Jujuy province with industry veteran Soc. Quimica & Minera de Chile SA, a partnership that was essential in securing the $174 million needed to get started. "Most lithium projects in Argentina fail because they can't close financing," Rubacha said. "We are totally relying on SQM's expertise."

Santiago-based SQM is investing in Argentina after Chile's government moved to withdraw its

license to exploit one of the world's largest deposits. That withdrawal is subject to an arbitration process between the company and state development agency Corfo that may be concluded this year, according to Corfo.

Expansions by established producers including China's Tianqi Lithium Corp. and North Carolina's Albemarle Corp. probably will leave a small global surplus by year end, but supply disruptions could put the market back into deficit, CRU's Fuentes said. If annual demand for Tesla's Model 3 reaches 700,000 units, as Musk says could happen, the industry will need additional supplies from lithium newcomers.

While Chilean copper giant Codelco is looking to enter the lithium business via a partnership at its Maricunga tenements, the project will require deals with some of the salt flat's 40 land owners to make the operation large enough to be profitable.

Chile deems lithium to be "strategic," which means would-be producers need authorization from the Nuclear Energy Commission and operating conditions are set directly with the government on a case-by-case basis. Wealth Minerals Ltd. estimates it will take seven years to set up an operation in Chile.

"But we have a window of only 25 years to develop these projects because prices can fall again as soon as a replacement to lithium appears," Marcelo Awad, Wealth's Chile manager, said in an interview in Santiago.

—With assistance from Martin Ritchie.

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China's Top Wind Utility Lifts Profit With Policy Help

Posted August 22, 2017, 10:30 A.M. ET

By Bloomberg News

China Longyuan Power Group Corp., the nation's biggest developer and operator of wind farms, said government-led efforts to boost clean energy consumption supported higher first-half profit.

Net income in the six months ending June 30 rose 6 percent to 2.42 billion yuan ($363 million), according to a statement to the Hong Kong stock exchange on Tuesday. In China, "the newly installed capacity for hydropower, wind power and solar power recorded year-on-year increase, while the newly installed capacity for coal power and nuclear power decreased year-on-year," according to the statement.

The result shows how policy support is aiding Chinese wind power. The government has called for grid operators to buy more clean energy while restricting new wind farms in regions where turbines have been turned off because of weak demand. Those measures reduced wasted power curtailed from grids struggling to absorb the influx of renewables.

Wind power output rose 0.5 percent in the first half, covering about 5 percent of China's total electricity generation, according to Longyuan. The company's wind generation rose 11 percent during the period, trailing a 14 percent rise in coal generation, it said last month. Output from other renewable energy sources fell 7 percent.

Idle Power

Guangdong, Ningxia and Guangxi accounted for the biggest increase in wind power production, according to Longyuan.

The amount of idled wind power in China dropped about 28 percent in the first half, according to data from the National Energy Administration, the agency charged with coordinating the nation's energy policy. A total of 23.5 billion kilowatt-hours of wind power was wasted in the first six months, down 9.1 billion kilowatt-hours from a year earlier, the NEA said last month.

"We see the remaining growth in power output as being due mainly to improved curtailment," Vincent Yu, a Shanghai-based analyst at SWS Research Co., wrote in a July 28 note.

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Brazil's Utility Giant Soars as Government Plans Privatization

Posted August 22, 2017, 10:46 A.M. ET

By Vanessa Dezem and Julia Leite

Brazil's troubled state-run utility Eletrobras jumped the most in almost two decades on a government proposal to privatize the company amid the country's deep fiscal crisis.

The government could raise as much as 20 billion reais ($6.31 billion) by shedding its controlling 67 percent stake in Latin America's largest power company, according to Deputy Energy Minister Paulo Pedrosa. The government will remain as a shareholder and maintain power to veto management decisions, the ministry said in an emailed statement.

"The state is not able to contribute to Eletrobras," Pedrosa said. "The idea is to modernize the sector. We have the proposal sewn up with the federal government."

Voting shares surged as much as 35 percent in Sao Paulo trading, the biggest intraday jump since January 1999, as analysts from Santander to Safra said the unexpected proposal could unlock value for shareholders and make the company more efficient. However, details on the plan are still unknown and the outcome could be "tricky" to foresee, Safra analyst Kaique Vasconcellos wrote in a note to clients.

The finance ministry's executive secretary, Eduardo Guardia, told reporters Aug. 22 that the government had not yet defined a model for the sale. The country's nuclear power plants would not be sold, authorities said during the press conference.

Other state-run companies including Petrobras and Banco do Brasil also rose Aug. 22, leading the advance in Brazil's Ibovespa gauge along with Eletrobras.

Political Uncertainty

Despite investors' positive initial reaction, a successful sale will largely hinge on Congress approval of a new regulatory framework the government is drafting, a process that could take months. The proposal seeks to undo interventionist policies created under former leaders Luiz Inacio Lula da

Silva and Dilma Rousseff.

In addition, political uncertainty may continue to weigh on Brazil's business climate. Many investors have remained on the sidelines during the political turmoil that resulted in one president impeached, another charged with corruption and dozens of executives and politicians imprisoned over a massive scheme of kickbacks that originated at state-run oil company Petrobras. Widespread disillusionment with political parties has boosted the chances of an outsider winning next year's presidential race, opinion polls show.

Beleaguered President Michel Temer, who has battled corruption charges, has committed to a 2018 fiscal goal that hinges on Congress passing measures to generate 18 billion reais ($5.7 billion) in much-needed revenue. The government is said to be mulling a portfolio of 58 privatizations which would be announced Aug. 23, newspaper O Globo reported without revealing how it obtained the information.

Brazil will aim for a budget gap before interest payments of 159 billion reais in both 2017 and 2018, Finance Minister Henrique Meirelles announced in a press conference Aug. 15. Previously, the government's deficit targets were 139 billion reais for this year and 129 billion reais for the next.

Change of Route

The company's net debt reached 23.4 billion reais ($7.3 billion) in June, topping Fitch Ratings' rankings on debt raisers in Latin America, according to a report dated August 16. The company is also the region's third biggest cash bleeder, with an estimated $987 million decline in free cash flow.

"Despite all the effort, the debts and burdens of the past have increased and require a change of route to not jeopardize the future of the company," the ministry said in the statement. "The way out is to seek resources in the capital market, attracting new investors and partners."

—With assistance from Eduardo Thomson.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Mon 10/2/2017 2:59:10 PM
Subject: BREAKING NEWS: Trump calls Las Vegas shooting an 'act of pure evil'

President Donald Trump on Monday called the mass shooting in Las Vegas that killed at least 50 people and hospitalized more than 400 "an act of pure evil."

Speaking from the White House, Trump also announced that he will visit Las Vegas on Wednesday, when he will meet with first responders, law enforcement officials and the families of victims.

Read more: http://politi.co/2xN3HQb

To change your alert settings, please go to https://secure.politico.com/settings

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 8/16/2017 12:17:52 PM
Subject: Aug. 16 -- EHS Federal Regulatory Alert

EHS Federal Regulatory Alert

August 16, 2017 - Number 157

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Summaries

AIR
Alabama SIP/Volatile Organic Compounds, Particulate Emissions
AIR

Direct final rule of the EPA approves revisions to the Alabama SIP that modify the definition of "volatile organic compounds" by adding tertiary butyl acetate and 1,1,2,2-tetrafluoro-1-(2,2,2-trifluoroethoxyl) ethane to the list of negligibly reactive compounds. The revisions also remove recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements for tertiary butyl acetate. In addition, the revisions remove particulate emission and opacity limits for wood waste boilers in Talladega County because no such sources exist in the county. The rule is effective Oct. 16, 2017, unless adverse comments are received by Sept. 15, 2017. Contact: Richard Wong; EPA Region 4, Air Planning and Implementation Branch; 404-562-8726; wong.richard@epa.gov. Citations: 40 CFR 52.50

82 FR 38841 (08/16/2017)

Regulatory Update

AIR
Alabama SIP/Volatile Organic Compounds, Particulate Emissions
AIR

Proposed rule of the EPA would approve revisions to the Alabama SIP that modify the definition of "volatile organic compounds" by adding tertiary butyl acetate and 1,1,2,2-tetrafluoro-1-(2,2,2-trifluoroethoxyl) ethane to the list of negligibly reactive compounds. The revisions also remove recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements for tertiary butyl acetate. In addition, the revisions remove particulate emission and opacity limits for wood waste boilers in Talladega County because no such sources exist in the county. A concurrent direct final rule adopts the revisions, effective Oct. 16, 2017. Comments are due Sept. 15, 2017. Contact: Richard Wong; EPA Region 4, Air Planning and Implementation Branch; 404-562-8726; wong.richard@epa.gov. Citations: 40 CFR 52.50

82 FR 38865 (08/16/2017)

Regulatory Update

AIR
Georgia SIP/Cross-State Air Pollution Rule
AIR

Proposed rule of the EPA would approve portions of a revision to the Georgia SIP that establish Cross-State Air Pollution Rule (CSAPR) state trading programs for annual nitrogen oxides, annual sulfur dioxide, and ozone season NOx emissions. The revision replaces the federal implementation (FIP) requirement for large electric-generating units (EGUs) to participate in the corresponding CSAPR federal trading programs. The rule would eliminate the obligation of state EGUs under CSAPR FIPs addressing interstate transport requirements for the 1997 annual and 2006 24-hour fine particulate matter NAAQS and the 1997 eight-hour ozone NAAQS. Comments are due Sept. 15, 2017. Contact: Ashten Bailey; EPA Region 4, Air, Pesticides, and Toxics Management Division; 404-562-9164; bailey.ashten@epa.gov. Citations: 40 CFR 52

82 FR 38866 (08/16/2017)

Regulatory Update

AIR
North Carolina SIP/Transportation Conformity Requirements
AIR

Direct final rule of the EPA approves revisions to the North Carolina SIP regarding transportation conformity requirements. The revisions specify that transportation conformity requirements apply to areas identified as nonattainment or maintenance areas by the EPA or to areas listed in state regulation. The revisions also clarify the statement that transportation conformity requirements apply to areas "not in compliance with the primary standard" by identifying the applicable fine particulate matter and ozone standards. The rule is effective Oct. 16, 2017, unless adverse comments are received by Sept. 15, 2017. Contact: Nacosta Ward; EPA Region 4, Air Planning and Implementation Branch; 404-562-9140; ward.nacosta@epa.gov. Citations: 40 CFR 52.1770

82 FR 38838 (08/16/2017)

Regulatory Update

AIR
North Carolina SIP/Transportation Conformity Requirements
AIR

Proposed rule of the EPA would approve revisions to the North Carolina SIP regarding transportation conformity requirements. The revisions specify that transportation conformity requirements apply to areas identified as nonattainment or maintenance areas by the EPA or to areas listed in state regulation. The revisions also clarify the statement that transportation conformity requirements apply to areas "not in compliance with the primary standard" by identifying the applicable fine particulate matter and ozone standards. A concurrent direct final rule adopts the provisions, effective Oct. 16, 2017. Comments are due Sept. 15, 2017. Contact:

Nacosta Ward; EPA Region 4, Air Planning and Implementation Branch; 404-562-9140; ward.nacosta@epa.gov. Citations: 40 CFR 52.1770

82 FR 38864 (08/16/2017)

Regulatory Update

AIR
South Carolina SIP/Air Pollution Control Standards
AIR

Direct final rule of the EPA approves portions of revisions to the South Carolina SIP concerning air pollution control standards. The revisions address emissions from fuel burning operations and process industries. The rule takes no action on revisions regarding administrative and clarifying changes. The rule is effective Oct. 16, 2017, unless adverse comments are received by Sept. 15, 2017. Contact: Richard Wong; EPA Region 4, Air Planning and Implementation Branch; 404-562-8726; wong.richard@epa.gov. Citations: 40 CFR 52.2120

82 FR 38828 (08/16/2017)

Regulatory Update

AIR
South Carolina SIP/Air Pollution Control Standards
AIR

Proposed rule of the EPA would approve portions of revisions to the South Carolina SIP concerning air pollution control standards. The revisions address emissions from fuel burning operations and process industries. The rule would take no action on revisions regarding administrative and clarifying changes. A concurrent direct final rule adopts the revisions, effective Oct. 16, 2017. Comments are due Sept. 15, 2017. Contact: Richard Wong; EPA Region 4, Air Planning and Implementation Branch; 404-562-8726; wong.richard@epa.gov. Citations: 40 CFR 52.2120

82 FR 38874 (08/16/2017)

Regulatory Update

AIR
South Carolina SIP/VOC and NOx Standards
AIR

Direct final rule of the EPA approves revisions to the South Carolina SIP regarding standards for volatile organic compounds and nitrogen oxides emissions from process industries. The revisions clarify the applicability of standard requirements for new sources and the exemption of combustion control devices. The revisions also modify the number of hours of operation for testing and maintenance for exempted emergency generators. The EPA is not taking action on certain revisions associated with permit requirements, process industries emissions, definitions, source tests, air pollution episodes, nonattainment new source review, and control of fugitive particulate matter. The rule is effective Oct. 16, 2017, unless adverse comments are received by Sept. 15, 2017. Contact: Brad Akers; EPA Region 4, Air Planning and Implementation Branch; 404-

562-9089; akers.brad@epa.gov. Citations: 40 CFR 52.2120

82 FR 38825 (08/16/2017)

Regulatory Update

AIR
South Carolina SIP/VOC and NOx Standards
AIR

Proposed rule of the EPA would approve revisions to the South Carolina SIP regarding standards for volatile organic compounds and nitrogen oxides emissions from process industries. The revisions clarify the applicability of standard requirements for new sources and the exemption of combustion control devices. The revisions also modify the number of hours of operation for testing and maintenance for exempted emergency generators. The EPA is not taking action on certain revisions associated with permit requirements, process industries emissions, definitions, source tests, air pollution episodes, nonattainment new source review, and control of fugitive particulate matter. A concurrent direct final rule adopts the provisions, effective Oct. 16, 2017. Comments are due Sept. 15, 2017. Contact: Brad Akers; EPA Region 4, Air Planning and Implementation Branch; 404-562-9089; akers.brad@epa.gov. Citations: 40 CFR 52.2120

82 FR 38865 (08/16/2017)

Regulatory Update

AIR
South Dakota SIP/Infrastructure Requirements
AIR

Final rule of the EPA approves portions of revisions to the South Dakota SIP regarding infrastructure requirements for the 2010 sulfur dioxide (SO2) and 2012 fine particulate matter (PM-2.5) NAAQS. The rule takes no action on revisions regarding 2010 SO2 or 2012 PM-2.5 NAAQS (prongs 1 and 2), which will be addressed in a separate action. The rule is effective Sept. 15, 2017. Contact: Abby Fulton; EPA Region 8, Air Program; 303-312-6563; fulton.abby@epa.gov. Citations: 40 CFR 52.2170

82 FR 38832 (08/16/2017)

Regulatory Update

AIR
Vermont SIP/Regional Haze Progress Report
AIR

Direct final rule of the EPA approves a revision to the Vermont SIP regarding the state's regional haze five-year progress report. The revision addresses the state's finding that the Lye Brook Class I Wilderness area, in the Mid-Atlantic/Northeast Visibility Union region, is on track to meet the reasonable progress goals for 2018 based on observed visibility improvement. The rule is effective Oct. 16, 2017, unless adverse comments are received by Sept. 15, 2017. Contact: Anne McWilliams; EPA Region 1, Air Quality Planning Unit; 617-918-1697; mcwilliams.anne@epa.gov. Citations: 40 CFR 52.2370

82 FR 38834 (08/16/2017)

Regulatory Update

AIR
Vermont SIP/Regional Haze Progress Report
AIR

Proposed rule of the EPA would approve a revision to the Vermont SIP regarding the state's regional haze five-year progress report. The revision addresses the state's finding that the Lye Brook Class I Wilderness area, in the Mid-Atlantic/Northeast Visibility Union region, is on track to meet the reasonable progress goals for 2018 based on observed visibility improvement. A concurrent direct final rule adopts the revision, effective Oct. 16, 2017. Comments are due Sept. 15, 2017. Contact: Anne McWilliams; EPA Region 1, Air Quality Planning Unit; 617-918-1697; mcwilliams.anne@epa.gov. Citations: 40 CFR 52.2370

82 FR 38864 (08/16/2017)

Regulatory Update

ENDANGERED SPECIES
Alaska/Marine Mammal Incidental Take
ENDANGERED SPECIES

Notice of the National Marine Fisheries Service announces the issuance of an incidental harassment authorization to Quintillion Subsea Operations LLC, of Anchorage, Alaska, to take small numbers of 13 species of marine mammals incidental to subsea cable-laying and maintenance activities in the Beaufort, Bering, and Chukchi seas. The authorization allows take in the form of level B harassment during the completion of installation of a 47-mile Oliktok branch cable, system testing, branching unit burial, and operations and maintenance of any areas that do not meet testing requirements. The authorization also establishes mitigation, monitoring, and reporting requirements. NMFS has determined that the issuance of the authorization for Quintillion's 2017 activities falls within the scope of the 2016 environmental assessment for the project and that issuance of the authorization would not result in significant adverse effects on the human environment. The authorization is valid July 1, 2017, through Nov. 15, 2017. Contact: Shane Guan; NMFS, Office of Protected Resources; 301-427-8401

82 FR 38877 (08/16/2017)

Regulatory Update

FOOD SAFETY
Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria Meeting
FOOD SAFETY

Notice of the Department of Health and Human Services, Office of the Secretary, announces a meeting of the Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria. The agenda includes discussion of the stewardship of antibiotic prescription and use; reports on final findings from three working groups on incentives for diagnostics, therapeutics/anti-infectives, and vaccines; and updates from federal agencies on achievements associated with the National

Action Plan on Combating Antibiotic Resistant Bacteria. The meeting is scheduled for Sept. 13-14, 2017, in Washington, D.C., and via webcast. Comments are due Sept. 5, 2017. Contact: Jomana Musmar; HHS, Office of the Assistant Secretary for Health; 202-690-5566; CARB@hhs.gov

82 FR 38912 (08/16/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Anesthetic and Analgesic Drug Products, Drug Safety and Risk Management Advisory Committees
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a meeting of the Anesthetic and Analgesic Drug Products Advisory Committee and the Drug Safety and Risk Management Advisory Committee to discuss a supplemental new drug application (sNDA 021306) submitted by Purdue Pharma L.P., of Stamford, Conn., for butrans transdermal system in pediatric patients ages seven through 16. The product is indicated for severe pain management. The committees also will discuss the findings of the clinical study of butrans conducted in pediatric patients and whether they support additional labeling. The meeting is scheduled for Sept. 14, 2017, in Silver Spring, Md. Comments are due Sept. 13, 2017. Contact: Stephanie Begansky; FDA, Center for Drug Evaluation and Research; 301-796-9001; AADPAC@fda.hhs.gov

82 FR 38909 (08/16/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Determination Concerning Safety and Effectiveness/Cordarone
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a determination that Cordarone (amiodarone hydrochloride) tablets, 200 milligrams, was not withdrawn from sale for reasons of safety or effectiveness. The determination allows the FDA to approve abbreviated new drug applications for the product if all other legal and regulatory requirements are met. Contact: Jennifer Forde; FDA, Center for Drug Evaluation and Research; 301-348-3035

82 FR 38910 (08/16/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Electric Emergency Incident and Disturbance Report
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the Energy Information Administration to seek OMB approval for a revised information collection request concerning the electric emergency incident and disturbance report (Form OE-417). The Energy Department uses the form to monitor emergencies and significant incidents that affect electric power systems. The information collected allows the agency to conduct post-incident reviews examining significant interruptions of electric power or

threats to the national electric system. Revisions to the form include incorporation of nine questions that are or will be included in the North American Electric Reliability Corp. EOP-004 reliability standard event reporting form, thus requiring entities to only submit Form OE-417. The form also includes a revised data protection policy for information currently protected from public release to clarify which information will or will not be disclosed. Comments are due Oct. 16, 2017. Contact: Matthew Tarduogno; Energy Department; 202-586-2982; matthew.tardugono@hq.doe.gov

82 FR 38899 (08/16/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Mississippi/Index 301 Pipeline Abandonment by Sale
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a prior notice request by Gulf South Pipeline Co., of Houston, to abandon by sale to Sundown Energy Inc., of Dallas, approximately 8.1 miles of Index 301 pipeline located in Perry County, Miss. The agency plans to complete an environmental assessment or issue a notice of schedule of environmental review by Nov. 7, 2017. Protests and motions to intervene are due Oct. 9, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOnlineSupport@ferc.gov

82 FR 38903 (08/16/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Pennsylvania/Line YM28 and FM120 Modernization Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the schedule of environmental review for the proposed Line YM28 and Line FM120 Modernization Project in Cameron, Elk, and McKean counties in Pennsylvania. The project, proposed by National Fuel Gas Supply Corp., of Williamsville, N.Y., consists of construction of 14.4 miles of new pipeline, installation of 5.8 miles of pipeline within existing pipeline of Line FM120, removal from service of 12.5 miles of Line FM120, and abandonment of 7.7 miles of Line YM28. The issuance of the environmental assessment is scheduled for Sept. 29, 2017, and the 90-day federal authorization decision is due Dec. 28, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOnlinesupport@ferc.gov

82 FR 38901 (08/16/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Withdrawal of Approval of Abbreviated New Drug Application/Zaleplon
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the withdrawal of approval of an abbreviated new drug application for Zaleplon capsules, 5 milligrams (mg) and 10 mg, held by Upsher-Smith Laboratories Inc., of Maple Grove, Minn. The applicant requested the withdrawal due to its intent not to submit

bioequivalence data. The withdrawal is effective Aug. 16, 2017. Contact: Stefanie Kraus; FDA, Center for Drug Evaluation and Research; 301-796-9585. Citations: 21 CFR 314.150

82 FR 38911 (08/16/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Household Goods Brokers/Consumer Protection for Shippers
HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Federal Motor Carrier Safety Administration announces the submission of a revised information collection request to the OMB regarding the practices of household goods (HHG) brokers. The collection addresses requirements for brokers to provide individual shippers with a booklet regarding rights and responsibilities and a brochure, a list of HHG motor carriers for which it would arrange transportation to move a potential shipper's HHG, and the broker's USDOT number. The revisions include removal of one-time costs that were previously incurred by brokers to obtain compliance and updates to other wage-related costs. Comments are due Sept. 15, 2017. Contact: Monique Riddick; FMCSA, Commercial Enforcement and Investigations Division; 202-366-8045; monique.reddick@dot.gov. Citations: 49 CFR 371

82 FR 38988 (08/16/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Railroad Safety Advisory/Electrode-Induced Rail Pitting
HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Federal Railroad Administration announces the availability of a draft safety advisory to alert railroads, contractors, and the rail welding industry of the potential for electrode-induced rail pitting and fatigue cracking during the pressure electric rail welding process. The advisory includes recommendations for preventing, identifying, and remediating such pitting. The advisory was prepared in response to several broken rail accidents in which the agency found fractures in the rail web. Comments are due Oct. 16, 2017. Contact: Matthew Brewer; FRA, Office of Railroad Safety; 202-385-2209

82 FR 38989 (08/16/2017)

Regulatory Update

MINING
Abandoned Mine Reclamation Fund/Fee Collection and Coal Reporting
MINING

Notice announces the intention of the Office of Surface Mining Reclamation and Enforcement to seek OMB approval for a continuing information collection request regarding the Abandoned Mine Reclamation Fund fee collection and coal production reporting and the coal reclamation fee report (Form OSM-1). The collection gathers quarterly information concerning coal produced for sale, transfer, or use nationwide; the method of coal removal and the type of coal; and the basis for coal tonnage reporting in order to assess individual reclamation fee payment liability.

Comments are due Oct. 16, 2017. Contact: John Trelease; OSMRE; 202-208-2783; jtrelease@osmre.gov. Citations: 30 CFR 870

82 FR 38933 (08/16/2017)

Regulatory Update

MINING
Abandoned Mine Reclamation Funds
MINING

Notice announces the intention of the Office of Surface Mining Reclamation and Enforcement to seek OMB approval for a continuing information collection request regarding abandoned mine reclamation funds. The collection addresses procedures for states and Indian tribes to submit written statements announcing decisions not to submit reclamation plans, which result in abandoned mine land funds not being granted. Comments are due Oct. 16, 2017. Contact: John Trelease; OSMRE; 202-208-2783; jtrelease@osmre.gov. Citations: 30 CFR 872

82 FR 38931 (08/16/2017)

Regulatory Update

MINING
Surface Mining/Blaster Certification
MINING

Notice announces the intention of the Office of Surface Mining Reclamation and Enforcement to seek OMB approval for a continuing information collection request concerning the certification of blasters in federal program states and on Indian lands and the related Form OSM-74. The information collected, along with blasting tests, is used to determine applicant eligibility for blaster certification. Comments are due Oct. 16, 2017. Contact: John Trelease; OSMRE; 202-208-2783; jtrelease@osmre.gov. Citations: 30 CFR 955

82 FR 38930 (08/16/2017)

Regulatory Update

MINING
Surface and Underground Mining/Permanent Program Performance Standards
MINING

Notice announces the intention of the Office of Surface Mining Reclamation and Enforcement to seek OMB approval for a continuing information collection request regarding permanent program performance standards for surface and underground mining activities. Comments are due Oct. 16, 2017. Contact: John Trelease; OSMRE; 202-208-2783; jtrelease@osmre.gov. Citations: 30 CFR 816, 817

82 FR 38932 (08/16/2017)

Regulatory Update

MINING
Underground Coal Mining Reclamation Plans/Subsidence Insurance Program Grants
MINING

Notice announces the intention of the Office of Surface Mining Reclamation and Enforcement to seek OMB approval for a continuing information collection request regarding Subsidence Insurance Program grants. The collection facilitates agency funding requests by states and Indian tribes for insurance programs for their self-sustaining underground coal mining reclamation plans to hedge against private property damages. Comments are due Oct. 16, 2017. Contact: John Trelease; OSMRE; 202-208-2783; jtrelease@osmre.gov. Citations: 30 CFR 887

82 FR 38930 (08/16/2017)

Regulatory Update

MINING
Underground Coal Mining Reclamation and Operation Plans
MINING

Notice announces the intention of the Office of Surface Mining Reclamation and Enforcement to seek OMB approval for a continuing information collection request regarding underground mining permit application requirements. The collection addresses the submission of operations and reclamation plans and the establishment of mining operation performance standards by applicants. The agency uses the collected information to determine if applicants can comply with applicable performance and environmental standards. Comments are due Oct. 16, 2017. Contact: John Trelease; OSMRE; 202-208-2783; jtrelease@osmre.gov. Citations: 30 CFR 784

82 FR 38932 (08/16/2017)

Regulatory Update

PESTICIDES
Pesticide Tolerance Exemption/1-Triacontanol
PESTICIDES

Final rule of the EPA establishes an exemption from the requirement of a tolerance for residues of biochemical pesticide 1-triacontanol in or on all food commodities when used in accordance with label directions and good agricultural practices. The rule is issued in response to a petition filed on behalf of CH Biotech R&D Co., of Magnolia, Texas. The rule is effective Aug. 16, 2017. Objections and hearing requests are due Oct. 16, 2017. Contact: Robert McNally; EPA, Office of Pesticide Programs; 703-305-7090; BPPDFRNotices@epa.gov. Citations: 40 CFR 180.1345

82 FR 38849 (08/16/2017)

Regulatory Update

PESTICIDES
Pesticide Tolerance Exemption/Polymers
PESTICIDES

Final rule of the EPA establishes an exemption from the requirement of a tolerance for residues of fatty acids, rape-oil, triesters with polyethylene glycol ether with glycerol (3:1) (CAS No. 688045-21-8) when used as an inert ingredient in a pesticide chemical formulation on food or feed commodities. The rule is issued in response to a petition filed by Seppic Inc., of Fairfield, N.J. The rule is effective Aug. 16, 2017. Objections and hearing requests are due Oct. 16, 2017. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDFRNotices@epa.gov. Citations: 40 CFR 180.960

82 FR 38846 (08/16/2017)

Regulatory Update

PESTICIDES
Pesticide Tolerance/Prothioconazole
PESTICIDES

Final rule of the EPA establishes a tolerance for residues of the fungicide prothioconazole in or on sunflower subgroup 20B at 0.2 parts per million. The rule is issued in response to a petition filed by Bayer CropScience, of Research Triangle Park, N.C. The rule is effective Aug. 16, 2017. Objections and hearing requests are due Oct. 16, 2017. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDFRNotices@epa.gov. Citations: 40 CFR 180.626

82 FR 38844 (08/16/2017)

Regulatory Update

RADIATION
NRC Agreement State Licensee Reporting Requirements
RADIATION

Notice of the NRC announces the submission of a continuing information collection request to the OMB regarding activities in nonagreement states, areas of exclusive federal jurisdiction, or offshore waters. The collection addresses the requirement for agreement state licensees who engage in the use of radioactive material in such areas under general licenses to file Form 241, copies of agreement state specific licenses, and appropriate fees at least three days before engaging in such activity. Comments are due Sept. 15, 2017. Contact: David Cullison; NRC; 301-415-2084; INFOCOLLECTS.Resource@NRC.GOV. Citations: 10 CFR 150.20, 170.31

82 FR 38941 (08/16/2017)

Regulatory Update

SOLID WASTE
Land-Use-Exemption Permits/Solid Waste Rail Transfer Facilities
SOLID WASTE

Notice announces the intention of the Surface Transportation Board to seek OMB approval for a continuing information collection request concerning applications for land-use-exemption permits for solid waste rail transfer facilities. The collection addresses requirements for persons seeking such a permit to file an application that includes substantial facts and argument as to why the permit is necessary and an environmental report and/or an environmental impact

statement. Comments are due Oct. 16, 2017. Contact: Chris Oehrle; STB; 202-245-0271; pra@stb.gov. Citations: 49 CFR 1155.20, Appendix A

82 FR 38986 (08/16/2017)

Regulatory Update

SOLID WASTE
Solid Waste Management/Identification, Listing, and Rulemaking Petitions
SOLID WASTE

Notice announces the intention of the EPA to seek OMB approval for a revised information collection request regarding identification, listing, and rulemaking petitions concerning hazardous and nonhazardous solid waste management. The collection is a consolidation of previously approved RCRA information collection requests. The collection addresses the voluntary state development of permit programs in response to the Water Infrastructure Improvements for the Nation Act, to control coal combustion residuals and other solid waste materials placed in landfills and surface impoundments. The revision updates the respondent universe associated with the activity of submitting a solid waste management plan to the EPA for approval. Comments are due Oct. 16, 2017. Contact: Kirsten Hillyer; EPA, Office of Resource Conservation and Recovery; 703-347-0369; hillyer.kirsten@epa.gov Citations: 40 CFR 257, Subpart D

82 FR 38904 (08/16/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 8/1/2017 11:18:20 PM
Subject: Aug. 01 -- Energy and Climate Report



Energy and Climate Report

August 01, 2017 - Number 147

News

Climate Science
Bison Returned From Brink Just in Time for Climate Change
Ted Turner owns more than 100,000 acres of pristine land in southwest Montana, complete with lush grassland and forested hills rolling with Douglas firs. There are populations of wolves, black and grizzly bears, deer, elk and pronghorn antelope ranging freely, some crossing from nearby Yellowstone Park. But the real stars of the Flying D Ranch are his thousands of bison, the American beast once hunted to the edge of extinction.

Energy
Democrats Prioritize Clean Energy Bid Ahead of Tax Talks
A Democratic proposal to overhaul and simplify the energy tax code could play a major role in broader tax negotiations on Capitol Hill, so long as Republicans choose to seek bipartisan input, Senate Democrats told Bloomberg BNA.

Energy
Ex-Justice Department Lawyer Tapped as Solicitor at Interior
Ryan Nelson, a lawyer who served in the Justice Department's environmental division, was tapped to be the solicitor of the Interior Department.

Energy
Fate of U.S. Nuclear Now Hinges on One Utility in Georgia
With a multibillion-dollar nuclear project in South Carolina dead, the fate of America's nuclear renaissance now rests on one utility: Southern Co.

Energy
Heller Continues Energy Nomination Block Over Yucca Concerns
Deputy Energy Secretary nominee Dan Brouillette hasn't responded to questions about plans for permanent nuclear waste storage at Yucca Mountain, Sen. Dean Heller (R-Nev.) says, so he is keeping a hold on Brouillette's nomination.

Motor Vehicles
Norway Boosts Hydrogen Cars With Refueling Station Subsidies
Hydrogen refueling station operators in Norway are eligible for up to 1 million kroner ($158,900) annually in subsidies after a plan to boost the industry was approved by European regulators.

Oil & Gas
Billionaire Behind Dakota Access Defends New Natural Gas Line

Billionaire pipeline magnate Kelcy Warren, who just months ago defeated environmentalists to finish his controversial Dakota Access oil pipeline, has stepped into the limelight once again—this time, to defend a natural gas line being built across the eastern U.S.

Oil & Gas

EPA Methane Standards Take Effect as Court Mulls Challenges

Methane emissions limits for the oil and gas industry must take effect even as a federal appeals court mulls legal challenges to the rule, indicating a decision could come soon.

Vehicle Fuels

Refiners Argue EPA Can Cut Biofuel Quota Despite Court Loss

Refiners told the Environmental Protection Agency to cut biofuel quotas for 2018, arguing that a federal court decision against the agency shouldn't prevent it from setting targets below levels enshrined in law.

Vehicle Fuels

Refiners' Biofuel Costs Add Urgency to Calls to Revise Mandate

Higher costs underscore fuel refiners' urgency in seeking to change the government's biofuel mandate.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Fri 10/6/2017 2:05:08 PM
Subject: POLITICO's Morning Energy, presented by Chevron: Changing the math on the Clean Power Plan — Perry's eagerly anticipated hearing next week — DOE, PHMSA picks confirmed

By Anthony Adragna | 10/06/2017 10:00 AM EDT

With help from Eric Wolff and Darius Dixon

Morning Energy will not publish on Monday, Oct. 9. Our next Morning Energy newsletter will publish on Tuesday, Oct. 10. Please continue to follow Pro Energy issues here.

CHANGING THE MATH ON CLIMATE CHANGE: In a move that will set the tone for the Trump administration's legal and political battles over climate regulation, EPA plans to consider fundamentally altering the benefits it associates with the Clean Power Plan in an upcoming proposal to rescind the Obama-era emissions reduction rule, Pro's Emily Holden reports , citing multiple sources familiar with recent drafts. Taken together, the changes will eliminate tens of billions of dollars in the Clean Power Plan's benefits that could be used to bolster EPA Administrator Scott Pruitt's legal argument for pulling back the regulation.

Among the changes, President Donald Trump's EPA will dramatically alter its use of the social cost of carbon by no longer considering any social or economic benefits the rule creates outside the United States and counting far fewer of the health benefits that might have come from reducing air pollutants. Obama's regulators accounted for the fact that levels of sulfur dioxide, nitrogen dioxide and particulate matter would decline along with the greenhouse gases, but the Trump proposal won't count any of those additional reductions if pollutant levels were already at levels deemed safe by the agency in other regulations.

Proponents of the Obama regulation argue Pruitt's EPA is relying on fuzzy math and ignoring the fact utilities are transitioning to cleaner energy sources faster than anticipated. Janet McCabe, who led EPA's air office under Obama, said Trump's team seems to be ignoring the fact that many states are already on track to hit the rule's targets ahead of schedule. "Every other story is about how costs are coming down, about how emissions are reducing, about how power companies are making choices to close their coal plants or run them less because they're so expensive," she said. And David Doniger, climate director for the Natural Resources Defense Council, said "the courts are going to look very, very hard at this kind of cooking of the books."

EPA spokeswoman Liz Bowman's response: "While it appears you are writing a piece based on rumors about CPP, the facts are that the Obama administration's estimates and analysis of costs and benefits was, in multiple areas, highly uncertain and/or controversial."

TGIF ONE AND ALL! I'm your host Anthony Adragna, and Craig Meyers was first up to identify Reps. Debbie Dingell and Doris Matsui as the two current lawmakers who replaced their spouses in their congressional seats. For today: Who is the first participant in the U.S. Senate Youth Program to be elected to the body? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy, and

@POLITICOPro.

GET YOUR POPCORN READY! Energy Secretary Rick Perry should expect a bevy of tough questions in his first appearance before the House Energy and Commerce Subcommittee on Energy next Thursday. Chief among them will be his effort to quickly push through new FERC rules benefitting coal and nuclear plants that has united the oil, gas, wind and solar industries - along with consumer groups - against him. Look for Democrats to push Perry on his use of non-commercial aircraft as secretary, in light of reports he chartered a private plane one day before HHS Secretary Tom Price resigned. More information on the Oct. 12 hearing here.

He may not enjoy a home field advantage: Fellow Texans are usually quite chummy with their former governor but the FERC grid proposal might have them peppering Perry with non-softballs. Rep. Pete Olson said Perry had grabbed "the tiger by the tail" and predicted it would be a "big" area of discussion from both parties. "I'm concerned because it appears to be picking winners and losers," he told reporters. "Every time we do that, it hurts the consumer."

But first: Perry is scheduled to speak this morning at a Veterans in Energy forum in Arlington, Va. this morning.

DOE, PHMSA PICKS CONFIRMED: Before heading out on a 10-day recess, the Senate confirmed by voice vote Howard "Skip" Elliott to run the Pipeline and Hazardous Materials Safety Administration and Bruce Walker to lead DOE's electricity delivery and energy reliability office. Lawmakers also cleared Timothy Gallaudet's nomination as No. 2 at NOAA by voice vote and passed a resolution declaring Thursday "Energy Efficiency Day."

Not in the cards: Confirmation of FERC chairman nominee Kevin McIntyre and Democratic commissioner pick Rich Glick. Senate Energy and Natural Resources Chairman Lisa Murkowski asked unanimous consent to approve the selections, but an unidentified senator objected. Murkowski, who has been pushing to get FERC to full complement this week, said on the floor she was "disappointed" after the objection.

HELP THAT MESS IN TEXAS: Gov. Greg Abbott, Sens. John Cornyn and Ted Cruz and all but three of Texas' House members requested $18.7 billion in disaster funding be included in the next Appropriations package as the state continues its recovery from Hurricane Harvey. "We all recognize that the funding already appropriated is a small fraction of the federal resources needed to help rebuild Texas," they wrote.

Not so fast? House Majority Leader Kevin McCarthy indicated Thursday his chamber would take up the White House's $29 billion disaster aid request next week but Republican Study Chairman Mark Walker said his influential bloc might oppose the package without corresponding spending cuts, Pro's Budget & Appropriations Brief's Sarah Ferris reports.

Seems unnecessary: The Trump administration removed information about the status of drinking water and electricity access on Puerto Rico from FEMA's site, The Washington Post reports. Government figures show 9.2 percent of the island now has electricity and 54.2 percent of people have potable drinking water. Meanwhile, Flint Mayor Karen Weaver released a letter

of support Thursday to San Juan Mayor Carmen Yulin Cruz sent earlier in the week.

Over in Florida, lawmakers are looking at potential ways to alleviate fuel shortages in the aftermath of hurricanes, but POLITICO Florida's Bruce Ritchie reports solutions may be elusive. That isn't stopping Democratic Sen. Bill Nelson, who filed legislation Thursday requiring DOE to create a gas supply reserve that would hold at least 1 million barrels of oil in two separate locations, Bruce and Sergio Bustos report.

Veep alert! Vice President Mike Pence is visiting the U.S. Virgin Islands and Puerto Rico today for an update on Hurricane Maria recovery efforts.

BETTER LATE THAN NEVER? As POLITICO reported was likely way back in March, the White House formally selected Faegre Baker Daniels attorney Andrew Wheeler to serve as No. 2 at EPA, Pro's Alex Guillén reports. Wheeler, a former staffer to Sen. Jim Inhofe and the EPW Committee, was formerly a registered lobbyist for coal producer Murray Energy but deregistered in an Aug. 11 filing. Hopefully, he'll keep participating in ME's trivia!

REPORT: ENERGY-RELATED CO2 EMISSIONS DOWN: Energy-related emissions of carbon dioxide fell 1.7 percent in 2016 - that's 89 million metric tons, according to an Energy Information Administration report out Thursday. Emissions have declined in six of the past 10 years and energy-related ones are down 14 percent from 2005 levels. Transportation-related carbon emissions rose in 2016, though emissions from the industrial, commercial and sectors were all down. Natural gas emissions surpassed those from coal in 2016, though the report notes "natural gas produces more energy for the same amount of emissions as coal."

** **A message from Chevron**: We're piloting a program that uses drones to keep an eye on Chevron wells, tanks, and pipelines-all to keep DOERS and what they're doin' safer. Watch the video: http://politi.co/2xO60oe **

LAWSUIT THREATENED OVER MISSED OZONE DEADLINE: A group of 14 state attorneys general threatened to sue EPA for missing an Oct. 1 deadline to decide which parts of the U.S. do or do not meet the 2015 ozone standard. They join a coalition of environmental groups, which vowed to sue Pruitt earlier this week.

TAX OVERHAUL: BIOFUELS PRODUCERS LIKE THE PASSTHROUGH TAX BREAKS: Like everyone, ethanol producers await the details of Republican tax overhaul plans, but they see at least one feature they like: the tax cut on passthrough businesses. The principles in the "Big Six" tax overhaul call for a reduction in the tax rate from 36.9 percent to 25 percent on taxes paid by businesses run by sole proprietors, partnerships, and "S Corps", commonly called "passthrough" businesses. "That's how our plants are mostly organized, we see this as potential positive for our members," said John Fuhrer, senior director for government affairs for Growth Energy, an ethanol producers group.

FERC EYES NEW ENFORCEMENT CHIEF: Two sources with knowledge of the plans tell Pro's Darius Dixon and Esther Whieldon that Skadden attorney John Shepherd Jr. is expected to become FERC's next enforcement chief. According to Shepherd's bio, his practice focuses on

market design, market power and market manipulation issues in the energy and natural gas markets. The timing of the announcement is not certain.

GRIFFITH STEPPING INTO MURPHY'S E&C SLOT: With embattled Rep. Tim Murphy opting Thursday to resign from Congress later this month, an Energy and Commerce aide tells ME Virginia Rep. Morgan Griffith is expected to become chairman of the panel's Oversight and Investigations Subcommittee.

ASSUME E15 BILL DEAD (FOR NOW): Both Senate EPW Chairman John Barrasso and bill sponsor Deb Fischer now say a measure S. 517 (115) that would allow year-round sales of higher blends of ethanol won't even get a committee vote this year, Pro's Eric Wolff reports. Even with five committee members as co-sponsors, there wasn't sufficient support among panel members and a flurry of amendments threatened to go after bedrock environmental laws. "I think what happened [was] it looked like we were really going to do this. So we loaded the box up with every Clean Air Act amendment we could think of," a refining industry source who opposed the bill told Eric.

MAIL CALL! GOP URGES DOI LEAK PROBE! House Natural Resources Chairman Rob Bishop and Oversight Subcommittee Chairman Bruce Westerman sent a letter Thursday requesting a briefing and copies of written policies concerning unauthorized leaks at Interior. They point to four leaks over the past several months with documents not yet finalized. "Improper disclosure of internal agency information, however, both classified and nonclassified, is an unacceptable practice," they wrote. "It is vital that those responsible for unauthorized releases are held accountable."

TWO THUMBS UP! Sen. Bill Cassidy, Barrasso and Murkowski wrote a letter Thursday to Perry to voice support for a proposed rule that would speed approvals of small-scale liquefied natural gas exports. DOE formally proposed the regulation on Sept. 1 and the comment period ends Oct. 16.

ANOTHER PRUITT PROBE PURSUED: Three senior House Energy and Commerce Democrats - Frank Pallone, Paul Tonko and Diana DeGette - asked EPA's inspector general in a Thursday letter to investigate Pruitt's installation of a $25,000 "privacy cube" in his office. "[Americans] have a right to know if Administrator Pruitt is wasting taxpayer money on duplicative and unnecessary purchases for his office," they wrote.

HEARING ON FEDERAL STAFFING SOUGHT: All House Oversight Democrats asked for a hearing to be scheduled on Trump administration efforts to downsize the federal workforce. Read it here.

KELLOGG VP SEEKING UPTON'S SEAT: Democrat George Franklin, a vice president at Kellogg announced Thursday he'll seek Energy and Commerce Energy Subcommittee Chairman Fred Upton's congressional seat, WWMT reports. It remains unclear, of course, whether the incumbent Upton will seek reelection to the House, run for Senate or retire.

RECORDS SOUGHT FOR PERRY'S TRUMP HOTEL SPEECH: Citizens for

Responsibility and Ethics in Washington filed a FOIA request seeking all records and requests for reimbursement stemming from Perry's speech to the National Mining Association at the Trump Hotel earlier this week. Copy here.

MUSK'S BIG IDEA: Elon Musk is open to helping rebuild Puerto Rico's electric grid. "The Tesla team has done this for many smaller islands around the world, but there is no scalability limit, so it can be done for Puerto Rico too. Such a decision would be in the hands of the PR govt, PUC, any commercial stakeholders and, most importantly, the people of PR," he tweeted Thursday. Gov. Ricardo Rossello responded on Twitter "let's talk" and said Puerto Rico could be Musk's "flagship project"

ANTI-PIPELINE AD LAUNCHED IN VIRGINIA: The Southern Environmental Law Center launched a $200,000, three-week television ad campaign in Virginia opposing the Atlantic Coast Pipeline being pushed by Dominion Energy.

HUNDREDS SEEK WILDFIRE FIX: More than 200 groups asked congressional leadership to enact "a comprehensive solution to the wildfire suppression funding issue that addresses the borrowing issue and the erosion of budgets due to increasing wildfire suppression costs." They voiced support for bipartisan House H.R. 2862 (115) and Senate S. 1842 (115) bills.

QUICK HITS

- Jerry Brown's California Dream: The Rolling Stone Interview. Rolling Stone.

- US oil exports will keep booming after hitting record 2 million barrels a day, analysts say. CNBC.

- U.S. Gulf oil producers curtail output ahead of Tropical Storm Nate. Reuters.

- Interior Department rejects 25 endangered species petitions, including several linked to climate change. Washington Post.

- EPA's Scott Pruitt prefers meeting with Republicans, just not on Mondays. CNN.

- Worker dies at Kentucky coal-fired power plant. AP.

THAT'S ALL FOR ME!

** **A message from Chevron**: This is a story about energy, safety, and some truly high-flyin' doin'. We're piloting a program that uses drones, HD imaging, and thermal mapping to help keep a close eye on Chevron wells, tanks, and pipelines-all to keep DOERS and what they're doin' safer. Watch the video: http://politi.co/2xO60oe **

To view online:
http://www.politico.com/tipsheets/morning-energy/2017/10/06/changing-the-math-on-the-clean-power-plan-222687

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TCEQ/EPA UPDATED LOCAL, NATIONAL LEADERS ON HEALTH, ENVIRONMENTAL EFFECTS OF HARVEY

DALLAS (September 4, 2017) – ABC, CBS, CNBC, CNN, & Bloomberg news crews joined TCEQ and EPA technical staff on site at Superfund sites around Houston today. The TV crews, following all health and safety requirements of site managers, shadowed the work of TCEQ and EPA technical experts on the ground at three Superfund sites: U.S. Oil Recovery, Highlands Acid Pits and the San Jacinto Waste Pits.

Crews were able to take videos, photographs and talk directly with technical staff and subject matter experts on the ground. Boats were on the water determining impacts at the temporary armored cap in the San Jacinto River, to provide access to the crews.

"The TCEQ is working closely with the EPA and local officials to assess the status of Superfund sites in the affected area. We will continue this as sites are safely accessible," said TCEQ Chairman Bryan Shaw.

“We are working directly with those responsible for the on-going cleanup of Superfund sites to ensure that we have the most up-to-date information about health and environmental risks to the community from the effects of hurricane Harvey, especially at Superfund sites affected by the storm,” said EPA Region 6 Acting Regional Administrator Sam Coleman.

In addition to taking news crews on site today, EPA Acting Regional Administrator Sam Coleman and TCEQ Chairman Bryan Shaw provided an update of their joint efforts to assess the health and environmental impacts of Hurricane Harvey to a local, state and federal officials. The discussion with local officials included: Harris County Judge Ed Emmett, Executive Director of the Harris County Flood Control District (HCFCD) Russ Poppe, Harris County Engineer and Director of Public Infrastructure John Blount and Dr. Umair Shah from the Harris County Public Health Department.

National participants included: officials and experts from the Federal Emergency Management Agency (FEMA), the U.S. Army Corps of Engineers (USACE) and the United States Department of Housing and Urban Development (HUD). Together, they provided updates to and answered questions from U.S. Senator John Cornyn, U.S. House of Representative Majority Leader Kevin McCarthy, U.S. Congressman Randy Weber and other government officials at the Harris County Emergency Operations Center in Houston.

Additionally, Houston Mayor Sylvester Turner and the city's leaders were briefed by EPA and TCEQ senior leadership on multiple issues, including the status of the Superfund sites in and around the Houston area.

As of Sunday, September 3rd, EPA staff was imbedded in Mayor Turner's office to provide continued communication among local, state and federal officials. EPA and TCEQ remain in constant communication with Governor Abbott's office.

In addition, TCEQ and EPA toxicologists and technical experts are on the ground and in the air collecting real-time air monitoring and water quality data. That information is being analyzed by experts now and will be provided to the public as soon as it is available. We encourage the community to continue to follow the expert safety advice of local officials

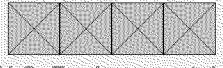
EPA Region 6 Acting Regional Administrator Sam Coleman updates the media on EPA response to Superfund sites affected by Hurricane Harvey

Briefing with local, state and national leaders in Houston

TCEQ Chairman Bryan Shaw meets with U.S. Senator John Cornyn at the Harris Co. Emergency Operations Center.

TCEQ Chairman Bryan Shaw and EPA Acting Regional Administrator for Region 6 Sam Coleman address the media at the San Jacinto Superfund site.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Wed 9/20/2017 2:03:30 PM
Subject: POLITICO's Morning Transportation, presented by Auto Alliance: The FAA extension waiting game — How do you solve a problem like TSA staffing? — Country roads, take me home

By Brianna Gurciullo | 09/20/2017 10:00 AM EDT

With help from Stephanie Beasley, Tanya Snyder, Lauren Gardner and Daniel Lippman

THE WAITING GAME: House lawmakers have yet to give any clues about when they might introduce an FAA extension bill, but given that the agency's authority is set to expire at the end of the month, it will have to happen very soon, Sen. John Thune (R-S.D.) said Tuesday. "Well, they have to do it next week, if we're going to get this done by the 30th, right?" the Senate Commerce chairman said. Thune reiterated that senators would like to see a six-month extension and encouraged the House to "keep it clean." However, when asked if he thought House members might add unrelated measures to the bill, he said that "obviously with a tax title it presents a vehicle and an opportunity."

HOW DO YOU SOLVE A PROBLEM LIKE TSA STAFFING? Airports are getting antsy over TSA's staffing policies, with the aviation director of one major airport calling the agency's approach "broken." "As we start to see improvements in the customer experience ... TSA pulls down staff," said Brent Cagle of Charlotte Douglas International Airport. As Steph reports for Pros, some airports are turning to new technology to make up for fewer bodies. But TSA hasn't promoted that technology for use across the country, which makes other airports slower to try it. Meanwhile, Airports Council International says more federal funding is the best long-term fix to the agency's staffing problems. Check out the full story here.

IT'S WEDNESDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Be sure to send tips, feedback and lyrics my way: bgurciullo@politico.com or @brigurciullo.

"I was riding shotgun / With my hair undone / In the front seat of his car / He's got a one-hand feel / On the steering wheel / The other on my heart."

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) that are all about flying, driving, commuting and sailing?

COUNTRY ROADS, TAKE ME HOME: An impressive lineup of automotive star power is heading to West Virginia today for a forum on self-driving cars hosted by Rep. David McKinley (R-W.Va.). McKinley was one the more skeptical members of the Energy and Commerce Committee when it came to driverless car safety and pushed for what he called "independent verification and validation" - more or less the "premarket approval" concept that makes industry recoil. Thanks to McKinley's efforts, the final House bill, H.R. 3388 (115), includes a mandate for a new Highly Automated Vehicle Advisory Council to study the issue of IV&V, as well as the testing and deployment of self-driving cars in rural areas.

Who's going? Bigwigs from General Motors, Toyota, Tesla, Uber and Ford will be there, plus academics, lawyers and more. You can watch the morning and afternoon sessions via livestream, or if you happen to find yourself in Morgantown, you can attend in person.

TAKING EXCEPTION WITH EXEMPTIONS: The RAND Corporation has issued a challenge to lawmakers who have asked how many Federal Motor Vehicle Safety Standards exemptions should be offered to automakers but haven't asked whether that's a sensible way to ensure driverless car safety. In a new report , RAND says the House bill's attempt to exempt vehicles from some standards while still maintaining safety doesn't make sense. RAND asks: How can you evaluate a driverless car using traditional methods that only look at hardware and not software?

RAND's idea: Loosen the focus on FMVSS and think about performance-based benchmarks for safety. As automakers show they're meeting those benchmarks - through a more demanding process than what's laid out in the House bill - exemptions can be allowed and, eventually, the cap can be lifted and FMVSS can be rewritten. The authors leave open the possibility that independent certification may be needed - a proposal McKinley would surely like, but not so much the auto world.

PREPARING FOR MARIA: Following on Sen. Bill Nelson's call for airlines to cap ticket prices ahead of Hurricane Maria's rampage through the Caribbean, several U.S. carriers disclosed their plans Tuesday for managing fares, adding capacity and handling other fees. Lauren has the details on the initial information the Florida Democrat's office provided about American and United (both of which are setting ceilings for fares).

Not to be outdone: Delta has temporarily capped main cabin fares for nonstop, one-way tickets from certain Caribbean destinations, including San Juan. The airline waived fees for bags and pets for passengers flying from the region, as well as change fees for certain dates for customers flying from San Juan, St. Maarten, St. Thomas, and Turks and Caicos. It also added flights for residents and tourists looking to leave Puerto Rico ahead of the storm.

** **A message from Auto Alliance**: Federal action is needed for self-driving cars. Learn More **

SENATE PASSES MAHAN AIRLINE SURVEILLANCE MEASURE: The Senate passed an annual defense policy bill, H.R. 2810 (115), on Monday night with an amendment that would crack down on Iran's Mahan Air. The measure was co-sponsored by Sen. John Cornyn (R-Texas), who has accused the airline of aiding terrorist groups like the Islamic Revolutionary Guard Corps. Among other items, the measure would require DHS to establish a list of all airports where Mahan operates and make recommendations for increasing security at those facilities.

While we're at it: Cornyn also echoed President Donald Trump's call for the United States to take stronger actions to prevent terrorism in the wake of last week's subway bombing in London. He urged senators to reauthorize surveillance programs included in the Foreign Intelligence Surveillance Act. "As President Trump said last week, in this era in which attacks like London

are the new normal, we have to be proactive," Cornyn said on the floor Tuesday.

DAMAGE CONTROL: After a series of wildfires, Oregon can now access $1 million in emergency funding from the Federal Highway Administration to start fixing bridges and roads, the agency said Tuesday.

IT'S ON(LINE): The U.S. Travel Association has a new website dedicated to Open Skies. The group compiled letters from other trade associations, consumers, businesses and government officials about the issue. Pros know well that U.S. Travel opposes American Airlines, United Airlines and Delta Air Lines when it comes to the debate over alleged breaches of the Open Skies deals between the United States and the United Arab Emirates and Qatar.

A NEW CHAIRMAN FOR ARTBA: Matt Cummings, an executive vice president at AECOM, is now the American Road & Transportation Builders Association's chairman. Cummings wants ARTBA to keep concentrating on "ensuring a long-term Highway Trust Fund fix," urge the enactment of a federal infrastructure package and longer term FAA bill, and start a "Transportation Construction Safety Center," among other goals, according to a release from the group.

MEANWHILE AT ACI-NA: Candace McGraw is taking Bill Vanecek's place as chair of Airports Council International-North America. McGraw is the Cincinnati/Northern Kentucky International Airport's chief executive.

FLYING HIGHER: Vaughn Jennings at Airlines for America was promoted from managing director for government and regulatory communications to vice president for communications, our friends at POLITICO Influence report.

SO LONG AND THANKS FOR ALL THE FLIGHTS: Susan McDermott, DOT's deputy assistant secretary for aviation and international affairs, will retire at the end of the year. McDermott previously worked at the Civil Aeronautics Board.

OTHER FOLKS SHIFTING GEARS: Tyler Houlton, Americans for Prosperity's former director of federal affairs, is now serving as deputy press secretary at DHS, our friends at POLITICO Playbook report. ... Max Fenkell left Ford, where he held the title of legislative analyst/coordinator, to be a legislative assistant to Rep. Mark Sanford (R-S.C.), a member of the Transportation Committee. Fenkell began his new gig this week. ... Chris Marchand was named Jaguar Land Rover's vice president of government and industry relations for the Americas. Marchand is currently executive vice president of operations. ... Eric Fanning, who was secretary of the U.S. Army during the Obama administration, will be the Aerospace Industries Association's president and CEO starting Jan. 1, Greg Hellman reports for Pro Defense. ... Sally Veith, previously the director of government affairs for Delta and, before that, Northwest Airlines, is the Air Medical Operators Association's new executive director.

THE AUTOBAHN:

- "International tourism to the U.S. declined in early 2017." The New York Times.

- "Touch screens in cockpits would improve airliner safety, research shows." The Wall Street Journal.

- "Price's private-jet travel breaks precedent." POLITICO.

- "Officials fault charter bus industry after fatal Queens crash." The New York Times.

- "Cyber attack, hurricane weigh on FedEx quarterly profit." Reuters.

- "What if an Irma-like hurricane hit the New York City metro area?" Bloomberg.

- "You can now earn a degree in 'self-driving cars' courtesy of Lyft and Udacity." The Verge.

- "Dockless bike-share companies race to Washington." The Washington Post.

- "Lawmakers subpoena New Jersey Transit over rail-safety project." Bloomberg.

- "Fliers may soon board more international flights with a picture rather than a passport." USA Today.

THE COUNTDOWN: DOT appropriations run out in 80 days. The FAA reauthorization expires in 11 days. Highway and transit policy is up for renewal in 1,107 days.

** **A message from Auto Alliance**: Automakers have a vision for transforming mobility: save lives with automated vehicles. Learn More **

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TRUMP'S EPA: Agency at a crossroads -- Complete coverage

October 27, 2017

Latest News

Region 4's Glenn Pledges EJ Support During Review Of Agency 'Practices'

Trey Glenn, EPA's new Region 4 administrator, is vowing to maintain a "robust" environmental justice (EJ) program despite the agency's proposal to eliminate funding for its equity program, touting EJ efforts even as he plans a sweeping review of the region's "business practices" that could be a prelude to major changes in how it operates.

Environmentalists Cite TSCA Rule Changes In Bid To Maintain Fluoride Suit

Environmentalists are urging a federal court to allow their suit against EPA over its denial of their petition to ban drinking water fluoridation to continue, arguing among other things that the agency's changes to the final framework rules implementing the 2016 statutory reform of the Toxic Substances Control Act (TSCA) bolster their case.

Internal Memos Show EPA Offices' Fears Over Narrowed Trump TSCA Rule

A series of recently released internal EPA memos underscore significant environmental and legal concerns officials in the agency's water and enforcement offices have with the toxics office's controversial changes to narrow the range of chemical uses the agency will consider when assessing and regulating substances under the new toxics law.

New York's Lawsuit Threat Asks EPA To Issue Ozone FIPs For Five States

New York is threatening to sue EPA unless the agency swiftly develops federal implementation plans (FIPs) imposing ozone-reduction mandates on five upwind states to curb interstate emissions transport, but the Trump EPA's focus on boosting states' role in environmental protection suggests it is unlikely to grant such a request.

Trump EPA Faulted For Narrow Benefit Tallies Of Targeted Obama Rules

The Trump EPA is attracting a barrage of criticism for narrowing or omitting analysis of potential health or other lost benefits from its proposed repeals of Obama administration rules, with critics arguing the agency's methods often ignore

established or peer-reviewed approaches used to account for the costs and benefits of environmental regulations.

EPA Floats 'Interim' Guide To Implement AFO Air Reporting Legal Mandate

EPA is floating an "interim" guidance for steps animal feeding operations (AFOs) can take to comply with a looming Nov. 15 deadline to begin reporting their emissions of hazardous substances under environmental laws, after a federal appeals court scrapped a reporting waiver the agency had issued for the facilities.

Daily Feed

Democrats seek documents backing EPA cost analysis of CPP repeal

Nearly two dozen Democratic senators accuse EPA of using "mathematical sleights of hand to overstate the costs of industry compliance with the [Clean Power Plan] and under-state the benefits that will be lost" from repealing it.

Environmentalists urge 4th Circuit to uphold CWA ash ruling

Environmentalists say there is no proof of the dire consequences that utilities say will ensue if a ruling is left to stand subjecting coal ash disposal to Clean Water Act discharge permits.

States cite Hurricane Harvey in opposing RMP delay

Democratic attorneys general say injuries to first responders after a chemical facility fire sparked by hurricane flood waters undercuts the Trump administration's delay of the Obama EPA's RMP rule.

EPA softens POTW air toxics rule from Obama-era proposal

The Trump EPA in its final wastewater treatment works air toxics rule review drops Obama-era proposed changes that industry said would have been confusing and onerous.

D.C. Circuit rejects EPA bid to delay brick MACT argument

Oral argument in litigation over the Obama-era brick sector air toxics rule will proceed as planned Nov. 9 after judges rejected EPA's request to postpone the case.

Chemical industry asks court to broaden DSW ruling

Industry petitioners are asking a federal appeals court to broaden a July ruling that vacated aspects of the Obama-era Definition of Solid Waste rule.

Read all the latest EPA news, analysis and documents →

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Tue 8/8/2017 2:09:28 PM
Subject: POLITICO's Morning Energy: Pruitt's new TSCA plan burns greens — Conservatives attack to defend Ex-Im pick — Dominion v. Kaine challenger

By Darius Dixon | 08/08/2017 10:00 AM EDT

With help from Ben Lefebvre and Matt Daily

EPA GOES NARROW WITH NEW TSCA POLICY: EPA says a new plan to evaluate the the safety of chemicals will ease the path for bringing new substances to market and increase transparency, Annie Snider reports . But environmentalists contend the plan will undermine critical safety measures that were included in last year's landmark bipartisan chemicals law overhaul. The 'operating principles' announced Monday will limit EPA's evaluation of new chemicals to solely the "intended uses" that the manufacturer identifies in its initial notice to the agency, Annie writes. If the agency decides that intended use is safe, the chemical could go on the market, even if EPA experts have concerns about other potential uses. Those concerns would be addressed through a later rulemaking, the agency said. Administrator Scott Pruitt said EPA "can either be a roadblock to new products, or it can be supporter of innovation and ever-improving chemical safety."

This is not the TSCA we were looking for: The the American Chemistry Council praised the move, but greens complained it's a major shift from the approach embraced by lawmakers when they updated the Toxic Substances Control Act, the country's primary chemical safety law, which pushed for chemicals to be evaluated as a whole for their safety, rather than breaking evaluations down into individual uses. "What your body cares about is not, 'How much was I exposed to by that use versus another use.' It's how much was I exposed to in totality," said Richard Denison, a lead senior scientist at the Environmental Defense Fund.

Annie adds: Internal documents obtained by POLITICO showed that career staffers disagreed with similar changes made to final rules governing existing chemicals last month that also focus on the intended uses, which were made after the Trump administration put a former top expert for the chemical industry's top lobbying group in charge of TSCA implementation.

BRING ON TUESDAY! I'm your guest host, Darius Dixon. David Brown at Exelon was the first to name Frank Oppenheimer as the Manhattan Project physicist I was referring to who later founded the Exploratorium in San Francisco. That said, a lot of you, beginning with reader Craig Meyers, mentioned the Bradbury Science Museum in Los Alamos, N.M. That museum was founded by Robert Krohn, a Manhattan Project scientist. The more you know! Today's trivia: The U.S. Fermi award is one of the most prestigious for scientists, but in the first 20 years, its monetary prize was cut in half. That happened after who won it? And bonus points for naming the first person to get the skimpier check.

Send your guesses, tips, energy gossip and comments to Esther Whieldon, who will get you through the week, at ewhieldon@politico.com. Follow us on Twitter @esthernow, @aadragna, @Morning_Energy and @POLITICOPro.

CLIMATE REPORT LEAKS: In a bid to prevent the Trump administration from sitting on a new assessment of the impacts of climate change, sources have leaked to The New York Times a report from scientists at 13 federal agencies that says temperatures in recent decades are rising because of human activity. "It directly contradicts claims by President Trump and members of his cabinet who say that the human contribution to climate change is uncertain, and the ability to predict the effects are limited." One government scientist who worked on the document, part of the National Climate Assessment mandated by Congress, told the paper that he and others were concerned that the Trump administration may try to suppress it.

What we'll be comparing to the final version: The Times says the report finds it "extremely likely" that more than half of the global mean temperature increase since 1951 can be linked to human influence. The National Academy of Sciences has already gone over the report but several agencies have until Aug. 13 to approve it.

OPEC TRIES TO PLUG THE LEAKS: Washington may have gone quiet for August, but the oil industry is not exactly in a position to rest on its laurels. NYMEX crude oil futures turned sideways in the past few days after popping above $50 a barrel last week, and there seems to be little momentum to move back above that psychological barrier unless OPEC members, who are finishing a two-day meeting today in Abu Dhabi today, can crack down on the cheating among cartel members who are overproducing on their output quotas. Oil bulls are also hoping Russia steps forward to deepen its cuts, but as oil prices rise, the temptation for oil-producing OPEC nations to sell some extra supplies grows. A survey by Platts showed that OPEC nations were exporting more than 900,000 barrels per day above its agreed ceiling last month, hitting the highest production level of the year at 32.82 million bpd. Much of that is coming from Libya and Nigeria, which are not subject to the cartel's output cuts agreed to in November, but OPEC members have pledged to keep their current cuts in place in to March 2018 - and compliance among the cartel members tends to decline over time.

ANOTHER LOG ON THE EX-IM FIRE: Just when it didn't seem like the fight over former Rep. Scott Garrett's nomination to head the Export-Import Bank couldn't get any more heated, conservative groups lit a torch on Monday. In a letter to Senate Banking Chairman Mike Crapo, the leadership of organizations including the Club for Growth, Heritage Action for America and FreedomWorks denounced business groups that have been urging the White House to drop Garrett, Pro Financial Services' Zachary Warmbrodt reports . In fact, they plan to oppose any appointments to the agency's board if Garrett's name does not move forward. "We're extremely hopeful that President Trump will ignore the special interests that are so desperate for their Export-Import Bank gravy train to continue," they said in the letter.

THE TRIAL OF THE RECESS: Since Congress has skipped town for the rest of August, you'll have more time to watch the week-long hearings on the Keystone XL oil pipeline taking place at the Lincoln Marriott Cornhusker Hotel in Nebraska. The Nebraska Public Service Commission is taking testimony from TransCanada executives, local landowners and others on the potential impact of the project's proposed route through the state.

Most of Monday was taken up with lawyer Dave Domina, who represents the landowners in the

state and quizzed TransCanada execs on issues like the web of companies that own a piece of Keystone XL, how far below waterways the pipeline will be laid, and easements. Domina also asked TransCanada Pipelines Limited President Tony Palmer whether the company will decide later this year whether to actually build the pipeline. "Sir, we hope to do so," Palmer replied. The hearings start at 10 a.m. Eastern Time. Nebraska regulators are scheduled to rule on the route proposal by the end of this year. Just last month, TransCanada suggested that it may not build the project.

STATES PREP FOR ECLIPSE: California produces more solar power than any other state in the union, so when the total solar eclipse cruises across North America on Aug. 21, grid operators there say they expect to draw about 6,000 megawatts from other sources to cover the losses. The Golden State has a solar capacity of about 10,000 megawatts, which the state's ISO says can sometime cover 40 percent of its electricity demand. California has preparing for the eclipse for more than a year, the grid operator said. The path of the eclipse will affect 17 utility-scale solar PV generators, mostly in eastern Oregon, according to the Energy Information Administration. Meanwhile, hundreds of plants totaling about 4,000 MW of solar capacity - largely in North Carolina and Georgia - will be at least 90 percent obscured, the EIA said. The next solar eclipse isn't expected to cross the continent until 2024.

DOMINION OPENLY FEUDS WITH KAINE CHALLENGER: "Why is Corey Stewart putting politics over people?" reads a Dominion ad in several Prince William County, Virginia, newspapers. The Washington Post reports that the ad is meant to highlight the role Prince William Board of County Supervisors Chairman Corey Stewart, a Republican challenging Sen. Tim Kaine next year, had in blocking an alternative route for a controversial power line through a wetlands, leading to the plan to run it through a historic black community. The ad continues: "The residents of Carver Road should look no further than Corey Stewart for the reason their community was selected."

Stewart, who failed to win the GOP gubernatorial primary earlier this year, is relishing the battle: "It's bringing in people and donors who otherwise wouldn't support a Republican candidate," he said.

STATE LAWMAKERS PRESS DOE, CONGRESS ON EFFICIENCY RULES: The Energy Department's efficiency rulemaking operation got a big endorsement from state capitols on Monday. As part of its legislative summit this week in Boston, the National Conference of State Legislatures approved a resolution (it starts on page 42) urging Congress to "fully fund" DOE's efficiency standards program. It also urges Congress and DOE to stick to its so-called look-back schedule, which requires the agency to revisit each of its efficiency standards every six years to see if they can be tightened. We're told that Vermont state Rep. Curt McCormack sponsored the resolution.

DEMS PRESS FOR WAYS TO DECARBONIZE THE OCEANS: Sens. Sheldon Whitehouse and Heidi Heitkamp have asked the National Academy of Sciences to investigate ways of extracting carbon dioxide from ocean water. As carbon dioxide builds up in the atmosphere, greater amounts get infused into the planet's waters, a driver of ocean acidification. "As the committee on Developing a Research Agenda for Carbon Dioxide Removal and Reliable

Sequestration continues to develop your Carbon Dioxide Removal (CDR) report, we request that you consider expanding your focus to include ocean carbon capture technologies and processes," the two lawmakers wrote.

BENNET BILL TO DIVERSIFY 'COAL COMMUNITIES': Before skipping town last week, **Democratic** Colorado Sen. Michael Bennet introduced a bill aimed at promoting investment and business in areas that have lost jobs in the coal industry. The measure would designate 90 counties as "coal communities," including six in his home state, and create hiring credits, tax incentives and training grants.

QUICK HITS

- Here's how Carl Icahn's bet on Donald Trump went terribly wrong. CNBC.

- California pension fund divests from coal as industry rebounds. The Sacramento Bee.

- U.S. federal department is censoring use of term 'climate change,' emails reveal. The Guardian.

- Iowa Gov. Kim Reynolds: The red state with an energy blueprint. The Hill.

THAT'S ALL FOR ME!

Cloudy with a high of 81.

To view online:
http://www.politico.com/tipsheets/morning-energy/2017/08/08/pruitts-new-tsca-plan-burns-greens-221753

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Mon 7/31/2017 2:03:13 PM
Subject: POLITICO's Morning Transportation: It's the DHS shuffle — Teach me how to shruggie — 'The incredible shrinking airline seat'

By Stephanie Beasley and Lauren Gardner | 07/31/2017 10:01 AM EDT

With help from Brianna Gurciullo

IT'S THE DHS SHUFFLE: A new day is dawning at DHS, where Elaine Duke is stepping in as acting secretary to replace John Kelly, who will be sworn in as White House chief of staff today. After President Donald Trump fired off a surprise tweet Friday announcing that Reince Priebus was out and Kelly was in, Kelly issued a statement saying he was "honored" to take over the position. The move reflects an increasing level of trust between Trump and the retired Marine general, who has become a "kindred spirit," several sources told POLITICO. But suddenly yanking Kelly away from DHS while the department is grappling with emerging threats to airplanes and visa security could create chaos.

And the beat goes on: Duke will now be in charge of overseeing the department at a critical moment when DHS is working to tighten security at airports around the globe, Stephanie Beasley reports. Airlines have fewer than three months to complete an enhanced security plan at 280 airports with flights to the United States. However, airline and airport officials are already familiar with Duke, a former deputy assistant administrator for acquisition at TSA. So it's possible the change in leadership might not create major waves.

On your mark, get set: Still, lawmakers in both chambers are urging Trump against leaving DHS' top spot vacant for too long. Some of the names being floated by White House and former DHS officials as possible replacements include House Homeland Security Committee Chairman Mike McCaul (R-Texas), ICE Acting Director Thomas Homan and Kansas Secretary of State Kris Kobach. McCaul has been a big supporter of Kelly's efforts to tighten aviation and visa security, and Kelly has praised McCaul for pushing a DHS reauthorization bill through the House. "I look forward to continuing to work closely with [Kelly] to combat the most crucial homeland security challenges facing America," McCaul said in a statement.

TEACH ME HOW TO SHRUGGIE: The House has 12 legislative days to reauthorize the FAA and fund the government - not to mention re-up the national flood insurance program and CHIP funding - when lawmakers return in September from the summer recess. How is it all going to get done? ¯_(???)_/¯

The tank's on E: The needle is moving closer and closer toward extension territory, no matter what air traffic control overhaul proponents say publicly. Even if each chamber were to miraculously pull itself up by bootstraps and pass its own FAA bill, that leaves next to no time for any sort of deal to be hashed out. And the jury's still out on whether House Transportation Chairman Bill Shuster's bill (H.R. 2997 (115)), which includes a controversial air traffic control overhaul, will even make it to the floor - it's going to be a long five weeks, aviation fans. When asked how he's persuading members to change their votes from nos to yeses, Shuster said by

"talking to them, explaining the bill ... moving a lot of people the right way."

HAPPY MONDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Brianna is back at it with Steph (don't worry, Lauren will still pop in, plus she's so easy to find!), so please send along tips, feedback and lyrics to bgurciullo@politico.com or @brigurciullo and sbeasley@politico.com or @Steph_Beasley.

"In the back of a Volvo car/Sample/Hold over/Pay up sign up LA"

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with tunes (picked by us and readers) that are all about flying, driving, commuting and sailing?

'THE INCREDIBLE SHRINKING AIRLINE SEAT': Want an FAA tidbit that isn't tied to the soap opera that is the reauthorization bill debate? A federal appellate court ruled Friday that FAA didn't do an adequate job backing up why it rejected a petition for a rulemaking on airplane seat size and pitch, Mary Lee reports for Pros. A nonprofit group focused on airline passengers' rights argued that shrinking seat size and spacing poses a threat when flyers must evacuate a plane, as well as when it comes to health concerns like deep vein thrombosis. Regulators maintained that risks for the blood clot condition were minimal, and that the existing regime for studying the safety of seat size still works.

FAA-ke news? The U.S. Court of Appeals for the D.C. Circuit took FAA to task for offering a "vacuous" justification for its denial of Flyers Rights' original petition, but the decision doesn't order the agency to write a rule giving everyone more legroom and cushier seats. FAA can still deny the rulemaking request, but it has to back it up with more evidence the public can see, the court said. "While we do not require much of the agency at this juncture, we do require something," the opinion stated.

Maybe, just maybe: Remember that the Senate's FAA bill (S. 1405 (115)) would require FAA to evaluate the minimum seat pitch on planes while considering passengers with disabilities and flyers' safety.

IF I COULD TURN BACK TIME: Did you ever line up to board your flight only to look down at your ticket and realize you wanted an aisle seat, not a window seat? Delta says it's working on a tool that could fix that for you. The airline kicked off a three-month pilot program at Atlanta's Hartsfield-Jackson airport that, among other things, will give gate agents handheld devices that allow them to change seats and check bag statuses. The second phase of the pilot will also integrate biometric boarding technology currently being tested at Reagan National Airport. "Developing and testing these innovations is an important part of our ongoing effort to improve the customer travel experience," said Gil West, Delta's chief operating officer. Delta has also been collaborating with CBP to test biometric identification technology at Hartsfield.

GIVE ME MY MONEY: Starting this week Wells Fargo will begin repaying customers who it was surreptitiously charging for auto insurance.The bank issued a statement late last week saying it would refund more than 570,000 auto loan customers who were unaware that they were also

being charged for auto insurance that many did not need. The bank will make a total of $80 million in payments - $64 million in cash and $16 million in account adjustments, USA Today reported. Wells Fargo, which has previously been fined for insurance fraud, made the announcement after The New York Times reported the bank had charged more than 800,000 car loan customers for auto insurance without their knowledge.

MT MAILBAG: The Surface Transportation Board fired off a letter to CSX CEO Hunter Harrison last week to put in writing concerns about service issues on the freight line that have arisen since it instituted operational changes earlier this year. The board said it's received "informal complaints" from shippers that have seen transit times balloon and general service inconsistencies. STB said it has been made aware of "delays resulting from CSX congestion in critical gateways," including New Orleans. The railroad loudly protested a recent report to Congress advocating for Amtrak service to return to the Gulf Coast, arguing that it needs billions of dollars' worth of infrastructure improvements to be able to accommodate passenger trains along its tracks.

THE AUTOBAHN:

- "Ford to repair U.S. police vehicles after carbon monoxide concerns." Reuters.

- "More New Yorkers Opting for Life in the Bike Lane." The New York Times.

- "Uber and Lyft are outpacing taxis among business travelers." Los Angeles Times.

- "Three years after opening, the Silver Line struggles to attract riders." The Washington Post.

- "Incoming Homeland Security secretary has served 3 presidents." The Associated Press.

- "Unions Urge Slow-Down as Self-Driving Car Laws Pick Up Speed." Bloomberg.

THE COUNTDOWN: DOT appropriations run out in 61 days. The FAA reauthorization expires in 61 days. Highway and transit policy is up for renewal in 1,157 days.

To view online:
http://www.politico.com/tipsheets/morning-transportation/2017/07/31/its-the-dhs-shuffle-221615

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From: POLITICO
Sent: Thur 9/7/2017 6:24:02 PM
Subject: BREAKING NEWS: Senate passes hurricane aid, government funding package

The Senate on Thursday passed legislation that would temporarily lift the nation's debt ceiling and fund the government, while delivering the first installment of emergency aid for victims of Hurricane Harvey.

The massive fiscal package was the result of a surprise mid-week deal between President Trump and congressional leaders. Trump could sign the bill as early as Friday. The agreement ends the threat of a government shutdown and a default on the national debt at the end of September, but just for three months. Congress now faces a Dec. 8 deadline to strike another deal to avert those fiscal cliffs.

Read more: http://www.politico.com/story/2017/09/07/senate-passes-hurricane-aid-government-funding-package-242449

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To: Maisano, Frank[frank.maisano@bracewell.com]
From: Maisano, Frank
Sent: Mon 8/14/2017 5:59:12 PM
Subject: SPECIAL August Energy Update: Solar Trade Case Hearing Set for Tomorrow

Friends,

Not the full update today, but just a quick note to remind you of tomorrow's U.S. International Trade Commission hearing on the solar trade petition. But before we get to that, it was 14 years ago today, just after 4:10 p.m. that the Northeast suffered its most significant blackout in a generation. The blackout affected an estimated 10 million people in Ontario and 45 million people in eight U.S. states.

Back to the action…The ITC holds its public hearing tomorrow looking at the injury phase of the 201 trade petition filed by Suniva which aims to impose tariffs that place the recent success of the entire solar industry and its workforce at risk. Late last week, we saw Congress weigh in urging ITC to oppose the tariff petition. And tomorrow, just before and after the hearing, hundreds of solar workers from all over the country, including California, Maryland, North Carolina, New Jersey, New York, Florida, Minnesota, Massachusetts, Rhode Island, Pennsylvania and Virginia, will converge in Washington to explain the personal impact this case could have on their livelihoods.

We have a **full report/primer below with details, schedule, timing, on-the-record comments and background.** And speaking of blackouts, remember next Monday, a large swath of the country will focus on the upcoming solar eclipse, which occurs on August 21st. Lots of great coverage, but here is how you will want to view the eclipse.

Finally remember next week, the American Chemical Society holds its 254th annual national meeting during the entire week and will feature tons of events on really complex STEM issues, as well as highlight many important and innovative technological advances. One of the ACS presentations will feature our friends at ISCA Tech, which we will discuss more in the future.

I will be at the ITC tomorrow. Please call with questions.

Best,

Frank Maisano

(202) 828-5864

c. (202) 997-5932

THE BIG EVENT

Solar ITC Hearing Set for Tomorrow – The U.S. International Trade Commission (ITC) holds its public hearing tomorrow looking at the injury phase of the 201 trade petition filed by Suniva which aims to impose tariffs that place the recent success of the entire solar industry and its workforce at risk.

IF YOU GO: The hearing starts at 9:30 a.m. at ITC, 500 E Street, SW. Media must register in advance with PA officer Peg O'Laughlin (202-205-1819)

SEIA: Trade Case Petitioners Brought Collapse of Businesses on Themselves – Suniva and SolarWorld have failed to show that a rising level of imports caused them serious injury and left them unable to compete in the U.S. market, the Solar Energy Industries Association (SEIA) and others stated in pre-hearing written arguments to ITC. In an executive summary of its remarks, SEIA points out that the petitioners were unable to produce the needed solar modules to succeed in the ever-changing solar markets. Utility-scale projects use 72-cell modules, which neither Suniva nor SolarWorld could produce in the quantities demanded by the booming U.S. marketplace. Therefore, imports of solar cells and modules were pulled into the U.S. utility market by increased demand that could not be met domestically.

Congress Weighs In Support of Solar Industry – A bipartisan group of 16 senators and 53 members of the House of Representatives sent open letters to ITC Chairman Rhonda Schmidtlein urging it to reject a petition that would slap tariffs on imported solar panels and cells. "Solar companies in our states believe the requested trade protection would double the price of solar

panels," the Senate letter to the ITC said. "Increasing costs will stop solar growth dead in its tracks, threatening tens of thousands of American workers in the solar industry and jeopardizing billions of dollars in investment in communities across the country." Lawmakers who led the letter effort to the ITC include: Senators Thom Tillis (R-NC) and Martin Heinrich (D-NM) and Representatives Mark Sanford (R-SC), Mike Thompson (D-CA), Pat Meehan (R-PA) and Matt Cartwright (D-PA).

Coalition Calls for End of Bad Case – The Energy Trade Action Coalition (ETAC) urged ITC to end the Section 201 trade case on imported solar components that currently is threatening the U.S. solar industry. ETAC is a group of companies, associations and organizations who joined together to oppose the trade petition. ETAC spokesman Paul Nathanson said the Section 201 petition is not designed to protect or grow solar jobs in the U.S., but an attempt by two companies that made poor business decisions to recover lost funds for their own financial gain at the expense of the rest of the solar industry. Nathanson: "As the solar industry continues to grow and compete with other energy traditional and renewable energy sources, now is not the time to undercut its momentum by doubling the price of solar panels for consumers. This is why ETAC members, which includes utilities, power co-ops, retailers and other large commercial users, are so active in making their voices heard to prevent these unwarranted tariffs." ETAC works to raise awareness of the importance of maintaining access to globally priced products to support American energy industry competitiveness, sustain tens of thousands of good-paying American manufacturing jobs and preserve the principles of free and fair trade in a global marketplace.

Conservative Groups Supporting Solar Industry View – Most free trade advocates have strongly supported the solar industry's position on this trade petition. Here are several key quotes from conservative groups:

"Tariffs meant to protect one industry can, and often do, have significant damaging effects on other domestic industries. Imposing tariffs under Section 201, as Suniva and SolarWorld request, would be a step backward by adding another layer of federal subsidies which is something the Heritage Foundation opposes in all instances."

Tori K. Whiting, Research Associate at The Heritage Foundation.

"Voluntary free trade is always a good thing. And it's a good thing for every consumer; not just a few individuals or companies. The solar case is an example of the worst kind of trade protectionism. We're delighted to stand for freedom and free markets."

Eli Lehrer, president of the R Street Institute.

"Our country's trade laws were set up to facilitate and promote an even playing field, not provide shelter to those unable to compete."

Karla Jones, Director of the Federalism and International Relations Task Force at American Legislative Exchange Council (ALEC).

"The Section 201 solar industry trade case will undermine one of the fastest growing All of the Above Energy jobs sectors in states across the country, solar energy installation. We must avoid rewarding this opportunistic use of U.S. trade laws."

Sarah E. Hunt, Director of the Center for Innovation and Technology at ALEC.

Electrical Workers, Contractors See Petition as Trouble – The National Electrical Contractors Association fears that its work force, many of them union workers, will be hurt by the trade petition and the potential loss of jobs. James Willson, head of the LA County Chapter of NECA said they strongly oppose the proposed tariffs and minimum prices on imported CSPV cells and modules being considered by the ITC. Willson: "In our area (Los Angeles County) over the past 5 years, we have averaged over 1,000 electricians installing utility scale and roof top solar systems. These are good middle class jobs which promote apprenticeship, community based hiring, and veterans. This proposed tariff would increase solar costs 90-110% and if implemented would make America the highest-priced solar country and decimate the market – likely bringing a halt to utility scale solar. This extreme tariff would have such a negative impact not only in our jurisdiction but throughout the country."

Retailers Urge Rejection of Petition – The National Retail Federation said the trade petition would harm businesses and large-scale, commercial users of solar. "A growing number of retailers are relying on solar to meet their energy needs," said NRF VP Jon Gold. "Our members' use of solar as an energy source is a direct result of the solar industry's ability to compete with other sources of energy by providing cost-competitive power generation on an increasingly large scale. This misguided 201 trade petition would punish our members for being innovative and significantly raising their costs. The U.S. International Trade Commission should find no injury and terminate this investigation as soon as possible."

Utilities Long-Term Planning Hurt by Petition – Utilities have also expressed real concerns that the trade Petition will undermine their ability to affordable use solar to meet customer demand and state renewable requirements. Scott Segal, Director of the Electric Reliability Coordinating Council said utilities and public power have increasingly diversified their

portfolios for a variety of strategic reasons over the last several years. Segal: "This means that power companies have developed solar projects or have purchased solar-generated power or both. As a rule, power companies plan on a 20 year cycle and depend on predictable cost structures, particularly for solar developments. Inappropriate imposition of trade remedies on solar technology can fundamentally change the landscape for renewables without any consequent societal benefits. ERCC members include Ameren, DTE Energy, Duke, Salt River Project, Southern Company and Vistra.

Venture Capitalists Worry About Capital Investments – Chris Diaz head of Seminole Financial Services, which funds energy projects including solar projects, sees tariffs as a step that could undermine current capital investments. Diaz: "The solar industry is a strong sector for capital investment right now because of its competitiveness in the marketplace. Billions of dollars are flowing into projects that are leading to good-paying jobs, new economic opportunities, technological advancement and much-needed revenue for communities -- all-the-while meeting increasing consumer demand for cleaner energy. This tariff petition and the resulting direct increase in the cost of doing business in the solar industry, threatens that competitiveness. It undermines the certainty of current investments in the solar industry and puts almost all future investments at significant risk."

Other Key Quotes:

"As one of the most experienced solar installers in the U.S., Borrego Solar strongly disputes Suniva and SolarWorld's claims before the ITC. These companies' financial troubles are largely self-inflicted, and their failure to compete with manufacturers in both the U.S. and the rest of the world should not be used as an excuse to set the American clean energy industry back precisely when the need to increase our domestic clean energy supply is greatest."

– Mike Hall, CEO, Borrego Solar Systems, Inc.

"The Suniva/Solar World bailout request will cause rooftop solar installation costs to sky rocket. Many Florida residents choose to install solar panels on their roofs to save money on their electric bills and to protect the environment. The requested bailout will make it harder for consumers to afford solar. Retirees will be hit the hardest."

– Tory Perfetti, Florida Director of Conservatives for Energy Freedom.

"There are over 200,000 good, high paying jobs in solar right now, and that number is growing quickly. Protectionist trade barriers will not make American solar manufacturing more competitive, but absolutely will kill the good jobs that exist by pricing many customers out of the market."

– Anthony Fotopoulos, Co-Founder of Keystone Power Holdings

The Background

The case – Filed by two heavily indebted solar companies, the 201 trade petition asks the Trump Administration to impose a drastic mix of tariffs and a floor price on imports of solar cells and modules that would double the price of solar equipment and damage the U.S. solar industry.

Remedy – The Section 201 "Petition for Global Safeguard Relief – Crystalline Silicon Photovoltaic Cells and Modules" seeks a tariff of 40 cents per watt on all foreign-made solar cells and a floor price of 78 cents per watt on all foreign-made panels, doubling the price for the basic ingredients of the broader U.S. solar industry.

The Cost to the Solar Industry – The $23 billion U.S. solar industry employs 260,000 American workers in good-paying jobs across the country. If successful, the protectionist initiative would slash demand for new projects and make solar less competitive with other sources of power, decimating one of America's most promising high-tech growth industries. A recent study showed that an estimated 88,000 jobs, about one-third of the current American solar workforce, would be lost if trade protections proposed in the petition are granted.

Timing – The International Trade Commission (ITC) is currently conducting a review to determine whether there is evidence of injury, of which this hearing is a part of – which is expected to be completed by September 22. If the ITC decides in favor of the petitioners, it must recommend specific trade barriers to President Trump by November 13. The president then has 60 days to act on the recommendation.

ON THE SCHEDULE FOR AUGUST

-

Trade petition Hearing Set – The US International Trade Commission will hold its first hearing on the injury phase of the Solar 201 trade petition filed by Suniva on August 15th beginning at 9:30 a.m. at the USITC in Washington, DC. In the event that the Commission makes an affirmative injury determination or is equally divided on the question of injury in this investigation, a second hearing on the question of remedy will be held beginning at 9:30 a.m. on October 3rd.

USEA Forum to Look at Energy-Water Nexus – The US Energy Association will host a forum on Tuesday August 15th at 10:00 a.m. featuring Verdant Power looking at the water-energy nexus. According to DOE's "The Water Energy Nexus: Challenges and Opportunities" report, several trends are increasing urgency to address the water-energy nexus in an integrated and proactive way: climate change, which is affecting precipitation and temperature patterns throughout the world; population growth and regional migration trends that are likely to increase, which complicate management of energy and water systems; new technologies in energy and water domains that shift water-energy demands; and developments in policies that are introducing additional incentives and challenges for decision making. Verdant Power is addressing the water-energy nexus in an integrated and proactive way resulting from its successful R&D efforts at the company's Roosevelt Island Tidal Energy (RITE) Project in New York City's East River - the world's first grid-connected array of marine renewable energy (MRE) turbines systems. Verdant Power's Trey Taylor will look at their holistic, strategic approach in helping build sustainable communities through MRE-based integrated energy and hybrid power systems, microgrids, and water management.

WCEE Forum To Discuss FERC Issues – On Friday at Noon, the Women's Council on Energy and the Environment will hold another Lunch & Learn presentation by Emma Nicholson, Ph.D., a WCEE member and economist at the Federal Energy Regulatory Commission's (FERC) Office of Energy Policy and Innovation. Nicholson will explain what capacity is, the role it plays in reliability, and how capacity markets in FERC-jurisdictional wholesale electricity markets work.

ACS to Host National Meeting, Innovative Technologies Event – The American Chemical Society hosts its 254th national meeting and expo on August 20th through 24th in DC at the Walter Washington Convention Center focusing on chemistry's impact on the global economy. The week will be filled with more science and chemistry events than anyone could ever want. They will also honor innovative technologies toward the end of the conference and we will have more Information about that closer to the event.

USEA Forum to Look at So Korea Carbon Capture – Next Monday at 12:30 p.m., the US

Energy Association holds a briefing to discuss the current status of carbon capture, utilization and sequestration technology R&D in South Korea. The presentation involves CCUS related R&D budget investments (in terms of scale, allocation and portfolio), main R&D projects, and international cooperation activities. Furthermore, the implementation status of carbon capture, storage, utilization and EOR projects which are operated by institutions and electric power companies will be provided. The speaker will be Sean Sangjoo Baek of the Korea Institute of Energy Technology Evaluation and Planning.

IN THE FUTURE

McIntyre, Glick Head to Confirmation Hearing – The Senate Energy Committee will hold a confirmation hearing on Thursday at 10:00 a.m. for Rich Glick and Kevin McIntyre to join FERC.

Platts Forum to Look at Pipeline Issues – Platts will hold its 12th annual conference in Houston at the Houstonian on September 7th and 8th looking at pipeline development and expansion. During the conference, my colleague George Felcyn and our friend George Stark of Cabot will be featured on a panel on building pipeline support from the grassroots. This workshop will focus on ways for pipeline companies to build public support, shape media coverage, influence regulators and successfully see their planned projects through to completion.

TX Renewable Summit Set – On September 18th – 20th, the Texas Renewable Energy Summit will be held in Austin at Omni Southpark. The summit will offer the latest insights into the market and hear from key players about the key trends impacting renewable energy project development, finance and investment in Texas. The falling price of solar panels is driving a surge in interest by public utilities and corporate customers in contracting for solar power, while a huge queue of wind projects is forming. As much as 16 GW of new wind and solar projects could come to fruition in Texas. However, development and financing challenges must be surmounted to assure project success and bankability. Large quantities of solar may drive the dispatch curve and market prices in unpredictable directions.

Ideas Conference Set – *The Atlantic* and the Aspen Institute holds its 9th annual Washington Ideas conference on September 26-28. "Washington Ideas" convenes the nation's leaders in politics, business, health, science, technology, arts, culture and journalism for three days of can't miss conversation and connections. In the heart of the nation's capital, we will tackle the most consequential issues facing the country and the world.

Coal Event to Hear from Alpha CEO – The 40th annual Coal Marketing Days forum will be held on September 26-27 at the Omni William Penn Hotel in Pittsburgh. The event hosts a variety of coal suppliers and buyers, coal transport companies, and industry-wide analysts who exchange in-depth knowledge on the current state of the global and domestic coal-producing markets and focuses on the current trends and challenges shaping the business. Alpha Natural Resources CEO David Stetson is the keynote

EEI Comms Conference Set – Our friends at EEI hold their annual Communicators Conference On Monday October 2 and Tuesday October 3rd in Washington. Utility Communicators from across the Country will be in town to discuss policy and best practice issues, among other items.

SEJ Set for Pittsburgh – Speaking of Pittsburgh, SEJ's 27th annual conference is set for October 4-8 in Steel City.

Vets in Energy Forum Set – Veterans In Energy will hold a forum on October 5th through 7th at NRECA in Arlington. VIE provide transition, retention and professional development support to the growing population of military veterans who have chosen energy careers. Speakers will include Chris Hale of GI Jobs and Gen. John Allen, former Dep Commander of US Central Command.

Renewable Tour Set for October Shenandoah Fall – JMU's Center for Wind Energy joins the nonprofit American Solar Energy Society (ASES) and hundreds of solar-savvy installers and grassroots organizations throughout America to showcase thousands of solar-powered homes, schools and businesses in Virginia and across North America -- for the 22nd Annual National Solar Tour, the world's largest grassroots solar event. The ASES National Solar Tour shows families and businesses real-life examples of how their neighbors are harnessing free energy from the sun to generate electricity, warm and cool their homes, heat water and slash monthly utility bills.

FRANK MAISANO
Partner

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Wed 8/30/2017 6:57:41 PM
Subject: Duckworth calls for criminal probe of Icahn's RFS dealings

By Eric Wolff

08/30/2017 02:55 PM EDT

Sen. Tammy Duckworth (D-Ill.) asked the FBI to launch a criminal investigation today into whether Carl Icahn violated conflict of interest laws with his efforts to alter the Renewable Fuel Standard.

"Mr. Icahn appears to have abused his role as a special advisor to the President of the United States on issues relating to regulatory reform by participating personally and substantially, through recommendation and the rendering of advice, on a government matter that directly affects his own financial interests," Duckworth wrote in a letter to the agency.

Senate Democrats have written letters seeking information about Icahn's actions on the RFS, but Duckworth's letter is the first to call for a criminal investigation. Democrats have previously called on the White House and the EPA to provide information about Icahn's role, and they have asked the Securities and Exchange Commission, Commodities Futures Trading Commission and EPA to conduct investigations.

Icahn held the title of special adviser to the president until he gave it up earlier this month. Duckworth cites media reports that Icahn used his position to pressure outside groups to support changes to the RFS that would benefit his refining company CVR Energy. That move, she says, would put him in violation of federal ethics laws.

To view online:
https://www.politicopro.com/financial-services/whiteboard/2017/08/duckworth-calls-for-criminal-probe-of-icahns-rfs-dealings-092280

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Sun 10/22/2017 3:35:19 PM
Subject: POLITICO Playbook, presented by JPMorgan Chase & Co.: TRUMP to lunch with Senate Republicans Tuesday -- SPOTTED at MASSERIA: K.T. McFarland and the Singapore PM -- FROM VEGAS: DNC 'reeling financially' -- BRITTANY BRAMELL to CIA -- JEFFREY ROSEN married

View online version | Add politicoplaybook@politico.com to your address book.

Today's POLITICO Playbook presented by JPMorgan Chase & Co.

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

Visit the online home of Playbook

Driving the Day

Good Sunday morning. HAPPY 31st ANNIVERSARY -- Ronald Reagan signed the Tax Reform Act of 1986 31 years ago today.

COMING UP THIS WEEK -- PRESIDENT TRUMP is going to Capitol Hill on Tuesday to attend the Senate Republican policy lunch. Needless to say, with all that's going on in the Capitol, this will be quite the moment for the president and Senate Republicans. **ALSO THIS WEEK:** The president is meeting with Singapore Prime Minister Lee Hsien Loong on Monday.

SPOTTED at Masseria last night: Singapore Prime Minister Lee Hsien Loong and K.T. McFarland with "a massive security detail," per our tipster.

-- @elizabethjdias: "Spotted: PM of Singapore @leehsienloong enjoying the brunch scene and snapping pics @UnionMarketDC. (He didn't recognize @ZekeJMiller & me)" http://bit.ly/2gyvxeG "He ate brunch at Bidwell, with his entire entourage, and then took photos of several diners on his way out."

ALSO THIS WEEK -- @angelurena: "President @BillClinton will join @PhilMurphyNJ on Tuesday for a GOTV canvass kickoff at the IBEW 164 hall in Paramus, NJ."

TRUMP'S SUNDAY -- "POTUS emerged from the White House at 9:38 am ET wearing a red hat, a white polo and dark pants to go to an undisclosed location but pool would note that today - at a crisp, clear 55 degrees and expected to get warmer - is a perfect day for golf. The motorcade is en route," per pooler BuzzFeed's Adrian Carrasquillo.

MAUREEN DOWD in **PLAINS, GEORGIA: "Jimmy Carter Lusts for a Trump**

Posting": "Most people would run away screaming at the thought of working for a boss who humiliates subordinates in public, throttles them in private, demands constant flattery, spends all day watching cable TV and behaves in a wildly unpredictable way. And yet, there is someone who is eager to work for President Trump. Curious, but it's a Democrat. And even curiouser, it's a fellow member of the presidents club. And curiousest, it's someone whom Trump has disparaged on Twitter as one of the worst presidents in history. ...

"So is it time for another Carter diplomatic mission, and would he do it for Trump, his polar opposite in so many ways? 'I would go, yes,' he said, wearing a big 'JC' belt buckle and sipping coffee in his ranch house, which is chockablock with Carter family paintings and with furniture he made himself, including his four-poster bed. Rosalynn sits nearby, chiming in slyly at moments." http://nyti.ms/2yJO7aE

USA TODAY OP-ED: "President Trump: With tax reform we can make it morning in America again" https://usat.ly/2yFigWd

SCOOP - BRITTANY BRAMELL TO CIA - Bramell -- an Uber, Sen. Lindsey Graham (S.C.) and former Speaker John Boehner (R-Ohio) alum -- is working in public affairs for CIA Director Mike Pompeo. She was most recently assistant administrator for public affairs at TSA.

STORY OF THE DAY -- "O'Reilly Settled New Harassment Claims, Then Fox Renewed His Contract," by NYT's Emily Steel and Mike Schmidt: "Last January, six months after Fox News ousted its chairman amid a sexual harassment scandal, the network's top-rated host at the time, Bill O'Reilly, struck a $32 million agreement with a longtime network analyst to settle new sexual harassment allegations, according to two people briefed on the matter - an extraordinarily large amount for such cases. Although the deal has not been previously made public, the network's parent company, 21st Century Fox, acknowledges that it was aware of the woman's complaints about Mr. O'Reilly. They included allegations of repeated harassment, a nonconsensual sexual relationship and the sending of gay pornography and other sexually explicit material to her ...

"It was at least the sixth agreement - and by far the largest - made by either Mr. O'Reilly or the company to settle harassment allegations against him. Despite that record, 21st Century Fox began contract negotiations with Mr. O'Reilly, and in February granted him a four-year extension that paid $25 million a year. ... In response to questions about why he sent sexually explicit material to Ms. Wiehl, Mr. O'Reilly said that during his time at the network, he had been sent threatening messages almost every day, including some that had obscene material. To deal with this problem, Mr. O'Reilly said, he set up a system in which the material would be forwarded to his lawyers so they could evaluate whether he needed to take any legal action. Mr. O'Reilly said Ms. Wiehl was among those lawyers." http://nyti.ms/2zEeWLb

-- BuzzFeed's @juliareinstein: "Bill O'Reilly's spokesperson says the NYT 'maliciously

smeared' O'Reilly to embarrass him and 'keep him from competing in the marketplace'".

THE BIG QUESTION -- "Can Trump stay on track on tax reform?," by Bernie Becker and Aaron Lorenzo: "Congressional Republicans are readying themselves for a new obstacle on tax reform: President Donald Trump and his penchant for disruptions. There's no doubt that Trump badly wants a tax deal, and he appears very willing to travel the country in support of one. But the GOP lawmakers that are crafting the tax measure are also bracing themselves for the president to potentially disturb their negotiations at any moment, as he has done throughout his nine months in office and this week on a bipartisan Senate agreement to shore up Obamacare insurance markets.

"'Sure, it's going to come,' said Sen. Bob Corker (R-Tenn.), who's been the target of his share of tweets from the president. Sen. Lamar Alexander (R-Tenn.), who brokered the health agreement that Trump has shifted between criticizing and praising, added that he had already told the president that his staying on track on tax reform could be key to getting a landmark achievement. 'If the president of the United States focuses on one thing, with everything he's got, for as long it takes, he can usually get what he wants,' Alexander said.

"Republicans believe everything is falling into place for the first major tax overhaul since 1986. They control Congress and the White House, members are motivated to notch a big legislative victory they can campaign on in 2018 and they are on the cusp of a bicameral budget agreement that would allow them to fully concentrate on a tax package instead of the Senate passing a budget.

"But there are already signs that Trump could waver if a tax bill proposes to cut tax incentives in exchange for lower rates, a difficult process that could end up raising taxes on various industries or groups of taxpayers. The president was reportedly not happy that the GOP proposal to end the deduction for state and local taxes, a benefit largely used by upper-income taxpayers, would also hurt some in the middle class." http://politi.co/2h0qEIC

DAY SEVEN -- @realDonaldTrump at 8:02 a.m.: "Wacky Congresswoman Wilson is the gift that keeps on giving for the Republican Party, a disaster for Dems. You watch her in action & vote R!"

HOW WE GOT HERE -- "The cascade of missteps that turned one White House error into a messy week," by WaPo's Phil Bump: http://wapo.st/2hWVGR9

-- MIAMI HERALD: "Amid political controversy, hundreds attend as Miami Gardens soldier is laid to rest," by Elizabeth Koh: "Sgt. La David Johnson was a family man first and foremost, and on Saturday that was how the Miami Gardens soldier was remembered before he was laid to rest. ...

"The controversy over Trump's words were still fresh when people gathered in the rows of Christ The Rock Church for the second day in a row to honor Johnson. But

there was no mention of the president from any of the speakers, including U.S. Rep. Frederica Wilson, D-Miami Gardens, who made the condolence call public. Instead, she focused on Johnson and the composure of his widow, Myeshia, who Wilson said had moved the nation to tears when she greeted her husband's remains at Miami International Airport on Tuesday.

"'**His vow of courage and patriotism will be remembered** for generations to come,' she said. There was only one nod to the circumstances of Johnson's death, in an opening prayer that asked for 'clarity for the circumstances surrounding his death.' Wilson, who has sparred publicly with the president since the call was reported, was among several local and federal officials who attended the service, including Cooper City Mayor Greg Ross, Miami-Dade commissioners Barbara Jordan and José Diaz, and U.S. Sen. Marco Rubio." http://hrld.us/2yGJNbN

****** **A message from JPMorgan Chase & Co.: What's the Word** It's been more than 30 years since we reformed our tax code, putting good jobs and higher wages at risk. In fact, 90% of CEOs believe that inaction by lawmakers could slow hiring and wage growth. Learn more about what tax reform could mean for American workers: http://politi.co/2gBVNBD ******

BEHIND THE SCENES -- "Donald Trump Is Rush-Shipping Condolences to Military Families," by The Atlantic's Lena Felton and Taylor Hosking: "Timothy Eckels Sr. hadn't heard anything from President Trump since his son Timothy Eckels Jr. was killed after a collision involving the USS John S. McCain on August 21. But then, on October 20, two days into the controversy over the president's handling of a condolence call with an American soldier's widow, Eckels Sr. received a United Parcel Service package dated October 18 with a letter from the White House. 'Honestly, I feel the letter is reactionary to the media storm brewing over how these things have been handled,' Eckels told The Atlantic." http://theatln.tc/2yGDtB6

ON RUSSIA - "Trump pledges at least $430,000 of his own money to help cover aides' legal costs related to Russia probes," by WaPo's John Wagner: "President Trump plans to spend at least $430,000 of his personal funds to help cover the mounting legal costs incurred by White House staff and campaign aides related to the ongoing investigations of Russian meddling in last year's election, a White House official said. The Washington Post reported last month that the [RNC] had spent roughly that amount to pay lawyers representing Trump and his eldest son, Donald Trump Jr., in the multiple investigations. The White House official said Trump's pledge is not meant as a reimbursement to the RNC, but that it does not preclude Trump from doing that at a later time or for increasing the amount available for his aides." http://wapo.st/2isb77Z

WAPO's ASHLEY PARKER and **PHIL RUCKER --** "In one of his many private chats with Fox News personality Sean Hannity, Trump recently asked, 'Is Steve [Bannon] still with me?' according to two people familiar with the conversation." http://wapo.st/2gYmvF1

NYT'S SHERYL STOLBERG -- "McCain in Twilight: An Unfettered Voice Against Trumpism": "'Even if John were not ill, with his experience and age, there is a part of you that I think begins to focus on your legacy,' said former Vice President Joseph R. Biden Jr., a close friend of Mr. McCain's. But with cancer, Mr. Biden said, 'he's in the fight of his life, and he knows it.' Having won re-election last year, Mr. McCain was already free to speak his mind. Were he to run again in 2022, he would be 86, and friends say that his 2016 campaign was almost certainly his last. But colleagues see a shift since his diagnosis. 'Do I hear in his voice a little bit more expression of grander ideals? I do,' said Senator Bob Corker, Republican of Tennessee. 'With all that's happened to him, and the knowledge of where he is, I sense a little bit more of that." http://nyti.ms/2yGt8VE

NYT, A1 -- JEREMY PETERS in Laurel, Mississippi: **"Conservatives, With Bannon's Help, Look for Revenge in Mississippi"** http://nyti.ms/2h05c6x

-- "Bannon expands his target list into North Carolina," by McClatchy's Katie Glueck and Brian Murphy. http://bit.ly/2xe0OGT

PETE WEHNER in the NYT, "Going Against the Republican Herd": "Many Republican voters have, at least for now, jettisoned traditional conservatism in favor of the Trump-Bannon brand of ethnonationalism. They have turned inward instead of outward, they have embraced white identity politics as a matter of course and they have developed a disdain for the hard, intricate work of governing. ... There is a nihilistic strain coursing through the veins of a significant number of people on the American right. They delight in Mr. Trump's effort to annihilate truth and peddle conspiracy theories, and they draw energy and purpose from the unsettling effect he has on the nation as a whole." http://nyti.ms/2xdnCqj

GABE DEBENEDETTI and **ISAAC DOVERE** in Las Vegas: **"DNC reeling financially after brutal 2016":** "The [DNC] is reeling, facing a turnaround that's proving a much bigger lift than anyone expected as it struggles to raise enough money to cover its basic promises. Many donors are refusing to write checks. And on-the-ground operatives worry they won't have the resources to build the infrastructure they need to compete effectively in next year's midterms and in the run-up to 2020. ...

"'Donors, small and large, are so over the party,' said Nebraska party chair Jane Kleeb, summing up the problem facing DNC chairman Tom Perez and his counterparts in the states. Kleeb, who is working on grassroots fundraising efforts for the committee, said she believes the money will come eventually. 'Everybody thinks that some magic three-page document and some magic tagline is going to turn everything around for us,' she added. 'But this is very typical work.'" http://politi.co/2zsauhH

ABOUT LAST NIGHT -- "Former presidents call for unity at hurricane aid concert," by AP's Will Weissert in Austin: "The five living former presidents put aside politics and appeared together for the first time since 2013 at a concert on Saturday to raise money for victims of devastating hurricanes in Texas, Florida, Louisiana, Puerto Rico and the

U.S. Virgin Islands. Democrats Barack Obama, Bill Clinton and Jimmy Carter and Republicans George H.W. and George W. Bush gathered in College Station, Texas, home of Texas A&M University, to try to unite the country after the storms. ...

"Grammy award winner Lady Gaga made a surprise appearance at the concert that also featured country music band Alabama, Rock & Roll Hall of Famer 'Soul Man' Sam Moore, gospel legend Yolanda Adams and Texas musicians Lyle Lovett and Robert Earl Keen. The appeal backed by the ex-presidents has raised $31 million since it began on Sept. 7 ... President Donald Trump offered a video greeting that avoided his past criticism of the former presidents and called them 'some of America's finest public servants.'" http://bit.ly/2yZBskP ... ***Trump's video message to the crowd*** http://bit.ly/2zFXAh6

INSTAPIC DU JOUR -- Pierce Bush (@pdiddyman): "Family pic with all living former US Presidents #oneAmerica" http://bit.ly/2zsMwCV

-- IN THE AIR: Here is a Dassault Falcon 900 that flew from DCA to College Station, Texas yesterday, then onto Dallas. http://bit.ly/2zu6bCJ

FOR YOUR RADAR -- "U.S.-allied force takes Syria's largest oil field from IS," by AP's Sarah El Deeb in Beirut: "The U.S.-led coalition said allied fighters captured Syria's largest oil field from the Islamic State group on Sunday, marking a major advance against the extremists in an area coveted by pro-government forces. With IS in retreat, the Kurdish-led Syrian Democratic Forces and the Syrian government have been in a race to secure parts of the oil-rich Deir el-Zour province along the border with Iraq." http://bit.ly/2yKjbHh

-- AP at 8:44 a.m.: "JOHANNESBURG (AP) - Head of World Health Organization withdraws appointment of Zimbabwe President Robert Mugabe as a goodwill ambassador." ***The WHO statement*** http://bit.ly/2xW4wJH

SUNDAY BEST --

-- JOHN DICKERSON speaks with **OMB DIRECTOR MICK MULVANEY** on **"CBS' FACE THE NATION": MULVANEY:** "Well, you're not giving up entirely on spending. It's just you have to sit there and go, 'Okay, there's two parts to this equation.' There isn't the political will on the hill right now to--" **DICKERSON:** "Why not? You're in charge. Republicans are in charge. They've run on this for so long. Why no will?" **MULVANEY:** "It's difficult I think to cut spending in Washington. It really, really is."

-- DANA BASH spoke to **SENATE MAJORITY LEADER MITCH MCCONNELL** on **CNN'S "STATE OF THE UNION": BASH:** "What do you make of Bannon recruiting candidates with the explicit goal, sir, of taking you out as leader?" **MCCONNELL:** "Well, you know, this element has been out there for a while. They cost us five Senate seats in 2010 and 2012 by nominating people who couldn't win in November. In order for the president's agenda to advance, we have to be able to elect people who support the

agenda. And so these interparty skirmishes are all about whether or not we can nominate a candidate who can win in November."

-- DANA PERINO spoke to **SARAH HUCKABEE SANDERS** on **"FOX NEWS SUNDAY": PERINO:** "Recently in the Atlantic Magazine, Glenn Thrush said he thought the administration's apparent tension with the press was overstated. Would you agree?" **SANDERS:** "No. I know Glenn well, but I think that there's always going to be tension between whatever administration is in place at that time with the White House press corps. But I do think there is a heightened tension certainly between this administration and the press. ... I think you can see that in the coverage. I mean I've been around press and working politics my entire life, and I've never experienced the level of kind of hostility that I think we see day to day."

-- DAVID PETRAEUS to **MARTHA RADDATZ** on **ABC'S "THIS WEEK":** "Arguably, the most important threat the United States faces is not that of Russia, Iran, North Korea, or even Chinese competition, or ISIS, it's parochialism here at home, especially in this city, which is preventing us from resolving issues that could allow us to capitalize on extraordinary opportunities."

-- ON NBC'S "MEET THE PRESS," TRUMP'S GOLF BUDDY: SEN. LINDSAY GRAHAM (R-S.C.): "I think that the Trump administration is slow when it comes to Russia. They have a blind spot on Russia I still can't figure out."

Playbook Reads

PHOTO DU JOUR: Former presidents Barack Obama, Bill Clinton, George W. Bush, George H.W. Bush and Jimmy Carter gather on stage during a hurricanes relief concert in College Station, Texas on Oct. 21. | LM Otero/AP Photo

TRUMP'S WASHINGTON -- "Trump Pick, an Industry Insider, Shapes Rules on Toxic Chemicals," by NYT's Eric Lipton: "For years, the Environmental Protection Agency has struggled to prevent an ingredient once used in stain-resistant carpets and nonstick pans from contaminating drinking water. The chemical, perfluorooctanoic acid, or PFOA, has been linked to kidney cancer, birth defects, immune system disorders and other serious health problems. So scientists and administrators in the E.P.A.'s Office of Water were alarmed in late May when a top Trump administration appointee insisted upon the rewriting of a rule to make it harder to track the health consequences of the chemical, and therefore regulate it.

"The revision was among more than a dozen demanded by the appointee, Nancy B. Beck, after she joined the E.P.A.'s toxic chemical unit in May as a top deputy. For the previous five years, she had been an executive at the American Chemistry Council, the

chemical industry's main trade association." http://nyti.ms/2gt0Wvl

NEW -- "NAACP names new leader for more active future," by AP's Jesse J. Holland: "Derrick Johnson, 49, of Jackson, Mississippi, was hired as the NAACP's 19th president and CEO after having served as interim leader since July and previously as vice chairman of the NAACP board of directors. Johnson, in an interview with The Associated Press, said the NAACP will be much more politically active in the coming years and will alter its nonprofit status so it can more effectively lobby for its members' positions." http://bit.ly/2yK1Y0n

****** **A message from JPMorgan Chase & Co.: What's in it for me?** America's tax system is outdated and complex, and it's putting American jobs and wages at risk. But that doesn't mean there isn't cause for optimism - according to a Business Roundtable CEO survey, tax reform would prompt more than 75% of business leaders to increase investment and expand hiring. And it's not just important in the boardroom. As JPMorgan Chase Chairman and CEO Jamie Dimon said, "Under our current system, workers bear up to 75% of the corporate tax burden through lower wages. I believe that tax reform should go further than that to boost wages. It should also be used to do more for lower- and middle-income workers by expanding programs such as the earned income tax credit, which already lifts more than 7.3 million workers out of poverty." Learn more about what tax reform can mean to the American economy and the American worker: http://politi.co/2wSCuu0 ******

SPORTS BLINK -- DANIEL LIBIT PROFILE - "The Blogger Who Became One University's Scold," by NYT's Marc Tracy: "Last January, a website called NM Fishbowl published the explosive results of a public-records request for anonymous exit interviews of athletes at the University of New Mexico. Lobos players, who compete mainly in the Division I Mountain West Conference, said that sports had held them back in their studies. Coaches had mocked female athletes' weights, they said, and the athletic department provided unsafe transportation to events for lower-profile teams. ... [T]he site ... is based in Chicago, not New Mexico, and staffed by one writer: Daniel Libit, a former political reporter." http://nyti.ms/2yGqdfA ... ***Libit - "The Petty Politics of Loboland"*** http://bit.ly/2wAL9n3

CHRIS FRATES interviews Oscar-nominated "American Sniper" screenwriter Jason Hall about his new film "Thank You for Your Service," which is about a group of combat vets' struggles to integrate back into the civilian world. Frates also talks to Center for American Progress President Neera Tanden on "Politics Inside Out with Chris Frates." The show airs Sunday at 1 p.m. and Monday at 2 p.m. on SiriusXM channel 124. ***The film's trailer*** http://bit.ly/2yAq660 ... ***Clips for Playbookers -- Hall on the importance of bringing combat veterans' inner life to the screen:*** https://goo.gl/7oL1gX ... ***Tanden says facts still matter in the age of Trump:*** https://goo.gl/37hQzY ... ***How growing up on welfare shaped her politics:*** https://goo.gl/EjVPBZ

BONUS GREAT WEEKEND READS, curated by Daniel Lippman:

--"The Secretive Family Making Billions from the Opioid Crisis," by Christopher Glazek in Esquire - per TheBrowser.com's description: "The [Sackler] family's leaders have pulled off three of the great marketing triumphs of the modern era: The first is selling OxyContin; the second is promoting the Sackler name; and the third is ensuring that, as far as the public is aware, the first and the second have nothing to do with one another." http://bit.ly/2yDv935

--"A New Book About Formative Literary Friendships," by Ann Hulbert in November's Atlantic, reviewing "A Secret Sisterhood: The Literary Friendships of Jane Austen, Charlotte Brontë, George Eliot, and Virginia Woolf," by Emily Midorikawa and Emma Claire Sweeney: "Who would have guessed that George Eliot, in replying to Harriet Beecher Stowe's very first letter to her, frankly confessed her 'paralyzing despondency' about her own work?" http://theatln.tc/2hXQKeL ... ***$18.36 on Amazon*** http://amzn.to/2yGsLu2

--"Joni Mitchell: Fear of a Female Genius," by Lindsay Zoladz in The Ringer: "One of the greatest living artists in popular music still isn't properly recognized. Joni transcends gender, genre, and time. Here's why." http://bit.ly/2xVewhH

--"North Korea's Deadly Dictator" -- PBS Frontline: "Who killed Kim Jong-un's half brother, Kim Jong-nam, and what does the murder reveal about the North Korean leader and his regime?" http://to.pbs.org/2xWVex5

--"Off the African coast, a new tool in the fight against climate change: drones," by CBS News' Jacqueline Alemany: http://cbsn.ws/2xW79Lu

--"The Electronic Computers, Part 2: Colossus" - Creatures of Thought: "In 1938 the head of the British Secret Intelligence Service quietly bought up a sixty acre estate fifty miles from London. ... The estate, known as Bletchley Park, became the center of Britain's code-breaking effort during World War II. It is perhaps the only place in the world that is famous for cryptography." http://bit.ly/2yi2Wxm

--"Double Exposure: Jean-Pierre Melville," by Adrien Bosc in Tablet Magazine: "The ambiguities and darkness of Nazi-occupied France propelled him to flee his country, take a new name, fight in the Resistance, and then invent film noir. But the past continued to haunt him." http://bit.ly/2yKfy47

--"The Making and Unmaking of Iggy Azalea," by Clover Hope in Jezebel: "[H]er fast-track American success story [has] turned into a cautionary tale. Iggy became a punchline and went from being hailed as a white rap savior-a potential salve in the lineage of bad white rappers-to, three years later, being a digital-era Vanilla Ice, reduced to a viral talking point." http://bit.ly/2xtkHwh

--"Welcoming Our New Robot Overlords," by Sheelah Kolhatkar in The New Yorker: "Once, robots assisted human workers. Now it's the other way around." http://bit.ly/2yY38pV

--"The Tubbs fire: How its deadly march from Calistoga to Santa Rosa unfolded," by the Santa Rosa Press Democrat's Julie Johnson: http://bit.ly/2yH7XCV

--"The Only Person Who Knew Both Kennedy and His Killer," by John Meroney in Nov. 2013 in the Atlantic: "While in the Soviet Union, Priscilla Johnson McMillan met a young American in her hotel who was trying to defect. His name was Lee Harvey Oswald." http://theatln.tc/2zGv7rr

--"Love in the Time of Robots," by Alex Mar in Wired: "Hiroshi Ishiguro builds androids. Beautiful, realistic, uncannily convincing human replicas. Academically, he is using them to understand the mechanics of person-to-person interaction. But his true quest is to untangle the ineffable nature of connection itself." http://bit.ly/2gtGzOX

--"When the Revolution Came for Amy Cuddy," by Susan Dominus on the cover of today's N.Y. Times Magazine: "As a young social psychologist, she played by the rules and won big: an influential study, a viral TED talk, a prestigious job at Harvard. Then, suddenly, the rules changed." http://nyti.ms/2zFJ5tJ ... ***The cover*** http://bit.ly/2yGgJRF

Playbookers

FUN PIC DU JOUR -- Paul Ryan holding his wife's purse at the Meridian Ball on Friday night http://politi.co/2yJwSX0

OUT AND ABOUT -- TOM HANKS was given the "Records of Achievement Award" last night by the National Archives Foundation in a black-tie gala. Ken Burns also interviewed Hanks about his life and career. Burns showed guests a montage of Hanks' work, including "Bridge of Spies," "Band of Brothers," "John Adams," "Charlie Wilson's War," "Apollo 13," and "Saving Private Ryan." Speakers also mentioned to the audience the fact that Hanks is related to Abraham Lincoln, whose mother was a Hanks. Dinner was in the rotunda next to the Constitution and the Bill of Rights. Hanks also gave all the guests a signed copy of his new book, "Uncommon Type: Some Stories." ***The tribute video*** http://bit.ly/2zG7VK5 ... ***Pix*** http://gtty.im/2gztM0W ... ***$16.17 on Amazon*** http://amzn.to/2gw5C3V

--SPOTTED: Rep. Mark Meadows (R-N.C.), Mo Rocca, Cathy Merrill Williams, Brittany Brammel, Karen and Kent Knutson, Michael Beschloss, former Michigan Gov. James Blanchard and Janet Blanchard, Judge Royce Lamberth, Joanne Rashbaum, Patrick Madden, U.S. Archivist David Ferriero, A'Lelia Bundles, Mignon Clyburn.

--SPOTTED at a "Welcome to the Swamp" party for new White House deputy press secretary Hogan Gidley last night at Takoda: Jeff Zeleny, Gordon Johndroe, Arlette Saenz, Ali Dukakis, Matt Beynon, Meridith McGraw, Abby Livingston, Michael Falcone, Catherine Olsen, Matt Beynon, Veronica Stracqualursi, Misha Wee, Sarah Gilmore,

Zeke Miller, Annie Linskey, Artur Orkisz, Kaitlan Collins, Andrew Rafferty, Mike Memoli, Amy Walter, Cindy Smith.

WEEKEND WEDDINGS - JEFFREY ROSEN, president and CEO of the National Constitution Center, GW Law professor and contributing editor at The Atlantic, on Friday married **Lauren Coyle,** an assistant professor of anthropology at Princeton. The couple met in Philadelphia and were married by Justice Ruth Bader Ginsburg in the Lawyers' Lounge in the Supreme Court. Rosen first met the justice when he was a law clerk on the D.C. circuit. ***Pic*** http://politi.co/2zuulwG ... ***NYT announcement*** http://nyti.ms/2gYk8lA

-- Caragh Fisher, publicity director for ABC News' "Good Morning America" and "This Week," on Saturday married **Jeff O'Connor,** who works in enterprise sales at AppAnnie. The ceremony was at St. Bart's Episcopal Church and the reception was at the Yale Club. The couple met through Jeff's cousin who Caragh went to college with. ***Pics by Hechler Photographers*** http://bit.ly/2gAO0HD ... http://bit.ly/2zt0On3 ... ***NYT announcement*** http://nyti.ms/2yGJJHi

--Ben Kochman, legislative director for Rep. Kay Granger (R-Texas) and a Pat Toomey alum, on Saturday night married **Dr. Leah Steckler,** an emergency medicine resident at GWU Hospital. The wedding and party were at the National Press Club. "The two met seven years ago through friends and have been together ever since, surviving med school and two administrations." ***Pics*** http://bit.ly/2irnlYV... http://bit.ly/2l9cjh9

SPOTTED: Paul Teller and Maxine Teller, Christopher Gahan and Jennifer DeCasper, Alex Silbey and Neely Silbey, Matthew Leffingwell, David Levine and Mariam Khan, David Young, Scarlet Doyle and Tony Samp, Kip Hansen and Nancy Hansen, Rebecca Kaplan and Adam Levy

WELCOME TO THE WORLD - Amanda Alpert Loveday, senior project manager at PR firm NP Strategy, former comms director for Rep. Jim Clyburn (D-S.C.) and ED of the South Carolina Democratic Party, and **John Loveday,** principal at SC Whitmore School, a public charter in Columbia, S.C., post on Facebook: "We are so excited to welcome Rowan into our family. He was born October 19th at 1:21 p.m. and weighs 8 lbs 11ozs and is 20.5 inches long. ... Everyone is doing well and we're excited to start this adventure of being a family of 4!" ***Pics*** http://bit.ly/2gBTdz5 ... http://bit.ly/2yAsiug

BIRTHDAY OF THE DAY: Stephanie Cutter, co-founder and partner at Precision Strategies and an Obama alum. **How she got her start in politics:** "I grew up in a politically active family -- my grandfather was very involved in local politics in Taunton, Mass., and he'd bring his grandkids to every event. That had a big impact on me, which led to a series of internships and volunteer work on campaigns throughout high school and college. My first real job came when I knocked on the door of N.Y. Gov. Mario Cuomo's D.C. office and asked for a job a month after graduating from college. He was my political idol at the time, and I so badly wanted him to run for president." **Read her Playbook Plus Q&A:** http://politi.co/2zuv8h4

BIRTHDAYS: Chris Licht, executive producer/showrunner of "The Late Show with Stephen Colbert" and EVP of special programming at CBS Corp ... Hilary Rosen (hat tips: Tammy Haddad and Ryan Williams) ... former Mississippi Gov. Haley Barbour is 7-0 ... Guy Harrison, partner at OnMessage Inc. (h/t birthday boy Kurt Bardella) ... Brett O'Donnell ... Jonathan Prince, strategy at Spotify, is 5-0 ... Jon Reedy, VP at SRCPmedia ... Reuters' Warren Strobel is 55 ... House Chief Deputy Whip Patrick McHenry (R-N.C.) is 42 ... Billy Oorbeek is 43 ... Adam Parkhomenko (hat tip: Tracy Sefl) ... Casey Phillips of RedPrint Strategy ... Helen Milby ... NAM's Chris Moore ... Trey Herr ... former Rep. John Shadegg (R-Ariz.) is 68 ... Politico Europe's Delcker Janosch ... James Walkinshaw ... CAP's Patrick Dolan, an NGA alum (h/t girlfriend Beth Shedlosky) ... Jeff Grappone (h/ts Amy Graham, Liz Johnson and pup Mary Todd Lincoln: http://bit.ly/2yZbEVW) ... FiscalNote's Mallory Howe ...

... Kurt Bardella, publisher of daily country music newsletter Morning Hangover and president of Endeavor Strategies ... Geoffrey Baum, media relations director at Milken Institute ... Rebecca Chatterjee ... CPI's Michael Beckel (h/t Dave Levinthal) ... Anne Heiligenstein ... Martha-Elena Lopez ... Sandy Smith (h/t Curtis Tate) ... Jennie Bragg of USGLC ... Zélie Kasten ... Buffalo News Washington bureau chief Jerry Zremski ... N.Y. state Senate candidate Ross Barkan ... Donovan Harrell ... Harrison Price ... Miriam Calderone (hubby tip: Michael) ... Raphael Shepard ... Ferdous Al-Faruque ... Scott Price ... Tom Basile ... Chavia Groveman ... McClatchy's Jessica Huff ... Amy McCorquodale ... Lindsay Kalter ... Jenna Lamond ... Rachel Petri ... Marilyn Machlowitz ... Alice Henriques ... Bill Farrar ... Clint Tanner ... Cheryl Clark DeHaan ... Christopher Gable ... Tim Murphy ... Scott Hennen ... Brian Dodge ... Kris Pratt ... Phoebe Kilgour ... John Norquist ... Christopher Mills ... Grace Sandretti (h/ts Teresa Vilmain)

****** **A message from JPMorgan Chase & Co.: Ready, Set, Grow** The American economy is poised for growth - and tax reform can drive that expansion. According to a Business Roundtable survey of American CEOs, more than 70% believe that that tax reform is the best way to accelerate growth. According to JPMorgan Chase Chairman and CEO, "Reforming the tax code is the single most important thing that Congress could do to jump-start our economy, create jobs, and raise wages for American workers." Learn more about how tax reform can help the economy get off the starting line: http://politi.co/2ghszvf ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 11/8/2017 4:23:10 PM
Subject: Pruitt says climate study doesn't change his rollback plans

By Emily Holden

11/08/2017 11:21 AM EDT

EPA Administrator Scott Pruitt said a U.S. government report showing human activity is the main cause of climate change will not affect his decision to withdraw the Clean Power Plan, according to an interview with USA Today.

Pruitt proposed rolling back President Barack Obama's standards for power plants last month and said his agency is reconsidering the extent of its authority to regulate greenhouse gases.

"We're taking the very necessary step to evaluate our authority under the Clean Air Act and we'll take steps that are required to issue a subsequent rule. That's our focus," Pruitt told USA Today. "Does this report have any bearing on that? No it doesn't. It doesn't impact the withdrawal and it doesn't impact the replacement."

EPA is expected to release an advanced notice of proposed rulemaking weighing agency authority and considering a replacement that would allow states to set coal plant efficiency standards, rather than spurring them to shift toward more natural gas and renewable power.

Pruitt has questioned how much humans contribute to rising temperatures, arguing it can't be measured with precision and might not pose the risks most climate scientists expect. The National Climate Assessment, compiled by 13 agencies and reviewed by the National Academies, contradicts him, finding that human activity is "extremely likely" to be the dominant cause of climate change that is already intensifying extreme weather.

WHAT'S NEXT: EPA is taking comment on its proposed Clean Power Plan withdrawal through Jan. 16.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/11/pruitt-says-climate-study-doesnt-change-his-rollback-plans-095377

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Mon 8/7/2017 10:27:50 AM
Subject: POLITICO Playbook, presented by the Coalition for Affordable Prescription Drugs (CAPD): TRUMP'S 200TH DAY -- TILLERSON: U.S. will respond to Russia expelling diplomats by Sept. 1 -- House D's eye gov slots -- PLAYBOOK ON THE ROAD -- RODELL MOLLINEAU's ...

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Today's POLITICO Playbook presented by the Coalition for Affordable Prescription Drugs (CAPD)
08/07/2017 06:25 AM EDT

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

Good Monday morning. Welcome to the 200th day of President Donald Trump's presidency. **THE PRESIDENT** has no public events scheduled today. He's in Bedminster, New Jersey.

-- FIRST IN PLAYBOOK: THE DCCC hits the GOP: **"House Republicans' 200 Day Agenda Goes Down in Spectacular Failure"** http://politi.co/2wyOEry

WAPO OPINIONS FEATURE -- "PRESIDENT TRUMP'S SECOND 100 DAYS: In his words and ours" http://wapo.st/2vEV630

WHAT TRUMP IS FOCUSED ON -- @realDonaldTrump at 9:22 p.m.: "Just completed call with President Moon of South Korea. Very happy and impressed with 15-0 United Nations vote on North Korea sanctions." ... **at 9:18 p.m.:** "The Fake News refuses to report the success of the first 6 months: S.C., surging economy & jobs,border & military security,ISIS & MS-13 etc."

BREAKING OVERNIGHT -- "MANILA, Philippines (AP) - Tillerson says he's told Russia that U.S. will respond by Sept. 1 to Moscow's move to expel U.S. diplomats."

WAPO'S CAROL MORELLO in **MANILA:** "Secretary of State Rex Tillerson said Monday that North Korea could show it is ready for negotiations by stopping missile launches, and said he told Russian diplomats that the Kremlin's meddling in U.S. elections had created 'serious mistrust' of them among Americans.

"In remarks to reporters at a regional conference in which North Korea's missile and

nuclear tests have dominated discussions, Tillerson held out an olive branch to Pyongyang by saying the United States will sit down for talks 'when conditions are right' to discuss denuclearization and steps to ensure North Korea can feel secure and prosperous. 'The best signal that North Korea could give us that they're prepared to talk would be to stop these missile launches,' he said. 'We've not had any extended period of time where they have not taken some type of provocative action by launching ballistic missiles. I think that would be the first and strongest signal they could send to us, would be to stop these missile launches.'" http://wapo.st/2ug2GNM

NOT SO FAST ... -- AP at 5:36 a.m.: **"North Korea vows harsh retaliation against new UN sanctions":** "North Korea vowed Monday to bolster its nuclear arsenal and launch 'thousands-fold' revenge against the United States in response to tough U.N. sanctions imposed after its recent intercontinental ballistic missile launches." http://bit.ly/2vwwfOY

FOR YOUR RADAR -- BREITBART is continuing to go after H.R. McMaster: **"McMaster Worked at Think Tank Backed by Soros-Funded Group that Helped Obama Sell Iran Nuclear Deal"** http://bit.ly/2vdC3dO

THE WASHINGTON POST and the **NYT** both have stories today about mistruths coming from the White House. **WAPO's MARGARET SULLIVAN**, in the style section: "**Here's a sword, General Kelly. Use it on the White House lies."** http://wapo.st/2vaUbXg ... **NYT's SHERYL STOLBERG**: **"Many Politicians Lie. But Trump Has Elevated the Art of Fabrication."** http://nyti.ms/2vbDRWt

A TAX REFORM SPEED BUMP -- "Tax writers see peril in Trump's Obamacare persistence," by Bernie Becker and Aaron Lorenzo: "Republicans acknowledge that the aggressive timeline they have set up for overhauling the tax code this fall leaves them little room for error. There could be one problem with that: Obamacare isn't going away. President Donald Trump has dropped hints that he might stop the Affordable Care Act's cost-sharing reduction payments, through which federal funds flow to insurance companies to keep down coverage costs for low-income people. At the same time, Sen. Lamar Alexander (R-Tenn.), the health committee chairman, is working with Democrats on potential measures to shore up the health care law.

"That's left key Senate tax writers frustrated that there's potentially another issue to take precious time away from their tax reform efforts. Senators left Washington on Thursday for a monthlong recess and will return to a September already overloaded with legislative deadlines. With key Trump administration officials and some congressional leaders having said they want to get a tax revamp signed into law this year, tax writers believe they'll need to make serious progress starting next month." http://politi.co/2wyRY5U

-- A REMINDER: Congress has still not passed a budget. That's a key precursor for tax reform.

-- ON THE HOMEFRONT: "Congressional Recess, Full Plate Keep the Heat on GOP Lawmakers: Pressure from constituents over health care could make it hard to focus on a tax overhaul," by WSJ's Siobhan Hughes and Janet Hook: "Congressional Republicans plan to use the next four weeks away from Washington making a public case for a sweeping rewrite of the tax code, an ambitious legislative undertaking they hope will heal divisions that opened when the party's signature health-care bill collapsed.

"But at home in their districts, they face pressures that could make it hard to focus on taxes. Many of their constituents and party activists blame Congress, more than President Donald Trump, for the health-care stalemate and are pressing them to find a resolution. And before they can do anything, lawmakers face a load of time-sensitive fiscal business: hashing out a budget, funding the government and raising the federal debt limit. The result is a party sent home for a month-long recess to face mixed messages from voters and an uncertain path forward in the fall.

"How Republican lawmakers respond to such frustration-and whether they move past the health defeat or get swept back into that fight-will determine whether the GOP-led Congress returns as a unified force. August is the longest recess of the year, and constituents can both energize and draw energy from lawmakers who appear at town halls and other meetings." http://on.wsj.com/2vw7LFG

-- ONE NOTE: It's not really constituents who need convincing that rewriting the tax code is the right thing. Most people who file taxes think it's confusing and burdensome. It's individual lawmakers who will get tripped up on the details of rewriting the code.

2018 WATCH -- "Chance to be governor lures members from House," by Heather Caygle and Kevin Robillard: "Fully half of the 18 members leaving the House next year jumped in order to run for governor in their states, looking to trade in legislative gridlock for executive orders - and the chance to play a dominating role in redrawing their colleagues' districts in four years.

"One House member, Rep. Ed Perlmutter (D-Colo.), has since dropped out of the governor's race in his state. But even so, more representatives are already seeking governorships than the seven who ran in 2010, the last time there were as many open gubernatorial races as there will be next year. A handful of others are also mulling runs of their own.

"But most of the aspiring governors are vacating the comfy confines of safe congressional districts for what, historically, has been a bad bet. The last time this many sitting representatives ran for governor, in 2006, twice as many lost as won. Lawmakers are motivated partly by the quest for more power - being one in a village of 435, especially in the Democratic minority, only gets you so far. They are also seeking the chance to assist or resist the Trump administration, depending on their party, in implementing new policy throughout the states. For Democrats in particular, the choice between another term in the House minority or the chance to lead their home states can

be an easy one." http://politi.co/2vbBXVT

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)**: If you know only one fact about rising drug costs, know this one: drug makers set prices for prescription drugs. To help manage nearly double-digit price increases, employers, unions and government programs use PBMs to negotiate lower net prices to help curb costs for employers and patients. Learn more at affordableprescriptiondrugs.org ******

BEYOND THE BELTWAY -- POLITICO'S ADAM BEHSUDI in **EAGLE GROVE, IOWA: "Trump's Trade Pullout Roils Rural America":** "On a cloud-swept landscape dotted with grain elevators, a meat producer called Prestage Farms is building a 700,000-square-foot processing plant. The gleaming new factory is both the great hope of Wright County, which voted by a 2-1 margin for Donald Trump, and the victim of one of Trump's first policy moves, his decision to pull out of the Trans-Pacific Partnership.

"For much of industrial America, the TPP was a suspect deal, the successor to the North American Free Trade Agreement, which some argue led to a massive offshoring of U.S. jobs to Mexico. But for the already struggling agricultural sector, the sprawling 12-nation TPP, covering 40 percent of the world's economy, was a lifeline. It was a chance to erase punishing tariffs that restricted the United States -- the onetime 'breadbasket of the world' -- from selling its meats, grains and dairy products to massive importers of foodstuffs such as Japan and Vietnam.

"The decision to pull out of the trade deal has become a double hit on places like Eagle Grove. The promised bump of $10 billion in agricultural output over 15 years, based on estimates by the U.S. International Trade Commission, won't materialize. But Trump's decision to withdraw from the pact also cleared the way for rival exporters such as Australia, New Zealand and the European Union to negotiate even lower tariffs with importing nations, creating potentially greater competitive advantages over U.S. exports." http://politi.co/2wm05n4

PROMISE KEPT -- NYT A1, "Under Trump, Coal Mining Gets New Life on U.S. Lands," by Eric Lipton and Barry Meier in Decker, Montana: "The Trump administration is wading into one of the oldest and most contentious debates in the West by encouraging more coal mining on lands owned by the federal government. It is part of an aggressive push to both invigorate the struggling American coal industry and more broadly exploit commercial opportunities on public lands. The intervention has roiled conservationists and many Democrats, exposing deep divisions about how best to manage the 643 million acres of federally owned land - most of which is in the West - an area more than six times the size of California.

"Not since the so-called Sagebrush Rebellion during the Reagan administration have companies and individuals with economic interests in the lands, mining companies among them, held such a strong upper hand. ... During the Obama administration, the Interior Department seized on the issue of climate change and temporarily banned new coal leases on public lands as it examined the consequences for the environment. The

Obama administration also drew protests from major mining companies by ordering them to pay higher royalties to the government.

"President Trump, along with roundly questioning climate change, has moved quickly to wipe out those measures with the support of coal companies and other commercial interests. Separately, Mr. Trump's Interior Department is drawing up plans to reduce wilderness and historic areas that are now protected as national monuments, creating even more opportunities for profit." http://nyti.ms/2ugvRAu

GOING SOLO -- "Trump's unprecedented hands-on messaging carries risks," by AP's Jonathan Lemire: "For the third time in six months, President Donald Trump is on the hunt for a new communications director. But in practice, the job is filled. It's Trump who's the White House's leading expert and the final word on what and how he communicates with the public. Despite decrying most negative media coverage as 'fake news' and personally insulting members of the media, he has inserted himself into the White House's press operations in an unprecedented fashion for a president.

"Trump has dictated news releases and pushed those who speak for him to bend the facts to bolster his claims. He has ignored the advice of his legal team and thrown out carefully planned legislative strategies with a single 140-character tweet. His direct, hands-on style helped him win the White House and still thrills his supporters. It also, however, poses increasing political and potentially legal risks. The clearest example is his involvement in crafting a statement for son Donald Jr. about a meeting with a Kremlin-connected lawyer. That declaration was quickly proven erroneous and raised questions about whether the president was trying to cover for his son." http://bit.ly/2uy2tF2

THE JUSTICE DEPARTMENT'S NEW MANDATE -- BuzzFeed's Jason Leopold **(@JasonLeopold):** "[H]ere is a media leak questionnaire agencies fill out and send to DOJ when classified info is published" http://bit.ly/2vEwXJY

-- NYT: "Reporters Not Being Pursued in Leak Investigations, Justice Dept. Says" http://nyti.ms/2uhLjQL

FOGGY BOTTOM READ -- NYT A1, "Diplomats Question Tactics of Tillerson, the Executive Turned Secretary of State," by Gardiner Harris: "Several times a week the State Department sends a greeting to a foreign country on the occasion of its national day. By tradition, the salutations have been written by low-level diplomats and routinely approved by their superiors. But not anymore. Now the messages go through Secretary of State Rex W. Tillerson's office, where his top assistants insist on vetting them, and where they often sit for weeks before coming back with extensive editing changes, according to several department officials. To these officials, it is a classic case of micromanagement - and emblematic of the way Mr. Tillerson has approached running the State Department. ...

"[H]e has failed to nominate anyone to most of the department's 38 highest-ranking

jobs, leaving many critical departments without direction, while working with a few personal aides reviewing many of the ways the department has operated for decades rather than developing a coherent foreign policy. ... Mr. Tillerson's diplomatic accomplishments have been mixed at best. His biggest achievement came Saturday when the United Nations Security Council voted unanimously to impose sanctions on North Korea for its recent tests of intercontinental ballistic missiles, which required bringing along the Russians and the Chinese. But his effort to resolve the struggle between Saudi Arabia, along with other Sunni powers, and Qatar has made little progress; his department is considered dysfunctional by the Europeans; and policy is entrusted to a tiny group. ...

"Senior diplomats have left in droves, depleting the building of historical memory. ... In another example of just how much Mr. Tillerson is sweating the details, he recently insisted that his staff members submit a memorandum justifying each proposed hiring of a diplomatic spouse in the embassies in Baghdad and Kabul, Afghanistan. Such spousal jobs are an important means of encouraging diplomats to take hardship posts and generally save the department the expense of sending and housing another American independently. Mr. Tillerson personally reviewed the necessity for every one of those jobs." http://nyti.ms/2vFUaMK

PLAYBOOK ON THE ROAD -- With everyone headed out of town on vacation, or back to their districts, we are starting a new August feature: Playbook on the Road. Send us a photo of yourself, or others reading Playbook during your travels this month and we will feature five photos every Friday. Participating Playbookers will automatically be entered into a drawing to win an original cartoon by POLITICO's Pulitzer winning cartoonist Matt Wuerker. Email photos to Daniel at daniel@politico.com . Or, Tweet them to @playbookplus with the hashtag #PlaybookLoyal.

DAILY MAIL -- "Cheery Hillary and Bill attend hedge-fund billionaire daughter's wedding alongside guests Huma Abedin AND Tiffany Trump in NYC": "The former President and First Lady were all smiles while at the wedding of Sophie Lasry, the daughter of Avenue Capital Group founder Marc Lasry, on Sunday night." Sophie Lasry, in business development at her father's firm, married investor Alex Swieca, a former college quarterback for the University of Michigan Wolverines. ***20 pix on one page*** http://dailym.ai/2hBOi0L

Playbook Reads

PHOTO DU JOUR: State Secretary Rex Tillerson links arms with ASEAN foreign ministers before the 10th Lower Mekong Initiative Ministerial Meeting, part of the Association of Southeast Asian Nations Regional Forum, in Manila, Philippines on Aug. 6. | Mohd Rasfan/Pool Photo via AP

IMPORTANT READ -- "U.S. Troops Train in Eastern Europe to Echoes of the Cold War," by Eric Schmitt in the Novo Selo Training Range, Bulgaria: "After more than a decade spent fighting Islamic insurgents in Iraq and Afghanistan, the United States Army is scrambling to relearn Cold War-era skills to confront potential threats from Russia here in Eastern Europe, territory formerly defended by the Soviet Army. The adjustments to the new threats are wide ranging. Hundreds of desert-tan battle tanks and armored fighting vehicles must be repainted dark green to blend into European terrain. Soldiers accustomed to operating from large, secure bases in Iraq and Afghanistan must now practice using camouflage netting to disguise their positions and dispersing into smaller groups to avoid sophisticated surveillance drones that could direct rocket or missile attacks against personnel or command posts.

"American troops no longer have unfettered right of way in the air or priority access on the ground, as they did across Iraqi river valleys and Afghan mountain ranges. In today's Europe, borders count in all matters military. On a recent Friday, an American Army supply convoy rushing ammunition from Germany to Romania was held up at the Austrian border until the next Monday by restrictions on military convoys during busy summer vacation travel periods." http://nyti.ms/2vaPc90

REMEMBERING MARK WHITE -- HOUSTON CHRONICLE: "Former Texas Gov. Mark White dead at 77": "As the 43rd governor of Texas, Mark White ushered in education reforms that still impact schools, including limits on elementary class size, 'no pass, no play' policy for high school athletes, and the first-ever statewide testing standards. For White, who died at his Houston home on Saturday at 77, those accomplishments were the highlight of a political career guided by a principle taken from Sam Houston: 'Do right and risk the consequences.'" http://bit.ly/2flDcwd

LAW AND ORDER -- "With rising homicides in big cities, Republican governors intensify police patrols," by WaPo's Tim Craig and Emma Ockerman in St. Louis: "On orders from [Missouri] Republican Gov. Eric Greitens ... about two dozen troopers have laid claim to St. Louis highways that slice through some of America's most dangerous neighborhoods, a move that has sparked concern among residents wary of heavy policing. It's the first time in decades that state troopers have patrolled the city, Greitens said. ... [I]n an era of increasingly polarized views on policing, Missouri's intervention is unsettling some local residents who question the governor's strategies and tone. How elected leaders define a 'gang,' use the word 'criminal' and deputize outside law enforcement agencies are emerging as flash points. The debate threatens to drive another wedge between some officials in heavily Democratic cities and GOP leaders in statehouses and in Washington." http://wapo.st/2hBbXhF

SUSAN GLASSER -- "What's It Like to See a Democracy Destroyed?": "Hannah Dreier spent years covering the implosion of Venezuela [for the AP]. Her takeaway is a sobering one: There's no rule that says that a miserable situation has to end, just because it's too miserable.'" http://politi.co/2vwzXZj ... *Dreier's last piece for the AP --* ***"Departing AP reporter looks back at Venezuela's slide"*** http://bit.ly/2vdThb7 ... ***Subscribe to Glasser's podcast "The Global Politico"*** http://apple.co/2ki98RY

-- "Maduro vows 'maximum penalty' for attack on Venezuela base," by AP's Juan Carlos Hernandez in Valencia, Venezuela: "President Nicolas Maduro vowed that a band of anti-government fighters who attacked a Venezuelan army base will get the 'maximum penalty' as his administration roots out his enemies. Troops killed two of the 20 intruders who slipped into the Paramacay base in the central city of Valencia early Sunday, apparently intent on fomenting a military uprising, Maduro said in his weekly broadcast on state television. One of the invaders was injured, seven captured and 10 got away, the embattled leader said." http://bit.ly/2vwtvRK

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)**: Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers and other health care purchasers; however, the list price - the important starting point for those negotiations -- continues to rise, at a rate of nearly ten percent in 2016 alone. Increased competition, faster reviews of generics and biosimilars and ending anti-competitive practices can also bring down the cost of medications for patients. Learn more at affordableprescriptiondrugs.org ******

WHAT WALL STREET IS READING -- "Regulators' Penalties Against Wall Street Are Down Sharply in 2017," by WSJ's Jean Eaglesham, Dave Michaels and Danny Dougherty: "Wall Street regulators have imposed far lower penalties in the first six months of Donald Trump's presidency than they did during the first six months of 2016, a comparable period in the Obama administration, according to a Wall Street Journal analysis. Lawyers who defend financial cases said a shift to a business-friendly stance at regulatory agencies in the Trump administration is one of several reasons for the decrease. Other factors include delays resulting from the change in administrations and the winding down of cases from the financial crisis.

"Penalties levied against firms and individuals by the Securities and Exchange Commission, the Commodity Futures Trading Commission and the Financial Industry Regulatory Authority in the first half of 2017 were down nearly two-thirds compared with the first half of 2016-putting regulators on track for the lowest annual level of fines since at least 2010, the Journal found. Fines of $489 million in the first half of 2017 compared with $1.4 billion in the 2016 period." http://on.wsj.com/2hBRTM2

BEZOS CHANGES A NEIGHBORHOOD -- BOSTON GLOBE: "With Amazon and GE moving in, empty Fort Point storefronts gain interest," by Janelle Nanos: "Since Amazon announced its plans to bring 900 employees to Fort Point, real estate brokers say there's been an uptick in interest from companies looking to fill empty storefronts near Amazon's new office on Summer Street. It's evidence, they say, that the western corner of Fort Point is poised to undergo a transformation as corporate towers teeming with new workers drive foot traffic on the streets below." http://bit.ly/2wz582Y

VALLEY TALK -- "Google employee's anti-diversity memo prompts company rebuke," by Reuters' Sam Forgione: "Google executives over the weekend rushed to denounce an engineer's memo that ascribed gender inequality in the technology

industry to biological differences, a view that sparked outrage at the internet giant and inflamed tensions over sexual harassment and discrimination in Silicon Valley. The unnamed engineer asserted in the 3,000-word document that circulated inside the company last week that 'Google's left bias has created a politically correct monoculture' which prevented honest discussion of the issue. 'Distribution of preferences and abilities of men and women differ in part due to biological causes and that these differences may explain why we don't see equal representation of women in tech and leadership,' he wrote.

"The memo stoked the heated debate over treatment of women in the male-dominated Silicon Valley that has boiled for months following sexual harassment scandals at Uber and several venture capital firms. Google's recently hired vice president of diversity, integrity and governance, Danielle Brown, sent a memo in response to the furor, saying the engineer's essay 'advanced incorrect assumptions about gender.'" http://reut.rs/2vGnS3R ... ***Brown's memo*** http://bit.ly/2vEMEkh

--GIZMODO: "Here's The Full 10-Page Anti-Diversity Screed Circulating Internally at Google": http://bit.ly/2ugx4HW

PLAYBOOK METRO SECTION -- "In traffic-choked Adams Morgan, a proposal to get rid of cars," by WaPo's Paul Schwartzman. http://wapo.st/2wm1j1R

MEDIAWATCH -- @yashar: "WATCH: @kayleighmcenany left CNN yesterday....today, she made her debut on Trump TV sharing 'the real news'." ***90-second video*** http://bit.ly/2vduVOq ... **@Evan_McMullin** replies: "This is the type of propaganda you'd see in North Korea. It erodes the people's ability to discern truth and hold government accountable."

--@KFILE: "Per closed caption searches, 'Hillary Clinton' was mentioned 211 times on Fox over last week. 'Mike Pence' only 56 times."

FUN STORY -- THE GUARDIAN: "David Cameron: from prime minister to reluctant festival-goer: Former PM's glum expression in a couple's selfie at the Wilderness festival in Oxfordshire indicates it was not to his liking" http://bit.ly/2hBVx8X

KUDOS -- Phish just completed a 13-night run at Madison Square Garden without repeating a single song.

Playbookers

WEEKEND WEDDING -- RODELL MOLLINEAU, a partner at Rokk Solutions and a Daschle, Pryor and Reid alum, and **SHEENA ARORA,** a senior manager at PwC and former SVP at the Revolution Agency, were married in a beachside ceremony at sunset on Saturday evening at The Wharf in Grand Cayman. Friends and family from Dayton,

Chicago, New Jersey, and as far as India, attended the wedding and spent the weekend celebrating on Seven Mile Beach. Pool report from Paul Kane: "They met through Susan McCue, Harry Reid's former chief of staff, whose firm had office space on the same floor as American Bridge in 2011-12, when Rodell ran Bridge.

"Their first trip together while dating was to the Grand Cayman, where they've since come at least once a year every year since, culminating in Saturday's wedding. Officiating the wedding was Bob Russell, the former chief of staff to Mark Pryor, the Arkansas Democrat who Rodell worked for early last decade. During that stint Pryor sent Rodell to South Carolina to work the presidential campaign of a fellow Arkansan, Wesley Clark, where he met a guy named Matthew Miller, the future DOJ spokesman/NBC contributor who served as best man.

"Arora first worked for McCue at the ONE Campaign, where she met Chandler Smith, the future communications director for the Senate Republican Conference, who served as maid of honor. After the couple's first dance, to 'Purple Reign', the crowd danced into the night, some feeding the tarpon fish gathered on the dock's edge while some went shirt optional. The reception ended, as others before have, with Doug Heye grabbing the mic when Sinatra's 'My Way' was played and taking over on vocals." ***Pics*** http://bit.ly/2hBhsgj ... http://bit.ly/2fllt7V ... http://bit.ly/2vEA9oQ ... http://bit.ly/2vdP4nC ... ***2.5 min. video of Doug singing*** http://bit.ly/2wlrc1J

SPOTTED: Bridesmaids Liesl Hickey, Cacki Barnard and Veronica Johnson, groomsmen Matt Miller, Kimani Little, Dave DuBois, and Ian Wasek, usher Mark Paustenbach, Ron and Sara Bonjean, Brian Walsh, Dan Ronayne, Michael and Mary Kathryn Steel (whose birthday is today), Kyle Downey, Jess McIntosh, Jenny Towns, Ben Clark, Steve Rochlin and Christina Sevilla, Jennifer Jose, Kasper Zeuthen, Christine Delargy, Nick Massella, Tyrone Gayle and Beth Foster, Chris Harris and Kate Conway, Ashley Spillane, Susan McCue, Anthony Coley and Robert Raben, Jay Newton Small, Sara DuBois, Kelli Farr and Megan Bartley, Kimani Little, Bob Russell, Chris Vandeventer, Jenny Townes.

ENGAGED -- Bruce Nilson, VP of Trump campaign's FEC compliance firm Red Curve Solutions and a Romney alum, proposed to **Nancy Weindruch** , VP of communications at the Council for Responsible Nutrition. Pool report from Charlie Spies: "He popped the question in Bishop's Garden after Sunday morning church at the National Cathedral. Friends and family gathered for Tex Mex and Margaritas at Cactus Cantina to celebrate afterwards. Among those spotted were Elizabeth Dexheimer of Bloomberg, Mark Stephenson of Red Oak, and Ashlee Rich Stephenson of WPA Intelligence." The couple met at Kramer Books in DuPont. ***Pic*** http://bit.ly/2fmboHJ

BIRTHWEEK (was yesterday): AP White House reporter Julie Bykowicz, who celebrated last night with an evening that included cupcakes, pool time and dinner at Kevin Plank's new Sagamore Pendry hotel in Baltimore's Fells Point neighborhood (hat tip: Annie Linskey)

BIRTHDAY OF THE DAY: Matt Dornic, VP of comms at CNN. **How he's celebrating:** "Perfecting my Instagram game, getting obnoxiously tan, and consuming alarming amounts of rum and seafood. It's going down at the Tryall Club in Jamaica with Jack and Susanna Quinn and a group of our friends." Read his Playbook Plus Q&A: http://politi.co/2vbCly1

BIRTHDAYS: Special counsel Robert Mueller is 73 ... Jonathan Swan, national political reporter at Axios, is 32 ... Mary Kathryn Steel, who does corporate comms at AbbVie ... Reason's Nick Gillespie is 54 ... CNN's Dan Merica is 29 (h/t birthday girl Sara Fischer) ... Andrew Gradison ... John Mayo ... Maggie Goodspeed ... Dallas GOP bundler and investor Ray Washburne ... Axios media reporter Sara Fischer is 27 ... Politico's James Whitlock ... Elizabeth Brandler ... Alan Keyes is 66 ... Scott Stossel, editor of The Atlantic (h/t Annie Linskey) ... Dan Groch ... Kristin Leary ... Politico Europe's Hans von der Burchard ... Alisa Wolking is 29 ... Kimberly Ellis, principal at Monument Policy Group ... Hollie Tracz of MSNBC media relations (h/t Errol Cockfield) ... Jordan Heiliczer, gov't affairs director for AAHOA (h/ts Zoe Heiliczer and Brandon VerVelde) ... Four Bush alumni: Meredith Beaton Didier, COS at UNC ... Caroline Huddleston Haley ... Felicia Knight ... Daniel Lerner ...

... Bruce Friedrich, executive director of The Good Food Institute ... Breanne Deppisch of WaPo's Daily 202 (h/t Riley Brands) ... Côte d'Ivoire turns 57 on its Independence Day (h/t @BCIU) ... Eric Dinallo ... George Kelemen ... Andrew DeSouza ... Susan Feeney, partner at GMMB ... Caitlin Legacki, director of Precision Strategies and the pride of Anchorage (h/t colleague Jeff Solnet) ... Chad Phillips (h/t Eli Yokley) ... TJ Londagin ... Alexis Glick ... Kirsten Borman ... Obama alum Matt Lehner, now doing comms at Uptake, is 31 ... former Rep. Edwin Edwards (D-LA) is 9-0 ... Ryan Pettit ... Anthony Ratekin ... Daryn Frischknecht ... Tim Foster ... Aissa Canchola ... Tamika Day ... Kimberly Willingham Hubbard ... Meredith Griffanti ... M. Allyn Brooks-LaSure ... Bill Lawrence ... Juven Jacob ... Cynthia Wieland-Meyer ... Kim Rogers ... Kim Molstre (h/ts Teresa Vilmain)

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : The high prices that drug makers set for prescription drugs can put financial strain on patients, employers, unions and others who provide health care coverage to more than 50 percent of Americans. Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers, unions and government programs. But, as list prices - the starting point for those negotiations -- continue their nearly double-digit increases, the effects ripple throughout the system. The key to ensuring greater access and affordability lies in fostering greater competition. Facilitating faster reviews of generics and biosimilars, identifying off-patent drugs with little or no generic competition, and ending anti-competitive practices that keep safe, effective alternatives out of the market are also key to abating rising drug costs for patients. Learn more at affordableprescriptiondrugs.org ******

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TRUMP'S EPA: Agency at a crossroads -- Complete coverage

August 10, 2017

Latest News

Trump's Deregulatory Agenda Creates Murky Landscape For 2-1 Order Suit

As a federal court prepares to hear arguments over the legality of President Donald Trump's executive order (EO) requiring EPA and other agencies to repeal two rules for every new rule issued, sources say that the case will likely hinge in part on the extent to which the order is already having an effect on agency regulations.

Environmentalists Wary Of Judges' Suggestion To Take CPP Stay To High Court

Environmental groups defending the Obama EPA's Clean Power Plan (CPP) appear wary of a recommendation by two judges on the U.S. Court of Appeals for the District of Columbia Circuit to return to the Supreme Court and ask the justices to address the status of an extraordinary stay they placed on the rule's implementation back in 2016.

As EPA Faces Doubts, API Floats Options For 2-Year Methane NSPS Delay

As EPA faces doubts over its authority to delay Obama-era methane limits for new oil and gas drilling operations, a major oil and gas industry group is presenting a menu of legal authorities the agency could use to justify the proposed two-year delay in a likely attempt to shore up vulnerabilities following the agency's court loss over its 90-day stay of the rule.

NRDC Attorney Says To 'Expect More Lawsuits' Targeting EPA Deregulation

AUSTIN, TX -- A Natural Resources Defense Council (NRDC) attorney is vowing to vigorously challenge EPA efforts to scale back rules and relax enforcement, saying environmentalists are “energized” by the Trump administration and promising a return to the frequent -- and largely successful -- litigation of the Bush years.

EPA Task Force's Superfund Reform Recommendations Draw Mixed Reaction

A task force's report of Superfund reform recommendations recently endorsed by EPA Administrator Scott Pruitt is drawing a mixture of reactions, with one

organization representing community groups blasting the report for failing to reference public health protections, while some attorneys who represent industry generally see the report as "a step in the right direction."

Facing Limited Funds, States Suggest Congress Ease CERCLA O&M Duties

Highlighting a growing budgetary concern, state waste managers are inviting Congress to amend the Superfund statute to ease requirements that states assume full cost responsibility for operation and maintenance (O&M) of remedies at Superfund sites that lack an identifiable or financially solvent potentially responsible party.

Daily Feed

Quote-unquote: EPA as a Lean machine, reversing ozone delay, and a new climate report

What people are saying about EPA streamlining, lifting the ozone delay, climate science and more.

Utilities seek four-month delay for suit over revised CSAPR

Power companies want a four-month delay in litigation over the Obama EPA's revised Cross-State Air Pollution Rule due to the agency's slow response to their petitions for reconsideration.

Rhode Island backs EPA in CWA permit dispute

Rhode Island is backing an EPA-issued discharge permit for a Massachusetts wastewater plant, saying the permit's nitrogen limits are necessary to protect Rhode Island's waters.

Ewire: Surprise opposition to Pruitt's climate science review

In today's Ewire: Some conservative and industry groups are questioning whether EPA Administrator Scott Pruitt's "red-team, blue-team" exercise is a good idea. Plus: Utah seeking $1.9 billion over Gold King Mine spill.

Former EPA officials fault CWA rule repeal and replace plan

Former Obama EPA chief Gina McCarthy and top water official Ken Kopocis outline reasons why scrapping the Clean Water Act jurisdiction rule might be unlawful.

Read all the latest EPA news, analysis and documents →

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
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Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

White House Denies Murray Coal Exemption, Despite Trump Promises

Posted August 22, 2017, 01:55 P.M. ET

By Rebecca Kern and Stephen Lee

The White House has denied requests to issue an emergency order to keep Murray Energy Corp. coal mines and FirstEnergy Corp. coal plants operating and the companies out of bankruptcy, despite President Donald Trump's promises to back the requests.

Murray Energy and FirstEnergy's executives met with Trump in late July and early August to ask the administration to provide an emergency order to keep the facilities open—an order the companies said is needed to help them avoid bankruptcy.

They claim their bankruptcies would endanger electric grid reliability, so the emergency order is warranted, according to Aug. 4 and Aug. 18 letters from Murray Energy to the White House and the Energy Department. The letters were obtained by the Associated Press and posted online. Murray Energy declined to comment to Bloomberg BNA.

Murray CEO Robert Murray said in the letter that FirstEnergy is "on the verge of bankruptcy" and if the company declares bankruptcy it would be forced to close the coal-fired power plants. FirstEnergy's bankruptcy would "force" Murray Energy into immediate bankruptcy, leading to 150,000 direct and indirect Murray Energy coal-mining job losses in West Virginia, Pennsylvania, Ohio, Kentucky, Illinois and Utah, according to the letters.

Jennifer Young, a spokeswoman for FirstEnergy, told Bloomberg BNA that the company still hasn't heard anything official from the Trump administration. FirstEnergy operates coal plants in Ohio, Pennsylvania, and West Virginia.

"We've spoken to federal officials on numerous occasions about the importance of baseload plants and the need for action to preserve those assets," Young said. "For FirstEnergy Solutions, which is the competitive side of our business that owns the power plants, bankruptcy could be a possibility."

The decision not to issue an emergency order appears in direct conflict with White House statements and action the Trump administration has taken in the past to support coal-mining jobs, including repealing the Clean Power Plan and removing the U.S. from the Paris Climate Agreement.

A White House spokeswoman told Bloomberg BNA Aug. 22 that they denied issuing an emergency order under the Federal Power Act because the companies' request "at this time is not an appropriate use of this authority."

Section 202(c) of the Federal Power Act allows the Energy Department secretary in a state of emergency to "require temporary connections of facilities, and generation, delivery, interchange, or transmission of electricity as the secretary determines will best meet the emergency and serve the public interest."

The Trump administration has used the emergency order under the Federal Power Act twice in the past seven months for a state-owned dam in Oklahoma and two Dominion Energy Virginia coal plants in Yorktown, Va. The Obama administration never used the emergency exemption. It was previously used during the 2000 California energy crisis and after Hurricane Katrina in 2005.

The Energy Department has yet to respond to Bloomberg BNA's request for comment.

Power Plant Emissions Should Be Part of Pipeline Review: Court

Posted August 22, 2017, 12:35 P.M. ET

By Chris Marr

Carbon emissions from gas-burning power plants should have been considered in federal regulators' review of a Florida natural gas pipeline, a federal appeals court ruled today.

A group of connected pipeline projects, including the 515-mile Sabal Trail, will need an updated environmental impact review by the Federal Energy Regulatory Commission following the U.S. Court of Appeals for the District of Columbia Circuit's decision. The Sabal Trail went into full commercial service in early July, carrying natural gas from an Alabama terminal through southern Georgia and to Florida power plants owned by NextEra Energy and Duke Energy. NextEra and Duke are also co-owners of the pipeline, along with Spectra Energy.

A three-judge panel agreed with the Sierra Club and two riverkeeper groups that argued FERC's original review of the project didn't adequately consider its climate change impacts. The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg, the majority owner of Bloomberg L.P., an affiliate of Bloomberg BNA.

The pipeline will let Florida power companies burn more natural gas instead of pursuing renewable energy alternatives, the plaintiffs said in their court filings.

"We conclude that at a minimum, FERC should have estimated the amount of power-plant carbon emissions that the pipelines will make possible," Judge Thomas B. Griffith wrote in today's opinion. The court remanded the case to FERC for preparation of a new environmental impact statement.

The opinion marks a departure from three recent rulings by the same court against the Sierra Club, in which the group contested federal approvals of liquefied natural gas facility projects. The judge noted a difference in those cases—that the LNG facilities' natural gas exports would be beyond

FERC's regulatory authority and therefore beyond the scope of its consideration for environmental review.

"Here, FERC is not so limited," Griffith wrote. "Congress broadly instructed the agency to consider 'the public convenience and necessity' when evaluating applications to construct and operate interstate pipelines."

Colorado Governor Orders Pipeline Rule Update After Fatal Accidents

Posted August 22, 2017, 02:29 P.M. ET

By Tripp Baltz

Colorado Gov. John Hickenlooper (D) Aug. 22 directed the state's Oil and Gas Conservation Commission to upgrade its rules on inspection and pressure-testing of natural gas flow lines, one of a series of steps he has taken to improve safety following two deadly accidents. Hickenlooper announced in all seven steps the state will take involving the oil and gas industry. In April, two men were killed when a leaking flow line connected to a natural gas well owned by Anadarko Petroleum Co. caused a house to explode near Firestone, Colo. In May, a worker was killed and three others were seriously injured in an explosion caused by a buildup of combustible products in a trench being dug between oil storage tanks at an Anadarko site.

The direction to the OGCC involves rules for natural gas flow lines connecting wellheads to production facilities. The governor also called for an enhancement of the "8-1-1" system, where people can call to learn the location of underground pipelines before digging. Hickenlooper directed the commission to develop rules similar to those contained in a notice to oil and gas operators he ordered sent out following the Firestone explosion. The notice required companies to identify, inspect, and pressure-test all flowlines within 1,000 feet of homes and other occupied buildings. That process resulted in the testing of 120,000 flow lines at 23,000 different well sites across the state, he said.

Energy Transfer Suit Claims Greenpeace Incites Eco-Terrorism

Posted August 22, 2017, 03:11 P.M. ET

By Andrew Harris and Tim Loh

Energy Transfer Partners LP accused Greenpeace International, Earth First! and other groups of inciting terrorist acts and vandalism to generate publicity and raise money for their causes while hampering the ability of the Dakota Access pipeline majority owner to raise money for projects.

Energy Transfer is the second company to attack Greenpeace and its allies in court for engaging in what the firms claim is a racketeering scheme far beyond ordinary environmental advocacy (Energy Transfer Equity, L.P. v. Greenpeace Int'l, D.N.D., No. 1:17-cv-173, 8/22/17).

Resolute Forest Products Inc. made similar allegations over Greenpeace's campaign against logging in a May 2016 RICO lawsuit. Both companies are represented by Kasowitz Benson Torres LLP, a New York-based law firm whose managing partner Marc Kasowitz is President Donald Trump's attorney.

Greenpeace said the lawsuit won't stop its mission of "protecting the environment and standing in solidarity with vulnerable communities around the world."

The construction of the Dakota Access Pipeline, running from western North Dakota to southern Illinois, sparked months of protests last year and clashes between environmentalists and police drew international attention. The pipeline went into service June 1 following the construction of a final link under a part of Lake Oahe near the Standing Rock Indian Reservation.

Greenpeace led a corrupt environmentalist organization, Energy Transfer claimed in the lawsuit, an enterprise that "cynically planted radical, violent eco-terrorists on the ground amongst the protesters, and directly funded their operations and publicly urged their supporters to do the same."

Negative publicity generated by the demonstrations caused Energy Transfer to lose "many hundreds of millions of dollars," and damaged its ability to raise money from capital markets, according to the complaint, filed Aug. 22 in Bismark, N.D.

Energy Transfer is seeking unspecified monetary damages, which would be tripled under U.S. racketeering laws, as well as a court order barring the groups from further protests and an order for the groups to return money to donors.

"Under the 'Greenpeace Model,' raising money and the network's profile is the primary objective, not saving the environment," Energy Transfer said. "'Issues are selected according to which ones will generate maximum publicity and donations, irrespective of the environmental merits."

Greenpeace said it hasn't yet received the lawsuit.

"We will comment in more detail at the appropriate time, but rest assured we will fully defend ourselves against legal attacks on our existence," Greenpeace spokesman Travis Nichols said.

The environmentalists' campaigns are based on fabricated evidence and witness accounts to deceive the public, Energy Transfer said.

The criminal enterprise, through Earth First! and Red Warrior Camp, funded and incited acts of terrorism in violation of the U.S. Patriot Act, Energy Transfer claimed. That included attempts and actual destruction of an energy facility and arson on government property, the company said.

Those acts, according to the lawsuit, including the burning of construction equipment and use of blowtorches to cut holes in parts of the pipeline. Had oil been flowing when the sabotage occurred, the pipeline might have exploded, endangering human lives and resulting in an environmental disaster, Energy Transfer said.

Among the other groups being sued by Energy Transfer is BankTrack, a Dutch not-for-profit group that raises money for non-governmental organizations.

The Dakota Access pipeline project spurred legal challenges from Native American tribes, principally the Standing Rock Sioux, objecting to the pipeline's path across man-made Lake Oahe. Energy Transfer intervened in that action on the side of the U.S. Army Corps of Engineers.

In June, a Washington federal court judge, having rejected earlier entreaties to block the project, said the Corps hadn't adequately considered the impacts of a potential spill from the line on fishing, hunting and "environmental justice, or the degree to which the pipeline's effects are likely to be highly controversial," and ordered it to reconsider those factors.

The Resolute Forest lawsuit is pending in federal court in San Francisco.

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Energy Transfer Told to Revise Rover Gas Line Drill Plans

Posted August 22, 2017, 01:23 P.M. ET

By Catherine Traywick

Energy Transfer Partners must submit revised horizontal directional drilling plans for the Rover natural gas pipeline along with other information before FERC will allow the company to resume drilling in certain areas, the agency said in an Aug. 22 filing.

Energy Transfer will have to provide names, contact information, and qualifications for all drilling inspectors, specialists and engineers, the Federal Energy Regulatory Commission said in the filing. FERC said it also would require weekly horizontal directional drilling monitoring reports from the company.

The company submitted a revised drilling plan Aug. 4, incorporating recommendations for third-party review. FERC halted horizontal drilling on certain segments of the pipeline following a 50,000-barrel spill of diesel-tainted drilling fluid.

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Supplying Lithium Gets Trickier as Electric Revolution Looms

Posted August 22, 2017, 11:09 A.M. ET

By Laura Millan Lombrana and Jonathan Gilbert

Hidden within the salt flats high in the Andes mountains of South America are vast deposits of the lithium that Elon Musk may need for his electric-car revolution. But extracting the mineral from brine ponds created by Orocobre Ltd. has proved more difficult than expected.

Bad weather and pump glitches meant production at the Olaroz facility in northern Argentina was 21 percent below Orocobre's initial target in the year through June. While things are getting back on track, Chief Executive Officer Richard Seville says the company "either underestimated the complexity or overestimated our capability."

Producers everywhere have struggled to keep up with demand as electric cars went from almost no sales a decade ago to more than half a million vehicles last year. The battery in a Model S from Musk's Tesla Inc. uses about 45 kilograms (100 pounds) of lithium carbonate. More mines are planned, but difficulties at Olaroz—the first new South American lithium mine in two decades—are limiting funding for new ventures in Argentina, home to the world's third-largest reserves.

"The uncertainty on the supply side is driving prices up and making investors nervous," said Daniela Desormeaux, CEO of Santiago-based lithium consulting firm SignumBOX. "We need a new project entering the market every year to satisfy growing demand. If that doesn't happen, the market will be tight."

Australia is the biggest lithium producer, though Chile and Argentina account for 67 percent of global reserves, according to the U.S. Geological Survey.

Extracting lithium from the salt flats that dot the arid northern regions of the South American countries is a lot easier and cheaper than digging underground for metals like copper. Producers just pump the brine solution into evaporation ponds, harvesting the mineral once the moisture is gone.

Orocobre's experience in Argentina shows the process isn't without its challenges, especially for a newcomer.

The Brisbane, Australia-based company initially forecast production at 15,000 metric tons for the year through June. That was cut to 12,000-12,500 tons. And the final tally ended up at 11,862. Unusually cold and overcast weather slowed evaporation and restricted transport of supplies, while pumping glitches meant there wasn't always enough brine in the right places. Since then, Orocobre has invested in improving pumping from one pond to the next, just in time for the key evaporation period, Seville said in an interview last week.

The company's shares have retreated 30 percent this year after doubling in price last year.

"Lithium production isn't easy," Juan Esteban Fuentes, CRU Group's head of South America, said in an interview in Santiago. "It requires high technical and chemical knowledge. Clearly there will be more disruptions, to the extent that there are miners entering the market that have never extracted lithium and do not have that technical knowledge."

Rising demand for lithium used in a new breed of lightweight, rechargeable batteries caught producers of the mineral off guard. Tesla's gigafactory in Nevada aims to manufacture about 500,000 car batteries a year by 2018. The soft, silver-white metal is also used in cell phones.

Prices of lithium carbonate, the primary base-chemical produced by the industry, more than doubled in the five years to 2016, according to UBS Group AG. The material advanced about 5 percent to average $14,250 a ton in July from June, according to Benchmark Mineral.

With demand expected to keep rising as electric cars gain a bigger share of the global auto fleet, Argentina and Chile are attracting interest from mining companies because it costs about $2,000 to $3,800 a ton to extract lithium from brine, compared with $4,000 to $6,000 a ton in Australia, where lithium is mined from rock.

Still, most projects are expected to struggle to get off the ground.

Of the 39 lithium ventures tracked by CRU, only four have firm commitments, and all of those are in China, adding about 24,000 tons of annual supply. Another 10 projects representing 400,000 tons are rated "probable"—in Canada, Chile, China, Mexico, Argentina and Australia—but probably only about 30 percent will make it into production, CRU said.

Orocobre's teething problems are being closely watched by investors, who are becoming more reluctant to fund projects by new entrants in Argentina, said Gabriel Rubacha, head of South American operations at Lithium Americas Corp.

Lithium Americas is developing a project in Jujuy province with industry veteran Soc. Quimica & Minera de Chile SA, a partnership that was essential in securing the $174 million needed to get

started. “Most lithium projects in Argentina fail because they can’t close financing,” Rubacha said. “We are totally relying on SQM’s expertise.”

Santiago-based SQM is investing in Argentina after Chile’s government moved to withdraw its license to exploit one of the world’s largest deposits. That withdrawal is subject to an arbitration process between the company and state development agency Corfo that may be concluded this year, according to Corfo.

Expansions by established producers including China’s Tianqi Lithium Corp. and North Carolina’s Albemarle Corp. probably will leave a small global surplus by year end, but supply disruptions could put the market back into deficit, CRU’s Fuentes said. If annual demand for Tesla’s Model 3 reaches 700,000 units, as Musk says could happen, the industry will need additional supplies from lithium newcomers.

While Chilean copper giant Codelco is looking to enter the lithium business via a partnership at its Maricunga tenements, the project will require deals with some of the salt flat’s 40 land owners to make the operation large enough to be profitable.

Chile deems lithium to be “strategic,” which means would-be producers need authorization from the Nuclear Energy Commission and operating conditions are set directly with the government on a case-by-case basis. Wealth Minerals Ltd. estimates it will take seven years to set up an operation in Chile.

“But we have a window of only 25 years to develop these projects because prices can fall again as soon as a replacement to lithium appears,” Marcelo Awad, Wealth’s Chile manager, said in an interview in Santiago.

—With assistance from Martin Ritchie.

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Ford Offers U.K. Drivers Cash to Scrap Dirty Diesel Engines

Posted August 22, 2017, 7:36 A.M. ET

By Jessica Shankleman

Ford Motor Co. became the latest automaker to offer cash to U.K. drivers if they scrap the most polluting vehicles on the roads, targeting about 15 million cars and vans across the country.

From Sept. 1 to Dec. 31, Ford will offer to pay drivers as much as 4,000 pounds ($5,200) for cars and 7,000 pounds for vans if they replace vehicles at least eight years old with newer models, according to a press release by the Detroit-based automaker Aug. 22.

Ford and its peers already give German drivers financial incentives to replace the dirtiest cars. It’s seeking to tackle an pollution problem caused by a loophole in European vehicle standards, which meant harmful nitrogen dioxide levels in the air rose as carbon dioxide emissions fell.

The U.K. has the largest fleet of diesel vehicles in Europe after drivers were encouraged to switch from gasoline, which emits more carbon dioxide for each mile driven. Mercedes-Benz AG and BMW AG, which also makes the Mini, have started similar scrappage programs in the U.K., according to

the Society of Motor Manufacturers & Traders.

The U.K. government last month joined France in saying it would seek to end the sale of new diesel and gasoline fueled cars by 2040 as part of a wider plan to tackle the country's toxic air pollution levels that have exceeded legal limits for the last seven years. London Mayor Sadiq Khan said a diesel scrappage program in the capital could costs as much as 515 million pounds.

"It's a good time for the industry to respond," said Andy Barratt, chairman and managing director of Ford Britain, in a phone interview. "There are around 15 million older vehicles we're targeting on the roads and updating these would have a positive and immediate effect on air quality."

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China's Top Wind Utility Lifts Profit With Policy Help

Posted August 22, 2017, 10:30 A.M. ET

By Bloomberg News

China Longyuan Power Group Corp., the nation's biggest developer and operator of wind farms, said government-led efforts to boost clean energy consumption supported higher first-half profit.

Net income in the six months ending June 30 rose 6 percent to 2.42 billion yuan ($363 million), according to a statement to the Hong Kong stock exchange on Tuesday. In China, "the newly installed capacity for hydropower, wind power and solar power recorded year-on-year increase, while the newly installed capacity for coal power and nuclear power decreased year-on-year," according to the statement.

The result shows how policy support is aiding Chinese wind power. The government has called for grid operators to buy more clean energy while restricting new wind farms in regions where turbines have been turned off because of weak demand. Those measures reduced wasted power curtailed from grids struggling to absorb the influx of renewables.

Wind power output rose 0.5 percent in the first half, covering about 5 percent of China's total electricity generation, according to Longyuan. The company's wind generation rose 11 percent during the period, trailing a 14 percent rise in coal generation, it said last month. Output from other renewable energy sources fell 7 percent.

Idle Power

Guangdong, Ningxia and Guangxi accounted for the biggest increase in wind power production, according to Longyuan.

The amount of idled wind power in China dropped about 28 percent in the first half, according to data from the National Energy Administration, the agency charged with coordinating the nation's energy policy. A total of 23.5 billion kilowatt-hours of wind power was wasted in the first six months, down 9.1 billion kilowatt-hours from a year earlier, the NEA said last month.

"We see the remaining growth in power output as being due mainly to improved curtailment," Vincent Yu, a Shanghai-based analyst at SWS Research Co., wrote in a July 28 note.

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Brazil's Utility Giant Soars as Government Plans Privatization

Posted August 22, 2017, 10:46 A.M. ET

By Vanessa Dezem and Julia Leite

Brazil's troubled state-run utility Eletrobras jumped the most in almost two decades on a government proposal to privatize the company amid the country's deep fiscal crisis.

The government could raise as much as 20 billion reais ($6.31 billion) by shedding its controlling 67 percent stake in Latin America's largest power company, according to Deputy Energy Minister Paulo Pedrosa. The government will remain as a shareholder and maintain power to veto management decisions, the ministry said in an emailed statement.

"The state is not able to contribute to Eletrobras," Pedrosa said. "The idea is to modernize the sector. We have the proposal sewn up with the federal government."

Voting shares surged as much as 35 percent in Sao Paulo trading, the biggest intraday jump since January 1999, as analysts from Santander to Safra said the unexpected proposal could unlock value for shareholders and make the company more efficient. However, details on the plan are still unknown and the outcome could be "tricky" to foresee, Safra analyst Kaique Vasconcellos wrote in a note to clients.

The finance ministry's executive secretary, Eduardo Guardia, told reporters Aug. 22 that the government had not yet defined a model for the sale. The country's nuclear power plants would not be sold, authorities said during the press conference.

Other state-run companies including Petrobras and Banco do Brasil also rose Aug. 22, leading the advance in Brazil's Ibovespa gauge along with Eletrobras.

Political Uncertainty

Despite investors' positive initial reaction, a successful sale will largely hinge on Congress approval of a new regulatory framework the government is drafting, a process that could take months. The proposal seeks to undo interventionist policies created under former leaders Luiz Inacio Lula da Silva and Dilma Rousseff.

In addition, political uncertainty may continue to weigh on Brazil's business climate. Many investors have remained on the sidelines during the political turmoil that resulted in one president impeached, another charged with corruption and dozens of executives and politicians imprisoned over a massive scheme of kickbacks that originated at state-run oil company Petrobras. Widespread disillusionment with political parties has boosted the chances of an outsider winning next year's presidential race, opinion polls show.

Beleaguered President Michel Temer, who has battled corruption charges, has committed to a 2018 fiscal goal that hinges on Congress passing measures to generate 18 billion reais ($5.7 billion) in much-needed revenue. The government is said to be mulling a portfolio of 58 privatizations which would be announced Aug. 23, newspaper O Globo reported without revealing how it obtained the information.

Brazil will aim for a budget gap before interest payments of 159 billion reais in both 2017 and 2018, Finance Minister Henrique Meirelles announced in a press conference Aug. 15. Previously, the government's deficit targets were 139 billion reais for this year and 129 billion reais for the next.

Change of Route

The company's net debt reached 23.4 billion reais ($7.3 billion) in June, topping Fitch Ratings' rankings on debt raisers in Latin America, according to a report dated August 16. The company is also the region's third biggest cash bleeder, with an estimated $987 million decline in free cash flow.

"Despite all the effort, the debts and burdens of the past have increased and require a change of route to not jeopardize the future of the company," the ministry said in the statement. "The way out is to seek resources in the capital market, attracting new investors and partners."

—With assistance from Eduardo Thomson.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Thur 9/28/2017 10:54:29 AM
Subject: POLITICO Playbook, presented by Morgan Stanley: BUZZ IN THE CAPITOL: Smaller tax package in 2017 possible -- SCOTT PRUITT flying private -- Senate GOP: No clue who Roy Moore is -- BANNON on Bloomberg Businessweek cover -- BREAKING: Hugh Hefner dead at 91

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Today's POLITICO Playbook presented by Morgan Stanley

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

Good Thursday morning. BUZZ IN THE CAPITOL -- SMALL TAX PACKAGE THIS YEAR? -- If Congress can't squeeze through a big tax reform package this year, there's already talk among some about passing a smaller package of tax cuts before the end of 2017, with the promise of trying to complete a larger reform effort in 2018. This would be a way for Republicans to say they gave the tax relief they promised. With health care reform far off, tax is the ball game for Republicans as they head into the 2018 election. There is optimism -- some would call it exuberance -- that Republicans will be able to get a large-scale tax package through in the 36 legislative days before the year's up. **FOR YOUR SITUATIONAL AWARENESS --** Washington has a government funding fight in roughly two months.

FOR YOUR RADAR -- NOT GOOD FOR HILL REPUBLICANS -- From the most recent Quinnipiac poll: "American voters disapprove 78 - 15 percent of the job Republicans in Congress are doing, worse than their 70 - 25 percent disapproval in a June 29 Quinnipiac University poll. Even Republican voters disapprove 61 - 32 percent. Voters disapprove 63 - 29 percent of the job Democrats in Congress are doing, virtually unchanged from June.

"Voters say 47 - 38 percent, including 44 - 32 percent among independent voters, that they would like to see Democrats win control of the U.S. House of Representatives in the 2018 Congressional elections. Voters also say 49 - 40 percent, including 47 - 34 percent among independent voters, they would like to see Democrats win control of the U.S. Senate next year." http://bit.ly/2fTsHO4

ET TU, SCOTT PRUITT? -- WAPO'S BRADY DENNIS and **JULIET EILPERIN: "EPA's Pruitt took charter, military flights that cost taxpayers more than $58,000":** "The

most expensive of the four trips came in early June, when Pruitt traveled from Andrews Air Force Base to Cincinnati to join President Trump as he pitched a plan to revamp U.S. infrastructure. From there, the administrator and several staff members continued on a military jet to John F. Kennedy airport in New York to catch a flight to Italy for an international meeting of environmental ministers. The cost of that flight was $36,068.50." http://wapo.st/2wWQkj8

-- AN EPA OFFICIAL emailed us the authorization memos from the EPA's general counsel's office for the flights Pruitt took: http://politi.co/2fBCgUV ... http://politi.co/2k3xZuG ... http://politi.co/2hyaNnD

-- FROM MORNING ENERGY: "Any other non-commercial flights? 'This is it,' a spokesman told ME on Wednesday, adding he believed Pruitt had only flown by helicopter once to survey hurricane damage."

-- NOT FLYING PRIVATE: ELAINE CHAO. She was spotted flying coach yesterday on American Airlines flight 1597 from Phoenix to BWI. She was attending a conference for the American Association of State Highway and Transportation Officials.

-- THE FRONT PAGE OF THE NYT has a tease of their story about Trump's anger toward Tom Price. http://nyti.ms/2fAsQJ1

BULLETIN - AP at 6:12 a.m.: "BEIJING (AP) - Reports: China orders most North Korean-owned businesses, ventures with Chinese partners closed under U.N. sanctions."

STORY OF THE DAY -- CAPITOL HILL BUREAU CHIEF JOHN BRESNAHAN -- "Senate Republicans have never heard of Roy Moore: Numerous GOP senators said they were not familiar with the Alabama Senate candidate's controversial views - but they want him elected": "What about Moore's history of racially insensitive comments? Haven't heard anything. Homophobic remarks? Nada. Moore's claim that some American communities are living under Sharia law? Crickets. Moore's statement that 9/11 happened 'because we've distanced ourselves from God'? Nothing for you on that. Moore's assertion that Democratic Rep. Keith Ellison shouldn't be allowed to serve in Congress because he's a Muslim? We'll get back to you. Moore saying Mitch McConnell should be replaced as Senate majority leader? Uhh, zip.

"'I don't know anything about Roy Moore,' said Sen. Chuck Grassley (R-Iowa). 'If I've read anything he's said, I wouldn't have any recollection of it.' 'I don't know him. I think I'll leave it there,' said Sen. Susan Collins of Maine, who laughed when asked about Moore. 'I supported Luther Strange.' 'I've never met the gentleman,' said Georgia Sen. Johnny Isakson. 'Being from Georgia, which is next to Alabama, I've heard his name in the Alabama Supreme Court. I know what I've seen on TV and what I've read in the papers.' ...

"'Who won? I wasn't paying attention,' [Nevada Sen. Dean] Heller said. 'I'm just

worried about taxes.' 'He's going to be for tax reform, I think,' volunteered Sen. Rob Portman of Ohio. 'I don't know, I don't know him.' South Carolina Sen. Tim Scott, the lone African-American Republican in the Senate, said he 'didn't know anything about Roy Moore, and I'm not going to comment about anything I haven't read about. ... I literally have not followed that race.' ... 'Roy Moore is unique,' Shelby said cautiously. 'A lot of people have history up here.'" http://politi.co/2yJVbBk

ELIANA JOHNSON: "Moore's win conjures 2018 nightmare - for both parties": "Roy Moore's win in Alabama's Senate primary has raised the specter of a nightmare scenario for Democrats and Republicans: The GOP picks up a handful of seats next year, padding its Senate majority, but with candidates like Moore, who buck party leadership as often as they fall in line. ... 'All of us who saw the rise of Trump and thought, 'Oh, this country could never elect somebody who brags about assaulting women and mocks the disabled and war veterans, we're thinking differently now,' said Paul Begala, the veteran Democratic strategists. ... 'What do they say in recoveries? You have to hit bottom? I thought that with Trump they hit bottom,' Begala said of the GOP. 'But, apparently not, because Moore is worse.'" http://politi.co/2y9LYpf

-- "Roy Moore's Alabama Victory Sets Off Talk of a G.O.P. Insurrection," by NYT's Alex Burns and Jonathan Martin: "Republicans are confronting an insurrection on the right that is angry enough to imperil their grip on Congress, and senior party strategists have concluded that the conservative base now loathes its leaders in Washington the same way it detested President Barack Obama. ... Mr. Strange's demise, senior party strategists and conservative activists said Wednesday, makes it likelier that Republican incumbents in the House and Senate will face serious primary challenges in 2018, fueled by anger at the party's apparent ineptitude at wielding power in Washington. ...

"Republicans increasingly worry that their base's contempt for Mr. McConnell is more potent than its love for Mr. Trump. Mr. McConnell could be an anchor around incumbents in the same fashion as Representative Nancy Pelosi, the House Democratic leader, who is routinely used to undermine Democratic candidates." http://nyti.ms/2xCT7ep

RICH LOWRY, "The GOP Identity Crisis": "The Republican Party can't pass Obamacare repeal but it can nominate Roy Moore. This is the state of the GOP in a nutshell. It is a party locked in mortal combat between an establishment that is ineffectual and unimaginative and a populist wing that is ineffectual and inflamed. It is rare for a governing coalition to have a bitter factional fight-usually the party out of power deploys the circular firing squads-although, on the other hand, this particular coalition isn't doing much governing." http://politi.co/2xEAIDC

JOSH DAWSEY: "Bannon's next move: 'Repeat Alabama'": "Steve Bannon was amped early Wednesday, sounding as though he'd guzzled 20 Red Bulls at a victory party for Alabama's Roy Moore as he plotted his next slash-and-burn campaign with trademark pugilism. He left Alabama after orchestrating a call between Trump and Moore for a flight to Colorado to meet with potential 2018 Senate candidates gathered

there - and is planning extensive travel in coming months to recruit candidates to challenge incumbents across the country, people close to him say.

"Bannon says he remains on Trump's team, but others in the White House have their doubts about the former chief strategist's allegiance. He has told friends he is over the slights in the White House, but some close to him say he still seethes about a number of top officials, including Trump's son-in-law Jared Kushner and economic adviser Gary Cohn, whom Bannon routinely savaged as 'Globalist Gary.' He is publicly supportive of Trump but can be sharply critical in private, associates say." http://politi.co/2yuJ3Dy

-- COVER DU JOUR - STEVE BANNON on the cover of Bloomberg Businessweek, **"Where To Next?"** by Josh Green (online headline: "Bannon's Back and Targeting China"): "Bannon, who's been consulting with Henry Kissinger and other foreign policy veterans, is preparing a project to sound an alarm about what he views as the primary economic threat to America: China. ... As a candidate, Trump pledged to take aggressive action against China. And though he's continued to talk tough, he's done little to make good on his threats. ... That lack of progress has convinced Bannon that an outside entity is necessary to focus U.S. attention-and political pressure-on confronting China more aggressively. What made up his mind, he says, was a pair of September meetings at Kissinger's country home in Connecticut. ...

"The day after [Roy] Moore's victory, Bannon flew to Colorado to interview candidates in western states to carry the populist mantle in 2018. His effort to steer the GOP toward nationalism, Bannon explains, will involve encouraging candidates to take hard-line positions toward China. 'Every day we are going to be making China a huge part of the '18 and '20 elections,' Bannon says." https://buswk.co/Bannonisback ... ***The cover*** http://bit.ly/2wYP6Pv

-- BANNON is headlining tonight at a conference put on by the Council for National Policy in Colorado Springs. He'll be talking about how conservatives win in 2018, according to someone familiar with the planning of the conference, which will also hear from David Clarke and Scott Walker.

****** **A message from Morgan Stanley**: Refurbishing and recycling are extending product life cycles. Is this the next big disruptive trend? Read more from Morgan Stanley. ******

THE LATEST ON PUERTO RICO ... -- "Now even money is running out in storm-hit Puerto Rico," by AP's Ben Fox and Danica Coto in San Juan, Puerto Rico: "First, Hurricane Maria knocked out power and water to Puerto Rico. Then diesel fuel, gas and water became scarce. Now, it's money. The aftermath of the powerful storm has resulted in a near-total shutdown of the U.S. territory's economy that could last for weeks and has many people running seriously low on cash and worrying that it will become even harder to survive on this storm-ravaged island." http://bit.ly/2wYaXXw

INSIDE THE WEST WING -- "Kelly folds Navarro's trade shop into National

Economic Council," by Andrew Restuccia, Nahal Toosi and Tara Palmeri: "White House chief of staff John Kelly is folding adviser Peter Navarro's trade office into the National Economic Council - a move that could limit Navarro's influence in the West Wing. The Office of Trade and Manufacturing Policy, which is run by Navarro, will now be housed within the NEC, four administration officials told POLITICO. That means Navarro will report to NEC Director Gary Cohn, with whom he has repeatedly clashed in recent months. ... 'I'm a chain of command guy and will follow Chief Kelly's orders,' Navarro said in a statement to POLITICO. ...

"Kelly's decision to have Navarro report to Cohn, who has pushed behind the scenes to temper Trump's hardline instincts, could further isolate the former economics professor. Cohn is Navarro's 'nemesis,' according to an associate of Navarro's. The two men have sometimes yelled at each other during White House trade meetings, and Cohn has often been dismissive of Navarro's policy proposals. ... Supporters of Navarro's agenda worry the reassignment is the latest signal that the president is abandoning his trade promises." http://politi.co/2k8li0P

TAX REFORM KICKOFF -- WSJ'S RICH RUBIN -- "5 Takeaways From the GOP Tax Framework: What we know so far about the effect on households' tax burdens, budget deficits, business, and more": **"1. Don't try too hard to calculate your tax bill.** The framework offers plenty of specifics on tax rates and some deductions, but nowhere near enough for most people to figure out what they would pay. ... **2. The wealthy win, but stay tuned.** Key features of the tax plan skew the benefits toward upper-income households. ... Republicans left themselves an opening for a tax bracket above 35% that would apply to the very highest earners, and that could leave some in the top 1% worse off, especially in a high-tax state such as New York where the state and local tax deduction is valuable. **3. There will be bigger budget deficits.** ...

"4. It's the beginning, not the end. Congress still has a long checklist ahead. First, the House and Senate have to adopt a budget resolution. That will specify the maximum size of the tax cut over the next decade. It will also unlock the fast-track procedures known as reconciliation. Under reconciliation, a subsequent tax bill can pass with a simple majority and not require votes from Democrats.

"After the budget's done, the House and Senate will each write their own tax bills and advance them through committee. Expect the plans to diverge as legislators try to get the math to work and to wrangle the votes. The House will be tricky because GOP members from New York, New Jersey and California will resist the repeal of the state and local tax deduction. In the Senate, Republicans have just a two-vote margin, meaning each senator will have significant sway. **5. Business fights lie ahead."** http://on.wsj.com/2wn01TA

-- "Trump Tax Plan Benefits Wealthy, Including Trump," by NYT's Binyamin Appelbaum: "The tax plan that the Trump administration outlined on Wednesday is a potentially huge windfall for the wealthiest Americans. It would not directly benefit the bottom third of the population. As for the middle class, the benefits appear to be modest.

The administration and its congressional allies are proposing to sharply reduce taxation of business income, primarily benefiting the small share of the population that owns the vast majority of corporate equity.

"President Trump said on Wednesday that the cuts would increase investment and spur growth, creating broader prosperity. But experts say the upside is limited, not least because the economy is already expanding. The plan would also benefit Mr. Trump and other affluent Americans by eliminating the estate tax, which affects just a few thousand uber-wealthy families each year, and the alternative minimum tax, a safety net designed to prevent tax avoidance." http://nyti.ms/2xylyeZ

-- AP'S JOSH BOAK: "$5 trillion question for Trump tax plan: How to pay for it?": "How do you pay for an estimated $5.8 trillion tax cut? For President Donald Trump and Republican congressional leaders, that is the mostly unanswered $5,800,000,000,000 question.

"The plan they released Wednesday took a first step toward outlining how Republicans propose to cover some of the monumental cost over the next 10 years, mainly by removing certain tax breaks. But even those proposed changes were left vague - and wouldn't remotely pay the full cost of the tax cut.

"The administration says it would eliminate most personal tax breaks. Possibly gone would be people's ability to deduct state and local taxes as well as eligible medical expenses. But doing so would still leave the tax cut more than $2 trillion shy of paying for itself. The Trump administration argues that it can accelerate the economy's growth far beyond its current pace and, in doing so, generate enough federal revenue to cover the shortfall. Most economists have called that wishful thinking." http://bit.ly/2yKgSl8

REAL TALK ABOUT TRUMP'S WASHINGTON -- AP's JULIE PACE: "The dysfunctional dynamic now stands at the center of Republicans' last chance this year to prove they can pass major legislation -- a sweeping, multitrillion-dollar tax cut that GOP officials believe is crucial to the party maintaining its congressional majority in the midterms. 'Literally, if they can't do this, they can't do anything,' said Tim Pawlenty, the former Republican governor of Minnesota and head of the Financial Services Roundtable, a bank lobbying group." http://bit.ly/2ylTyUP

-- "Ryan vents over stalled GOP agenda in Senate," by Cristiano Lima: "Speaker Paul Ryan on Wednesday said it was 'extremely frustrating' that the Republican majority in the Senate had been unable to push through pieces of the GOP agenda that have passed in the House. Equipped with graphs highlighting the disparity between the number of bills passed by the House and the number that have stalled in the Senate, Ryan (R-Wis.) aired his grievances during an interview on Fox News. He cited the upper chamber's inability to convert on the Republican Party's major goals thus far during the Trump administration.

"'Is that frustrating for the House? You bet it's frustrating in the House,' Ryan told Fox

News' Sean Hannity, saying that 274 of the 337 bills that have passed in the House as of Sept. 22 have not made it through the Senate. Ryan singled out the Senate's inability to pass a bill for repealing and replacing the Affordable Care Act as a particular point of disappointment for House Republicans, while highlighting their successes on legislation for financial regulations and immigration. 'The point is we're on schedule in the House,' he said. 'We passed the health care bill back in May. We passed the repeal of Dodd-Frank. We did Kate's law. We did sanctuary cities.'" http://politi.co/2wXNrcW

TRUMP'S DAY -- President Donald Trump will meet with Acting Homeland Security Secretary Elaine Duke. He will participate in the 70th anniversary celebration of the National Security Council and meet with Chinese Vice Premier Liu Yandong.

REMEMBERING HUGH HEFNER - Laura Mansnerus in the NYT: "Hugh Hefner, who created Playboy magazine and spun it into a media and entertainment-industry giant - all the while, as its very public avatar, squiring attractive young women (and sometimes marrying them) well into his 80s -- died on Wednesday at his home, the Playboy Mansion near Beverly Hills, Calif. He was 91. His death was announced by Playboy Enterprises.

"Hefner the man and Playboy the brand were inseparable. Both advertised themselves as emblems of the sexual revolution, an escape from American priggishness and wider social intolerance. Both were derided over the years -- as vulgar, as adolescent, as exploitative, and finally as anachronistic. But Mr. Hefner was a stunning success from his emergence in the early 1950s. His timing was perfect." http://nyti.ms/2hyPv9w

Playbook Reads

PHOTO DU JOUR: President Donald Trump leaves the Oval Office and walks to board Marine One on the South Lawn of the White House on Sept. 27. | Evan Vucci/AP Photo

NYT'S MAGGIE HABERMAN: "Trump's Inaugural Committee to Donate $3 Million to Hurricane Relief": http://nyti.ms/2hzEB36

RUSSIA STILL AT IT -- "Twitter, With Accounts Linked to Russia, to Face Congress Over Role in Election," by NYT's Daisuke Wakabayashi and Scott Shane: "After a weekend when Americans took to social media to debate President Trump's admonishment of N.F.L. players who do not stand for the national anthem, a network of Twitter accounts suspected of links to Russia seized on both sides of the issue with hashtags such as #boycottnfl, #standforouranthem and #takeaknee. ... Since last month, researchers at the Alliance for Securing Democracy, a bipartisan initiative of the German Marshall Fund, a public policy research group in Washington, have been

publicly tracking 600 Twitter accounts - human users and suspected bots alike - they have linked to Russian influence operations. ...

"Of 80 news stories promoted last week by those accounts, more than 25 percent 'had a primary theme of anti-Americanism,' the researchers found. About 15 percent were critical of Hillary Clinton, falsely accusing her of funding left-wing antifa - short for anti-fascist - protesters, tying her to the lethal terrorist attack in Benghazi, Libya, in 2012 and discussing her daughter Chelsea's use of Twitter. Eleven percent focused on wiretapping in the federal investigation into Paul Manafort, President Trump's former campaign chairman, with most of them treated the news as a vindication for President Trump's earlier wiretapping claims." http://nyti.ms/2wYC98o

--"Russian-bought Black Lives Matter ad on Facebook targeted Baltimore and Ferguson," by CNN's Dylan Byers: "At least one of the Facebook ads bought by Russians during the 2016 presidential campaign referenced Black Lives Matter and was specifically targeted to reach audiences in Ferguson, Missouri and Baltimore, sources with knowledge of the ads told CNN. ... Senator Mark Warner, the top-ranking Democrat on the Senate Intelligence Committee, said Tuesday that the 'million-dollar question' about the Facebook ads centered on how the Russians knew whom to target. ...

"The targeting issue is also important because, if it appears that the targeting was particularly sophisticated, questions may be raised about how the Russians knew where to direct their ads. Further, information about the targeting could help investigators determine whether or not there was collusion between these ad buyers and the Trump campaign." http://cnnmon.ie/2k5sYSu

HMM - "Chad's Inclusion in Travel Ban Could Jeopardize American Interests, Officials Say," by NYT's Helene Cooper, Mike Shear and Dionne Searcey: "President Trump's decision to impose his updated travel ban on Chad came over the objections of Pentagon and State Department officials, who argued that alienating the nation, one of America's more reliable counterterrorism allies in Africa, risked harming long-term national security interests, administration officials said on Tuesday. Mr. Trump accepted the recommendation of Elaine C. Duke, his acting secretary of Homeland Security, to include Chad in the travel ban after she wrote in a classified report that the country had done too little to crack down on Islamic extremists.

"The president announced the travel restrictions after the White House's Domestic Policy Council distributed Ms. Duke's report to relevant agencies to seek input, according to officials at the State Department and the Pentagon. Officials at both departments were opposed to banning travelers from Chad, concerned about American interests, as were diplomats at the American embassy in the capital of N'Djamena, administration officials said. But Stephen Miller, the president's senior policy adviser, urged adoption of the entire list as recommended by Ms. Duke." http://nyti.ms/2hAQYfz

-- "Alleged leaker Reality Winner said she stuffed NSA report in her pantyhose," by Josh Gerstein: "A National Security Agency contractor accused of leaking a classified

report on Russian hacking aimed at the 2016 election told FBI agents she smuggled the document out of a high-security intelligence facility in her pantyhose. That and other details appear in a transcript federal prosecutors filed in court Wednesday detailing the interrogation of 25-year-old linguist Reality Winner by the FBI as they carried out a search warrant at her home in June.

"After insisting for some time that she printed out the report and kept it on her desk for a few days before disposing of it in a burn bag, Winner caved and acknowledged she hid the document before sending it off to a news outlet, now known to be the Intercept. 'So how did you get it out of the office?' FBI agent Justin Garrick asked. 'Folded it in half in my pantyhose,' Winner replied." http://politi.co/2k4ZrIF

****** **A message from Morgan Stanley** : For decades, households and companies have been recycling for the good of the environment. Now there's an added incentive: it's also good for the bottom line. New technology and increasing climate-based legislation is creating new business opportunities based on the circular economy. Read more from Morgan Stanley. ******

TROUBLE ON THE LEFT? -- "Poll: Voters skeptical of Feinstein reelection bid," by David Siders: "Half of likely California voters say Sen. Dianne Feinstein should not run for re-election, according to a new poll conducted by the Public Policy Institute of California. Forty-six percent of California adults and 50 percent of likely voters say Feinstein should not seek a sixth term, according to the poll. Yet the survey does not test Feinstein against any other potential candidate, and a majority of Democrats - 57 percent - say Feinstein should run again.

"Though Feinstein's public approval rating has ticked down slightly from January, it stands at a relatively favorable 48 percent among California adults and 54 percent among likely voters. The poll comes as Feinstein sustains increased criticism from her party's left flank, with the possibility of a Democratic challenger in next year's election." http://politi.co/2wl9VFv

MEDIAWATCH - MEGAN LIBERMAN is joining SiriusXM as SVP of news, talk and entertainment. She was previously VP and editor in chief of the Yahoo News Group and also spent 13 years at the New York Times.

-- SUSAN GLASSER will write a twice-monthly column for The New Yorker's website.

-- ANDREA MITCHELL was honored on Wednesday by the IRTS as a "Giant of Broadcasting." *Pic by Brian Stelter, who reports that Andrea told the crowd: "We are not the enemies of the people. We are the eyes and ears of the people"* http://bit.ly/2xC6OKJ

-- "It's Official: 'The View' Adds Meghan McCain as Conservative Co-Host," by Variety's Elizabeth Wagmeister: "McCain has officially signed onto 'The View' as a regular co-host ... McCain is expected to start in early October, joining the panel of

Whoopi Goldberg, Joy Behar, Sara Haines, Paula Faris, and Sunny Hostin." http://bit.ly/2xD0iTZ

Playbookers

SUNDAY SO FAR - "Fox News Sunday": Panel: Josh Holmes, Donna Edwards, Mike Needham, Charles Lane

SPOTTED -- Miss America Cara Mund was feted last night at Kent and Karen Knutson's home. Several fellow North Dakotans were on hand, including Rep. Kevin Cramer (R-N.D.) and Sen. John Hoeven (R-N.D.). ***Pic of Anna, Katie Pudwill and Kent with Mund*** http://bit.ly/2xCPEwn ... former Senate Majority Leader Bill Frist last night drinking a margarita with salt from a martini glass while nibbling on chips at the bar at Bobby Van's on 15th Street.

--SPOTTED: Melania Trump yesterday at 1 World Trade Center. "But contrary to rumors, she wasn't visiting Condé Nast," per Michael Calderone's Morning Media.

OUT AND ABOUT -- Financier Steve Cohen and his philanthropic group hosted a reception for the Cohen Veterans Care Summit at Smithsonian American Art Museum last night to highlight efforts to combat invisible wounds impacting America's veterans and athletes. **SPOTTED:** NFL Hall of Famer Warren Sapp, former WWE star Chris Nowinski, Rep. Joe Wilson (R-S.C.), former Rep. Jeff Miller (R-Fla.), Bob Harward, Magali Haas, Lenore Karafa and Sergio Rodriguera Jr.

-- House Minority Leader Nancy Pelosi was feted last night for 30 years of supporting LGBT equality in Congress at the Capitol Hill home of her deputy chief of staff and longtime spokesman Drew Hammill, and his husband Jason Mida. **SPOTTED:** Rep. Ben Ray Lujan (D-N.M.), Rep. David Cicilline (D-R.I.), Rep. Mark Takano (D-Calif.), Henry Munoz, Steve Elmendorf and Roddy Flynn.

-- SPOTTED last night at a Yelp and Zillow Oktoberfest-themed party at Dacha Beer Garden: event hosts Luther Lowe, Laurent Crenshaw, Angela Hooks, Ellen Haberle and Andrew Bianchi, Michael Petricone, Austin Carson, Ellen Satterwhite, Stewart Verdery, Chan Park, Jesse Blumenthal, Margaux Ewen, Evan Engstrom, Andrew Mills, Courtney Radsch, Zach Graves, Seamus Kraft and Nika Nour.

-- SPOTTED at a Log Cabin Republicans event last night at the Trump Hotel, headlined by Carly Fiorina: Rep. Darrell Issa (R-Calif.), Patrick Newton, Gregory Angelo.

TRANSITIONS -- Bill Russo is joining former Vice President Joe Biden's personal office as communications director. Russo spent the last nine months helping start Biden's foreign policy center at the University of Pennsylvania, and is a State, NSC and Obama White House alum.

-- **DENIS MCDONOUGH** is chairing a new group called the Rework America Task Force that will try to solve the skill gap problem.

WELCOME TO THE WORLD -- Steve Dwyer, senior adviser to Democratic Whip Steny Hoyer, and **Kate Riley,** VP of government and public affairs at America's Public Television Stations, recently welcomed their third daughter, Lucy Jane. "She weighed in at 9lbs 2oz and measured 20.75 inches long. Big sisters Eleanor and Clara are in love with little Lucy and happy to have a third musketeer!" ***Pic*** http://bit.ly/2hzz1Oe

BIRTHDAY OF THE DAY: Steve Schmidt, vice chairman at Edelman, MSNBC political analyst and Bush, McCain and Schwarzenegger alum, is 47. **A fun fact about Steve:** "I have an absolutely perfect infallible photographic memory when it comes to every Russian I've ever met in my life." **Read his Playbook Plus Q&A:** http://politi.co/2xNxJ8j

BIRTHDAYS: AP's Andy Taylor (hat tip: Rebecca Adams) ... WaPo's Emily Heil ... Laura Quinn, CEO at Catalist (h/t Jon Haber) ... filmmaker Nadia Szold (h/t her proud brother Daniel Lippman) ... Politico's Poppy McDonald, Patrick D'Silva and Suhani Sanwar ... Scott Mulhauser, a fellow with Perry World House at U Penn (h/t Ben Chang) ... former Treasury Counselor Antonio Weiss is 51 ... Ayelet Cohen, the social secretary at the Israeli embassy ... Paul Nedeau, deputy chief of staff at Newark Public Schools, is 31 ... Jen O'Malley Dillon, co-founder and partner at Precision Strategies, former Obama deputy campaign manager and former DNC ED (h/t Tom Zigo) ... Texas Tribune D.C. bureau chief Abby Livingston ... Brent McIntosh is 44 ... BuzzFeed's Chris Geidner ... Politico alum Gabi Renz ... former Rep. Curt Clawson (R-Fla.) is 58 ... Sen. Bill Cassidy (R-La.) is 6-0 ... Mattingly Messina, a comms and PR consultant in SF ... Bloomberg's Evelyn Erskine ... Kat Kane, deputy speechwriting director for Mayor De Blasio ... Phil Gallo ... Laura Santucci ... Reid alum Jon Summers ... AP alum Jeff Barnard is 67 ...

... Brian Rogers, SVP of Definers and a McCain alum (h/t Colin Reed) ... Del Wilber, WSJ DOJ reporter (h/ts Annie Linskey and Brody Mullins) ... Molly Crosby of Planned Parenthood ... Hortense Goulard ... Jane Abraham, wife of former DOE Secretary Spence Abraham (h/t Ed Cash) ... Calley Means ... Ron Meyer ... Rohan Patel ... Matt Corridoni of Team Moulton ... Will Thompson, policy analyst at the Charles Group (h/t Hayley Andrews) ... Dorothy Lutz ... Rory Murphy of Squire Patton Boggs (h/t fiancée Alex Miller) ... ProPublica's Joanna Brenner ... Steve Largent ... Darren Grubb ... Katie List ... Katie Smith ... WaPo's Julie Bone ... Steve Largent ... Peter Well DiBella ... Dave Davis ... Kyle Ashby ... Tony Case ... Melissa Charbonneau ... Marty Machowsky ... Kathy Wagner ... Kimberly Butler ... Brandon Hynes ... Carol Stetelman Abshire ... Martin Edwin Andersen ... Ryan Olsen ... Kate Sheckells (h/t Teresa Vilmain)

****** **A message from Morgan Stanley** : Refurbishing, reusing and recycling are helping to squeeze more life out of all the 'stuff' being consumed. Could this be the next big disruptive trend in global markets? A report from Morgan Stanley argues that new technology and increasing climate-based legislation around the world is creating new business opportunities based on the circular economy. A circular economy uses

products, materials and resources for as long as possible, by refurbishing, sharing, leasing or recycling. The goal is to extend product life cycles, generating environmental and economic benefits along the way. Pioneering companies in a number of sectors are already shifting in this direction. The global economy, driven by consumer frenzy to have the latest, best new model, now must contend with climate change, water scarcity and damage to the physical environment. Companies that embrace these trends can find new revenue streams and cut costs. Read more from Morgan Stanley. ******

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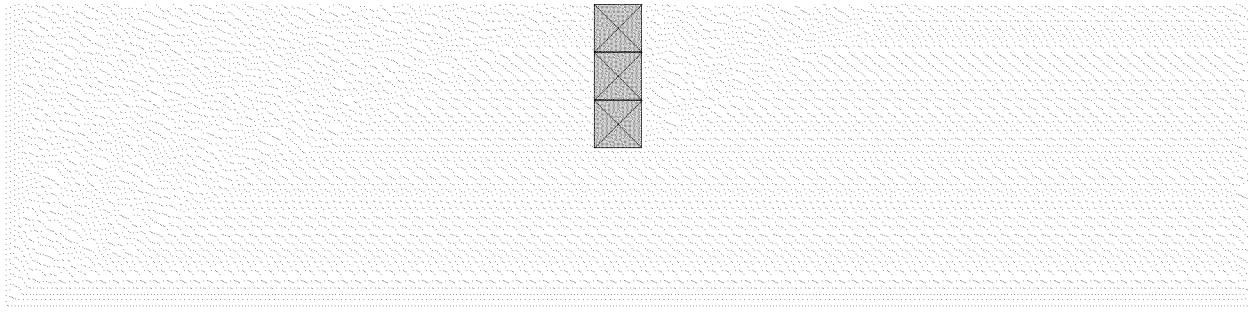
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Daily Environment Report

August 02, 2017 - Number 147

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Leading the News

Environmental Reviews
Environmental Laws Won't Be a Barrier to the Border Wall
President Donald Trump's vision of a border wall with Mexico in the San Diego area won't be impeded by lengthy environmental reviews.

Oil & Gas
EPA Methane Standards Take Effect as Court Mulls Challenges
Methane emissions limits for the oil and gas industry must take effect even as a federal appeals court mulls legal challenges to the rule, indicating a decision could come soon.

News

Benzene
Exxon, Shell Benzene Cases Batted to State Court
Exxon Mobil Corp. and Shell Oil Co. must answer benzene exposure claims in state, not federal, court after the Eastern District of Louisiana ruled July 31 a revised complaint extinguished federal jurisdiction over the case (Thomas v. Exxon Mobil Corp., 2017 BL 265408, E.D. La., No. 16-cv-15750, 7/31/17).

Climate Science
Bison Returned From Brink Just in Time for Climate Change
Ted Turner owns more than 100,000 acres of pristine land in southwest Montana, complete with lush grassland and forested hills rolling with Douglas firs. There are populations of wolves, black and grizzly bears, deer, elk and pronghorn antelope ranging freely, some crossing from nearby Yellowstone Park. But the real stars of the Flying D Ranch are his thousands of bison, the American beast once hunted to the edge of extinction.

Drinking Water

Feds Forgive Flint's $20M Water Debt, Fund $3.2M Lead Registry

Flint, Mich., won more federal aid as the EPA announced it is forgiving $20.7 million of the city's debt and the Department of Health and Human Services awarded funding for a registry of those exposed to the city's lead-contaminated water.

Endangered Species

Court Reaffirms Protections for Wolves in Great Lakes Area

Removal of the gray wolf population in Minnesota, Wisconsin, and the Upper Peninsula of Michigan from Endangered Species Act protections in 2011 was invalid, a federal appeals court ruled Aug. 1. The U.S. Fish and Wildlife Service determined the wolf population in the three states is thriving, but the U.S. Court of Appeals for the District of Columbia Circuit said the service failed to consider all ramifications of the determination as required by the act (Human Society of the U.S. v. ...

Energy

Democrats Prioritize Clean Energy Bid Ahead of Tax Talks

A Democratic proposal to overhaul and simplify the energy tax code could play a major role in broader tax negotiations on Capitol Hill, so long as Republicans choose to seek bipartisan input, Senate Democrats told Bloomberg BNA.

Energy

Ex-Justice Department Lawyer Tapped as Solicitor at Interior

Ryan Nelson, a lawyer who served in the Justice Department's environmental division, was tapped to be the solicitor of the Interior Department.

Energy

Fate of U.S. Nuclear Now Hinges on One Utility in Georgia

With a multibillion-dollar nuclear project in South Carolina dead, the fate of America's nuclear renaissance now rests on one utility: Southern Co.

Energy

Heller Continues Energy Nomination Block Over Yucca Concerns

Deputy Energy Secretary nominee Dan Brouillette hasn't responded to questions about plans for permanent nuclear waste storage at Yucca Mountain, Sen. Dean Heller (R-Nev.) says, so he is keeping a hold on Brouillette's nomination.

Motor Vehicles

Norway Boosts Hydrogen Cars With Refueling Station Subsidies

Hydrogen refueling station operators in Norway are eligible for up to 1 million kroner ($158,900) annually in subsidies after a plan to boost the industry was approved by European regulators.

Oil & Gas

Billionaire Behind Dakota Access Defends New Natural Gas Line

Billionaire pipeline magnate Kelcy Warren, who just months ago defeated environmentalists to finish his controversial Dakota Access oil pipeline, has stepped into the limelight once again—this time, to defend a natural gas line being built across the eastern U.S.

Pesticides

Farmers Cry Foul as Pesticide Wreaks Havoc Across U.S. Crops

Larry Martin in Illinois says he's never seen anything like it in his 35 years of farming.

Arkansas soybean grower Joe McLemore says he faces the loss of his life savings.

Pesticides

Monsanto Campaigned to Make Roundup Appear Safe: Lawsuit

Attorneys in a high-profile lawsuit against Monsanto Co. released a trove of emails, text-message transcripts, and expert testimony early Aug. 1 that show the company went to great lengths to ensure its best-selling weedkiller was safe in the eyes of regulators and the general public.

Science Policy

EPA Runs Human Studies Well, but Room for Improvement: IG

The EPA has done a good job improving the way it runs scientific studies that involve human subjects, but it has room for improvement, according to the agency's Office of Inspector General.

Texas

Fuel Broker On the Hook for Cleanup, Challenge Waived

A fuel broker is on the hook for the cleanup of a contaminated site under Texas waste law because it failed to appeal an administrative order finding it liable, a Texas appeals court ruled (Baxter Oil Serv., Ltd. v. Tex. Comm'n on Envtl. Quality, 2017 BL 266229, Tex. App., 3d Dist., No. 03-15-00446-CV, 7/31/17).

Vehicle Fuels

Refiners Argue EPA Can Cut Biofuel Quota Despite Court Loss

Refiners told the Environmental Protection Agency to cut biofuel quotas for 2018, arguing that a federal court decision against the agency shouldn't prevent it from setting targets below levels enshrined in law.

Vehicle Fuels

Refiners' Biofuel Costs Add Urgency to Calls to Revise Mandate

Higher costs underscore fuel refiners' urgency in seeking to change the government's biofuel mandate.

Practitioner Insights

Chemicals

Practitioner Insights: Enhancing TSCA Reform Implementation

By Lynn Bergeson, James V. Aidala, Jr., Charles M. Auer, Richard Engler, and Oscar Hernandez: The Frank R. Lautenberg Chemical Safety for the 21st Century Act significantly amended the Toxic Substances Control Act. The act, which has been in force for just over a year, made substantive changes to multiple sections of TSCA that are proving to be even more consequential than anticipated (new TSCA is identified as Pub. L. No. 114-182 and old TSCA was identified as Pub. L. No. 94-469).

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Daily Environment Report for EPA

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Subject: POLITICO Playbook, presented by UC Davis: TRUMP: 'I might have made a mistake' in backing Strange -- AIDES told TRUMP not to personally attack KIM -- GARDNER: GOP 'donors are furious' -- JON FAVREAU's new pad -- SETH MOULTON gets married -- B'DAY: Spicer

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Today's POLITICO Playbook presented by UC Davis

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

Good Saturday morning. Washington is recalibrating. John McCain has once again upended Republicans' plans to pass healthcare legislation. President Donald Trump has quickly pivoted to the blame game -- tweeting about everything from McCain to Rand Paul to Steph Curry this morning.

CONSIDER THIS: Next week Republicans will settle a brutal primary in Alabama and the fate of the health care repeal-and-replace process will be sealed. This could give Trump back-to-back losses. It also could give back-to-back losses to Senate Majority Leader Mitch McConnell, an unusual situation for the Kentucky Republican. **THE BIG QUESTION:** Will this again push Trump into Democrats' arms?

WHAT PRESIDENT TRUMP IS TWEETING -- @realDonaldTrump at 6:42 a.m.: "John McCain never had any intention of voting for this Bill, which his Governor loves. He campaigned on Repeal & Replace. Let Arizona down!" ... **at 6:50 a.m.:** "Arizona had a 116% increase in ObamaCare premiums last year, with deductibles very high. Chuck Schumer sold John McCain a bill of goods. Sad". ... **at 6:59 a.m.:** "Large Block Grants to States is a good thing to do. Better control & management. Great for Arizona. McCain let his best friend L.G. down!" ...

... **at 7:04 a.m.:** "I know Rand Paul and I think he may find a way to get there for the good of the Party!" ... **at 7:13 a.m.:** "Alaska had a 200% plus increase in premiums under ObamaCare, worst in the country. Deductibles high, people angry! Lisa M comes through." ... **7:17 a.m.:** "It was great being with Luther Strange last night in Alabama. What great people, what a crowd! Vote Luther on Tuesday." ... **at 8:45 a.m.:** "Going to the White House is considered a great honor for a championship team.Stephen Curry is hesitating,therefore invitation is withdrawn!"

-- @jaketapper: "Focusing like a laser on the major problems of the American people: black professional athletes with opinions." ... **CBS'S JACQUELINE ALEMANY** (@JaxAlemany): "Tom Brady chose not to come to the White House and Trump didn't say a thing."

TRUMP IN ALABAMA, via Burgess Everett in Huntsville: "The president also threw a jab at Strange's opponent, Roy Moore, a controversial former Alabama chief justice, who, he argued, could lose to a Democrat in the December general election.

"'Roy has a very good chance of not winning in the general election," Trump said. "Moore is going to have a hard time winning.' Trump's speech, which stretched on for well over an hour, represented a political risk. In declaring his unwavering support for Strange, who has the support of establishment figures like Senate Majority Leader Mitch McConnell, the president is squaring off against longtime loyalists such as former chief strategist Steve Bannon who have come out forcefully for Moore ...

"'I'm taking a big risk, because if he doesn't make it, they're going to go after me,' the president said, referring to the many members of the media who were in attendance at the Von Braun Center. Trump said he would face accusations that he couldn't get his candidate over the finish line.

"At some moments, he seemed to be bracing for the possibility of a Strange loss. He acknowledged that polls had shown the senator trailing throughout the race. And he said that if Moore came out ahead on Tuesday, he would campaign for him before the general election.'I told Luther if his opponent wins, I'll be here campaigning like hell for him,' Trump said." http://politi.co/2hq022W

-- WAPO'S JENNA JOHNSON: "'I might have made a mistake. I'll be honest, I might have made a mistake,' Trump told a crowd of several thousand gathered at the Von Braun Center that cheered much louder for him than for the candidate he was there to support, Sen. Luther Strange, who was appointed earlier this year to fill the seat vacated by Attorney General Jeff Sessions. ... 'And, by the way, both good men. Both good men,' the president said of the two Republican candidates. 'If his opponent wins, I'm going to be here campaigning like hell for him. But, I have to say this ... Luther will definitely win.'" http://wapo.st/2ho9dol

-- "Trump to NFL owners: Fire players who kneel during anthem," by AP's Jill Colvin and Catherine Lucey: http://bit.ly/2fnU3P1

NOT FAKE NEWS -- "Carson breaks with Trump, backs Moore for Alabama Senate seat," by Cristiano Lima: "'Judge Moore is a fine man of proven character and integrity, who I have come to respect over the years,' [HUD Secretary Ben] Carson wrote in a statement. 'I was delighted to hear he is running for the US Senate.' Carson, a devout Christian who garnered strong support from the religious right during the 2016 Republican primaries, praised Moore for his 'Judeo-Christian values.'"

http://politi.co/2xB8tC8

IS HEALTHCARE REPEAL DEAD? -- "Dems not declaring victory yet on Obamacare," by Elana Schor and Heather Caygle: "When John McCain cast the decisive vote against Obamacare repeal two months ago, Chuck Schumer waved an arm to quiet fellow Democrats as they burst into audible elation. Don't gloat or cheer over the GOP's failure, Schumer signaled - a move he made again on Friday in a statement, after McCain delivered what looks like a fatal blow to his party's seven-year drive to dismantle the Affordable Care Act. Far from celebrating, Democrats tempered their responses to McCain with reminders of the bipartisan health care talks that Republicans had walked away from when they took one last shot at repealing Obamacare.

"And even as their liberal base turned a rally to pressure McCain into a thank-you celebration, Democrats stopped far short of declaring repeal dead. ... Senate Majority Leader Mitch McConnell's office did not immediately respond to questions about whether he will still hold the vote on the bill." http://politi.co/2xA7NwZ

-- "Is Obamacare finally safe?: The clock may finally have caught up with Republicans after nearly 10 months of failed repeal efforts," by Jen Haberkorn and Paul Demko: "Obamacare has endured more than seven years of political attacks, dozens of congressional repeal votes and four Supreme Court challenges. But as of today, the Democrats' universal health care law is as secure as it's ever been. Sen. John McCain's (R-Ariz.) opposition to the latest repeal effort sponsored by his closest friend in the Senate likely doomed the bill - and with it, the hope that Republicans could fulfill their campaign pledge to undo Barack Obama's signature domestic policy achievement before a Sept. 30 deadline.

"On top of that, the insurance markets are alive and, despite skyrocketing premiums and dwindling competition, face no threat of immediate collapse. ... 'I'll be honest, it seems unlikely that we'll be voting on this' next week, Sen. Joni Ernst (R-Iowa) told a town hall meeting Friday in Iowa City shortly after McCain's announcement." http://politi.co/2yjJBMp

-- "Why McCain screwed the GOP on Obamacare repeal - again: His friendship with Lindsey Graham was less important than his grievances with the process," by Burgess Everett and Seung Min Kim: http://politi.co/2xA5MRd

-- ALASKA GOV. BILL WALKER on the bill, to the New York Times: "In an interview, Mr. Walker said he did not believe any special accommodation could be reached for his state, because the overall structure was so damaging to Alaska. He said he had communicated his concerns extensively to Ms. Murkowski.

"'Alaska would fare very, very poorly,' he said. 'Nothing has been brought to my attention that would increase my comfort level.' A spokeswoman for Ms. Murkowski, Karina Petersen, said the senator is studying the matter. 'Senator Murkowski is still

focused on how the bill will impact Alaska, specifically,' Ms. Petersen said. 'She's continuing to gather data and is looking at the details of the bill to determine what's best for her state.'" http://nyti.ms/2xvOJPO

****** **A message from UC Davis:** At UC Davis, unusual collaborations in veterinary medicine, human health and engineering lead to groundbreaking treatments for beloved pets and other animals, from furry to feathered. Those breakthroughs lead to translatable human medicine. It's a One Health approach that benefits the health of all. Learn more at 21stcentury.ucdavis.edu. ******

INSIDE THE ROOM -- NYT'S CARL HULSE: "Behind New Obamacare Repeal Vote: 'Furious' G.O.P. Donors": "As more than 40 subdued Republican senators lunched on Chick-fil-A at a closed-door session last week, Senator Cory Gardner of Colorado painted a dire picture for his colleagues. Campaign fund-raising was drying up, he said, because of widespread disappointment among donors over the inability of the Republican Senate to repeal the Affordable Care Act or do much of anything else. Mr. Gardner is in charge of his party's midterm re-election push, and he warned that donors of all stripes were refusing to contribute another penny until the struggling majority produced some concrete results. 'Donors are furious,' one person knowledgeable about the private meeting quoted Mr. Gardner as saying. 'We haven't kept our promise.'" http://nyti.ms/2jTUEJJ

HOW IT PLAYED -- NYT: "McCain Rejects G.O.P. Health Bill, Likely Dooming It" http://nyti.ms/2xXHYYM ... **WAPO:** "Latest effort to repeal Obamacare on brink of failure after GOP defections" http://wapo.st/2yxPd6M ... **WSJ:** "GOP Health Push in Jeopardy as McCain Withholds Support" http://on.wsj.com/2xnpyNZ

-- AROUND THE COUNTRY: ARIZONA REPUBLIC (big McCain photo): "TWO THUMBS DOWN: McCain announces he will vote against latest attempt to repeal ACA" http://bit.ly/2xZojrq ... **THE POST AND COURIER:** "McCain votes no on Graham's bill: Decision likely dooms friend's health care legislation that McMaster now supports" http://bit.ly/2y001O4 ... **CLEVELAND PLAIN DEALER:** "Clinic CEO lobbies against repeal: Cosgrove says new bill being rushed without hearings" http://bit.ly/2undnAR

COMING ATTRACTIONS -- "Trump to talk tax reform in Indiana on Wednesday," by Nancy Cook: "President Donald Trump is planning to head to Indiana on Wednesday to give a major speech on tax reform, the same day that the 'Big Six' tax negotiators will unveil their broad-brushstrokes proposal for overhauling the tax code. ... Following the president's Indiana trip, several Cabinet secretaries including Treasury Secretary Steven Mnuchin and Small Business Administrator Linda McMahon will also participate in tax reform-related events and media outreach across the country."

-- "GOP eyes corporate tax rate of 20 percent, retreating from Trump's lofty goal," by WaPo's Mike DeBonis, Sean Sullivan and Damian Paletta: "Republicans are targeting a corporate rate of 20 percent in their federal tax overhaul plan, according to three people familiar with the emerging blueprint - a number that represents a

substantial cut from the current 35 percent rate but falls short of the 15 percent President Trump has long pushed for. The plan remains fluid ... But they said the template is taking a more definite shape ahead of a planned rollout next week by the 'Big Six' negotiators from the White House, Senate and House." http://wapo.st/2jSTTAX

FLOTUS WATCH -- "Meetings with Prince Harry, Canadian PM for Melania Trump," by AP's Darlene Superville: "Melania Trump is ... leading the U.S. delegation to an international sporting event for wounded service members, her first solo trip outside the United States to represent her adopted country. On the agenda for daylong stop Saturday in Toronto: a first-time meeting with Britain's Prince Harry, founder of the Invictus Games; a meeting with Canadian Prime Minister Justin Trudeau; remarks at a reception for the nearly 100 American athletes participating in the weeklong Olympic-style competition; and attending the opening ceremony." http://bit.ly/2xZyNqT

PALACE INTRIGUE -- "Aides warned Trump not to attack North Korea's leader personally before his fiery U.N. address," by LATimes' Brian Bennett: "Senior aides to President Trump repeatedly warned him not to deliver a personal attack on North Korea's leader at the United Nations this week, saying insulting the young despot in such a prominent venue could irreparably escalate tensions and shut off any chance for negotiations to defuse the nuclear crisis. Trump's derisive description of Kim Jong Un as 'Rocket Man' on 'a suicide mission' and his threat to 'totally destroy' North Korea were not in a speech draft that several senior officials reviewed and vetted Monday, the day before Trump gave his first address to the U.N. General Assembly, two U.S. officials said.

"Some of Trump's top aides, including national security advisor H.R. McMaster, had argued for months against making the attacks on North Korea's leader personal, warning it could backfire. But Trump, who relishes belittling his rivals and enemies with crude nicknames, felt compelled to make a dramatic splash in the global forum." http://lat.ms/2yxdGJk

-- "Enforcer or 'choke point'? Kelly seeks to bring order to chaotic White House," by WaPo's Ashley Parker and Phil Rucker: "White House Chief of Staff John F. Kelly has a new evening routine: He periodically strolls the perimeter of the White House grounds late at night, inspecting the compound and chatting with Secret Service agents to see if they have what they need. Just two months into his new post, Kelly has expanded his portfolio to include issues large and small throughout the administration - from influencing personnel staffing at the agencies to vetting President Trump's reading materials to his periodic nighttime walks along the White House fence line to check security.

"The no-task-too-small leadership style - dating to Kelly's training in the Marine Corps, where he rose to a four-star general - has its benefits for a president who often sows chaos in his wake, implementing a sense of order and discipline in a White House known for lacking both. But it also has prompted grumbling about micromanaging within the West Wing, where some staffers complain that Kelly may be growing his mandate

too far and that his strict regimen stifles the creativity and spontaneity that have been hallmarks of Trump's enterprises. As one of Kelly's subordinates put it, the chief of staff sometimes becomes 'a one-man choke point.'" http://wapo.st/2xpbPGc

DRAIN THE SWAMP! -- "Corey Lewandowski appears to be working with another lobbying firm," by Theo Meyer and Daniel Lippman: "Months after Corey Lewandowski, Donald Trump's former campaign manager, quit the lobbying firm he co-founded after the 2016 election, he appears to be working with a new one, reviving questions about whether he is still cashing in on his relationship with the president. The firm, Turnberry Solutions LLC - a name that calls to mind Trump Turnberry, the president's Scottish golf resort - is staffed by two lobbyists who worked for Lewandowski's old firm. While Lewandowski has denied any link to the firm, there's plenty of evidence to the contrary. Lewandowski was on a recent conference call between Turnberry and one of its clients, according to the client, and Turnberry also created an email address with his first name on it.

"A source familiar with the firm told POLITICO that Lewandowski also traveled to Poland earlier this month with two of Turnberry's lobbyists to pitch the firm's services to the Polish government. ... Lewandowski has touted his access to Trump outside his work with Turnberry, too. In a recent conversation with Elin Suleymanov, the Azerbaijani ambassador to the U.S., Lewandowski promised that he could get the Azerbaijani president a meeting with Trump ... Asked whether he had promised access, Lewandowski responded by text message: 'No - I don't do foreign work. Sorry.'" http://politi.co/2yyguGa

CLICKER - "The nation's cartoonists on the week in politics," edited by Matt Wuerker -- ***16 funnies*** http://politi.co/2ffXUdy

Playbook Reads

PHOTO DU JOUR: President Donald Trump hugs Senate candidate Luther Strange during a campaign rally in Huntsville, Ala., on Sept. 22. | Evan Vucci/AP Photo

BILL SCHER: "Joe Biden's Platform for 2020: Anti-Populism": "On Monday, former Vice President Joe Biden wrote a blog post that proves two things: Blogging isn't dead and neither is Biden's political career. In fact, in Biden's essay, and in other little-noticed public pronouncements, you can see him sculpting a role for in the 2020 presidential campaign that perhaps only he could get away with playing: the voice of anti-populism. Though Biden's essay was largely ignored amid the constant hum of Trump-related stories, it made a bit of news in wonk circles because Biden used it to announce his opposition to a 'universal basic income,' that newly vogue policy proposal in which every American would receive a periodic check from the government regardless of their work status." http://politi.co/2hlYjiF ... ***Biden's post*** http://bit.ly/2fihRQF

RUSSIA WATCH -- "Wisconsin, Ohio, California among states targeted by Russian hackers in 2016 race," by Reuters' David Shepardson and Dustin Volz: "Wisconsin, Ohio, California and 10 other states said on Friday they were among 21 states that Russian government hackers targeted in an effort to sway the 2016 presidential election in favor of Donald Trump though no votes were changed. The Department of Homeland Security confirmed it had notified the states of the activity but declined to identify them. ...

"Alabama, Alaska, Colorado, Connecticut, Florida, Minnesota, Texas and Washington state also confirmed they were targeted by Russian hackers but said they were not successful. Arizona and Illinois confirmed last year that they were targets. The Associated Press confirmed Iowa, Maryland, North Dakota, Pennsylvania, Delaware, Oregon, Oklahoma and Virginia were also targets, bringing the total states identified to 21. Those states did not immediately return messages seeking comment late Friday." http://reut.rs/2xqsNnX

OBAMA ALUMNI -- "Pod Payoff: Crooked Media's Jon Favreau Buys L.A. Bungalow for $1.9M," by Realtor's Claudine Zap: "Jon Favreau, a former speechwriter for President Barack Obama, finally has a place for his Sonos speakers, Parachute sheets, and Blue Apron meals. Those are some of the sponsors he enthusiastically hawks on the popular podcast 'Pod Save America.' ... The Crooked Media co-founder and his wife, Emily Black, have settled in SoCal, where they purchased a Spanish-style bungalow in L.A. for $1.9 million in early August. The three-bedroom, three-bath home was built in the 1920s and comes 'beautifully updated,' according to the listing." ***With 8 pix on one page*** http://bit.ly/2wMJQOM

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MEDIAWATCH - "The mysterious group that's picking Breitbart apart, one tweet at a time," by WaPo's Paul Farhi: "Hardly anyone paid attention last November when a strangely named Twitter account, Sleeping Giants, sent its first tweet into the digisphere. 'Are you aware that you're advertising on Breitbart, the alt-right's biggest champion, today?' read the tweet, aimed at a consumer lending outfit called Social Finance. 'Are you supporting them publicly?' Within 30 minutes, Social Finance replied, tweeting that it would stop running ads on Breitbart. It was, it turns out, the start of an odd, and oddly effective, social media campaign against Breitbart ...

"Sleeping Giants is a mysterious group that has no address, no organizational structure and no officers. At least none that are publicly known. All of its leaders are anonymous, and much of what it claims is difficult to independently verify. A spokesman for the group wouldn't identify himself in interviews for this article. But the group does have a singular purpose, pursued as relentlessly as Ahab chasing a whale: It aims to drive advertisers away from Breitbart." http://wapo.st/2fnUNDM

-- JIM WINDOLF has been named NYT's new media editor. He previously edited Men's Style. http://bit.ly/2fgZThD

GREAT WEEKEND READS, curated by Daniel Lippman, filing from NYC:

--"She told them she was Hugo Chavez's ex-wife and worked in the White House. And she'd make them rich," by WaPo's Manuel Roig-Franzia: "Madame Giselle ... is forever boasting of being the secret wife of Egyptian President Abdel Fatah al-Sissi, even saying she facilitated the first phone call between the Middle Eastern leader and President Trump ... Over homemade Turkish coffee in her lavishly appointed apartment or across the table at pricey restaurants, the neighbors say, she has shared in a confiding tone that she occupies a prime White House office next to Trump's daughter, Ivanka Trump." http://wapo.st/2xsTJVs (h/t Longform.org)

--"Is Trump mentally ill? Or is America? Psychiatrists weigh in," by Carlos Lozada on Sunday's WaPo Outlook cover: "[S]ome psychiatrists and other mental-health professionals are shedding long-held norms to argue that Trump's condition presents risks to the nation and the world. 'The Dangerous Case of Donald Trump' features more than two dozen essays breaking down the president's perceived traits, which the contributors find consistent with symptoms of narcissistic personality disorder, sociopathy and other maladies." http://wapo.st/2wbjUwV

--"How Canada has been secretly giving asylum to gay people in Chechnya fleeing persecution," by John Ibbitson in the Globe and Mail: "Canada has quietly brought in 22 people, with more to come, despite risks to Canada-Russia relations." https://tgam.ca/2wbMWg0

--"Jeff Bridges Will Be 'The Dude,' Now and Forever," by Caity Weaver in GQ: "Jeff Bridges will always be known as The Dude, and at age 67, he's okay with it. More than okay with it, even. GQ's Caity Weaver visits the famously relaxed actor for an appropriately chill hangout." http://bit.ly/2xnCL9k

--"My Journey to the Heart of the FOIA Request," by Spenser Mestel in Longreads: "Fifty years ago, the Freedom of Information Act gave the public access to government secrets - all you had to do was ask. How a simple request became a bureaucratic nightmare." http://bit.ly/2wGj6Vg

--"How Big Business Got Brazil Hooked on Junk Food," by NYT's Andrew Jacobs and Matt Richtel: "As growth slows in wealthy countries, Western food companies are

aggressively expanding in developing nations, contributing to obesity and health problems." http://nyti.ms/2xkLnjm

--"The great nutrient collapse," by Helena Bottemiller Evich on The Agenda: "The atmosphere is literally changing the food we eat, for the worse. And almost nobody is paying attention." http://politi.co/2xodFas

--"After My Husband's Death, I'm Learning To Steward The Light He Left Behind," by Mary Katherine Ham in The Federalist: "'All of us who knew him and loved him are keepers of this fire. It's there, and it lives on, and it is something we can breathe life into every day.'" http://bit.ly/2hp9gwh

--"How a tax haven is leading the race to privatise space," by Atossa Araxia Abrahamian in The Guardian: "Luxembourg has shown how far a tiny country can go by serving the needs of global capitalism. Now it has set its sights on outer space." http://bit.ly/2wGTVSd

--"How Motherhood Affects Creativity," by Erika Hayasaki in The Atlantic: "Cultural messages tell women that making art and having children are incompatible pursuits. But science suggests that women may become more creative after having kids." http://theatln.tc/2xXySLz

--"My Drowning and Other Inconveniences," by Tim Cahill in Outside magazine: "My face turned blue, then gray, and then my heart stopped beating altogether. I died that December day on Tequila Beach. This created a great deal of consternation. I was, at the time, 71 years old, and most of my team was half my age or less. These fine and foolish folk had every reason to imagine that I had all the skills necessary to handle a winter trip down the Grand Canyon." http://bit.ly/2wGyh0q

--"What is behind the violence in Myanmar?" by Samira Shackle in the New Humanist - Q&A with Francis Wade, author of "Myanmar's Enemy Within": "'You'd be hard pressed to find any justification for violence in the scriptures of Theravada Buddhism, which is what the majority in Myanmar practice. Those Buddhists who have perpetrated violence acted with the conviction that if Buddhism ceased to exist in Myanmar, the country would descend into anarchy.'" http://bit.ly/2fG6rqF

--"The Rise and Fall of the Word 'Monopoly' in American Life," by Stacy Mitchell in The Atlantic: "If 'monopoly' sounds like a word from another era, that's because, until recently, it was. ... Breaking up too-powerful companies was a bipartisan goal and on the minds of many voters. But, starting in the 1970s, the word retreated from the public consciousness. Not coincidentally, at the same time, the enforcement of anti-monopoly policy grew increasingly toothless." http://theatln.tc/2sqnpAf

--"Blago: His Life in Prison," by David Bernstein in Chicago Mag: "Five years ago, Rod Blagojevich kissed his wife and daughters goodbye, waved one last time to reporters, and flew to Colorado to start a 14-year sentence. In his first prison interview,

the ex-governor reveals in startling detail what life has been like on the inside." http://chi.mg/2xAEZ7H

Playbookers

SPOTTED: Jeff Zeleny having lunch at BLT Steak on Friday with Jan Crawford. Michael Meehan was at the bar ... Craig Gordon celebrating his promotion to Bloomberg DC bureau chief last night at the new Nobu with Megan Murphy, Hilary Rosen and Tammy Haddad ... Diane Rehm having dinner last night at Martin's Tavern

WEEKEND WEDDINGS -- Valery Galasso, a senior policy adviser to N.Y. Gov. Andrew Cuomo, and **Nick Merrill,** communications director for Secretary Hillary Clinton, "exchanged vows and rings overlooking the Tyrrhenian Sea at the Hotel Santa Caterina in Amalfi, Italy on Friday evening, in front of a blended crowd of American guests and Val's extended Italian family," per a pool report. ***Pics*** http://bit.ly/2jSGvfQ ... http://bit.ly/2fFupSW

SPOTTED: Capricia and Robert Marshall, Chad and Elisa Bolduc, Connolly Keigher, Alex Hornbrook, Doug Landry, Alexander and Laura Mackler, Greg Hale and Mica Strother, Kamyl Bazbaz and Lucie Steinberg, Philippe Reines, Megan Rooney, Jake Sullivan, Lona Valmoro, Teddy Goff, Jon Davidson, Varun Anand, Case Button and Leigh Patterson, Mary deBree and Ben Kobren, Dan Schwerin and YJ Fischer

-- REP. SETH MOULTON (D-MASS.) was married Friday to **Liz Boardman** in a ceremony in Marblehead, Massachusetts at the Old North Church on an overcast day clearing up to bright sunshine. ***Pic*** http://politi.co/2jUgjSr **SPOTTED:** Reps. Joe Kennedy (D-Mass.), Eric Swalwell (D-Calif.), Mike Gallagher (R-Wis.) and former Rep. Patrick Murphy (D-Fla.), David Gergen, Maura Healy, Scott Ferson, Andy Flick, Matt Corridoni, Peter Billerbeck.

-- Andrew Restuccia, Politico White House reporter, married **Hillary Zulli,** a records manager at the Smithsonian, Friday. They met through mutual friends in D.C. in 2011 and got married at the DC courthouse. They're celebrating with some friends tonight at the Dew Drop Inn in Brookland. ***Pic*** http://politi.co/2hlyiQz

BIRTHWEEK (was yesterday): Center for Public Integrity national security reporter Patrick Malone (hat tip: Dave Levinthal) ... Politico Europe's Bianca Opris

BIRTHDAYS: Sean Spicer, celebrating by spending the day with his family (h/t Ron Bonjean) ... Todd Ricketts ... Connolly Keigher ... Daisy Schuurman ... Maria Karl (hubby tip: Jonathan) ... Elise Jordan (h/t Ben Chang) ... Nick Everhart of Content Creative Media ... Kimberly Fritts, CEO of Podesta Group ... NYT's Mike Schmidt ... Amanda Cox, editor of The Upshot ... Abbey Watson ... Bruce "The Boss" Springsteen is 68 (h/t Randy Whitestone) ... SoRelle Wyckoff, polisci and gov't graduate student at

the University of Maryland and a Cornyn alum ... Ralph Hellmann is 56 ... NBC News' Julia Edwards ... Politico's Bernie Becker and Meredith Kirsch ... Todd Metcalf, principal at PwC's Tax Policy Services and Senate Finance alum, is 47 ... NARAL's Kelly Sackley ... Naomi Seligman, comms dir for LA Mayor Garcetti (h/t Tim Burger) ... Saunji Fyffe ... Tom Martin, president and CEO at American Forest Foundation (h/ts Jon Haber) ... Politico Europe's Santa Silapetere ... Brooke Brogan, celebrating in NYC (hubby tip: Fritz) ...

... Jonathan Peled, Israeli ambassador to Mexico ... Rep. Jason Lewis (R-Minn.) is 62 ... Clint Reed, chief of staff for Sen. Rubio ... Izabela Teixeira of GE corporate communications ... Gabriella Schwarz, managing editor and head of news at Flipboard and a former CNN politics and WH producer, who covered President Obama ... Julius Niyonsaba, a legislative aide for Sen. Durbin (h/t Mike Inacay) ... EPA's Lincoln Ferguson, Pruitt's senior adviser, is 27 (h/t Amy Graham) ... Maura O'Brien ... William Ricci ... former U.N. High Commissioner for Human Rights Navi Pillay ... Amb. Kristen Silverberg, now managing director and general counsel at the Institute of International Finance ... Armaan Pai of Centerview Partners ... Kyle Cotner ... Siraj Hashmi of Red Alert Politics ... Ryan Shucard, VP of SevenTwenty Strategies ... Ken Rynne ... Blair Fowler ... Dustee Tucker ... Matt McAlvanah ... Corey Tellez ... Loretta Solon Greene ... Matt Hirsch ... Dan Conley ... Neil Schoolnik is 46 ... Tom Daley ... Katrina Mendiola ... Stan Davis ... Dale Leibach (h/ts Teresa Vilmain)

THE SHOWS, by @MattMackowiak, filing from Austin:

-- ABC's "This Week": Treasury Secretary Steven Mnuchin ... Sen. Bill Cassidy (R-La.) ... Sen. Lindsey Graham (R-S.C.) ... Bernard Tyson ... Ret. Gen. James Cartwright, Evan Osnos. Panel: Steve Inskeep, Anna Palmer, Jake Sherman, Cecilia Vega

-- CNN's "State of the Union": Steven Mnuchin ... Sen. Susan Collins (R-Maine) ... Preet Bharara. Panel: Nina Turner, Rick Santorum, Jen Psaki and Rep. Jason Lewis (R-Minn.)

-- NBC's "Meet the Press": Marc Short ... Sen. Rand Paul (R-Ky.) ... House Minority Leader Nancy Pelosi (D-Calif.). Panel: Stephanie Cutter, Stephen Henderson, Eliana Johnson and Rich Lowry

-- CBS's "Face the Nation": Sen. Susan Collins (R-Maine) ... Sen. Cory Gardner (R-Colo.) ... Rep. Adam Schiff (D-Calif.) ... Marc Short. Panel: Margaret Brennan, David Nakamura and Atul Gawande

-- "Fox News Sunday": Bill Gates ... Marc Short. Panel: Karl Rove, Julie Pace, Kim Strassel and Juan Williams

-- Fox News' "Sunday Morning Futures": Sen. Luther Strange (R-Ala.) ... former Attorney General Michael Mukasey ... former Gov. Mike Huckabee (R-Ark.) ... former Gov. Bill Richardson (D-N.M.). Panel: Mark Kissel and Ed Rollins

-- Fox News' "MediaBuzz": Mollie Hemingway ... Joe Trippi ... Erin McPike ... Shelby Holliday ... Carley Shimkus ... Shana Glenzer

-- CNN's "Inside Politics" with John King: Panel: Michael Shear, Mary Katharine Ham, Phil Mattingly and MJ Lee

-- CNN's "Fareed Zakaria GPS": Iranian foreign minister Javad Zarif ... Afghanistan president Ashraf Ghani

-- CNN's "Reliable Sources": Sen. Mark Warner (D-Va.). Panel: Bill Carter, Neera Tanden and Sarah Kliff ... Carl Bernstein and Julia Ioffe

-- Univision's "Al Punto": Report from Mexico City, including interviews with Mexico City Mayor Miguel Angel Mancera, as well as with survivors and victims' relatives ... report from Puerto Rico

-- C-SPAN: "The Communicators": David Cohen, questioned by Tony Romm ... **"Newsmakers":** Strobe Talbot, questioned by Susan Glasser and Gardiner Harris ... **"Q&A":** Ann Telnaes

-- PBS' "To the Contrary": Panel: Del. Eleanor Holmes Norton (D-D.C.), Jennifer Higgins, Maria Teresa Kumar and Ann Stone

-- Washington Times' "Mack on Politics" weekly politics podcast with Matt Mackowiak (download on iTunes, Google Play, or Stitcher or listen at http://bit.ly/2r37J6h): Rick Santorum ... Lanhee Chen.

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From: Morning Transportation
Sent: Fri 10/6/2017 2:04:45 PM
Subject: POLITICO's Morning Transportation: FAA-ding back? — Same old (infrastructure) song — Chao's 'special perk' — Senate budget knocks HTF

By Brianna Gurciullo | 10/06/2017 10:00 AM EDT

With help from Lauren Gardner, Stephanie Beasley and Tanya Snyder

Morning Transportation will not publish on Monday, Oct. 9. Our next Morning Transportation newsletter will publish on Tuesday, Oct. 10.

FAA-DING BACK? House leadership didn't include Transportation Chairman Bill Shuster's FAA bill on the chamber's schedule next week, our Lauren Gardner and Kathryn A. Wolfe scooped for Pros. That development - days after the Rules Committee put members on notice for an expected meeting on the bill (H.R. 2997 (115)) next week - raises quite a few questions after weeks of proponents promising an early October vote. Among ours: How much does GOP leadership care to push this after two false starts? (Rules first indicated its intent to get the bill to the floor back in July.) How involved are administration officials - considering that President Donald Trump came out in support of the air traffic control spinoff just months ago - in pushing this to rank-and-file members who are on the fence? How many more target dates will we hear before we reach the ultimate one, March 31?

Crowded out: Lawmakers are planning to vote on a hurricane recovery aid package this month. In September, Shuster attributed the lack of floor time for his bill to Hurricanes Harvey and Irma. His staff also said appropriations sucked up floor time last month. But, at the same time, the Rules Committee's call for amendments this week sent a signal that GOP leaders had the measure on their minds again.

Turn that frown upside down: House Transportation Committee member Thomas Massie (R-Ky.) on Thursday offered his thoughts about why leadership might be holding back: "My theory would be there's a lot of undecideds that, probably, if the vote were called on the floor, would vote 'yes,'" he told POLITICO. "But it's probably a risk they don't want to take. That's my guess."

ICYMI: Shuster anticipates that the House will "adopt an amendment that will be even more explicit in prohibiting federal appropriations" for his proposed nonprofit corporation, according to his prepared remarks for a Tuesday floor speech. We missed it because Shuster didn't actually say that during his speech, which was limited to five minutes.

YAY FRIDAY: Thanks for tuning in to POLITICO's Morning Transportation - your daily tipsheet on all things trains, planes, automobiles and ports - where your host is jealous of Lauren's yoga-and-puppies-filled evening. Send tips, feedback, lyrics and pup pics to bgurciullo@politico.com or @brigurciullo.

"First boots out on the Martian Floor to proclaim... Oh, that Elon! Sent me all the way, Son, a hundred thirty-nine million miles away!" (h/t Wired)

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) that are all about flying, driving, commuting and sailing?

SAME OLD SONG: Administration officials invited a slew of industry representatives to what was billed as an infrastructure briefing on highways, only to have them come away without hearing anything new, Lauren scooped for Pros. The meeting came after Shuster hinted earlier this week that he was anticipating seeing more infrastructure principles from the White House relatively soon. While Lauren was told the word "soon" was used, that was also in the context of working with lawmakers once they've made progress on health care and taxes ("which means not soon," one industry source cracked).

But with a different name: One attendee asked about the president's recent comments on public-private partnerships, but all Deputy Transportation Secretary Jeff Rosen would say is that they're one tool in the toolbox (a line that transportation reporters often hear on Capitol Hill). Was that a shift in tone? Who knows. We're told Trump infrastructure adviser DJ Gribbin dished out grains of salt by admitting this: "Anything we say today is subject to change without notice."

Since U been gone: Frustration is mounting among industry folks who were ecstatic that infrastructure was a front-and-center issue for the president. There's been a fair level of engagement among administration officials and those interested in having their asks considered, but the last big splash on infrastructure came in the fiscal 2018 budget proposal (which, even then, was pretty muted). Big legislative pushes will be tough to say the least next year.

ARE WE THERE YET? Chairman John Barrasso (R-Wyo.) said members of the Senate Environment and Public Works Committee "are all well on our way to creating a legislative blueprint that's going to address America's most critical infrastructure needs" during a hearing Thursday on Paul Trombino's nomination to be FHWA administrator. As far back as May, Barrasso has been saying that he's figuring out bipartisan principles for infrastructure legislation. And in late June, he and ranking member Tom Carper (D-Del.) asked colleagues for their "infrastructure priorities."

ELLIOTT CONFIRMED: Howard "Skip" Elliott is on his way to PHMSA with the Senate confirming his nomination to be administrator Thursday.

CHAO'S 'SPECIAL PERK': Transportation Secretary Elaine Chao has taken flights on government aircraft on seven occasions - a not all that uncommon practice for DOT chiefs, The Washington Post reports . Flights to Italy and France for official business "cost taxpayers tens of thousands of dollars," the Post writes. Marianne McInerney, DOT's public affairs director, told the newspaper that Chao "prefers to travel commercial" and "typically flies coach." And, McInerney said, each flight on a government airplane passed a review by DOT's ethics counsel. She said Chao resorts to such planes when it costs less than commercial flights for her entourage, for security reasons or because of scheduling issues.

SENATE BUDGET KNOCKS HTF: The Senate Budget Committee wants to cut transportation expenditures to match gas tax revenues into the Highway Trust Fund - which have

been diminishing for years. The proposed cuts - a 20 percent drop in budget authority between fiscal 2018 and fiscal 2027 when you account for inflation - conflict with Trump's pledge to rebuild the nation's infrastructure. But the budget is mostly a messaging document; appropriators rarely go along with such spending levels. Tanya Snyder has more for Pros.

Meanwhile: The House passed its budget (H. Con. Res. 71 (115)) on Thursday. As POLITICO's Sarah Ferris reports, the budget has the "procedural power to unlock a filibuster-proof tax bill."

ALWAYS A TARGET: The chairman of the Republican Study Committee wants lawmakers to offset the costs of providing aid to areas hit by recent natural disasters. Among other recommendations, Rep. Mark Walker supports cutting subsidies to Amtrak starting in fiscal 2018 to help pay for the relief funding, the North Carolina Republican's office told Sarah.

MT MAILBAG: Texas' governor and members of Congress are asking for $18.7 billion for the state as part of the next aid package, including $10 billion for the Army Corps of Engineers and $150 million for DOT. Check out their letter to both chambers' appropriations committee heads here.

DRONE, HELICOPTER CRASH UNDER INVESTIGATION: The NTSB has launched an investigation into a crash involving a drone and an Army helicopter. The agency said in a release Thursday that the crash happened Sept. 21 near Staten Island, N.Y. "The Army helicopter sustained damage to its main rotor blade, window frame and transmission deck," NTSB said. "A motor and arm from a small drone, identified as a DJI Phantom 4, were recovered from the helicopter." Those investigating have spoken to the operator of the drone.

HIT THE BRAKES: A National Academies committee could not determine whether an advanced braking system DOT required in 2015 for unit trains carrying flammable materials performs better than other options, Lauren reports, a finding that likely provides a pathway for regulators to overturn the mandate. Congress required DOT to revisit the issue in the FAST Act, and to use National Academies studies completed this year to either justify the costs of the electronically controlled pneumatic brakes requirement or repeal it.

THE BEST SUMMER EVER: TSA screened more passengers this summer than any other in its history. TSA said it saw more than 2 million passengers per day at airport checkpoints in the lead up to the Memorial Day and Fourth of July weekends. Three of those days landed on TSA's Top 10 busiest. Of the total 239 million passengers screened this summer, about 99 percent waited less than 30 minutes at checkpoints while PreCheck passengers breezed through in under 10 minutes, according to the agency. Administrator David Pekoske credited TSA's "strong partnerships" with airlines, airports and local law enforcement for the feat, a big turnaround from last summer's saga of long airport security lines. TSA nerds can check out the full list of Top 10 screening days here.

OUT OF THIS WORLD: Vice President Mike Pence on Thursday charged Chao and other Trump Cabinet members with crafting a plan for slashing space industry regulations, Jacqueline Klimas reports. Jacqueline has more on the first meeting of Trump's National Space Council for Pro Defense.

STOPPING BY: As we previewed in Thursday's MT , Yousef Al Otaiba, the United Arab Emirates' ambassador to the United States, checked out Boeing South Carolina and spoke about his nation's Open Skies agreement with the U.S. "Simply put, without Open Skies, the full scope of Boeing's business with UAE airlines, and the economic benefits realized by communities all across the U.S., would not be possible," he said, according to the UAE Embassy. Al Otaiba argued that any efforts to "roll back Open Skies will only hurt communities like Charleston and employees like those at Boeing and its suppliers across the U.S. and world."

Trade dispute conflation? The Partnership for Open and Fair Skies, of which American Airlines, United Airlines and Delta Air Lines are members, fired out a statement Thursday criticizing the UAE and two of its carriers, Etihad Airways and Emirates Airline. "U.S. carriers are Boeing's largest customers. But more importantly, Boeing is at the forefront of challenging foreign government subsidies exactly like those given by the UAE to Emirates and Etihad," spokeswoman Jill Zuckman said, apparently referring to Boeing's dispute with Bombardier.

SHIFTING GEARS: FHWA, House Appropriations and Senate Environment and Public Works alumnus David Napoliello began Monday as a staffer for House Transportation Committee Democrats.

THE AUTOBAHN:

- "CSX official who urged Christie oil train veto to lead oil train regulator." NorthJersey.com.

- "Trump administration asks Supreme Court to dump travel ban cases." POLITICO.

- "Technology crammed into cars worsens driver distraction." The Associated Press.

- "Despite travel warning, cruises to Cuba continue." The New York Times.

- "Amazon is testing its own delivery service to rival FedEx and UPS." Bloomberg.

- "Treasury inspector general finds no wrongdoing in Mnuchin plane travel." POLITICO.

- "With traffic lights out, Puerto Ricans cope with road snarls." The Associated Press.

- "Bombardier spends $2.4 billion a year on aerospace in U.S.: document." Reuters.

- "These hybrid electric jets could change how we live and work by 2022." The Verge.

- "Driverless tech startup Nauto has hired execs from Microsoft and Alphabet." Recode.

THE COUNTDOWN: DOT appropriations run out in 64 days. The FAA reauthorization expires in 177 days. Highway and transit policy is up for renewal in 1,091 days.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Wed 9/20/2017 2:03:38 PM
Subject: POLITICO's Morning Energy, presented by the Nuclear Energy Institute: Long time, no FERC — EPW nomination hearing shelved for now — Upton leaning toward Michigan Senate bid

By Anthony Adragna | 09/20/2017 10:00 AM EDT

With help from Darius Dixon, Eric Wolff and Alex Guillén

BACK TO FERC: At long last, after six months without a quorum, FERC is holding its first monthly meeting since January. Absence makes the heart grow fonder, so expect particularly long security lines. FERC bumped this month's meeting up a day in order to accommodate Rosh Hashanah, which begins tonight, but the commission will return to its normal every-third-Thursday lineup next month.

So, what's actually on today's agenda? Not a ton. The agenda is of average length: 23 electric items, including tariff changes, rehearing orders and three reliability standard rulemakings. Given the destruction left in the wake of Hurricanes Harvey and Irma, the standard on emergency preparedness and operations got our attention: NERC has asked FERC to approve a rule submitted in March that seeks to clarify what kind of damage and threats to electric facilities are reported, and when. FERC is also poised to act on a request to revise the terms of the SunZia Southwest transmission project, whose owners are aiming to transmit at least 1,500 megawatts of New Mexican wind power capacity farther west.

Where's the meat? While working at less than 110 percent after such a a long period might seem a little slow to ME, if the agency wants to chip away at its backlog, a half-dozen industry types and energy lawyers that regularly deal with FERC said to be patient, considering how much there is for four new commissioners and new staff to take in. (FERC chairman nominee Kevin McIntyre and Democratic commissioner pick Rich Glick sailed through the Senate energy committee Tuesday but their approval by the full Senate is still up in the air.)

The agency has churned out more than 65 "notational" orders since Chairman Neil Chatterjee and Commissioner Rob Powelson were sworn in last month, including its approval of the NEXUS natural gas pipeline project, three settlements, and the move to rescue Millennium's Valley Lateral project. On Thursday, Chatterjee told reporters FERC has a "great strategy in place in working through these orders" and defended the agency's pace so far. The truly meaty issues of market compensation for power plants and how FERC wants to address the impacts of large state energy programs, like those in New York and Illinois, are likely to sit tight until all leadership table seats are filled.

Let there be protesters: Although the anti-FERC crowd didn't show up at Senate Energy and Natural Resources to disrupt Tuesday's vote on the remaining agency nominees, protesters seem like they want to make up for it today. Protesters sent out a notice on Tuesday saying they will "greet" FERC commissioners outside the headquarters starting at 8:30 a.m. and "will then take their concerns into FERC's open public meeting." The party starts at 10 a.m. at FERC headquarters, 888 First St., NE, and will be webcast here.

WELCOME TO WEDNESDAY! I'm your host Anthony Adragna, and Bracewell's Frank Maisano identified Justice Earl Warren as the one-time Emmy host. For today: What future president once made an appearance on *Laugh-In* as part of a push to rehabilitate his image? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

EPW NOMINATION HEARING POSTPONED: After the Senate opted to adjourn earlier than expected in recognition of Rosh Hashanah, the Environment and Public Works Committee delayed a planned hearing for EPA and Nuclear Regulatory Commission nominees slated for today, Pro's Alex Guillén reports. The panel declined to say when the session would be rescheduled, though William Wehrum's nomination to run the air office and Michael Dourson's selection to run its chemical efforts are still expected to be most controversial.

Speaking of which, four environmental groups - Earthjustice, the League of Conservation Voters, NRDC and Sierra Club - sent a letter to senators opposing the Wehrum nomination. "While he served in senior leadership positions with the EPA air program, courts held the agency in violation of the federal Clean Air Act 30 times," they wrote. "In private practice with corporate law firms, Mr. Wehrum has represented industrial interests in nearly 35 lawsuits that sought to weaken or void EPA clean air and public health safeguards. Americans deserve better for the nation's chief clean air official."

MACRON: WE WON'T RENEGOTIATE PARIS DEAL: While he said he "profoundly respects" Trump's decision to leave the Paris climate agreement, French President Emmanuel Macron told the U.N. General Assembly that the accord would not be renegotiated and "we won't go back." He added that "the door will always be open" for Trump to discuss the issue and added the agreement could be strengthened with new commitments from other countries.

ICYMI: Trump used his U.N. General Assembly to stress the U.S. was open to further actions to cripple Venezuelan President Nicolas Maduro's regime, hinting at possible further sanctions. "We are prepared to take further action if the government of Venezuela persists on its path to impose authoritarian rule on the Venezuelan people," the president said. "I ask every country represented here today to be prepared to do more."

BABY STEPS FOR CLIMATE HAWKS: Sens. Lindsey Graham and Sheldon Whitehouse are working together on a carbon tax bill, the South Carolina Republican told a conference in Connecticut on Tuesday, according to Time . "I believe that the greenhouse effect is real, that CO2 emissions generated by man is creating our greenhouse gas effect that traps heat, and the planet is warming," said Graham. "A price on carbon-that's the way to go in my view." He pledged to discuss the idea with the White House. Whitehouse, in response, tweeted: "Lots of work to do, but this is a good step."

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NORTHAM DODGES ON PIPELINE STANCE: Asked twice during Virginia's gubernatorial debate whether he backed the Atlantic Coast pipeline, Lt. Gov. Ralph Northam wouldn't clearly answer. Upon pressing from NBC's Chuck Todd, the best he could offer was "I have been as clear as I can" that if done with adequate environmental safeguards "then I do support them."

UPTON LEANING TOWARD SENATE BID: Republican Rep. Fred Upton, former Energy and Commerce Committee Chairman, is reportedly 90 percent sure he'll give up his powerful House perch to launch a challenge to incumbent Democratic Sen. Debbie Stabenow, WHTC reports . The Michigan outlet reports the congressman's family has given their blessing to a Senate run, though it says a decision will wait until late fall at the earliest. "He continues to explore all of his options and is busy with a packed schedule back here and in D.C.," Tom Wilbur, his communications director, said in a statement.

GRIJALVA ARRESTED AT TRUMP TOWER: House Natural Resources Committee ranking member Raul Grijalva was among a group of Democratic congressmen arrested outside Trump Tower on Tuesday during decision to halt DACA, POLITICO's Louis Nelson reports. Joining Grijalva in what they called "civil disobedience" were Rep. Luis Gutierrez, Adriano Espaillat and Speaker of the New York City Council Melissa Mark Viverito.

DEMOCRAT RAISES CONCERNS OVER ACCURACY OF ZINKE'S REPORT: A BLM official said Tuesday the agency did not fact check Interior Secretary Ryan Zinke's report on national monuments before it went to the White House for review. Sen. Martin Heinrich originally raised questions about "more than a few simple factual errors included" in Zinke's analysis. John Ruhs, BLM's acting deputy director of operations, then said his agency was "not part of the writing of the reports" but "did answer questions and provide data as necessary." Video of the exchange during an Energy and Natural Resources Committee hearing, flagged by the Center for Western Priorities, is available here.

Interesting call: Interior employees now have the opportunity arcade game "Big Buck Hunter Pro" in their cafeteria after Zinke announced its installation Tuesday and the "Secretary's Shotgun Showdown" to emphasize hunting and fishing at the agency. The winner gets bragging rights and a "Beverage on the Balcony" with Zinke (perhaps a Moose Drool Brown Ale). The Natural Resources Democrats shot back on Twitter: "This is a crucial time for our national monuments & @SecretaryZinke is tweeting about playing an arcade game."

MAIL CALL! CONCERNS RAISED OVER SUPERFUND OVERSEER: Rep. Frank Pallone, top Democrat on the Energy and Commerce Commerce, sent a letter to Pruitt raising concerns over the appointment of his senior adviser Albert Kelly to run the Superfund management task force given he settled with Federal Deposit Insurance Corporation this summer. "Despite this, Mr. Kelly has been selected as and remains in a senior role at the EPA and is tasked with protecting the solvency and continued effectiveness of the Superfund program and the Superfund Trust Fund," Pallone wrote. "These funds should not be entrusted to someone who has been barred from working for every financial institution from credit unions to Wall Street banks."

And questions of disaster readiness too: Seven members of the House Sustainable Energy & Environment Coalition sent a letter to Pruitt requesting information on how the agency is preparing toxic sites for extreme weather events, especially given calls for steep cuts to the EPA's budget. "We are concerned that efforts to reduce the Agency's staff and budget, along with plans to cut or eliminate climate mitigation and adaptation programs, will leave the Agency ill equipped to protect communities from the environmental hazards associated with extreme weather," they write.

TAX REFORM: SOLAR INDUSTRY FEELS DEPRECIATED: The solar industry's top priority in the tax reform discussion is to protect the investment tax credit, the benefit that lets developers take a credit worth 30 percent of the value of their solar array until the credit expires in 2022, Abigail Ross Hopper, CEO of the Solar Energy Industries Association, tells ME. But the Big Six tax writers want to the tax code to reflect "unprecedented capital expensing," meaning they want to accelerate how fast businesses can deduct the cost of assets.

But solar doesn't really want that, Ross Hopper said. It wants assets to depreciate at the current schedule so they can take the full ITC while it's still in existence. "We like the way it's set up now," Hopper told ME. "What we have been advocating for on the Hill is to be able to use current depreciation schedule with ITC rather than accelerated depreciation."

LATEST TWIST IN SOLAR TRADE CASE: Days before a crucial vote in the case, Solar Energy Industries Association sent a letter to the International Trade Commission saying the petitioners in the case - Suniva and SolarWorld - haven't submitted a plan for how they would benefit if tariffs were placed on solar imports. The group says the failure to submit a plan "evidences both a lack of respect for the process contemplated by the statute and an apparent inability to devise a genuine plan for the industry's adjustment to import competition." The R Street Institute released a short paper arguing the administration "should avoid imposing tariffs or other import restrictions on solar products

LISA JACKSON HITS PRUITT'S EPA: Former EPA Administrator Lisa Jackson told TechCrunch Tuesday the agency she used to run "hasn't changed" but that Pruitt is running it unlike any administrator has previously. "Every EPA administrator has committed to regulate transparently," she said at a conference in San Francisco. "We don't have that commitment anymore. It's not the EPA, it's that the leadership has decided to move away from the transparency that assures people that their health and their community come first rather than somebody else's bottom line."

EPA WATCHDOG DINGS SUPERFUND WORKER DISTRIBUTION: EPA needs to do a better job of allocating funding and jobs to Superfund sites that need the most attention, according to a new report from the agency's inspector general. Although the inquiry began last year and covers Superfund sites nationwide, the report was released in the wake of criticisms of EPA's response to hurricane-related damage at sites in Texas and Florida. Investigators concluded that Superfund employees were not distributed according to current regional workloads, meaning some regions have had to slow their cleanup work amid a Superfund jobs shortage. Six of EPA's ten regions - including Region 6, which covers Houston - admitted their work has been slowed or delayed in recent years because of regional Superfund worker

shortages. The IG recommended EPA consider a better way to prioritize Superfund sites nationally and distribute job funds accordingly, possibly like the system used by the Army Corps of Engineers for sites it cleans up. EPA said it would take action within a year.

PAST DUE: EPA's inspector general released a report Tuesday that the agency failed to follow through on a 2005 agreement with livestock groups to develop methodologies for estimating airborne emissions from farms, Pro Agriculture's Jenny Hopkinson reports. The watchdog said the agency had no timeline for completing the work, though EPA said it will develop by the beginning of 2018 a plan for when and how it will complete the emissions estimating methodologies.

MOVER, SHAKER: Anna Burhop has joined Bracewell's Policy Resolution Group as a partner in its Washington office where she'll offer federal legislative and regulatory advice. She comes from the American Chemistry Council and before that worked on the Senate Environment and Public Works Committee under both Sens. Jim Inhofe and David Vitter.

QUICK HITS

- Fire breaks out at Valero's Port Arthur, Texas, refinery. CNBC.

- National Guard chief: Climate change possibly causing 'bigger, larger, more violent' storms. The Hill.

- Farming district says it won't pay for Delta tunnels in a vote that could kill the project. Sacramento Bee.

- Icahn's oil refiner CVR starts unwinding biofuels bet. Reuters.

- Some question decision to keep Texas nuclear plant open during Harvey. Austin American-Statesman.

- What happens when the coal and nuclear plants close? Houston Chronicle.

- Caribbean oil terminals make preparations ahead of Hurricane Maria. Reuters.

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Subject: Today on Climate Beat

September 26, 2017

Today on Climate Beat . . .

. . . we loaded some cargo, reporting that trailer manufacturers are asking an appellate court to stay all portions of EPA's greenhouse gas rule for medium- and heavy-duty trucks that apply to trailers, arguing that the agency's reconsideration of those provisions while refusing to stay them ahead of a looming compliance deadline irreparably harms them.

Speaking of transportation, the Federal Highway Administration says it will resume implementing an Obama-era rule requiring states to track GHGs from national highways, in response to separate litigation by environmentalists and states that charged the agency violated the Administrative Procedure Act by suspending the rule.

Staying in court, environmentalists and ExxonMobil are planning settlement talks that could narrow or even resolve a novel suit claiming that federal waste and water permitting laws require the oil and gas giant to adapt its Massachusetts oil terminal to the effects of climate change, after a judge largely rejected Exxon's motion to dismiss the case.

And in more Exxon news, our daily news roundup looked at Exxon's plans to cut emissions of the potent GHG methane from its natural gas operations, and the possible effect of that move on EPA's oil and gas methane rules.

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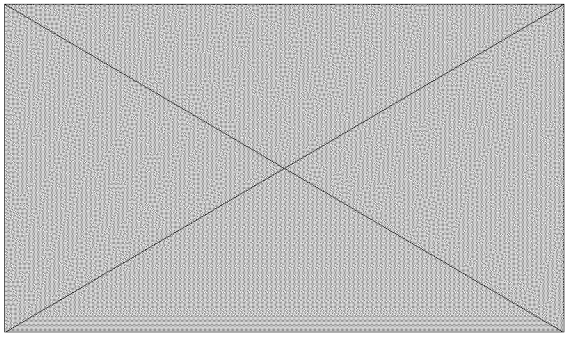
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
Sent: Fri 10/27/2017 10:03:56 AM
Subject: AEI Today: As the White House acts, how to take on the opioid scourge

President Trump yesterday announced his intent to declare the nation's painkiller-addiction crisis a public health emergency.

AEI's daily publication of independent research, insightful analysis, and scholarly debate



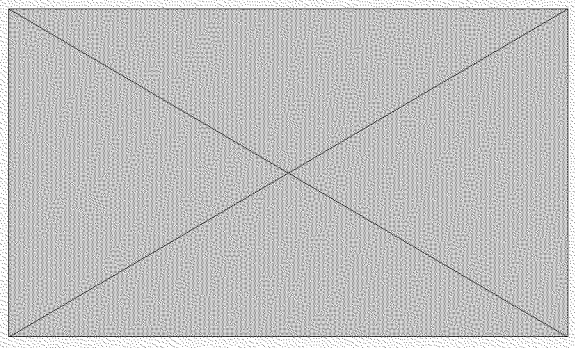
Reuters

As the White House acts, how to take on the opioid scourge

Sally Satel | National Affairs

President Trump yesterday announced his intent to declare the nation's painkiller-addiction crisis a public health emergency. This spring, AEI's Sally Satel offered a guide for how America should fight the opioid epidemic in an essay for National Affairs. "We need to allow medical professionals, law-enforcement officials, community organizations, and the loved ones of those affected to attempt different, even radical,

solutions," writes Satel.

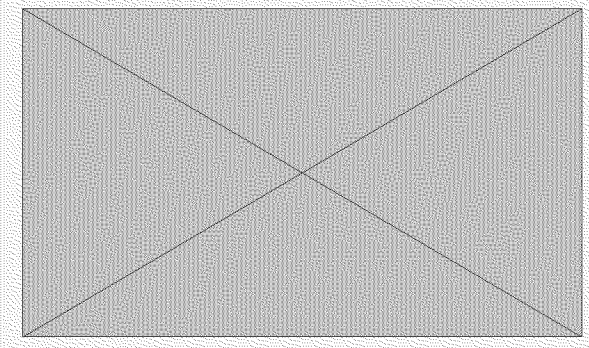


Reuters

President Trump must face our fatal Syria policy contradiction

Frederick W. Kagan | The Hill

Now for the hard part in Syria and Iraq. US strategy in Syria is completely incompatible with the strategy to address Iran that President Trump recently announced. American officials have repeated the mantra that "Bashar Assad must go." The White House ordered a missile strike on the air base from which Assad launched a chemical weapons attack. None of this has slowed the expansion of the Iranian military footprint in Syria.

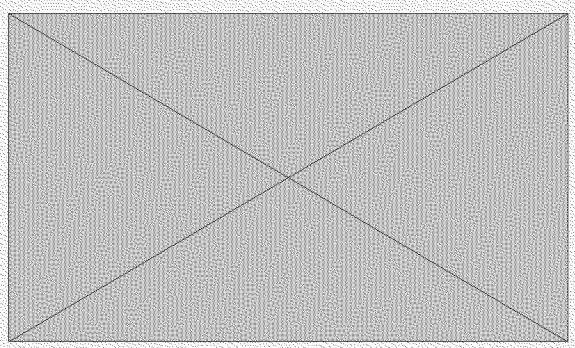


Reuters

Report: Public opinion, President Trump, and the Republican Congress

Karlyn Bowman and Eleanor O'Neil | AEI

How do Republicans feel about their party's leaders? The November issue of AEI's Political Report compares Republicans' views on President Trump to their ratings of Paul Ryan, Mitch McConnell, and Republicans in Congress generally. The rank and file have more confidence in President Trump to deal with major issues than they do in Republicans in Congress — and it's not close.



Reuters

By definition, global powers don't pivot. The US military needs to rebuild now.

Mackenzie Eaglen | The National Interest

Too often since the turn of the century, the Pentagon has acted less like a Department of Defense and more like a Department of War. America vacillates between investments in immediate battlefield needs and high-risk gambles on disruptive technologies for the distant future. Coupled

with ruinous Budget Control Act caps, what results is a military that is undermanned, outgunned, and overcommitted.

MORE FROM AEI

The US and Vietnam, 50 years after John McCain's capture
Michael Mazza | AEIdeas

Is your 401(k) really at risk with tax reform? Probably not, but all the misunderstanding is telling.
Andrew G. Biggs | The Hill

Watch: Does a mother's mental health affect her fetus?
Katharine B. Stevens | AEI Viewpoint

Don't let red-state Democrats off the hook for tax reform
Marc A. Thiessen | The Washington Post

Report: The numbers behind 10 major issues in higher education policy today
Rooney Columbus and Preston Cooper | AEI

The 25th anniversary of charter schools reminds us of their greatest contribution
Andy Smarick | Education Next

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Quote of the day: Rabbi Lord Sacks says the American 'social covenant is being lost'
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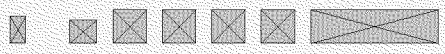
Around the web: How to become an American

Matt Winesett | AEIdeas

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Subject: POLITICO's Morning Transportation: All eyes on Duke — Pilots to airlines: Sharing is caring — Settling the (CBO) score

By Stephanie Beasley and Brianna Gurciullo | 08/08/2017 10:00 AM EDT

With help from Tanya Snyder

ALL EYES ON DUKE: Riddle me this, MT readers: Who is Elaine Duke? "Duke, the acting DHS secretary since John Kelly became White House chief of staff a week ago, is probably the least recognized of President Donald Trump's Cabinet," your MT co-host as well as POLITICO's Ted Hesson and Andrew Hanna write. Duke has worked at a slew of agencies, including DHS, TSA and the Department of Defense, over a three-decade long career. But her relatively low profile has generated questions about how she might approach some of Trump's most controversial agenda items, like curbing illegal immigration and the construction of a southern border wall, as well as how she will handle transportation security. Here's what we know:

You are appreciated: POLITICO interviewed more than a half dozen former DHS officials, and all had high praise for Duke, who was TSA's first deputy assistant administrator for acquisition. "She's a Day One plank holder at DHS," said James Norton, who worked with Duke at the department from 2003 to 2007. Duke is viewed as having a wealth of institutional knowledge, particularly when it comes to management and operations. A DHS spokesman said last week that department employees feel like they are in "good hands" with Duke. And Sen. Claire McCaskill (D-Mo.) said she is hopeful Duke gets the nod to fill the position permanently.

Keep ya head up: But it hasn't been all good cheer for Duke, who served as the point person between DHS and European transportation officials earlier this year when the department was considering expanding electronics restrictions to flights from Europe and elsewhere. As MT readers know, some European officials were frustrated when Kelly began publicly discussing the idea before meeting with them. And though many breathed a sigh of relief after Kelly decided to require "enhanced" security measures to avoid expanding the ban, some groups like the International Air Transport Association have continued to complain about the timeline and the nature of the requirements. However, a senior DHS official interviewed by POLITICO refuted the idea that there were tensions, and said the Europeans "were very comfortable with the rationale."

IT'S TUESDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. We at MT are laughing, probably a little bit too hard, at this pupper tweet. Don't forget to send tips, feedback and lyrics: sbeasley@politico.com or @Steph_Beasley and bgurciullo@politico.com or @brigurciullo.

"Just a small town girl / Livin' in a lonely world / She took the midnight train / Goin' anywhere."

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with tunes (picked by us and readers) that are all about flying, driving, commuting and sailing?

SPEAKING OF AVIATION SECURITY: The Coalition of Airline Pilots Associations wants airlines to share sensitive security information about aviation threats with flight crews. "At present, DHS leaves it up to airlines as to whether or not to share security risk assessed information as passed by DHS to the airlines," Captain Lee Collins, CAPA's president, told POLITICO. "We believe that airline captains, who are designated under federal regulation as in-flight security coordinators ... should have access to all sensitive security information that may have an impact on that flight." Collins said the group has spoken with House Homeland Security Committee ranking member Bennie Thompson (D-Miss.), and that he has agreed to help them with their quest.

It's all about timing: Collins said the preference is to enlist Thompson's help to get DHS to see the wisdom of its position. But should that not work, he said a House-passed DHS reauthorization bill (H.R. 2825 (115)) could be a potential vehicle. The Senate has yet to release its own version, though Senate Homeland Security Chairman Ron Johnson (R-Wis.) recently said he might introduce a bill when the chamber returns from recess in September.

SETTLING THE SCORE: Four key Democrats asked the CBO on Monday to take a fresh look at the latest version of the House FAA reauthorization bill, which they say probably adds more to the deficit than the CBO's initial score reflects. The lawmakers - Reps. Peter DeFazio (D-Ore.) of the Transportation Committee; John Yarmuth (D-Ky.) of the Budget Committee; Eddie Bernice Johnson (D-Texas) of the Committee on Science, Space, and Technology; and Richard Neal (D-Mass.) of the Ways and Means Committee - said that the Rules Committee's version of the bill, (H.R. 2997 (115)) would cut airport construction grants by $1 billion, authorize an additional $945 million for research and development and reduce excise tax revenues by $15 billion without offsetting the loss.

TELL ME MORE, TELL ME MORE: Trump's many advisory councils, consisting of company executives, are facing allegations of flouting government transparency requirements, McClatchy reports. The Trump administration is being sued over the alleged lack of public details released about the groups, including the president's infrastructure council. "Critics worry the advisory groups' secrecy is leaving Americans in the dark about what the federal government is doing and if the people crafting policy will benefit from the proposals," McClatchy's Anita Kumar writes. The infrastructure group is co-chaired by Steven Roth and Richard LeFrak, who both work in real estate in New York.

AND SPEAKING OF TRANSPARENCY: The units inside agencies in charge of helping cull regulations are mostly comprised of political appointees - "some of whom may be reviewing rules their former employers sought to weaken or kill," The New York Times and ProPublica report. A number of agencies won't make the names of task force members public.

At DOT: Daniel Elwell served on the agency's task force before he was named deputy FAA administrator. Elwell used to lobby for American Airlines and worked for the Aerospace Industries Association as well as Airlines for America. Marianne McInerney, also a task force member and DOT's director of public affairs, was once president of the American International Automobile Dealers Association and an exec at electric and hybrid auto companies. And another

member, Jonathan Moss, formerly was United Airlines' managing director of international and regulatory affairs. "An agency spokeswoman said all deregulation team members had signed agreements requiring them to recuse themselves from issues that narrowly affect recent employers," NYT's Danielle Ivory and ProPublica's Robert Faturechi write.

OPEN SKIES DEBATE AS HOT AS EVER: Nearly 30 groups signed onto a letter to Trump administration leaders and lawmakers Monday asserting that U.S. jobs "are potentially jeopardized by demands from three U.S. passenger airlines to restrict access to the U.S. market for two Open Skies partners, in breach of our obligations." The groups - including ACI-North America, Alaska Air, Atlas Air, the Business Travel Coalition, FedEx, Hawaiian Airlines, JetBlue and the U.S. Travel Association - wrote that American Airlines, Delta and United "complain of unfair subsidies" provided by Qatar and the United Arab Emirates, but they "have chosen not to use the Department of Transportation procedures that Congress established to hear such claims."

'Sad': The Partnership for Open and Fair Skies - a group that counts American, Delta and United as members - fired back on Monday. "It's pretty sad that some people are willing to risk the economic well-being of the American aviation industry and the 1.2 million jobs it supports, just to defend the Gulf carriers' ability to keep on taking billions of dollars in foreign government subsidies," spokeswoman Jill Zuckman said. "The truth is that Open Skies agreements already provide a way to deal with rule-breakers, and anything else is just an attempt to delay and derail American jobs."

Slice of PI: Want to read more about Open Skies appeals? Head over to POLITICO Influence.

ON TO THE NEXT ONE, PLEASE? Trump's unwillingness to give up on Obamacare is irking Senate tax writers who want to get going on a tax code overhaul, POLITICO tax whizzes Bernie Becker and Aaron Lorenzo report. "We're not going back to health care. We're in tax now. As far as I'm concerned, they shot their wad on health care and that's the way it is. I'm sick of it," said Senate Finance Chairman Orrin Hatch (R-Utah). A host of must-pass items will also be on Congress' plate in September, including an FAA reauthorization or extension.

MT MAILBAG: A coalition of groups including The Club for Growth, Heritage Action for America and Freedom Works sent a letter to Sen. Mike Crapo (R-Idaho) urging him to "denounce special interests who seek to strongarm President Trump into dropping the appointment of Scott Garrett as the next president of the Export-Import Bank."

What's going on here? Ex-Im advocates like the National Association of Manufacturers have opposed former New Jersey Rep. Scott Garrett's nomination to head up the Ex-Im Bank because he has repeatedly called for the bank to be shut down, and they fear he could attempt to undermine it as president. Crapo, who is chairman of the Senate Banking Committee, has yet to hold a hearing to review Garrett's nomination. The coalition said it would "vocally oppose" any nominations to Ex-Im's board if Garrett's nomination was not considered.

THE AUTOBAHN:

- "Your plane could fly itself by 2025 ... if you're cool with that." Quartz.

- "The UK government has issued new cybersecurity guidelines for smart cars." The Verge.

- "Summer flight delayed? Don't assume it's a storm." The New York Times.

- "'Driverless' van in Virginia is driven by man dressed like a car seat." NBC Washington.

- "Cyber threats prompt return of radio for ship navigation." Reuters.

- "Canada's infrastructure projects take off while Trump's plans sputter." The Washington Post.

- "An arcane American law protected by powerful interests is causing insane traffic jams." Quartz.

- "Trump's trade pullout roils rural America." POLITICO Magazine.

- "BuzzFeed news trained a computer to search for hidden spy planes. This is what we found." BuzzFeed News.

- "Uber's search for a female CEO has been narrowed down to 3 men." The Washington Post.

THE COUNTDOWN: DOT appropriations run out in 53 days. The FAA reauthorization expires in 53 days. Highway and transit policy is up for renewal in 1,149 days.

To view online:
http://www.politico.com/tipsheets/morning-transportation/2017/08/08/all-eyes-on-duke-221759

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From: Morning Energy
Sent: Mon 11/6/2017 3:10:13 PM
Subject: POLITICO's Morning Energy, presented by ExxonMobil: What to watch for as Bonn climate talks kick off — Next step toward WOTUS unwind arrives — Trump pushes Aramco for U.S. listing

By Anthony Adragna | 11/06/2017 10:00 AM EDT

With help from Eric Wolff and Kalina Oroschakoff

BONN JOUR! Starting today, international negotiators gather in Bonn for the COP23 - the first U.N. climate summit to be chaired by a small island nation, Fiji. It's also the first meeting after President Donald Trump announced his intention to pull the U.S. out of the landmark Paris accord in June. Let's take a quick look at what to expect between now and the conference's end on Nov. 17:

-**The U.S. question:** An open question remains how much the U.S. decision to withdraw from the Paris accord will be a distraction to the nitty gritty work of filling out the details of the 2015 pact. The Trump administration opted to send longtime diplomat Thomas Shannon as the delegation's lead in Bonn rather than a cabinet member, suggesting a low-key role on the sidelines. But U.S. officials are expected to tout the benefits of nuclear energy and fossil fuels in combating emissions, according to the New York Times. Meanwhile, a high-profile delegation of U.S. governors, mayors, private sector leaders and others are traveling the conference as a signal that much of the country remains committed to aggressive climate action.

-**Loss and damage:** Fiji, backed by other vulnerable island countries, is keen to focus attention on the loss and damage already linked to climate change (think, hurricanes, floods and rising sea levels). Many island nations are raising pressure on negotiators, especially from wealthy nations, to tackle loss and damage issues such as funding, risk preparedness, weather forecasting and new insurance proposals. This, compounded by a number of high-profile weather events this year, will make it one of the more challenging discussions at the summit, according to Camilla Born from the environmental think tank E3G.

-**Working out the rules:** Another challenge will be to advance work on rules to make sure countries meet the Paris agreement's goals ahead of next year's COP24 - when parties said they would sign off on the rulebook underpinning the deal. A thorny discussion here will be around setting a common and transparent monitoring and reporting system that ensures emissions reductions can be compared across countries. It's a sensitive issue with emerging economies such as China, long wary of letting outsiders glance their domestic books, but a priority for the EU, which wants to make sure everyone pulls their weight. The battle could therefore be over whether it will be a bifurcated system, setting different guidelines for developed and developing countries, or universal.

-**Assessing progress:** Negotiators will also have to work out how the first stock-take of national progress toward achieving climate pledges will play out next year. The idea behind the 2018 meeting is to pave the way for countries to increase their emissions reduction targets in 2020, when parties are for the first time required to communicate renewed (and ideally strengthened)

commitments, as set out under the Paris deal. The outgoing Moroccan COP22 presidency and the incoming Fijian presidency have published a joint document outlining their vision for the meeting.

-**Who's coming?** According to the UNFCCC, close to 20 world leaders, including French President Emmanuel Macron and German Chancellor Angela Merkel, are slated to attend. Also expected to participate: Arnold Schwarzenegger, UN Secretary-General António Guterres, Paris Mayor Anne Hidalgo, California Governor Jerry Brown, UN Special Envoy Michael Bloomberg and several U.S. lawmakers, including Sens. Sheldon Whitehouse and Brian Schatz . EPA Administrator Scott Pruitt won't attend, though other agency staff will.

ICYMI: POLITICO Europe's Kalina Oroschakoff and Pro's Emily Holden's seven people to watch during the summit here.

WELCOME TO MONDAY! I'm your host Anthony Adragna, and Hunton & Williams' Joe Stanko was first to identify Laika as the first dog in space 60 years ago. For today: Which current senator is a former shoe store owner? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

NEXT STEP IN WOTUS UNWIND: EPA and the Army Corps of Engineers sent a proposed rule delaying the effective date of of the Waters of the U.S. Rule to the White House for review, a move designed to give the administration more time to design its own version, Pro's Eric Wolff reports . An agency spokeswoman said the action would "amend the effective date associated with the 2015 Clean Water Rule to give the agencies time to consider the two-step process proposing to rescind and revise the 2015 rule." The new proposed rule is separate from any rule intended to replace WOTUS. The agency declined to say when the new effective date would be or if it would make any other tweaks to the regulation.

DEMOCRATS TALK DISASTER RELIEF PRIORITIES: Thirty members of the Senate Democratic caucus sent a letter Friday to OMB Director Mick Mulvaney outlining their priorities for a third disaster supplemental spending package expected to be requested by the administration later this month. "We can invest in technology, conservation and infrastructure that will mitigate further damage and make our communities more resilient," they wrote. Particular requests include "specific legislative language" concerning electric grid reconstruction in Puerto Rico and the U.S. Virgin Islands, as well as "further investments" in NOAA's weather infrastructure and forecasting capabilities.

High-profile visitors: House Transportation Chairman Bill Shuster and Ranking Member Peter DeFazio, Senate Energy Chairman Lisa Murkowski and Senate EPW Ranking Member Tom Carper were among those lawmakers visiting Puerto Rico this weekend, according to local media. Also along: Sen. Kamala Harris, Sen. Bill Cassidy, Sen. Al Franken and Rep. Garret Graves.

Let's reschedule: House Homeland Security ranking member Bennie Thompson wrote to Chairman Michael McCaul asking for the panel to reschedule a hearing on hurricane response

and recovery that was suddenly shelved last week. Link to letter here.

QUITE THE PUBLIC PITCH: Tweeting at 2:49 a.m. in Hawaii, Trump asked Saudi Arabia to list shares of its biggest oil company on the New York Stock Exchange. "Would very much appreciate Saudi Arabia doing their IPO of Aramco with the New York Stock Exchange. Important to the United States!" he wrote . That comes as Saudi Arabia moves toward an offering of shares of its state-run oil company - the world's largest energy company - on international markets. He later told reporters aboard Air Force One: "They're not looking at it, but I want them to strongly consider the New York Stock Exchange or NASDAQ, or frankly anybody else located in this country, but those are the big two... I just spoke to the king a little while ago, and they will consider it."

ANOTHER INVESTIGATION ARRIVES: GAO agreed last week to probe whether Pruitt's appearance in an August video from National Cattlemen's Beef Association violated laws "on the use of appropriated funds for lobbying and publicity or propaganda purposes and the Antideficiency Act," Pro's Alex Guillén reports. House Democrats asked GAO to begin the investigation.

TEAM ETHANOL FIRES BACK: If Trump watches the ads on Fox & Friends, then he's getting an earful on the Renewable Fuels Standard these days. Starting today and through the Nov. 20, Fuels America, an umbrella group of ethanol producers and trade associations, will be running an ad reminding Trump of his promises to farmers and accusing oil refiners of demanding a taxpayer funded bailout. The refiners had the inverse ad up during Fox & Friends last week.

Ticking clock: EPA's final RFS rule went to the White House for review last week, and Pruitt has promised to release it by the statutory Nov. 30 deadline.

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HIT THE FLOOR! House lawmakers this week are expected to vote on the Hydropower Policy Modernization Act H.R. 3043 (115), which aims to speed the regulatory approval process for hydropower projects. And they're also expected to consider compromise legislation H.R. 2874 (115) overhauling the National Flood Insurance Program to impose new penalties on homeowners with repeat flooding, though with softer consequences than originally floated.

MEGA HOUSE ENERGY PACKAGE GETS MARKUP: The House Natural Resources Committee is expected Wednesday to mark up a broad new energy package H.R. 4239 (115) on Wednesday after its introduction on Friday, Pro's Ben Lefebvre reports . Among other provisions, the SECURE American Energy Act would would roll back Obama-era offshore drilling rules, create an offshore oil and gas revenue program for East Coast drilling and give more oil and gas permitting power to the states.

CLIMATE REPORT AT ODDS WITH TRUMP STANCE: Even as the White House stuck with its line the climate "has changed and is always changing," scientists from the 13 agencies who worked on the National Climate Assessment that concluded human activity is driving climate change said they saw no effort from the administration to meddle in their work, Pro's Emily Holden reports.

In response, Paul Bledsoe, who helped release the first national climate assessment while at the Clinton White House in 2000, emails his take: "The White House clearly judged that the firestorm over delaying or suppressing the report release, especially ahead of the Bonn climate talks, would be greater than from the findings themselves."

NEW TACTIC IN CLIMATE FIGHT: Speaking at the Vatican over the weekend, California Gov. Jerry Brown asked the Catholic Church to throw its weight behind his efforts to undermine Trump's climate rollbacks abroad, POLITICO California's David Siders reports. Brown urged religious establishments to help "awaken the world" to efforts to reduce greenhouse gas emissions and described the president's rejection of mainstream climate science as a "lie within a lie."

PRINCE OF WYOMING? Blackwater founder Erik Prince tells NBC News he's still "mulling" a challenge to Wyoming Sen. John Barrasso . "They have been in the wilderness for eight years, saying oh, if only we had a Republican president and now they have one," he said. "[They're] kind of out of excuses." One fact of note: Barrasso has received just 5.5 percent of his total $2.4 million haul of itemized individual contributions since the start of 2013 from Wyoming. There's no public polling on how the theoretical Barrasso v. Prince matchup would go.

MAIL CALL! TIME OUT! Two top Energy and Commerce Committee Democrats - Frank Pallone and Bobby Rush - sent a letter asking that a hearing slated for Tuesday on two bills making significant changes to the Energy Star programs and efficiency standards for ceiling fans be postponed until witnesses from EPA and DOE are available. "These bills would make substantial changes to the popular Energy Star Program and efficiency standards for ceiling fans, and should not be rushed through the Committee process without adequate input from the agencies tasked with executing these potential changes," they wrote to Chairman Greg Walden and Energy Subcommittee Chairman Fred Upton.

DEMOCRATS TO PRUITT: WITHDRAW SCIENCE ADVISER POLICY: Six senior House Democrats on the Science and Energy and Commerce committees asked Pruitt to withdraw his "biased, harmful" policy barring scientists who receive agency grants from serving on scientific advisory panels. "We advise you to follow [Federal Advisory Committee Act] regulations and policy in selecting qualified individuals to serve on EPA's science advisory committees just as previous administrations led by both parties have done. Anything less is a great disservice to the public interest," they wrote.

CALIFORNIA TALLIES WILDFIRE NEEDS: Golden State bigwigs, including Brown, Sens. Dianne Feinstein and Kamala Harris and 39 California House members, sent a letter to Trump Friday asking for $7.4 billion in federal funds to help the state recover from devastating wildfires. Letter link here.

MORE TIME NEEDED: A bicameral group of 81 Democrats, led by Sens. Maria Cantwell and Tom Udall and Reps. Jared Polis and Raúl Grijalva, asked Interior Secretary Ryan Zinke in a letter released Friday to extend the public comment period on its proposed repeal of BLM's methane waste rule from 30 to 90 days and to offer public hearings in the Western U.S. "The American people deserve to get a proper return on this natural gas resource, and any attempt to roll back this rule would represent a giveaway to industry polluters," they wrote.

THIS TIME IT'S PERSONAL: In light of U.S. Forest Service recommendations to potentially allow new uranium mining near the Grand Canyon, House Natural Resources Ranking Member Raúl Grijalva wrote Chairman Rob Bishop a letter to ask for a hearing on his bill H.R. 360 (115) to create a national monument in the area. Grijalva separately asked Agriculture Secretary Sonny Perdue for his rationale behind the recommendation and whether the public would have the opportunity to comment.

NEW PHASE OF KEYSTONE FIGHT: Volunteers with Bold Nebraska went door-to-door in the five Nebraska Public Service Commissioners home districts to raise concerns about the use of eminent domain and environmental concerns surrounding the Keystone XL pipeline. The Nebraska regulators expect to make a final decision on the pipeline permit by the end of the year.

ADS URGE NO DRILLING IN ANWR: The League of Conservation voters is targeting Republican Reps. Bruce Poliquin and Darrell Issa with ads (sample here) urging them not to support opening ANWR to drilling. It's part of an ongoing $200,000 campaign.

NO REAL RUSH ON METHANE: EPA is now all-but-certain not to take any final action on the Obama-era 2016 methane regulation targeting emissions rule for new oil and gas wells until the next year, Pro's Alex Guillén reports in Energy Regulation Watch. That comes as the agency issued a notice last week floated the idea (offered by the American Petroleum Institute) to implement longer phase-in periods for key requirements of the rule rather than seeking an outright stay.

MOVER, SHAKER: Katie Waldman leaves her post as press secretary for Montana Sen. Steve Daines this Thursday for a "new opportunity."

QUICK HITS

- Donald Trump accused of obstructing satellite research into climate change. The Guardian.

- To make coal plants in southern Illinois competitive, Dynegy seeks lawmakers' help. St. Louis Post-Dispatch.

- In the Country Where Coal Is King, a Battle With the EU Looms. Bloomberg.

- Contractor wasted millions on unnecessary supplies for S.C.'s failed nuclear reactors. Post and Courier.

- Ohio city refuses to give up fight against gas pipeline. AP.

- Wyoming's quiet governor faces a brash Interior Secretary, with a bird in the balance. Casper Star-Tribune.

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October 11, 2017

BREAKING NEWS

EPA Floats ANPR For Replacing Clean Power Plan But Schedule Uncertain

EPA has submitted to the White House Office of Management & Budget (OMB) its draft advance notice of proposed rulemaking (ANPR) seeking comment on options for replacing the Obama administration's Clean Power Plan (CPP), a measure that will launch a lengthy and uncertain process for how -- or whether -- the agency will regulate power sector greenhouse gases.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 9/7/2017 6:01:15 PM
Subject: FERC nominees back states' authority to shape energy portfolios

By Darius Dixon

09/07/2017 01:58 PM EDT

Kevin McIntyre, President Donald Trump's pick to lead FERC, left no legal wiggle room today about states' ability to establish renewable portfolio standards.

"We do have a federal system of law," he told Sen. Tammy Duckworth at his confirmation hearing before the Senate Energy and Natural Resources Committee. "FERC has its role and the states have theirs and there's no question that the states have the absolute right to implement these renewable portfolio standards."

Similarly, Rich Glick, a Democratic nominee to the agency, said that the Supreme Court laid out the ways how states could push their own energy agendas without infringing on FERC's jurisdiction in a decision last year.

Sen. Catherine Cortez Masto asked: "Do you agree that states have the authority to establish the resource mix that best serves their customers?" Both nominees agreed they did.

But neither nominee weighed in on one of the most contentious issues on FERC's agenda: how the agency will address state programs in New York and Duckworth's home state of Illinois, that created incentives for nuclear power plants within their borders. New York designed its program as an update to its RPS by turning it into a Clean Energy Standard. Both programs are facing lawsuits in federal court.

Earlier this year, Energy Secretary Rick Perry suggested that there may be a national security interest for the federal government to interfere with state energy decisions.

WHAT'S NEXT: The McIntyre and Glick nominations could get voted on in the Senate energy committee as soon as next week.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/09/ferc-nominees-back-states-authority-to-shape-energy-portfolios-092584

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Subject: Aug. 14 -- Environment & Safety Resource Center Update



Environment & Safety Resource Center Update

August 14, 2017 - Number 33

Analysis : Air Pollution Control Guide | Water Pollution Control Guide
Federal Statutes, Regulations and Agency Documents : Federal Register Final Rules | Federal Register Notices | Federal Register Proposed Rules | Military Documents
States—Environment : Arkansas | California | Delaware | Florida | Hawaii | New Hampshire | Ohio | Oregon | Texas | Utah

Analysis

Air Pollution Control Guide

Federal

Protection of the Ozone Layer (Significant New Alternatives Policy). Updated to reflect a ruling by the U.S. Court of Appeals for the District of Columbia Circuit that vacated part of a final rule issued by the Environmental Protection Agency in 2015 (Mexichem Fluor Inc. v. EPA, D.C. Cir., No. 15-1328, 8/8/17). The rule forbade the use of hydrofluorocarbons (HFCs) under the EPA's Significant New Alternatives Policy (SNAP) program. The EPA uses the SNAP program to identify substitutes for Class I and II substances after the agency determines that alternative substances reduce the overall risk to humans or the environment. The EPA also may restrict the use of substitutes depending upon the risks involved. The court said the EPA overstepped its authority in forbidding the use of HFCs and vacated the parts of the 2015 rule that required manufacturers to replace HFCs with an acceptable substitute.

Ozone (Current Standards). Revised to provide a more in-depth discussion of the national ambient air quality standards for ozone. This update also reflects a revised deadline for the EPA to make final attainment determinations for the standards announced in October 2015. The EPA previously announced plans to postpone the Oct. 1 deadline for determining which regions of the country meet or violate the updated ozone standards, citing the lack of adequate data to make those determinations. But on Aug. 2, the EPA announced it would continue to work with states to meet the Oct. 1 deadline, saying the "gaps" in the data on air pollution necessary to make those decisions "may not be as expansive as we previously believed."

State

California (Fugitive Dust Standards). Updated to reflect a final rulemaking by the South Coast Air Quality Management District. The rule establishes regulations to limit the amount of fugitive dust emissions resulting from earth-moving activities at cleanup sites. The rule took effect July 7.

Ohio (Incinerators). Updated to reflect a final rulemaking by the Ohio Environmental Protection

Agency regarding infectious waste incinerators and pathological waste incinerators. The rule rescinded requirements for both types of incinerators because there are very few facilities subject to those requirements in Ohio. Since the rules were rescinded, the remaining facilities affected by the rules instead are subject to the federal plan, which is set forth at 40 C.F.R. pt. 62, Subpart HHH. The rescission took effect Aug. 10.

Water Pollution Control Guide

Federal

Section 404 Dredge or Fill Permits (Nationwide Permits). Updated to reflect the reissuance by the U.S. Army Corps of Engineers of 50 nationwide permits for dredge or fill activity in U.S. waters, including wetlands. The chapter also is updated to reflect the issuance of new permits for low-head dam removal and the creation of living shorelines to prevent coastal erosion. The Corps also issued a general condition for NWPs barring dredge or fill activity that adversely affects federal works, such as locks and dams.

State

Alaska (Operator Certification). Updated to reflect rule changes. Supervising operators of publicly owned treatment works must be certified at a level equal to or greater than the system's classification and must be on-site or able to be on-site within one hour. The Alaska Department of Environmental Conservation (DEC) won't renew certificates expired by more than one year. The operator-in-training certification no longer exists.

Alaska (Wetlands Protection). Updated to describe the Alaska wetlands program plan, approved by the federal EPA, which seeks to categorize wetlands and review the current water quality certification process under Section 401 of the Clean Water Act to identify possible ways to expedite the permitting process.

Alaska (Oil Spill Prevention and Contingency Plans). Updated to reflect rule changes that require the DEC to take public comment for 30 days on proposed Oil Discharge Prevention and Contingency Plans submitted by operators of oil barges, pipelines, tank vessels, and related operations, and direct the applicant to publish a notice announcing the public comment period.

Alaska (Oil Spill Responsibility Requirements). Updated with the requirement for nontank vessels to submit completed and signed application of proof of financial responsibility within 15 days of when operations are expected to begin. Other facilities must submit the application at least 30 days, but no more than 90 days, before operations begin.

More...

Federal Statutes, Regulations and Agency Documents

Federal Register Final Rules

10 CFR 72

82 FR 37511, 8/11/17: List of Approved Spent Fuel Storage Casks: NAC International MAGNASTOR® Cask System; Certificate of Compliance No. 1031, Amendment No. 7

10 CFR 429

82 FR 36858, 8/7/17: Energy Conservation Program: Test Procedure for Dedicated–Purpose Pool Pumps

10 CFR 431

82 FR 36858, 8/7/17: Energy Conservation Program: Test Procedure for Dedicated–Purpose Pool Pumps

10 CFR 835

82 FR 37512, 8/11/17: Occupational Radiation Protection

30 CFR 1202

82 FR 36934, 8/7/17: Repeal of Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform

30 CFR 1206

82 FR 36934, 8/7/17: Repeal of Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform

33 CFR 117

82 FR 36687, 8/7/17: Drawbridge Operation Regulation; Lake Washington Ship Canal, Seattle, WA

82 FR 36687, 8/7/17: Drawbridge Operation Regulation; Lake Washington Ship Canal, Seattle, WA

82 FR 37011, 8/8/17: Drawbridge Operation Regulation; Mill

More...

Federal Register Notices

82 FR 36728, 8/7/17: Submission for OMB Review; Comment Request

82 FR 36728, 8/7/17: Proposed Information Collection; Comment Request; Annual Business Survey (ABS)

82 FR 36730, 8/7/17: Monosodium Glutamate From the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review; 2015–2016

82 FR 36731, 8/7/17: Certain Steel Nails From the United Arab Emirates: Final Results of the Expedited First Sunset Review of the Antidumping Duty Order

82 FR 36732, 8/7/17: Certain Stilbenic Optical Brightening Agents From the People's Republic of

China and Taiwan: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders

82 FR 36733, 8/7/17: Meeting of the President's Advisory Council on Doing Business in Africa (PAC–DBIA)

82 FR 36734, 8/7/17: Drawn Stainless Steel Sinks From the People's Republic of China: Notice of Rescission of Countervailing Duty Administrative Review, 2016

82 FR 36735, 8/7/17: Polyethylene Terephthalate Film, Sheet, and Strip From India: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2015–2016

82 FR 36737, 8/7/17: Certain Pasta From Turkey: Preliminary Results of Antidumping Duty Administrative Review

82 FR 36738, 8/7/17: Certain Steel Nails From the Sultanate of Oman: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review; 2014–2016

82 FR 36741, 8/7/17: Certain Steel Nails From Malaysia: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2014–2016

More...

Federal Register Proposed Rules

10 CFR 429

82 FR 37031, 8/8/17: Energy Conservation Program: Test Procedures for General Service Fluorescent Lamps, General Service Incandescent Lamps, Incandescent Reflector Lamps

10 CFR 430

82 FR 37031, 8/8/17: Energy Conservation Program: Test Procedures for General Service Fluorescent Lamps, General Service Incandescent Lamps, Incandescent Reflector Lamps

16 CFR 1101

82 FR 36705, 8/7/17: Products Containing Organohalogen Flame Retardants; Notice of Opportunity for Oral Presentation of Comments

16 CFR 1102

82 FR 36705, 8/7/17: Products Containing Organohalogen Flame Retardants; Notice of Opportunity for Oral Presentation of Comments

16 CFR 1107

82 FR 36705, 8/7/17: Products Containing Organohalogen Flame Retardants; Notice of Opportunity for Oral Presentation of Comments

16 CFR 1109

82 FR 36705, 8/7/17: Products Containing Organohalogen Flame Retardants; Notice of Opportunity for Oral Presentation of Comments

16 CFR 1110

82 FR 36705, 8/7/17: Products Containing Organohalogen Flame Retardants; Notice of Opportunity for Oral Presentation of Comments

16 CFR 1112

More...

Military Documents

4500.09E: Transportation and Traffic Management (Revised) (7/31/17)

6055.09E: Explosives Safety Management (ESM) (7/28/17)

States—Environment

Arkansas

State Register Summaries

ARR\rgPERR - Arkansas Register 08/09/2017 - Pesticide Enforcement Response/Dicamba Applications

California

State Register Summaries

CAR\ti4\di11 - California Regulatory Notice Register 08/04/2017 - Pollution Control Financing Authority/Seismic Safety Capital Access Loan Program

CAR\ti4\di11 - California Regulatory Notice Register 08/09/2017 - California Capital Access Program/On-Road Heavy-Duty Vehicle Air Quality Loan Program

Delaware

State Register Summaries

DER\ti7\di2000\rg2102 - Delaware Register of Regulations 08/01/2017 - Implementation of Renewable Energy Portfolio Standards Cost Cap Provisions

Florida

State Register Summaries

FLR\ch40C-2 - Florida Administrative Weekly 08/08/2017 - St. Johns River WMD/Consumptive Water Use Permits

Hawaii

State Register Summaries

HIR\ti11\ch262, HIR\ ti11\ch264, HIR\ti11\ch265, HIR\ ti11\ch266, HIR\ti11\ch268, HIR\ti11\ch270, HIR\ti11\ch271, HIR\ti11\ch273, HIR\ti11\ch279, HIR\ti11\ch280, HIR\ti11\ch261, HIR\ti11\ch260, HIR\ti11\ch263 - Hawaii Regulations 08/07/2017 - Hazardous Waste Management

New Hampshire

State Register Summaries

NHR\chEnv-Wq1500 - New Hampshire Rulemaking Register 08/10/2017 - Alteration of Terrain

NHR\chEnv-Hw100 - New Hampshire Rulemaking Register 08/10/2017 - Hazardous Waste/Purpose, Applicability, and Definitions

NHR\chEnv-Hw200 - New Hampshire Rulemaking Register 08/10/2017 - Hazardous Waste/Procedural Rules

NHR\chEnv-Hw300 - New Hampshire Rulemaking Register 08/10/2017 - Hazardous Waste Management Facility Permits

NHR\chEnv-Hw400 - New Hampshire Rulemaking Register 08/10/2017 - Hazardous Waste/Identification and Listing

NHR\chEnv-Hw500 - New Hampshire Rulemaking Register 08/10/2017 - Hazardous Waste Generators

NHR\chEnv-Hw600 - New Hampshire Rulemaking Register 08/10/2017 - Hazardous Waste Transportation

NHR\chEnv-Hw700 - New Hampshire Rulemaking Register 08/10/2017 - Hazardous Waste Facilities

NHR\chEnv-Hw800 - New Hampshire Rulemaking Register 08/10/2017 - Hazardous Waste Recycling

NHR\chEnv-Hw900 - New Hampshire Rulemaking Register 08/10/2017 - Hazardous Waste/Inspection and Enforcement

NHR\chEnv-Hw1000 - New Hampshire Rulemaking Register 08/10/2017 - Hazardous Waste Cleanup Fund

NHR\ chEnv-Hw1100 - New Hampshire Rulemaking Register 08/10/2017 - Universal Waste Management

NHR\chEnv-Hw1200 - New Hampshire Rulemaking Register 08/10/2017 - Hazardous Waste Land Disposal

Ohio

State Register Summaries

OHR\ch1301:7-9 - Ohio Regulations 08/07/2017 - Underground Storage Tanks

OHR\ch3745-105, OHR\ch3745-75 - Ohio Regulations 08/07/2017 - Infectious Waste Incinerators/Pathological Waste Incinerators

Oregon

State Register Summaries

ORR\ch340\di100, ORR\ch340\di101, ORR\ch340\di102 - Oregon Bulletin 08/01/2017 - Hazardous Waste Management/Federal Standards

ORR\ch340\di244, ORR\ch340\di230, ORR\ch340\di238 - Oregon Bulletin 08/01/2017 - Air Quality Rules/Federal Standards

ORR\ch340\di200, ORR\ch340\di222, ORR\ch340\di202 - Oregon Bulletin 08/01/2017 - Ambient Air Quality Standards/Stationary Source Plant Site Emission Limits

Texas

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TXR\ti31\ch523 - Texas Register 08/11/2017 - Agricultural and Silvicultural Water Quality Management

Utah

State Register Summaries

UTR\diR315 - Utah State Bulletin 08/01/2017 - Waste Management/Solid Waste Facility Location Standards

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Environment & Safety Resource Center Update

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Sun 10/22/2017 12:55:18 PM
Subject: Tribune-Review: An End To EPA's 'Sue & Settle'

TRIBUNE-REVIEW

An End To EPA's 'Sue & Settle'

Editorial
October 22, 2017
http://triblive.com/opinion/editorials/12850517-74/trib-editorial-an-end-to-epas-sue-settle

The days of special interests potentially forcing policies from the Environmental Protection Agency through a process known as “sue and settle” are over. EPA Administrator Scott Pruitt has issued guidelines that preclude any regulatory tinkering under the guise of lawsuit settlements or backdoor deals that limit public comment and/or hamstring the agency's due diligence.

“We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the agency by special-interest groups where doing so would circumvent the regulatory process set forth by Congress,” Mr. Pruitt said.

The Obama administration has denied imposing any illegal regulations originating from EPA settlements with environmental groups. Pruitt's directive simply closes the door to any questionable agreements in the future.

Under the new policy, the EPA will contact any state or entity affected when a lawsuit settlement or consent decree is under consideration. It also ensures that the EPA won't create any new regulations in the settlement process.

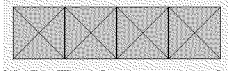
That's fair. And it should prompt other federal agencies that routinely face agenda-driven litigation to do the same.

Yet Pruitt's move drew rebukes from environmentalists, one of whom predicted that the EPA boss “will be spending a lot more of your taxpayer dollars defending his inaction in court.”

If need be, yes — but openly and without any nodding and winking.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 11/8/2017 3:54:59 PM
Subject: Senate to vote on Wehrum nomination to lead EPA air office

By Anthony Adragna

11/08/2017 10:53 AM EDT

Senate Majority Leader Mitch McConnell said today the chamber would vote to move forward on William Wehrum's nomination to lead EPA's air office.

He didn't specify a time but said the cloture vote would occur after the confirmation of Peter Robb to be general counsel of the National Labor Relations Board. That would likely put a final vote for Wehrum on Thursday.

McConnell lauded Wehrum as "qualified" and someone "who will help undo some of the damage" he said the Obama EPA did through regulations.

"This is an office in desperate need of new leadership from someone who understands how to implement air policies in a balanced way rather than with extreme regulatory overreach," McConnell said. "Mr. Wehrum is the right person for the job."

Democrats and environmental groups have strongly opposed the nomination.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/11/senate-to-vote-on-wehrum-nomination-to-lead-epa-air-office-095368

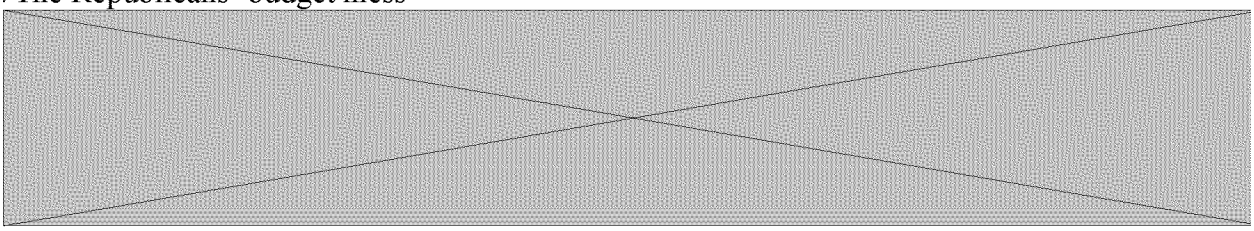
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From: American Enterprise Institute
Sent: Mon 8/7/2017 10:09:46 AM
Subject: AEI Today: The Republicans' budget mess

. The Republicans' budget mess



AEI's daily publication of independent research, insightful analysis, and scholarly debate

Reuters

The Republicans' budget mess

James C. Capretta | Real Clear Policy

With a Republican in the White House and Republican majorities in the House and Senate, this should be the moment when Republicans finally pass a carefully constructed plan with achievable and defensible spending cuts, pro-growth tax changes, and long-term deficit reduction. But the administration doesn't have a plan for progress yet.

Shutterstock

What does the US economy need now?

James Pethokoukis | AEIdeas

The US economy generated 209,000 jobs in July, a bit stronger than analyst expectations and above the average monthly jobs gains this year. Given the strong growth, policymakers should be thinking long term about deep structural reform. What sorts of tax, regulatory,

spending, trade, and immigration policies are best for sustained growth that benefits folks up and down the income ladder?

Reuters

Reagan cut taxes. The economy boomed.

Phil Gramm and Michael Solon | The Wall Street Journal

Economic growth faded as President Obama raised taxes and smothered the economy with unprecedented regulatory burdens. If we reverse those policies, could we not bring back the Reagan growth rates America enjoyed in the 1980s? Evidence suggests the answer is yes.

Reuters

There is a real gang threat in the US

Roger F. Noriega | AEIdeas

MS-13 has a strong foothold in the United States, and its gang members are responsible for murders, extortion rackets, and human trafficking operations in American cities. Attorney General Jeff Sessions is right that strong US leadership and engagement is needed to rid both the US and Northern Triangle of the MS-13 scourge.

More from AEI

Why government doesn't profit from student loans
Preston Cooper | Forbes

Putin's interference in our election clearly backfired
Marc A. Thiessen | The Washington Post

How soon before artificial intelligence can write a Top 40 pop song — as well as do everything else?
James Pethokoukis | AEIdeas

Celebrating the birthday of John Venn, creator of the Venn diagram, with what else? Some Venn diagrams!
Mark J. Perry | AEIdeas

On censorship of 'Confederate,' it's 'Satanic Verses'
Michael Rubin | Washington Examiner

Winners and losers in President Trump's student loan plan
Jason D. Delisle and Alexander Holt | Brookings Institution

Monthly jobs report: Beyond the headlines
Aparna Mathur | AEI infographic

Remember all those left-wing pundits who drooled over Venezuela? Where are those droolers now?
Mark J. Perry | AEIdeas

Are we getting too much of the wrong kind of innovation?
James Pethokoukis | AEIdeas

There is nothing 'clean' about renewable energy
Mark Perry | AEIdeas

US trade deficit: Trump fights the symptoms instead of the causes
Desmond Lachman | The Hill

Space Corps: A new military branch? In 60 seconds
Mackenzie Eaglen | AEI video

Around the web: Why we'll survive artificial intelligence, how smart phones are ruining an entire generation, and more
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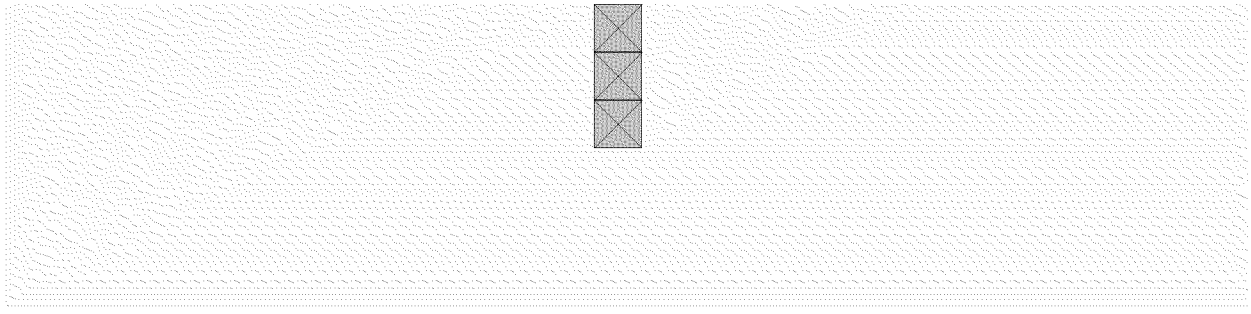
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From: American Security Today
Sent: Thur 8/10/2017 11:01:29 AM
Subject: Alleged Cop Killer Caught, Sex Offender Alien Removal (SOAR), MD Man Att Murder of FBI Agent





To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA.com
Sent: Thur 9/28/2017 10:49:29 AM
Subject: The Morning Headlines from InsideEPA.com -- September 28, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

September 28, 2017

Latest News

D.C. Circuit Rejects Stay Of Coal Ash Rule Challenge But Delays Argument

The U.S. Court of Appeals for the District of Columbia Circuit has rejected EPA's push to indefinitely stay litigation over the 2015 coal ash disposal rule while the agency reconsiders the regulation, but is delaying Oct. 17 oral argument in the case until Nov. 20 for briefing on how states' bid for ash permitting authority might affect the case.

EPA Weighs Coal Ash Permitting Applications From Georgia, Oklahoma

EPA regions are assisting Georgia and Oklahoma on their applications for delegated Resource Conservation & Recovery Act (RCRA) authority to permit coal ash disposal -- believed to be the first two filed so far -- but officials in both states say they are still awaiting a decision on whether their filings are “complete” and eligible for approval.

Industry, Environmentalists Likely To Seek Rehearing Of Solid Waste Case

Industry and environmental groups will likely seek rehearing of a federal appeals court ruling that vacated part of the Obama EPA's definition of solid waste (DSW) rule, but if those appeals fail, EPA will likely write a direct, final rule that closely adheres to the July decision, says a Chicago-based environmental attorney

Vehicle GHG Rules Become Major Flashpoint For Climate Damages Fight

The Trump administration's review of vehicle greenhouse gas and fuel economy rules is becoming a major flashpoint over the White House's efforts to diminish the role of monetized climate benefits in regulatory cost-benefit analysis, with environmentalists essentially threatening litigation over any failure to account for increased GHGs due to weakening the vehicle standards.

Citing Deference, Judge Upholds Corps' Regional CWA Wetlands Policies

A federal district court has upheld the Army Corps of Engineers' practice of using regional “supplements” to update its 30-year-old manual for categorizing wetlands under the Clean Water Act (CWA), deferring to the Corps' position that a policy rider

in the Corps' fiscal year 1993 funding law seen as barring the practice expired with that year's budget.

Environmentalists Urge 9th Circuit To Hear All Suits Over EPA TSCA Rules

Environmentalists are urging the U.S. Court of Appeals for the 9th Circuit to consolidate and hear lawsuits filed in several circuits challenging EPA's initial rules for implementing the revised Toxic Substances Control Act (TSCA), after avoiding filing any cases in the D.C. Circuit out of concern the court might be more sympathetic to EPA.

RFS Data Notice Prompts Questions Over Possible Cuts To Biofuels Goals

EPA's release of a notice of data availability (NODA) on possible further cuts to advanced biofuel and biodiesel blending targets under the renewable fuel standard (RFS) is prompting questions about whether the notice might spur last-minute changes to EPA's looming 2018 RFS and how it might influence the pending 2019 RFS.

Daily Feed

Appellate court sets briefing in challenge to RMP delay

The case is expected to test EPA's authority to delay rules under the Clean Air Act.

EPA offers assurances EJ focus will continue in policy office

“The EJ program that you have known in the past is the EJ program that you will still know today and in days coming,” a top official says.

Democratic AGs vow success on climate push

The state officials also praised the recent formation of a center at New York University to help coordinate their efforts to combat Trump administration deregulatory moves.

Quote-unquote: states' CAA deference and the coming CPP replacement

Plus: CWA jurisdiction rule, a new effort to reduced regulatory burdens and one Republican’s take on climate.

Environmentalists file suit over EPA stormwater permit stay

The challenge to EPA's delay of a Massachusetts stormwater permit provides a new test of the agency's ability to halt implementation of Obama-era rules.

Ewire: Will California start a 'regulatory mutiny' over auto GHGs?

In today's Ewire: Is California about to stage a “regulatory mutiny” over clean car rules, or is it getting ready to deal with the Trump administration?

API defends EPA's 'exceptional events' air rule

In a new legal filing, the American Petroleum Institute backs EPA's position that some man-made emissions can be classified as “natural” events exempt from Clean Air Act compliance.

Read all the latest EPA news, analysis and documents →

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Subject: The Morning Headlines from InsideEPA.com -- August 16, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

August 16, 2017

Latest News

CWA Settlement Could Set Standard For Pending Water Jurisdiction Cases

The Trump administration has settled a long-running Clean Water Act (CWA) enforcement case that allows the defendant to seek a new finding on whether the actions at issue in the case are subject to the law once EPA issues its new CWA jurisdiction rule, creating a potential standard for other CWA cases launched by the Obama administration.

In Lesson For EPA Buyouts, IG Audit Faults Office's Unapproved 'Early Outs'

Providing a lesson for the Trump EPA as it seeks to ramp up employee buyouts and early retirements, a new Inspector General audit finds that Office of Inspector General's (OIG) buyout program during fiscal year 2014 was mismanaged, minimally supervised, and resulted in almost $350,000 in unapproved payments.

EPA Declines Industry Call To Delay Nano Reporting Rule But Expands Guide

EPA has denied an industry request to delay the effective of date of the Obama administration's Toxic Substances Control Act (TSCA) reporting rule for nanomaterials in commerce, but it has updated implementing guidance to better clarify reportable substances and is promising to answer additional questions in future updates to the guide.

EPA Backs Utilities' Push To Rework Key Provisions Of Power Plant ELG

EPA is preparing to start a rulemaking to rework three key portions of the contested Obama-era Clean Water Act (CWA) effluent rule for power plants, backing utilities' push to soften mandates they say are unjustified -- even while the power companies in litigation defend other parts of the rule against environmentalists' attempts to tighten them.

EPA TSCA Guide May Give Industry New Strategies For Risk Evaluations

Chemical industry officials say that new EPA guidance to third parties on drafting their own risk evaluations for the agency's consideration as part of the revised Toxic

Substances Control Act (TSCA) may give industry new strategies for the reviews, but the law leaves several questions unanswered as it gives little guidance over how the process will work.

Daily Feed

10th Circuit rejects EPA denials of small refiner RFS waivers

The ruling may help refiners win waivers from blending requirements that many have sought.

Trump order seeks to speed NEPA project reviews

The order seeks to bring "accountability and discipline back to the permitting process for infrastructure projects," says a White House official.

Our most read: on third-party payments, litigation to come, TSCA reviews

Also: litigating the 2-1 rule and worrying about declining enforcement

Ewire: 'Big Three' could gain from eased vehicle GHG limits

In today's Ewire: Domestic automakers could benefit most if the Trump administration relaxes model year 2021 vehicle limits. Plus: Power plant effluent rule faces revision and judge finds EPA enforcement not politically motivated

PEER readies suit over EPA's Superfund task force information

PEER will sue EPA if the agency fails to turn over information about the composition and deliberations of a task force that recently finalized recommendations for overhauling the Superfund program.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Tue 8/1/2017 10:47:58 PM
Subject: Scientific integrity panel clears Pruitt over CO2 comments

By Alex Guillén

08/01/2017 06:44 PM EDT

A panel of EPA employees says Administrator Scott Pruitt's controversial March comments on television that carbon dioxide is not the primary driver of climate change did not violate the agency's scientific integrity policy.

"Expressing an opinion about science is not a violation of the EPA Scientific Integrity Policy," the panel wrote.

The panel's two-paragraph finding was included in a letter from Thomas Sinks, director of EPA's Office of the Science Advisor, addressed to the Sierra Club, which formally complained about Pruitt's comment but said it had not received a copy of the response.

EPA earlier today sent out a press release touting an article on the letter in the conservative Washington Free Beacon.

The agency's scientific integrity policy "specifically encourages employees to express their opinion should the employee disagree with scientific data, scientific interpretations, or scientific conclusions," the panel wrote, noting that Pruitt "did not suppress or alter Agency scientific findings."

The special panel was formed by EPA's Scientific Integrity Committee, which is made up of high-ranking EPA officials. It did not comment on the accuracy of his statement, which departs from the scientific consensus that carbon dioxide is the primary driver of global warming.

Elena Saxonhouse, a senior attorney with Sierra Club, said in a statement that the group had "been told by EPA staff that the proper process is for the party that filed the complaint to be informed first, not the media." She added: "Pruitt's 'opinions' can have especially weighty consequences for the many scientists working below him, yet the letter treats him like any other employee."

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/scientific-integrity-panel-clears-pruitt-over-co2-comments-091372

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Subject: Sep. 12 -- Energy and Climate Report

Energy and Climate Report

September 12, 2017 - Number 176

News

Climate Change
Exxon Must Disclose Accounting Details in N.Y. Climate Probe
Exxon Mobil Corp.'s attempt to use "accountant-client privilege" to avoid handing over audit documents in a politically charged climate-change probe was dealt a final blow by New York's top court.

Climate Change
Tone Down Climate Change in Suit Against Exxon: Judge
A federal judge said he wanted to avoid having "the Scopes Monkey Trial of the 21st Century," and ordered an environmental organization to remove claims based on climate change in its lawsuit against Exxon Mobil Corp.

Emissions Trading
EU Said to Mull Marking U.K. Carbon Permits in Contingency Plan
The European Commission will propose marking carbon allowances issued by the U.K. as of January 2018 as part of Brexit-related rules to make the world's biggest emissions market resistant to potential supply turmoil.

Energy
Proposed Maryland Offshore Wind Ban Draws Diverse Opposition
A proposal to ban offshore wind projects in Maryland waters is attracting opposition from a band of unlikely allies, with oil company representatives front and center.

Hydraulic Fracturing
Delaware River Basin Fracking Talks Could Be Revived
A de facto moratorium on hydraulic fracturing in the Delaware River basin—in place since December 2010—could be up for discussion again before a multistate watershed commission.

Motor Vehicles
China Solar-Cell Maker Explores Electric Cars With World No. 2
Golden Concord Group Ltd., a Chinese energy conglomerate, said it's seeking opportunities in electric vehicles, joining investors like billionaire Li Ka-shing who are pushing into the sector as the government works on a plan to phase out internal-combustion autos.

Renewable Energy
German Coastal States Urge Merkel to Raise Offshore Wind Targets
Germany's coastal states and cities urged Chancellor Angela Merkel to raise the nation's

offshore wind power target to take advantage of the technology's plummeting costs.

Renewable Energy

Solar Developers Hoarding Panels as Threat of U.S. Tariffs Looms

Solar developers are suspending construction as the looming threat of U.S. import tariffs has driven up prices and spurred hoarding, crippling panel supplies.

Renewable Energy

Utility-Scale Solar Hits Cost Goal, Focus Turns to Reliability

The solar industry has met the Energy Department's goal to reduce the average price of utility-scale solar to 6 cents per kilowatt-hour—three years ahead of the agency's 2020 target.

Sustainability

Evian Aims to Deflect Water Criticism by Going Carbon Neutral

Evian aims to become the first major spring water brand to go carbon neutral amid criticism that packaging water from the French Alps and transporting it around the world in plastic bottles causes unnecessary environmental damage.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Sat 9/23/2017 2:06:25 PM
Subject: BREAKING NEWS: NFL Commissioner Goodell says Trump showed a 'lack of respect' for players

National Football League Commissioner Roger Goodell said on Saturday that President Donald Trump had demonstrated a "unfortunate lack of respect" for the league and its players by suggesting that team owners should get rid of players who disrespect the flag.

"Divisive comments like these demonstrate an unfortunate lack of respect for our great game and all of our players, and a failure to understand the overwhelming force for good our clubs and players represent in our communities," Goodell said in a statement, which not did not explicitly mention the president.

The president was addressing the actions of NFL players who have protested during the national anthem, following the example of former San Francisco 49ers Quarterback Colin Kaepernick, who started the national anthem protests last season amid a wave of protests about police violence. "Wouldn't you love to see one of these NFL owners, when somebody disrespects our flag, to say, 'get that son of a bitch off the field right now - he's fired, Trump said at a rally in Alabama for Sen. Luther Strange.

Full story: http://www.politico.com/story/2017/09/22/trump-nfl-protests-football-243046?lo=ap_b1

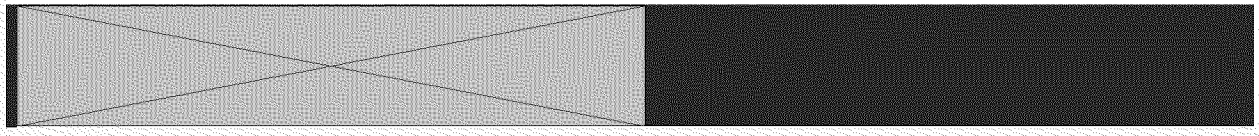
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: The Washington Post
Sent: Mon 9/11/2017 4:00:44 PM
Subject: Federal Insider: Feds' charitable giving reflects worry; reciting oath on video reflects pride and Trump counterpoint



Feds' charitable giving reflects worry; reciting oath on video reflects pride and Trump counterpoint

By Joe Davidson

Greg Guthrie and other federal employees are uploading videos of themselves reciting their oath of office to the Uphold the Oath project, which is described as a "digital grassroots project that celebrates America's federal civil servants and encourages them to publicly reaffirm their commitment to the ideals listed in the oath of office." (Courtesy of Greg Guthrie)

"I, [name], do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

Oath for Federal Employees

Federal workers have ways of making their feelings known, sometimes privately, sometimes for all to see.

Their charitable contributions provide insight into their anxieties. The oath of office some are now choosing to publicly repeat on videos demonstrates their fealty to the Constitution, not politicians, including the top one who considers them swamp dwellers. Repeating the oath is a simple act and a powerful counterpoint to President Trump's narcissistic notion of loyalty.

Let's start with a new report that shows some notable changes in federal employee giving, revealing their worries during a politically divisive 2016.

While their allegiance to the Constitution means federal employees serve taxpayers without partisan bias, what they do with their own money points to their apprehensions about the direction of the country that became more evident as Trump's candidacy grew.

An analysis of contributions to the Combined Federal Campaign (CFC), an umbrella charitable effort for federal employees, demonstrates "federal donors clearly reacted to the election of Trump in 2016, providing several charities with a sizable Anti-Trump bounce in their pledge results," Marshall Strauss, chief executive of the Workplace Giving Alliance, said in an email Friday to his board of directors. The Alliance is a coalition of CFC organizations and reports on federal employee giving.

"For example," Strauss continued, "the American Civil Liberties Union [Foundation] was up almost 400 percent in comparison with its 2015 CFC results, the Southern Poverty Law Center (SPLC) saw its pledge number jump by 345 percent, and the Natural Resources Defense Council (NRDC) saw its pledge total jump 180 percent."

Current and former feds do that by taking videos of themselves for posting on the project's website, reciting their pledge to "support and defend the Constitution."

Note: That doesn't say support and defend the president, an idea that seems to trouble the self-absorbed Trump and his minions.

Recall what former FBI director James B. Comey said was Trump's directive to him: "I need loyalty."

Comey didn't give it and was later fired.

It's not just Trump. In February, Breitbart.com, previously and currently led by former White House chief strategist Stephen K. Bannon, published a threatening list of "bureaucrats [who] are actively engaged in sabotaging President Trump's agenda."

In the current political environment, simply affirming the oath could be interpreted as an act of defiance against a Trump presidency that has disgraced the office — even if the project participants don't see it that way.

Uphold the Oath

It is important to note Trump is not mentioned on the website and there is nothing to indicate in conversations with the organizers or federal employees that he is the target of this effort.

Swearing to "well and faithfully discharge the duties" is a weighty moment when workers enter federal service. They are a dedicated bunch, whose federal employees in a "deep state" conspiracy against the president, Ian

These organizations have taken principled stands against Trump's harmful policies:

ACLU says Trump wants to " Enshrine a Business Right to Discriminate Into the Constitution."

SPLC President Richard Cohen wrote about "the malignant bigotry at the heart of President Trump's agenda."

NRDC tracks "Trumps attacks on the environment."

Planned Parenthood, the Sierra Club and the National Park Foundation also received significantly more in donations, according to the report.

"Organizations focused on civil rights and environmental protection saw some of the biggest increases in pledges in 2016," it said, "presumably reflecting a perception that these topics would lack support from the new administration."

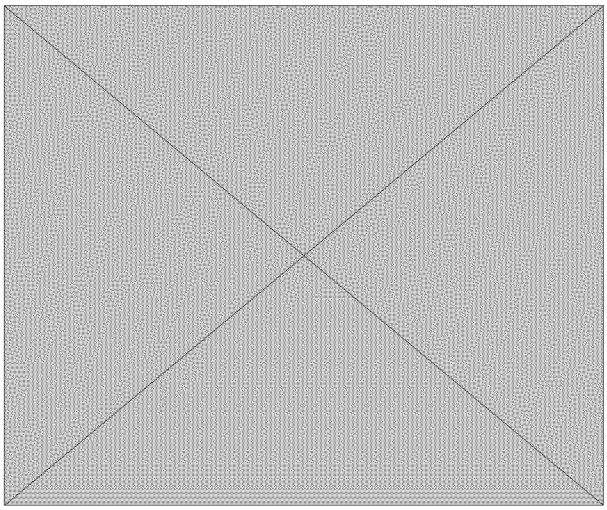
A private, charitable contribution is one form of patriotic expression. A video declaration is another.

But given Trump's "drain the swamp" comments and Breitbart-like criticism of

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devotion to mission, sense of service to the American people and the Constitution is fused with passion.

Confirming that is a new effort to "Uphold the Oath," described as a "digital grassroots project that celebrates America's federal civil servants and encourages them to publicly reaffirm their commitment to the ideals listed in the oath of office."



Bassin, executive director of Project Democracy, the effort's organizer, said "this felt like a time when it was important for public workers to know they are not alone."

He quickly added, however, that this is not the only time, recalling President Ronald Reagan's comment during a 1986 news conference: "The nine most terrifying words in the English language are: I'm from the government and I'm here to help."

That's insulting to people like Greg Guthrie, a Commerce Department staffer who has been a federal employee for 25 years.

The District resident didn't mean his video as a message to Trump, but to his fellow employees, whom he encouraged "to stand up and be proud of who you are." Recording the video, he said, "made me feel sort of empowered, really, as a federal employee …. especially nowadays you kind of feel almost beaten down, with a lot of the negative rhetoric."

Former fed Terry Babcock-Lumish, who committed to a career of public service as a junior at Carnegie Mellon University and has worked for local,

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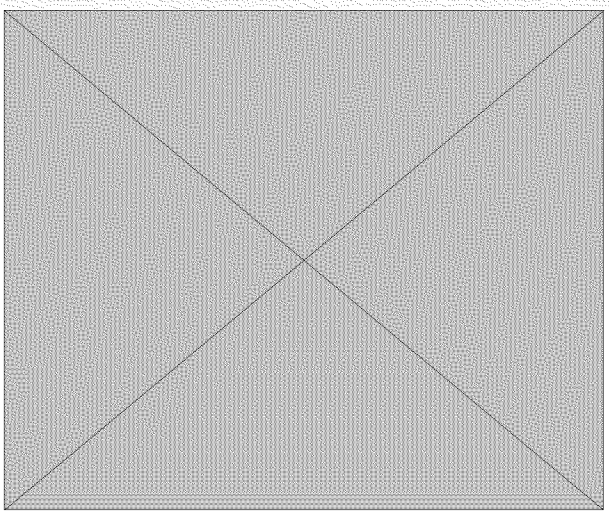
state and federal governments, said she did a video because she wanted “to convey pride in being a federal civil servant.” She is “very troubled by the idea that civil servants are being questioned or doubted when they are working across administrations.”

Her message: “I’m really proud of having served in the federal government as a federal civil servant.”

Read more:

[Chocolate chips for charity chucked from federal workplace]

[Comey: White House lied about me, FBI]



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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 8/18/2017 12:16:39 AM
Subject: Aug. 17 -- Energy and Climate Report



Energy and Climate Report

August 17, 2017 - Number 159

News

Air Pollution
China's Blue Skies Target May Make for Winter Gas Crunch
Chinese President Xi Jinping's government beat expectations in its drive to help clear the nation's notoriously smoggy skies by burning less coal and oil in favor of cleaner natural gas.

Air Pollution
EPA to Revisit Rules Cutting Carbon Emissions from Trucks
The EPA will re-examine Obama-era rules designed to slash carbon-dioxide emissions from tractor-trailers, school buses and other heavy-duty vehicles following complaints from industry groups.

Air Pollution
Saudi Arabia Calls for Pollution Monitors on Industrial Chimneys
Saudi Arabia has ordered about 7,000 industrial plants to install networked monitoring systems to measure greenhouse gas emissions in real-time as part of its effort to reduce air pollution and improve public health, according to the Ministry of Environment, Water and Agriculture.

Energy
An Eclipse Is What the U.S. Power Sector's Been Waiting For
Turns out the solar eclipse, set to plunge parts of the U.S. into total darkness on Aug. 21, will offer exactly what the power sector's been looking for: a completely predictable stage for experiments.

Energy
China's Menswear Maker Swaps Stitching for Lithium Batteries
Ten years ago, Ningbo Shanshan Co. was primarily a maker of menswear turning out shirts, casual wear and business suits from its base of Ningbo, an industrial hub in China's Zhejiang province. Not anymore.

Energy
How a Harley-Riding Ex-Ally of Villains Is Leading a Nuke Revolt
In the basement of a three-story house in a leafy neighborhood in Tokyo, about 40 lawyers crowded together, plotting against Japan's massive nuclear power industry.

Enforcement
Maersk Oil Faces Danish Chemical Breach Prosecution

Denmark has taken the unusual step of initiating legal action against the Copenhagen-based multinational Maersk Oil for environmental breaches relating to modifications to a chemical used in oil extraction.

Oil & Gas

Blackstone's New Pipeline Asset Is Wreaking Environmental Havoc

In the energy business, it's one of the biggest projects going today: construction of a 710-mile pipeline to transport natural gas from America's most prolific shale deposit in the eastern U.S. to consumers in the Midwest and Canada. Even Blackstone Group LP has agreed to take a sizable stake.

Oil & Gas

Enbridge Pipeline Gets Environmental OK From Minnesota

Rejecting the Minnesota portion of an Enbridge Inc. proposed $5.8 billion pipeline would adversely affect the future adequacy and reliability of the state's energy supply, the Minnesota Commerce Department said Aug. 17 .

Renewable Energy

GE, Tesla to Outfit 50 Home Depot Stores with Solar Panels

General Electric Co.'s Current unit and Tesla Inc. will install solar systems on 50 Home Depot Inc. stores and sell the power output to the retailer.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 9/26/2017 8:09:07 PM
Subject: Sep. 26 -- Energy and Climate Report - Afternoon Briefing



Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

EPA Opens Door to Cutting Biodiesel, Renewable Fuel Quotas

Posted September 26, 2017, 03:27 P.M. ET

By Jennifer A. Dlouhy

The EPA wants public input on potential reductions in annual renewable fuel quotas, including mandates for biomass-based diesel in 2018 and 2019.

The Environmental Protection Agency issued a notice Sept. 26 providing historical data on imports of renewable fuel and possible strategies for using its statutory authority to waive annual targets established by Congress. It includes options for reductions in the biomass-based diesel, advanced biofuel and total renewable fuel volumes beyond what the EPA proposed in July in its 2018 renewable fuel standard rule.

The EPA cites a provision allowing it to reduce annual biomass-based diesel requirements as much as 15 percent for up to 60 days, with extensions allowed, if there's a renewable feedstock disruption or other market circumstance that would make its price jump. But "waiving the standard for 60 days" without adjusting the annual requirement "would provide no relief," the EPA said.

The agency asked in the notice whether it would be appropriate to reduce the annual standard by as much as 15 percent or, alternatively, allow refiners and importers to reduce individual quotas by an amount pegged to production and import levels within a specific 60-day period.

The notice follows the Commerce Department's decision to slap duties on biodiesel from Indonesia and Argentina, amid heavy lobbying by oil companies and trade groups asking the EPA to lower annual biofuel targets.

Bob Dinneen, president and CEO of the Renewable Fuels Association, said in a statement that there was no rationale for further lowering the 2018 advanced biofuel or total renewable fuel volume requirements.

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Puerto Rico May Be Grid Innovation Testing Ground: Energy Nominee

Posted September 26, 2017, 02:53 P.M. ET

By Rebecca Kern

Puerto Rico has the potential to be a testing ground for new electricity delivery technologies from U.S. national labs as the Caribbean island looks to rebuild its electric grid, an Energy Department nominee told senators today.

Senate Energy and Natural Resources Committee members asked Bruce Walker about what can be done to improve the U.S. territory's resilience against future hurricanes, after Hurricane Maria knocked out Puerto Rico's entire electric grid, leaving its 3.4 million residents without power.

Walker said he sees a "tremendous opportunity" to use Puerto Rico to deploy projects developed at Energy Department national laboratories "to introduce new concepts and perhaps new architectural construction."

Walker discussed the potential for a more "collapsible" electric grid system in Puerto Rico that can come down in a hurricane with high winds—but be restored quickly.

"I think that, plus with new innovation with new technologies, will allow for the redevelopment and reconstruction of the actual overall system in Puerto Rico," he said.

If confirmed, Walker would head the Energy Department's Office of Electricity Delivery and Energy Reliability, which works to ensure the U.S. energy delivery system is secure, resilient and reliable and helps develop new technologies to improve electricity infrastructure.

Scana Says S.C. Is Seeking Criminal Probe of Nuclear Project

Posted September 26, 2017, 02:30 P.M. ET

By Jim Polson and Mark Chediak

South Carolina's attorney general called for a criminal probe into Scana Corp.'s handling of the canceled V.C. Summer nuclear expansion project, adding that it may not be entitled to charge customers for the plant.

Attorney General Alan Wilson was joined by state legislators in calling on the South Carolina Law Enforcement Division to open a probe, Scana said in a Sept. 26 filing. Separately, Wilson questioned the state law that allows utilities to recover the costs of unfinished or abandoned power plants. Scana said it will fully cooperate "with any potential government investigation."

Scana and its partner, state-owned utility Santee Cooper, halted construction on two new reactors at the Summer plant after costs ballooned to over $20 billion, a decision that leaves Southern Co. as the only utility building a nuclear plant in the U.S. Scana had asked utility regulators for permission to recover $4.9 billion in expenses for the project before withdrawing the request in August to give officials more time for review.

"Our citizens have paid billions of dollars and got absolutely nothing from it but a money pit," Wilson said in an emailed statement. The law "at the heart of the failed nuclear reactors" is "constitutionally suspect."

The announcements follow the disclosure last week that the U.S. Attorney's office in South Carolina

is carrying out a grand jury probe of Santee Cooper. Scana said last week it had received a subpoena from the U.S. Attorney seeking information about the project.

South Carolina Governor Henry McMaster (R) was among those opposed to scrapping the project, saying that the reactors are still worth finishing.

"The politics has reached a fever pitch," Paul Patterson, a New York-based utility analyst for Glenrock Associates LLC, said. "The operative word is 'uncertainty.'"

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California Mulls Following China With Combustion-Engine Car Ban

Posted September 26, 2017, 9:03 A.M. ET

By Ryan Beene and John Lippert

The internal combustion engine's days may be numbered in California, where officials are mulling whether a ban on sales of polluting autos is needed to achieve long-term targets for cleaner air.

Gov. Jerry Brown (D) has expressed an interest in barring the sale of vehicles powered by internal-combustion engines, Mary Nichols, chairman of the California Air Resources Board, said in an interview Friday at Bloomberg headquarters in New York. Brown, one of the most outspoken elected official in the U.S. about the need for policies to combat climate change, would be replicating similar moves by China, France and the U.K.

"I've gotten messages from the governor asking, 'Why haven't we done something already?'" Nichols said, referring to China's planned phase-out of fossil-fuel vehicle sales. "The governor has certainly indicated an interest in why China can do this and not California."

Embracing such a policy would send shockwaves through the global car industry due to the heft of California's auto market. More than 2 million new passenger vehicles were registered in the state last year, topping France, Italy or Spain. If a ban were implemented, automakers from General Motors Co. to Toyota Motor Corp. would be under new pressure to make electric vehicles the standard for personal transportation in the most populous U.S. state, casting fresh doubts on the future of gasoline- and diesel-powered autos elsewhere.

California has set a goal to cut carbon dioxide emissions by 80 percent from 1990 levels by 2050. Rising emissions from on-road transportation has undercut the state's efforts to reduce pollution, a San Francisco-based non-profit said last month.

"To reach the ambitious levels of reduction in greenhouse gas emissions, we have to pretty much replace all combustion with some form of renewable energy by 2040 or 2050," Nichols said. "We're looking at that as a method of moving this discussion forward."

Legal Means

California has the authority to write its own pollution rules, which dates back to the 1970 Clean Air Act. Those rules are underpinned by waivers granted by the U.S. EPA.

Nichols said the state would likely take a different legal route to enable a possible ban rather than

use an EPA waiver, since the Trump administration would be unlikely to approve one. For example, California could use vehicle registration rules or control the vehicles that can access state highways, she said.

"We certainly wouldn't expect to get a waiver for that from EPA," Nichols said. "I think we would be looking at using some of our other authorities to get to that result."

China will likely order an end to sales of all polluting vehicles by 2030, the chairman of electric-car maker BYD Co. said Thursday. France and the U.K. have announced 2040 as their end date for sales of fossil fuel-powered cars.

A ban for California could also still be decades away from implementation, and just how far out remains to be seen, Nichols said.

"There are people who believe, including who work for me, that you could stop all sales of new internal-combustion cars by 2030. Some people say 2035, some people say 2040," she said. "It's awfully hard to predict any of that with precision, but it doesn't appear to be out of the question."

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Coal Export Terminal Permit Rejected in Washington

Posted September 26, 2017, 01:51 P.M. ET

By Paul Shukovsky

Building the largest coal export terminal in North America would have "too many unavoidable" consequences, the Washington Department of Ecology said this morning when it denied the proposed Millennium Bulk Terminals a necessary water permit.

The denial effectively kills the proposed terminal, but the company could still appeal the decision.

"There are simply too many unavoidable and negative environmental impacts for the project to move forward," Ecology Director Maia Bellon said in a statement.

Millennium, owned by Lighthouse Resources Inc., would have shipped up to 44 million metric tons of coal a year to Asia. It was the last hope in the near-term for a Northwest terminal allowing for export of U.S. coal from the Powder River Basin in Wyoming and Montana and the Uinta Basin in Utah and Colorado to markets such as South Korea, Japan, and Taiwan. Regulators have blocked other proposals in the region.

Europe's Gas Industry Gathers and Asks Whether It Should Exist

Posted September 26, 2017, 02:16 P.M. ET

By Kelly Gilblom

Ask about this winter, and European natural gas executives question if there's enough supply. Ask about life in a few decades, and the same people wonder whether their business will exist.

"Society now requires more from us than to promote our own product," said Annie Krist, chief

executive officer of GasTerra, a natural gas wholesale venture between Royal Dutch Shell Plc, Exxon Mobil Corp. and the Dutch State, at a gathering of gas executives in Rotterdam. "We should be asking: are you prepared to put your business model up for discussion? Are the good times over?"

Krist's comments at the Platts European Gas Summit reflect the sort of existential questions industry executives increasingly face. While striving to position gas as an alternative to dirtier coal in a worldwide effort to reduce carbon-dioxide emissions and stem global warming, they realize that cleaner and cheaper renewable fuels may be sounding the death knell for gas.

Listen to Kirst, who runs the largest gas buyer in the Netherlands, where people have proposed ripping gas grids out of the ground to force a switch to greener fuels, and you hear that gas is an endangered species. Others are more circumspect.

Jason Tate, chief operating officer of European gas and power at BP Plc, said gas is now the cornerstone of their business and will be an expanding part of their portfolio for years as they move away from oil. Pierre Vergerio, the chief operating officer at Edison SpA, the Italian natural gas distributor, said he believed gas has a bright future.

At the other extreme, Sergei Komlev, head of contract structuring at the export arm of Gazprom PJSC, Europe's biggest supplier, warned of "eco-jihadists" that could end civilization by eliminating the use of natural gas and fossil fuels too quickly. He also believes the way gas has been priced for decades, in long-term bilateral contracts linked to the price of crude, works just fine, even as the company opens up a new office in St. Petersburg that relies on trading hubs.

"We are decarbonizing the economy, we at the same time are providing a guarantee that just in case something happens, gas will always be there," he said. "By the way, the theory of global warming is based on what? On models? Manmade models that could be mistaken."

At least over the next few months, the work of the gas industry will be critical to Europe. The continent is heavily reliant on imports of the heating and power fuel as its largest onshore field in the Netherlands faces mandatory output cuts.

Its two largest pipelines suppliers, Russia and Norway, already say they'll send record volumes of the fuel. To supplement those volumes in case of a severe cold snap, EU countries need to attract liquefied natural gas away from Asia. They'll also need to look very carefully at coal prices, which may dip below gas prices and crater demand for its use in power generation, or vice versa.

Other key takeaways from day one of the Platts Gas Summit:

• Who's to blame for the move against gas in the Netherlands? It may well be Napoleon, Gasterra's Kirst said. After all, he's the one that decided mineral wealth should go to the state instead of to individual landowners, who only suffer from activity on their property. "We're not Texas," she said.

• Centrica Plc isn't worried about the closure of its Rough gas storage facility, the U.K.'s largest. Gautam Mukherjee, head of gas, liquids and economic analysis at Centrica, said Britain has many other sources it can pull from. "At some point that will matter, but it's just not something that's sort of impacting the market today."

• Edison's Vergerio said he isn't worried that a big breakthrough in battery technology will lead to a massive uptake in the use of wind and solar for power, which now struggle with intermittency issues. Gas will always be needed for its reliability. "Do we need gas in the long-run? I'm convinced of that."

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Britain's Grid to Share Clean Energy Data After Green Summer

Posted September 26, 2017, 7:47 A.M. ET

By Mathew Carr

As low-carbon energy met more than half of the U.K.'s power use this summer, the nation's power grid operator plans to debut a program that will make it easier for households to benefit from cheap solar and wind generation.

The London-based network manager is working on publishing data that will help consumers switch on appliances at times when it's cheapest to do so, National Grid Plc said by email. Clean-energy sources including wind, solar and nuclear met a record 52 percent of power use in the three months through Sept. 22, compared with 35 percent four years ago, it said.

"Clear and concise information that can tell you in advance when's best to turn on the washing machine, load the dishwasher or charge your car, for example, is a step in the right direction toward a low-carbon future," said Duncan Burt, director of the grid's system operator.

Software will combine grid data with that from the U.K.'s Met Office, which forecasts weather, in order to estimate the share of renewable and non-renewable energy on the network during the next 48 hours. The plan will relieve pressure on the system during peak times, reduce the need for back-up fossil-fuel plants, and potentially cut household bills, National Grid said.

In March, the grid operator said it may pay big energy consumers to use more electricity on sunny weekends when solar energy is plentiful and demand is low. This eases the need for other grid balancing measures such as calling on power producers to reduce output.

Under the plan to provide additional data:

• The project's information system will be available so developers can create consumer apps

• National Grid is also working with environment groups WWF and Environmental Defense Fund Europe on the project

• Other nations could use the model to help meet emission-reduction goals, said Bryony Worthington, executive director of Environmental Defense Fund Europe

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Brazil's Courtship with Big Oil Tested at Temer's First Auction

Posted September 26, 2017, 11:31 A.M. ET

By Sabrina Valle

President Michel Temer's efforts to repair Brazil's strained relationship with the world's biggest oil companies will be put to the test Sept. 27 when his government auctions 287 exploration blocks.

Temer, who became president last year following the impeachment of his predecessor, swiftly pushed through business-friendly regulations and expanded resource access to woo producers including Royal Dutch Shell Plc, Total SA and Exxon Mobil Corp. Brazil's most recent oil round in 2015 flopped at a time when the terms were less attractive to foreign operators.

Brazil is also selling power plants, its main utility and even the national mint to accelerate its slow climb from the deepest recession on record. It opened the country's most prized offshore oil region to foreign control and scaled back buy-in-Brazil requirements for goods and services to address long-standing complaints from drillers. Officials are predicting robust turnout at Wednesday's sale, which will serve as a gauge of investor confidence in Brazil's recovery.

"The success of the auctions will be measured by the quality of the companies that bid," Decio Oddone, the head of the National Petroleum Agency, said Sept. 21. "If rounds this year are successful, they will bring Brazil side by side with the biggest oil producers in the world."

The Temer government is planning a total of nine oil auctions that it expects to bring in as much as $80 billion in investments during the life of the projects. Brazil has two more auctions planned for October for areas in the offshore pre-salt region that holds Brazil's most productive oil fields.

Thirty-two companies including Shell, Total, BP Plc, Exxon, as well as state-controlled Petroleo Brasileiro SA, have signed up to compete in the so-called 14th round that has a combined minimum signing bonus of 1.7 billion reais ($540 million).

The most recent round in 2015 was considered a failure due to the low number of competitors and areas sold. It was the first round ever without participation from Rio de Janeiro-based Petrobras, which was grappling with a massive graft scandal and high leverage at the time. It raised less than 500 million reais in signing bonuses and investments, one of the worst results since Brazil ended Petrobras' monopoly on exploration and production two decades ago.

Offshore blocks in the Campos, Santos, and Sergipe-Alagoas basins, where large discoveries have already been made, are expected to draw the most attention from oil majors. They include six blocks in a section known as SC-AP3 where there is evidence of pre-salt formations, while located outside the official pre-salt polygon that has a special development model.

The block with the most expensive minimum bid, SEAL-M-501, is in deep waters of the Sergipe-Alagoas basin where Petrobras has announced large discoveries.

"Brazil's geological potential is unquestionable, but there is an enormous global competition for resources and investments," Flavio Ofugi, Shell's government relations representative in Brazil, said Sept. 15. "Brazil can't lose this window of opportunity."

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Corporate Demand Growing for Clean Energy Certificates in Brazil

Posted September 26, 2017, 11:04 A.M. ET

By Michael Kepp

Corporate demand in Brazil is growing for renewable energy certificates, signaling that companies are using more renewable power from certified producers.

Brazilian companies and local offices of multinationals, including Procter & Gamble, Johnson & Johnson, GE Global Research, and Nivea, the Germany-based personal-care brand, have bought 137,160 internationally registered renewable energy certificates (RECs) from 19 certified renewable power plants—50,000 in 2016 and 87,160 in the first eight months of 2017, Fernando Lopes, a partner at Instituto Totum, which certifies and issues RECs, told Bloomberg BNA.

"Demand for RECs is growing quickly in Brazil, where 80 percent of the electricity matrix comes from renewable sources, and we expect 100 companies to have bought these seals in the next two years," said Lopes. "Companies in Brazil buy RECs from certified renewable power plants to prove that some of the energy they consume is renewable and to improve their corporate image as being sustainable."

Igor Oliveira, sustainability manager for Nivea in Brazil , which bought 815 RECs from an Instituto Totum-certified small hydropower plant for its new Sao Paulo headquarters, told Bloomberg BNA that the company bought the seals because "applied sustainability can help construct a better world."

Each certificate represents 1 megawatt-hour of renewable power and is sold for between 1 to 5 Brazilian reais (32 cents to $1.60).

Marketing Tool

The three mainstream systems for documenting, tracking, and registering certified use of renewable energy are the REC system in the U.S. and Canada, Guarantee of Origin system in Europe, and International-REC (I-REC) system in Brazil and 15 other countries.

"I-REC launched in Brazil in 2016, a time when there weren't any other international certifications system here and when we believed there would be a demand for them, which is on the rise here," Oliver Crouch, a member of the I-REC Standard Advisory Group, told Bloomberg BNA.

Many companies buy renewable energy certificates in Brazil to help qualify their facilities to receive a Leadership in Energy and Environmental Design (LEED) certification for sustainable buildings, awarded by the U.S. Green Building Council.

The Clube Atletico Paranaense soccer team in southern Parana state bought 2,600 RECs in March from an Instituto Totum-certified small hydropower plant so that its stadium, now under renovation, could get LEED certification, which it expects to receive by December.

"The LEED certification of our stadium will show that our soccer club is committed to sustainability," Luiz Volpato, a club architect coordinating the stadium's renovation, told Bloomberg BNA. "Once we get the LEED seal we can use it for marketing purposes."

Taking the LEED

GE Global Research, the research and development arm of General Electric, bought 4,100 renewable energy certificates from a small hydropower plant in Brazil in July 2016 to get LEED certification for three buildings in Rio de Janeiro.

"Buying those RECs to help us get LEED certification helps us create a more sustainable corporate image, which is good for business," Cleber Barbosa, a manager of GE Global Research in Brazil,

told Bloomberg BNA.

Proctor & Gamble, the U.S. consumer goods corporation, bought them in 2016 to help get LEED certification for a manufacturing plant it built just outside Rio de Janeiro, Annette Amadin, an engineering leader for P&G in Latin America, told Bloomberg BNA.

"P&G also bought those RECs to help make our corporation more sustainable and to meet our long-term sustainability targets, one being the goal of running our manufacturing on 100 percent renewable power," said Amadin.

Voluntary Reductions Platform

Other companies buy RECs to prove and register their greenhouse gas emissions reductions on voluntary emissions reductions platforms, like Brazil's GHG Protocol or Carbon Disclosure Project, or to qualify to join the RE100, a global initiative of businesses committed to using 100 percent renewable electricity, said Lopes of Instituto Totum.

"I expect future demand for RECs to grow from companies for a variety of reasons, one being to help make them eligible for listing on the Corporate Sustainability Index of Brazil's stock exchange, set up to help environmentally and socially conscious investors build sustainable stock portfolio," he said.

Laura Albuquerque, technical adviser for the Brazilian Business Council for Sustainable Development, said, "These certificates are new to Brazil but we foresee a growing demand for them by companies that need to show transparency in their sustainable activities."

Companies currently account of 10,000 of the 20,000 terawatt-hours of global demand for renewable power, with households accounting for the rest, said Crouch. And 2,500 terawatt-hours of that corporate demand comes from renewable energy.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Fri 10/27/2017 9:49:07 AM
Subject: Morning Energy, presented by Chevron: Energy dominance meets market realities — Multiple congressional probes of Whitefish contract — RFS concessions fuel GOP war of words

By Anthony Adragna | 10/27/2017 05:47 AM EDT

With help from Alex Guillén and Eric Wolff

MY HEART DRILL GO ON? Interior Secretary Ryan Zinke has made opening up more areas for oil and gas drilling a key part of delivering on President Donald Trump's pledge to unleash "energy dominance" but there may not actually be that many takers, Pro's Ben Lefebvre reports. Interior plans to offer 10 million onshore acres in the National Petroleum Reserve in northern Alaska in December and 77 million offshore acres across the entire Gulf of Mexico in March, but the combination of low oil prices and ample private land available for fracking may keep some away. "It's almost like having a fire sale of all the acreage," said Ken Medlock, director of the Baker Institute's Center for Energy Studies at Rice University in Houston. "Wouldn't surprise me at all if there's a lot of acreage that doesn't sell."

Short-term cash infusion: The federal government is likely to make money from the bids themselves, but many companies are likely to sit on the acreage and wait for oil prices to rise before they start drilling. Both the Gulf and Alaska have high production costs given the remoteness of both locations, making new projects in those locations a tough sell to companies. The most likely outcome of the Gulf lease sale is that a modest number of companies may buy acreage next to drilling rigs already in operation. "They're still showing up [to the lease sales], just not buying a lot," Justin Devery, a principal energy researcher at IHS Markit, told Ben.

That irks advocates: When companies leave lands idling the public gets hit twice since the lands cannot be used and they aren't generating income for taxpayers, according to Nada Culver, senior counsel and director at The Wilderness Society's BLM Action Center. "We will lose the ability to use those lands, and at the same time we're not necessarily going to see a return."

Relatedly, the Senate Energy and Natural Resources will hold a Nov. 2 hearing on the potential for oil and gas exploration in ANWR as the committee seeks to meet reconciliation instructions from the budget to raise $1 billion in revenue over the next decade.

AND FOR YOUR RADAR TODAY: Trump huddles with Zinke in the Oval Office today 11:30 a.m. No topic specified, though ME bets Zinke's recommendations on national monument designations will pop up.

TGIF EVERYONE! I'm your host Anthony Adragna, and QEP Resources' Shane Schulz was first to identify Hawaii, Idaho, New Hampshire, Rhode Island and Maine as the five states with two House seats. For today: Which four states have the most congressional seats? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

LET THOSE WHITEFISH LETTERS FLY: Lawmakers penned three separate letters Thursday seeking information related to the $300 million contract awarded to the tiny Whitefish Energy based in Zinke's hometown, Pro's Ben and your ME host report.

—A bipartisan group of House Energy and Commerce lawmakers wants a briefing from Whitefish Energy. "In light of the questions that have been raised about your company's involvement in recovery efforts ... it is important to develop a clear understanding of the facts," they wrote in a Thursday letter to Whitefish Energy CEO Andrew Techmanski.

—House Natural Resources Chairman Rob Bishop and Oversight Subcommittee Chairman Bruce Westerman asked the Puerto Rico Electric Power Authority for all documents related to its decision to ink the Whitefish contract. They also asked more broadly for information on how PREPA enters into third-party contracts and what procedures it must follow if it departs from the normal process. Link.

—Senate Energy ranking member Maria Cantwell and Ron Wyden asked GAO to investigate the contract in a separate letter.

Bipartisan resiliency push for rebuilding: A powerful bloc of senators, including the top Republican and Democrat on the Senate Energy and Natural Resources Committee and the Finance Committee chairman, are pressing the Senate leadership for weather-resilient distributed energy to rebuild the power grids of Puerto Rico and the Virgin Islands, Pro's Emily Holden reports. "Decentralized energy resources operating in microgrids are more likely to remain functioning during and after storms," says the letter, spearheaded by Sen. Al Franken and signed by Sens. Lisa Murkowski, Orrin Hatch, Rob Portman and Cantwell.

Remember that Superfund drinking water story? Sens. Tammy Duckworth and Elizabeth Warren led five of their Democratic colleagues in questioning whether residents on the smaller Puerto Rican island of Vieques had adequate communication infrastructure to heed EPA warnings not to drink water from Superfund sites. "We are unable to guarantee residents there will heed EPA's guidance and avoid the potential adverse health effects associated with drinking contaminated water unless there is sufficient Federal Government presence on the island to provide access to clean drinking water," they wrote in a letter. "We urge you to make monitoring and securing the Vieques site a priority for the duration of recovery."

Another CODEL leaves: A bipartisan group of lawmakers, helmed by House Majority Leader Kevin McCarthy and Minority Whip Steny Hoyer, are visiting the U.S. Virgin Islands, Puerto Rico and the Florida Keys today and Saturday to examine ongoing recovery efforts from the string of recent hurricanes. Also traveling: Bishop, Jeff Denham, Norma Torres and Anthony Brown. Their visit comes as the Rhodium Group released a report Thursday concluding Hurricane Maria caused the "largest blackout in American history." Trump signed into law Thursday legislation H.R. 2266 (115) that provides $36.5 billion to help FEMA with recovery efforts, relieve about half of the National Flood Insurance Program's debt and to keep Puerto Rico's government operational.

Hearing scheduled: The Energy and Commerce Energy Subcommittee announced it would hold

a hearing next Thursday to examine the state and federal responses to the storms, as well as ongoing recovery efforts.

Cornyn: Don't force disaster offsets: Count Senate Majority Whip John Cornyn as opposed to OMB Director Mick Mulvaney's plan to seek offsets for the next batch of disaster relief. "I'm as concerned about the deficits and debt as anybody, but this is emergency spending and we need to get help to the people who need the help," he told reporters.

INHOFE: GRASSLEY'S RFS POSTURING 'QUESTIONABLE': Sen. Jim Inhofe isn't a fan of fellow Republicans Chuck Grassley and Joni Ernst holding up EPA nominees last week to extract concessions on the Renewable Fuel Standard. "I think it's questionable in terms of being appropriate," he told ME. "I think [Grassley] used a lot of pressure there that was very effective, I'll say, but that I didn't agree with."

And Ernst bashes new hold: After a delay in the confirmation vote on EPA air nominee Bill Wehrum (who passed out of committee on Wednesday), Sens. Ted Cruz and Mike Lee retaliated by slapping a hold on Bill Northey's selection to become undersecretary for Farming Development and Conservation at USDA. But that move drew swift condemnation from Ernst. "That has nothing to do with Bill Northey, they need to get that right," Ernst told ME, referring to the USDA hold. "I don't see the connection. Bill Northey, he'll be in charge of conservation programs, it will have nothing to do with the RFS. So why are they blocking him because of the RFS? Just because Big Oil doesn't like it."

So is this officially a fight? Senior Republicans downplayed the likelihood their conference would continue to hold up Trump nominees over biofuels. "This happens every day, just happens to be the topic du jour, but we'll work it out," Cornyn told reporters. And EPW Chairman John Barrasso suggested the move might have just been the senators doing what's in the best interest of their states: "Every senator gets to speak for themselves and do whatever they need to do," he told ME.

** **A message from Chevron:** When an endangered butterfly was found near a Chevron refinery, we protected the habitat and still plant the only thing they eat—buckwheat. Watch the video: http://politi.co/2gyQXsp **

DUCKWORTH: JUST WAIT! She's been urging her GOP colleagues to let EPA's final biofuels volumes come out on Nov. 30 before considering Wehrum's nomination on the Senate floor, because Duckworth questions the legality of the reassurances Pruitt sent to corn-state senators last week. "I don't know that it doesn't open the administration to lawsuits from the very same oil interests Mr. Wherum used to represent," she told ME. "I've been pressuring them to not accept just the word of Mr. Pruitt ... It's simple — just wait, let the rulemaking be done. Just wait!"

MAIL CALL! GOTTA SHOW YOUR WORK! A group of 19 members of the Senate Democratic caucus requested all the documents related to EPA's cost-benefit analysis that they argue relied on "mathematical sleights of hand to over-state the costs of industry compliance" but formed an important part of the proposed repeal of the Clean Power Plan. "Denying the science

and fabricating the math may satisfy the agency's paperwork requirements, but doing so will not satisfy the requirements of the law," the letter, led by EPW ranking member Tom Carper , said.

Senators: This won't be popular: Eleven Democratic senators are wagging their fingers at Zinke's decision to dramatically increase entrance fees to many of the country's most popular national parks, such as Grand Canyon, Yellowstone and Yosemite. "We believe that it is especially problematic for your Department to propose fee increases at the same time that the Trump Administration is recommending slashing National Park Service funding levels and holding virtual fire-sales on our public resources at below market value," the letter , led by Cantwell, said. The timing of the increase is especially curious as Zinke proudly boasted of record numbers of visitors just a few months ago.

Wildfire funding must come next: A bipartisan group of eight senators asked Trump in a letter to prioritize federal funding for wildfires in the next round of disaster relief funding. "We urge you to make it a priority that all Americans who need emergency assistance get what they need, whether affected by a hurricane, wildfire, or other disaster," the letter, led by Sen. Kamala Harris, wrote.

LAWSUIT ROUNDUP! 'SUE AND SETTLE' ORDER GETS FIRST TEST: The state of North Dakota says EPA Administrator Scott Pruitt's recent "sue and settle" directive bolsters its own argument to nullify a court order requiring the agency to review oil and gas wastewater rules. Environmental groups complained that EPA had not updated its oil and gas wastewater disposal rules since 1988, despite major changes related to the fracking boom and a statutory requirement that EPA reconsider the rules every three years. In December, they struck a deal that requires EPA to decide whether or not to update those rules by March 2019.

North Dakota says Pruitt's order backs up their request that the D.C. Circuit overturn the consent decree. Pruitt's "sue and settle" order "aligns with North Dakota's argument that the settlement in this case imposed obligations on U.S. EPA that go beyond" the law's requirements, the state wrote in a short letter to the court on Thursday. Environmental groups have pointed out that, in the event EPA does decide to take action, the agency will go through the normal notice-and-comment rulemaking process. Oral arguments are slated for Nov. 7.

Not waiting any longer: Environmental Defense Fund sued EPA Thursday over a series of unfilled FOIA requests concerning Pruitt's ethics conflicts, schedule and plans for agency science, Pro's Emily Holden reports. The agency has faced a flood of public records requests during the Trump era with the Office of Public Affairs warning some may take more than a year — well over statutory limits — to fulfill.

Not a pleasant diversion? A handful of green groups filed a lawsuit in federal district court challenging federal approval of a project that would divert water from the Colorado River to customers in the Front Range area of Colorado, Pro's Esther Whieldon reports. The Windy Gap Firming Project would divert tens of thousands of acre feet of water from the Colorado River each year to help fill a new reservoir on the Front Range area of Colorado.

ANALYSES OF PERRY GRID PROPOSAL RELEASED: Implementing Energy Secretary

Rick Perry's grid resiliency proposal could cost consumers up to $10.6 billion per year, according to new research from the Energy Innovation and the Climate Policy Initiative. Ninety percent of the benefits to the nuclear sector would go to just five companies — Exelon, Entergy, PSEG, NextEra and FirstEnergy — while 80 percent of the benefits to the coal industry would also go to just five companies — NRG, Dynegy, FirstEnergy, American Electric Power and Talen Energy. Former FERC Commissioner Colette Honorable co-authored initial perspectives on the grid proposal comments for Reed Smith here.

THEY'RE GOING TO MIAMI: A large group of Transportation Committee members — Chairman Bill Shuster, Garret Graves, Grace Napolitano, Brian J. Mast, Daniel Webster, Frederica Wilson, Lois Frankel, Mario Diaz-Balart, Carlos Curbelo and Eddie Bernice Johnson — gather this morning at 9:30 a.m. at Port Miami to discuss concepts for the next Water Resources Development Act. Webcast here.

STANDING STRONG: There may be a new political dynamic in Germany, but all the parties involved in talks to form a government agreed Thursday to uphold previously set climate goals for 2020, 2030 and 2050, POLITICO Europe's Emily Schultheis and Cynthia Kroet report. The parties — the center-right CDU/CSU alliance, the liberal Free Democratic Party (FDP) and the Greens — did not, however, discuss all the specific means by which these goals would be reached.

MOVER, SHAKER: Mary Martin is the new chief counsel for both the House Energy and Commerce Energy and Environment subcommittees. She's previously been deputy chief counsel for both subpanels and before that was policy counsel and committee executive to the environment, technology & regulatory affairs division at the U.S. Chamber of Commerce.

QUICK HITS

— EPA: Michigan Should Boost Water Safety in Flint, Statewide. AP.

— Trump pledges to speed up Lake Okeechobee dike repairs. Palm Beach Post.

— Four Quitters Walk Into a Bar... Huffington Post.

— Latest U.S. State to Offer Nukes a Lifeline Is Connecticut. Bloomberg.

—Trump's devotion to coal mining puts Utah dinosaur discoveries in danger, scientists say. Los Angeles Times.

— Trump pick for top environmental post once wrote Texas would be 'better off' as an independent republic. CNN.

— Top Venezuela oil executive Chacin arrested in graft probe -sources. Reuters.

HAPPENING TODAY

9:30 a.m. — World Resources Institute hosts press call on what to expect from COP23 held in Bonn, Germany, RSVP: rgerholdt@wri.org

11:30 a.m. — The Puerto Rico Institute for Competitiveness and Sustainable Economy will hold a discussion on "Puerto Rico: How Best to Get and Keep the Lights Back on." 2043 Rayburn

THAT'S ALL FOR ME!

** **A message from Chevron:** This is a story about DOERS, butterflies, and buckwheat. In '75, the endangered El Segundo Blue butterfly was found near a Chevron refinery. We protected the habitat and planted the only thing they eat—buckwheat. We're still planting and keeping an eye on our littlest neighbor. Watch the video: http://politi.co/2gyQXsp **

To view online:
https://www.politicopro.com/tipsheets/morning-energy/2017/10/energy-dominance-meets-market-realities-025254

Stories from POLITICO Pro

Interior's 'fire sale' for oil leases may come up short Back

By Ben Lefebvre | 10/27/2017 05:01 AM EDT

The Interior Department's latest attempt to jump-start President Donald Trump's pledge to unleash American "energy dominance" might run into cold market reality.

Interior plans to offer up for lease every available tract in the Gulf of Mexico as well as every open acre in Alaska's National Petroleum Reserve-Alaska in a bid to spur more oil and gas development. But with oil still hovering at $50 a barrel, and private land available in West Texas and North Dakota for fracking, Interior's plan to flood the market may find relatively few takers, experts said.

"It's almost like having a fire sale of all the acreage," said Ken Medlock, director of the Baker Institute's Center for Energy Studies at Rice University. "Wouldn't surprise me at all if there's a lot of acreage that doesn't sell."

Interior Secretary Ryan Zinke has said making the federal land available would prime the pump for more oil and gas production. The department plans to offer 10 million onshore acres in the NPR in northern Alaska in December and 77 million offshore acres across the entire Gulf of Mexico in March. And Interior will start offering leases for the entire Gulf of Mexico twice a year, a change from the previous practice of annual lease sales offering only specific portions of the Gulf at any given time.

"In today's low-price energy environment, providing the offshore industry access to the maximum amount of opportunities possible is part of our strategy to spur local and regional economic dynamism and job creation and a pillar of President Trump's plan to make the United

States energy dominant," Zinke said in the offshore lease announcement.

While the lease sales are likely to generate some money for the federal government, analysts said the agency might be limited to a short-term cash infusion from the bids themselves, rather than generating much in royalties on production, since many companies would likely sit on the acreage and wait for oil prices to rise before drilling.

"Bidding on those leases generates revenue in [the first year] for the U.S. taxpayer, which has a benefit all its own," said Kevin Book, managing director for research at ClearView Energy Partners LLC. "As a result, offering as much as possible for lease may have the effect of maximizing bid bonuses, particularly if the leases come with favorable terms."

Interior's lease sales likely won't spur much oil and gas development in the Gulf or Alaska, however. The remoteness of both areas means production costs are high, making new projects in those locations a tough sell to companies that are grappling with low oil prices and are focused on increasing production in the lower 48 states.

U.S. oil production averaged 8.8 million barrels a day last year, up from 5.6 million barrels in 2011, according to Energy Information Administration data. Nearly 1 million barrels per day of U.S. crude are being exported this year.

Deep-water offshore projects cost billions of dollars and can take a decade to develop, and many companies have slashed spending in those areas, according to a recent report from market consulting agency IHS Markit.

The most likely outcome of the Gulf lease sale will be a modest number of companies picking up acreage adjacent to drilling rigs they already have operating, analysts said. That means that the March offshore lease sale may see a repeat of the result from the big offshore sale Interior held in August, said Justin Devery, a principal energy researcher at IHS Markit.

Interior had touted that last offshore lease sale as the biggest ever held by the department, with leases for 76 million acres up for sale. But the revenues for the government still fell relatively short, with Interior garnering $121 million from bids on 508,096 acres.

"The last [sale] was big and wide and there were only about 100 bids, so it wasn't an overwhelming response, that's for sure," Devery said. "The guys out there, they're adding inventories, adding to plays they already have, but there's no wildcatting going on. They're still showing up [to the lease sales], just not buying a lot."

In Alaska, there may be even less interest. BLM offered 1.5 million acres in the NPR-A in December 2016, and oil companies bid on only 613,528 acres.

ConocoPhillips, which announced in January a promising discovery in the area, accounted for nearly half of the 92 overall bids in that sale, with only three other, smaller companies participating. ConocoPhillips declined to say whether it was interested in properties in the upcoming NPR-A lease sale.

Oil companies already hold leases for just over 1 million acres of federal lands n Alaska, according to government data. Of that, only 16,822 acres are in production.

The remainder of those are acres the public cannot use and are not generating income for taxpayers, noted Nada Culver, senior counsel and director of the Wilderness Society's BLM Action Center.

"We will lose the ability to use those lands, and at the same time we're not necessarily going to see a return," Culver said. "So the American taxpayer is getting ripped off twice — you can't use these lands, and you're not getting a return on them letting these companies lock them up."

To view online click here.

Back

Committees seek info on Whitefish Energy contract for Puerto Rico Back

By Ben Lefebvre and Anthony Adragna | 10/26/2017 04:02 PM EDT

Several lawmakers today stepped up their efforts to get more information about how a small Montana company was selected to help rebuild Puerto Rico's electric grid.

The House Energy and Commerce Committee is asking fora briefing from Whitefish Energy. Republicans on the House Natural Resources Committee are seeking answers from the Puerto Rico Electric Power Authority, the utility that selected the Whitefish, Mt.,-based firm. And the ranking Democrats from the Senate Energy and Natural Resources and Finance committees requested an investigation from the Government Accountability Office.

"In light of the questions that have been raised about your company's involvement in recovery efforts ... it is important to develop a clear understanding of the facts," a bipartisan group of Energy and Commerce Committee leaders wrote today in a letter to Whitefish Energy CEO Andrew Techmanski.

Separately, House Natural Resources Chairman Rob Bishop and Oversight Subcommittee Chairman Bruce Westerman sent a letter to PREPA seeking all documents related to its decision to ink the Whitefish contract and for an explanation of how it enters into third-party contracts.

Senate Energy ranking member Maria Cantwell and Sen. Ron Wyden, the top Finance Democrat, asked GAO to investigate the contract in their own letter.

Whitefish Energy's contract with the Puerto Rico Electric Power Authority has raised questions about whether the small, young company is equipped to do the work. The company is based in the hometown of Interior Secretary Ryan Zinke, but officials with the company and department have said that had nothing to do with it winning the contract.

To view online click here.

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Murkowski, Cantwell press for distributed power in Puerto Rico, Virgin Islands Back

By Emily Holden | 10/26/2017 05:42 PM EDT

The top Republican and Democrat on the Senate Energy and Natural Resources Committee are calling on the Senate leadership to press for weather-resilient distributed energy to rebuild the power grids in hurricane-ravaged Puerto Rico and the U.S. Virgin Islands.

Committee chairmanLisa Murkowski and ranking member Maria Cantwell, today signed on to a letter spearheaded by Sen. Al Franken (D-Minn.). Sen. Orrin Hatch (R-Utah) and Rob Portman (R-Ohio) joined them.

The senators said Hurricanes Irma and Maria exposed the vulnerability of the power grids on the islands, and some communities face months without electricity. Congress has already approved about $52 billion in aid for recent hurricanes and is expected to sign off on more spending.

"Decentralized energy resources operating in microgrids are more likely to remain functioning during and after storms," the letter said, noting that the declining costs of solar, wind, energy efficiency and battery storage in many instances makes them more affordable than existing power sources. The islands rely mostly on power plants fueled by oil, natural gas and coal.

In a speech over the weekend at the Alaska Federation of Natives convention, Murkowski broke with the party line to emphasize that "climate change is real" and she backed adding more alternative energy across the state, where rural communities often rely on diesel generators.

"Our world is changing," she said, according to Alaska Public Media. "And we all know that climate change is at the heart of this change."

To view online click here.

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White House seeks offsets for third disaster package Back

By Sarah Ferris | 10/25/2017 11:52 AM EDT

The White House plans to ask Congress for "tens of billions" of dollars in additional disaster relief funding next month and urge lawmakers to at least partially offset that spending.

OMB Director Mick Mulvaney told Senate Majority Leader Mitch McConnell in a letter Tuesday that the Trump administration will formally request the money "in mid-November," marking the third emergency aid package in three months.

Mulvaney also delivered his strongest plea yet for GOP leaders to offset the funding, rather than considering it "emergency" dollars that don't count toward Congress' spending limits, as first reported in POLITICO Playbook.

"As we move toward the longer-term issue of rebuilding the impacted areas of our Nation, we believe it would be appropriate that the Congress consider reducing spending elsewhere," Mulvaney wrote in the letter.

The comments — consistent with Mulvaney's stance when he served in Congress — will likely complicate passage of the next cash infusion for FEMA.

Congress has now approved more than $52 billion in emergency disaster aid this year, clearing the latest $36.5 billion package (H.R. 2266 (115)) Tuesday.

The budget director said he will craft the next spending request with direct help from affected lawmakers — an apparent attempt to appease Texas and Florida members who say they were ignored in the White House's last request.

Those frustrations have become an issue for the administration. Sen. John Cornyn has said he plans to block the confirmation of Mulvaney's deputy director, Russ Vought, until the Texas Republican is assured that his home state will receive adequate aid in the next package.

To view online click here.

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Pruitt issues EPA directive to curb 'sue and settle' Back

By Alex Guillén | 10/16/2017 12:34 PM EDT

EPA Administrator Scott Pruitt today signed a directive and accompanying memo meant to curtail what he has criticized as EPA's "sue and settle" practice.

The new directive calls for more agency outreach to industry groups and will require EPA to post various documents related to such lawsuits online.

Pruitt and other Republicans have long been critical of EPA for settling suits with environmental groups over missed statutory deadlines. Green groups and Democrats note the consent decrees generally only lock in a timeline for the agency to act, not the underlying regulatory details.

To view online click here.

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EDF sues EPA over delays in releasing public records Back

By Emily Holden | 10/26/2017 04:41 PM EDT

The Environmental Defense Fund said today it is suing EPA for failing to release public records about Administrator Scott Pruitt's potential ethics conflicts, schedule or plans for agency science that the group has has sought under the Freedom of Information Act.

According to the lawsuit filed with the D.C. Circuit of the U.S. Court of Appeals, one of EDF's requests dates back to January, and the others are from March and June. A statutory deadline gives EPA 20 days to make a determination on whether to release information unless there are certain "unusual circumstances." EDF says EPA has not demonstrated those circumstances or sought an extension.

The agency has said it is receiving high volumes of public records requests. The Office of Public Affairs, for example, recently said it received 154 requests in fiscal 2017, compared to 14 in fiscal 2016. OPA has said some requests will take more than a year to fulfill.

An EPA spokesperson said the agency does not comment on pending litigation.

EDF is seeking information about an ethics agreement Pruitt signed while his nomination was pending, including why he determined he could work on a rule to withdraw the Clean Power Plan even though he brought lawsuits against it as attorney general of Oklahoma.

The group is seeking Pruitt's daily schedules, too. EDF argues that releases so far have included many redactions and that a recently published public calendar is brief and vague.

To view online click here.

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Green groups sue over federal approval of Colorado River diversion project Back

By Esther Whieldon | 10/26/2017 04:28 PM EDT

A handful of environmental groups today filed a lawsuit challenging the federal government's approval of a project that would divert water from the Colorado River to customers in the Front Range area of Colorado.

The lawsuit filed with the U.S. District Court for the District of Colorado challenges the Bureau of Reclamation's decision in 2014 and the Army Corps of Engineers' action in May approving

the Windy Gap Firming Project. That project, proposed by the Northern Colorado Water Conservancy District, would divert tens of thousands of acre feet of water from the Colorado River each year to help fill a new reservoir on the Front Range area of Colorado.

The decision comes as lower basin states are working on a plan to voluntarily reduce their usage beyond mandatory levels to address problems caused by the river's shrinking supplies.

The green groups contend the agencies failed to consider alternatives to the project and ignored flaws and gaps in the data and in Reclamation's review.

"This case boils down to inadequate analysis and poor decisionmaking resulting in significant water diversions from the already depleted Colorado River," said the lawsuit filed by the Save the Colorado, Save the Poudre: Poudre Waterkeeper, WildEarth Guardians, Living Rivers and Waterkeeper Alliance.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Tue 8/8/2017 2:08:58 PM
Subject: POLITICO's Morning Score: Brooks fights to stay relevant in Alabama — Dem poll finds Collins down in hypothetical GOP gubernatorial primary — NRSC attacks Baldwin

By Maggie Severns | 08/08/2017 10:00 AM EDT

With Kevin Robillard, Daniel Strauss, Zach Montellaro and Scott Bland

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

ONE WEEK 'TIL ALABAMA - "Brooks fights to stay relevant in Alabama primary," by Campaign Pro's Daniel Strauss: "Rep. Mo Brooks has been fighting for weeks to shake attack ads by allies of Sen. Luther Strange. But now, with a week until Alabama's special Senate primary, comes the worst sign of all for Brooks: Those attacks are slowing down. Strange and Senate Leadership Fund, the super PAC run by allies of Senate Majority Leader Mitch McConnell, have turned the bulk of their negative advertising against former Alabama Chief Justice Roy Moore ahead of the Aug. 15 primary, in a sign that Brooks' outspent, insurgent campaign may have fizzled against better-known opponents. 'I've seen a number of polls and every poll I've seen has Luther leading Roy Moore by between 3 and 5 points. Mo at one time was up to about 20 [percent],' said Perry Hooper, a Strange supporter and the former co-chairman of the Trump campaign in Alabama. "The last I've seen has him at 15, 16 [percent]. I guess anything can happen but the trend looks like people like what Luther has been doing.'" **Full story.**

- FINANCIAL TIMES - "Luther Strange's fundraising momentum grows in July, outraises Mo Brooks by 6-to-1; Roy Moore third," by AL.com's Howard Koplowitz: "Strange is also sitting on the most cash on hand of the major candidates in the race with about $934,000 in his campaign account, according to the most recent filings submitted to the Federal Election Commission. ... In July, Strange raised about $387,000 - or more than $150,000 than the roughly $226,000 raised by Rep. Mo Brooks, who was second in fundraising for the month among the major contenders in the election. For the entire election cycle, Strange has outraised Brooks by a more than 6-to-1 margin. ... Former Alabama Supreme Court Justice Roy Moore was in third with $152,000 raised in July and about $456,000 for the cycle. Brooks was the biggest spender last month among the top three contenders in Tuesday's special election, with his campaign spending about $827,000 in July." **Full story.**

- CHUCK NORRIS ENDORSEMENT - Actor endorses former Moore for Senate. In a press release, the "Walker, Texas Ranger" star says "Alabama needs Judge Moore there doing what he's always done: fighting to protect our constitutional rights to life, religious liberty, and the freedom to protect ourselves and our families. And he will always put principle over politics."

EARLY POLLING DATA - FIRST IN SCORE - PPP survey shows Collins in trouble in Maine GOP primary: If Maine Republican Sen. Susan Collins makes a bid for governor in 2018, she might have trouble making it through a Republican primary. A survey from the Democratic firm Public Policy Polling, obtained by Campaign Pro, shows Collins' approval rating among likely GOP primary voters at just 33 percent, with 62 percent disapproval. Seventy-seven percent of the Republican primary electorate approves of President Donald Trump's performance, while 79 percent approve of Gov. Paul LePage's performance. The highest-profile Republican in the race now, former LePage health commissioner Mary Mayhew, would lead Collins in a hypothetical matchup, 44 percent to 33 percent. Given the choice between Collins and "someone else," just 28 percent of voters chose Collins. It's unclear who commissioned the survey, which polled 672 likely GOP primary voters on Aug. 1 and 2. **Full poll results here.**

- "Poll Shows Nevada's Dean Heller Vulnerable In GOP Primary," by the Daily Caller News Foundation's Ted Goodman: "The poll, conducted by Strategic National, a Republican-leaning consulting firm, revealed that Heller would face stiff competition from Nevada Republican Rep. Mark Amodei and businessman Danny Tarkanian should either man choose to take on Heller. In a three-way primary between Heller, Amodei and Tarkanian, Amodei received 27 percent to Heller's 26 percent, well within the margin of error of 4.4 percent. Tarkanian, the son of the legendary University of Nevada, Las Vegas (UNLV) basketball coach Jerry Tarkanian, received 21 percent. Head to head versus Tarkanian, Heller received 38 percent to Tarkanian's 34 percent, within the margin of error. [Twenty-seven] percent said they were undecided between the two. ... The poll, which surveyed 500 registered Nevada Republicans on Aug. 1 and 2, revealed that Heller holds a 31 percent approval rating, with a 43 percent disapproval rating." **Full story.**

- The polling picture is pretty clear: The Republican base is mad, and willing to turn on previously popular incumbents. A Public Policy Polling survey last week had Arizona Sen. Jeff Flake's approval at just 22 percent among Republicans, with 57 percent disapproval. Republicans will scoff at the PPP results, but on-the-ground reporting (and polling from Alabama's Senate contest) backs up the idea that Republicans who are breaking from Trump or his agenda risk alienating the party's base. A Bangor Daily News story from this weekend featured a former party chairman saying Collins, long the most popular politician in the state, wouldn't be able to clear the GOP primary field. Another activist, Christian Civic League of Maine board member Bob Emrich, was blunt: "I do not believe she can win the Republican primary."

- But wait, there's more! AAN's new polling on tax reform: The House leadership-aligned American Action Network is out with a poll today that tests voters' moods and messages about tax reform. The poll found more than half of Americans believe the personal income tax should be overhauled. AAN found that 70 percent of Democrats would like to see their lawmakers working in a bipartisan manner. The poll was conducted between August 1st and August 3rd by GS Strategy Group. The margin of error is plus or minus 3.1 percent. Full results here.

Days until the 2017 election: 91.

Days until the 2018 election: 455.

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

BADGER STATE ACTION - NRSC attacks Baldwin over Tomah VA scandal in radio ads: The National Republican Senatorial Committee is running a radio ad this week in the Wausau and La Crosse markets attacking Democratic Sen. Tammy Baldwin, alleging Baldwin swept a scandal, in which doctors overprescribed opioids to veterans, "under the rug." "The Inspector General report uncovered the scandal - Tammy Baldwin buried the report," the ad's narrator says. "Whistleblowers tried to tell Tammy the truth. But Tammy Baldwin's office told them not to talk to the press. Tammy Baldwin looked out for her own political health - instead of the health of our veterans." **Full ad here.**

- Wisconsin GOP attacks Wachs: Democratic state Rep. Dana Wachs launched a bid for governor on Monday, and the Republican Party of Wisconsin immediately launched a digital ad campaign attacking him as a "liberal trial attorney" who "has a history of filing frivolous lawsuits to try to pad his own pockets."

THE LEFT'S NEW 'LITMUS TEST' - Bernie Sanders throws his weight behind Medicare-for-all: POLITICO's Gabriel Debenedetti reports: "The Vermont senator himself has not explicitly said he'll support primary challenges to those who won't support his push for a so-called Medicare-for-all health care plan. But there are plenty of signs that Sanders and his allies view the issue as a defining moment for Democratic lawmakers. 'Our view is that within the Democratic Party, this is fast-emerging as a litmus test,' said Ben Tulchin, the pollster for Sanders' White House run.

"The fears are acute enough that when the Nevada chapter of Our Revolution - the political group spawned from the Sanders presidential campaign - endorsed long-shot candidate Jesse Sbaih in the state's Democratic Senate primary over party favorite Rep. Jacky Rosen, retired former Sen. Harry Reid felt the need to call Sanders directly. Don't endorse Sbaih, and don't let the national Our Revolution group accept its Nevada chapter's recommendation to back him either, the former minority leader implored his friend. Sanders agreed, said a Democrat familiar with the interaction." **Full story**.

Q&A - Missouri Republican Austin Petersen goes on the record about his Senate run, via Campaign Pro's Kevin Robillard: "Austin Petersen started his run for the Libertarian Party's presidential nomination last year while he was living behind a convenience store in Kansas City. ... Now, he's running in the GOP primary for Missouri Senate, hoping his small-government views and small-dollar donations can fuel a Rand Paul-style primary upset.

Why are you running for Senate? I think Claire McCaskill's got to go. I'm mostly focused on her. I'm frustrated with a lot of the progress on health care, and I'm a little nervous about the

prospects for tax reform now. Government spending is really the big target for me. I think we spend too much, and we tax too much. I'm an across-the-line fiscal conservative.

Are you nervous about tax reform? I'm an optimist in my personal life, but I'm a pessimist about government. Now that this health care has failed so spectacularly, I wonder if they're going to be able to get anything done substantively on taxes. ...

How will you separate yourself from Attorney General Josh Hawley and other Republicans in the primary? What's your path to victory? I'll be talking, not just about the basic red meat you get from conservatives, but about criminal justice reform, about eliminating mandatory minimums. I'll probably be the only candidate in the race ending the federal war on drugs. ... I have to raise money. I think I need to raise about $1.5 million by next August; $3 million would be great. With $1.5 million, I'll get one good shot." **Full story.**

CODA - QUOTE OF THE DAY: "I don't give a s--t, you understand? I just don't give a s--t." - Democratic West Virginia Sen. Joe Manchin , explaining his reaction to GOP opponent Patrick Morrisey's attacks on tax reform to the Charleston Gazette-Mail.

To view online:
http://www.politico.com/tipsheets/morning-score/2017/08/08/brooks-fights-to-stay-relevant-in-alabama-221762

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Mon 8/14/2017 5:47:19 PM
Subject: EPA to revamp 2015 power plant discharges rule

By Annie Snider

08/14/2017 01:43 PM EDT

EPA will conduct a new rulemaking to "potentially revise" portions of a 2015 regulation limiting toxic discharges from coal-fired power plants, according to a letter sent by Administrator Scott Pruitt to the U.S. Small Business Administration Friday and obtained by POLITICO today.

The 2015 rule set new technology-based limits on heavy metals like mercury and arsenic that power plants discharge into waterways. The previous limits had not been updated in more than 30 years.

The portions of the rule Pruitt said could be revised are the most contentious and expensive ones governing how coal waste is managed by power plants.

"This new rulemaking has the potential to gut the rule. The two most impactful provisions of the rule by far — in terms of the amount of toxics that power plants are dumping into water bodies, and the costs to industry of complying with the rule — are the two main ones that EPA is reconsidering," Thomas Cmar, an Earthjustice attorney, said in an email.

Pruitt's letter indicates EPA will ask the 5th Circuit Court of Appeals to put challenges to the 2015 rule from the coal industry on hold while EPA conducts the new rulemaking. The letter makes no mention of other lawsuits joined with that litigation from environmental groups and drinking water utilities that challenge the overall rule.

EPA did not immediately reply to a request for comment.

WHAT'S NEXT: EPA would need to file an official notice in order to launch a new rulemaking. The agency is also due to update the 5th Circuit Court of Appeals today on the status of its review of the 2015 rule.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/epa-to-revamp-2015-power-plant-discharges-rule-091780

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 11/8/2017 3:16:54 PM
Subject: SAB appointee doesn't represent North Carolina, state says

By Alex Guillén

11/08/2017 10:16 AM EDT

Donald van der Vaart, the former head of North Carolina's Department of Environmental Quality, will not represent the agency or the state in his recent appointment to EPA's Science Advisory Board, the DEQ told a local television station.

Van der Vaart, a Republican who was considered for a top EPA appointment, demoted himself at DEQ to a non-political position that cannot be removed at will following last fall's gubernatorial win by Democrat Roy Cooper.

But his position on SAB will not come with Cooper's blessing, according to DEQ.

"DEQ does not support his participation on the EPA's SAB," the agency told local TV station WRAL. DEQ will not participate as a representative of the DEQ or North Carolina, the agency added.

Neither van der Vaart nor EPA immediately returned requests for comment this morning.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/11/sab-appointee-doesnt-represent-north-carolina-state-says-095365

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Hadas Gold - POLITICO Media
Sent: Mon 8/7/2017 10:09:36 AM
Subject: Morning Media: Eric Bolling's uncertain future -- Kayleigh McEnany joins Trump TV -- How Trump's FCC aided Sinclair's expansion

By Hadas Gold | 08/07/2017 06:07 AM EDT

With Alex Weprin

WHAT'S NEXT FOR ERIC BOLLING? On Friday Yashar Ali, writing in HuffPost, reported that the "Fox News Specialists" co-host had sent lewd text messages and photos to two colleagues several years ago. I, along with other reporters, have had sources telling me the same for some time, but Ali tracked it down and confirmed the photos were sent with the unnamed recipients themselves. Fox News announced on Saturday Bolling is suspended "pending an investigation." Live news replaced the Saturday edition of Bolling's show "Cashin' In," which had already been pre-taped and Mediaite reports that Fox News contributor Lisa Boothe will be Bolling's first substitute on the "Specialists" today.

-- Bolling has denied the allegations, via his lawyer: "Mr. Bolling recalls no such inappropriate communications, does not believe he sent any such communications, and will vigorously pursue his legal remedies for any false and defamatory accusations that are made."

Bolling's name and image have been removed from the "Specialists" social media accounts, though he's still on the show's page on FoxNews.com. The investigation will be conducted by the law firm Paul, Weiss, Rifkind, Wharton & Garrison, the same firm that spearheaded reviews of Bill O'Reilly and Roger Ailes. It's another possible black eye for the channel that's been roiled by similar allegations over the past year, and likely something executives there want to get over and past as quickly as possible.

Good morning and welcome to Morning Media! I always want to hear from you -- **hgold@politico.com** / **@Hadas_Gold**. **Morning Media** is edited by **Alex Weprin** (**@alexweprin** / **alexweprin@gmail.com**) and produced with writing/reporting help from **Cristiano Lima**. (**clima@politico.com** / **@ludacristiano**). **Archives**. **Subscribe.**

KAYLEIGH MCENANY DITCHES CNN FOR TRUMP TV: Last week we told you about Trump's campaign arm starting their own version of "Trump TV" starring the president's daughter-in-law Lara Trump. The effort, which says it's providing the "real news," got some help over the weekend with its newest anchor: Kayleigh McEnany. The lawyer and conservative columnist had been a CNN contributor now for more than a year, making a name for herself as one of the cadre of paid CNN contributors who unfailingly defended Trump, no matter what he did. But McEnany has ditched her CNN contract to work for the man himself, or at least his campaign (a quick search shows she hasn't been on air at CNN nearly as often as she used to be). As with Lara's videos, McEnany sits in front of a Trump-branded background sharing only positive news about the president from Trump Tower in New York City.

Related: Trump tweeted last night "The Fake News refuses to report the success of the first 6

months..." citing ISIS, job growth, etc.

PENCE BLASTS NEW YORK TIMES REPORT THAT HE'S PREPPING FOR 2020. The Vice President said the Times report, about the Republican "shadow campaign for 2020" that has sprung up as doubts about Trump continue to grow, said Pence has gone a step further than a typical Vice President by "creating an independent power base, cementing his status as Mr. Trump's heir apparent and promoting himself as the main conduit between the Republican donor class and the administration."

-- "Today's article in the New York Times is disgraceful and offensive to me, my family, and our entire team," Pence said in a statement Sunday. "The allegations in this article are categorically false and represent just the latest attempt by the media to divide this Administration." The Times' response, published in their own article about Pence's pushback (meta!): "We are confident in the accuracy of our reporting and will let the story speak for itself."

GREAT READ: HOW TRUMP'S FCC AIDED SINCLAIR'S EXPANSION, via my colleagues Margaret Harding McGill and John Hendel. "Sinclair Broadcast Group is expanding its conservative-leaning television empire into nearly three-quarters of American households - but its aggressive takeover of the airwaves wouldn't have been possible without help from President Donald Trump's chief at the Federal Communications Commission ... The FCC and the company both say the agency wasn't giving Sinclair any special favors by reviving the loophole, known as the "UHF discount," which has long been considered technologically obsolete. But the Tribune deal would not have been viable if not for Pai's intervention: Sinclair already reaches an estimated 38 percent of U.S. households without the discount, leaving it almost no room for growth." Read the full deep-dive here.

"WE'RE AFTER LEAKERS, NOT JOURNALISTS," -- that's what Deputy Attorney General Rod Rosenstein said on "Fox News Sunday." But Friday's leak crackdown announcement by Attorney General Jeff Sessions has raised many a media alarm, as Sessions said the Justice Department is considering making changes to its policies on subpoenaing news organizations. There's a fear by first amendment advocates that the DOJ will try to make it easier to pry into journalists' phone records or emails or even, potentially, to prosecute them.

-- Rosenstein is scheduled to meet this week with members of the News Media Dialogue Group, the group that gave input when the DOJ revised its guidelines in 2015 for issuing subpoenas and search warrants to journalists, and Washington bureau chiefs from several news organizations.

THE ECONOMIST IS THE MOST TRUSTED NEWS SOURCE IN THE COUNTRY, according to a recent survey from the University of Missouri's Reynolds Journalism Institute. Rounding out the top ten are Reuters, the BBC, NPR, PBS, The Guardian, The Wall Street Journal, Los Angeles Times and Dallas Morning News. Least trusted are Occupy Democrats, BuzzFeed, Breitbart, 'Social Media', Trump (as in the President), Infowars, Yahoo and 'the Internet.' Read more here.

REVOLVING DOOR:

--Hillary Krieger is the new Washington editor for FiveThirtyEight. She was previously with CNN.

--Geoff Bennett is joining NPR's White House team as a White House Reporter. He was previously covering Congress for the organization.

SOUNDBITE: "I wish we could do like John Travolta with Saturday Night Fever, where he starts dancing. He's disco dancing, and then all of a sudden, within one year, you have a million more discothèques all over the world ... You wish that you could do the same thing with the environmental issues or in the redistricting or good government practice." [Arnold Schwarzenegger]

TIL: For more than fifty years the British Army required its soldiers to sport a moustache. [Business Insider]

Shoutout to the Northern Neck News from Virginia. I picked up a copy while visiting a friend's Chesapeake Bay beach house. It's been in operation since the 1870s.

EXTRAS:

-- Facebook is starting to put more posts from local politicians into people's News Feed. [Recode]

-- Israel has taken steps to eventually shut down operations of Al Jazeera in the country. [Reuters]

-- Margaret Sullivan has some advice for new White House chief of staff John Kelly in her latest WaPo column. [Washington Post]

--New York Times TV critic James Poniewozik is writing a book about "Donald Trump as a TV/pop-culture character." [James Poniewozik]

-- Today's donor class is throwing its weight and dollars behind organizations that specialize in memes. [New York Times]

--NBC News' Chuck Todd talks to TVNewser about his "Meet The Press" film series. [TVNewser]

-- Some Gizmodo Media verticals will possibly be getting shows on Fusion. [Recode]

--NBC really wants to reboot "The West Wing," as it is doing for "Will & Grace." No, seriously, they are talking to Aaron Sorkin about it. [Deadline]

To view online:

http://www.politico.com/media/tipsheets/morning-media/2017/08/07/eric-bollings-uncertain-future-kayleigh-mcenany-joins-trump-tv-how-trumps-fcc-aided-sinclairs-expansion-001326

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Thur 8/10/2017 10:37:58 AM
Subject: POLITICO Playbook, presented by the Coalition for Affordable Prescription Drugs (CAPD): BULLETIN: NORTH KOREA says it plans to launch missiles toward GUAM -- HALEY loses two top aides -- GEORGE gets Mooch for Sunday intvw -- BILL CLINTON's reading list

View online version | Add politicoplaybook@politico.com to your address book.

Today's POLITICO Playbook presented by the Coalition for Affordable Prescription Drugs (CAPD)
08/10/2017 06:34 AM EDT

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

BULLETIN -- NORTH KOREA SAYS IT'S PLANNING TO FIRE MISSILES TOWARD THE U.S. TERRITORY IN AUGUST -- AP's Eric Talmadge in **SEOUL** at 4:59 a.m.: "North Korea has announced a detailed plan to launch a salvo of ballistic missiles toward the U.S. Pacific territory of Guam, a major military hub and home to U.S. bombers. If carried out, it would be the North's most provocative missile launch to date.

"The announcement Thursday warned that the North is finalizing a plan to fire four of its Hwasong-12 missiles over Japan and into waters around the tiny island, which hosts 7,000 U.S. military personnel on two main bases and has a population of 160,000.

"It said the plan, which involves the missiles hitting waters 30 to 40 kilometers (19 to 25 miles) from the island, could be sent to leader Kim Jong Un for approval within a week or so. It would be up to Kim whether the move is actually carried out. ... North Korea, no stranger to bluffing, frequently uses extremely bellicose rhetoric with warnings of military action to keep its adversaries on their heels. It generally couches its threats with language stating it will not attack the United States unless it has been attacked first or has determined an attack is imminent. ...

"'We keep closely watching the speech and behavior of the U.S.,' it said. Such a move would not merely be a test launch, but a demonstration of military capabilities that could easily lead to severe consequences. South Korea's military responded by saying North Korea will face a "stern and strong" response from Washington and Seoul. Taking it a step further, Japan's Defense Minister Itsunori Onodera told parliament a missile attack on the U.S. territory would be a Japanese national emergency because it would threaten Japan's existence as a nation." http://bit.ly/2ftIrtL

-- ERIC TALMADGE is the AP's correspondent in Pyongyang. ***His very cool Instagram feed*** http://bit.ly/2wKTqlV

TOP-ED -- SUSAN RICE in the NYT, "It's Not Too Late on North Korea": "We have long lived with successive Kims' belligerent and colorful rhetoric - as ambassador to the United Nations in the Obama administration, I came to expect it whenever we passed resolutions. What is unprecedented and especially dangerous this time is the reaction of President Trump. Unscripted, the president said on Tuesday that if North Korea makes new threats to the United States, "they will be met with fire and fury like the world has never seen." These words risk tipping the Korean Peninsula into war, if the North's leader, Kim Jong-un, believes them and acts precipitously.

"Either Mr. Trump is issuing an empty threat of nuclear war, which will further erode American credibility and deterrence, or he actually intends war next time Mr. Kim behaves provocatively. The first scenario is folly, but a United States decision to start a pre-emptive war on the Korean Peninsula, in the absence of an imminent threat, would be lunacy." http://nyti.ms/2vRgYIi

INVESTORS SEEK SHELTER -- FT: "The Swiss franc led a rally among haven assets across global markets on Wednesday as investors retreated from equities in the wake of escalating rhetoric between North Korea and the U.S. ... The Swiss franc, often favoured in times of stress for its perceived stability, made its most notable gains against the euro, strengthening by as much as 1.5 per cent. Against the dollar the franc rose as much as 1.4 per cent." http://on.ft.com/2urTWV1

GEORGE STEPHANOPOULOS (@georgestephanopoulos): "EXCLUSIVE: I'll sit down live with @Scaramucci for his first interview since being fired from the WH, this Sunday only on @ThisWeekABC" ... **@StephenAtHome:** "On Monday 8/14 Anthony Scaramucci will be my guest on @colbertlateshow. This is just a heads up for our censors to get ready! #themooch".

Good Thursday morning. COINCIDENCE?: "Fire and fury" is a mission in the videogame "World of Warcraft." Who had a business and personal connection to "World of Warcraft"? Stephen K. Bannon (http://slct.al/2wKMlli).

SPOTTED: Stephen Miller, sans tie in a summer linen sportcoat, yesterday outside Woodward Table on 15th Street with his dry cleaning.

DEPARTURE LOUNGE -- "U.S. Ambassador Haley Loses Two Key Aides at United Nations," by Bloomberg's Kambiz Foroohar: "U.S. Ambassador to the United Nations Nikki Haley has lost two of her top aides, key departures that come at a time of growing international tensions between the U.S. and North Korea.

"Haley's Chief of Staff Steven Groves resigned, as did her communications director Jonathan Wachtel. Haley said on Twitter Wednesday it was because of 'family

concerns.' The departures also come ahead of Haley's trip to Vienna to review Iran's nuclear activities with the UN's International Atomic Energy Agency. Groves, an adviser who had arrived from the conservative think tank Heritage Foundation had argued for the U.S. to 'sever relations' with UN's Human Rights Council for criticizing Israel and to pull out of the Paris climate change agreement. ...

"'**Both Jonathan&Steve have recently encountered** family concerns,' Haley said. 'They will always be a part of the team & dear friends.'" https://bloom.bg/2vQC4GT

ATTN. DONALD TRUMP, MARC SHORT, STEVEN MNUCHIN and GARY COHN -- MITCH MCCONNELL SPEAKS -- by the North Kentucky Tribune's managing editor Mark Hansel: "'A Congress goes on for two years and part of the reason I think that the story line is that we haven't done much is because, in part, the President and others have set these early time lines about things need to be done by a certain point,' McConnell said. ...

"'**Don't start judging [too] soon, the accomplishments of this congress** , sending bills to this president, who will sign them,' McConnell said. 'I'm not going to tell you when we are going to finish tax reform, but we'll finish it. That's the way we begin to change America.'" ... 'I've been, and I will be again today, not a fan of tweeting -- I've said that to him privately and I've said it at other events publicly,' McConnell said. 'I think it would be helpful if the President was a little bit more on message.'" http://bit.ly/2ww8Rih

-- SO, JUST TO REVIEW ... This event was Monday, but has not gotten much attention (h/t Morning Money). The man who controls the Senate's calendar is not setting a timeline for tax reform, and he wishes the White House would stop setting artificial deadlines. And he says the president should stay on message. Over to you, Mr. President.

ADAM NAGOURNEY -- NYT, A1 -- "Democratic Fight in California Is a Warning for the National Party" : "California Democrats have emerged as something else: a cautionary tale for a national party debating how to rebuild and seize back power. Even at a time of overall success, state Democrats are torn by a bitter fight for the party leadership, revealing the kind of divisions -- between insiders and outsiders, liberals and moderates -- that unsettled the national party last year and could threaten its success in coming years. ...

"The fight pits Eric C. Bauman, a longtime party leader, against Kimberly Ellis, a Bay Area activist. Mr. Bauman won the election by just over 60 votes out of 3,000 cast at the party convention in May, but Ms. Ellis has refused to concede, claiming voting improprieties, like permitting ineligible people to vote for Mr. Bauman. ... Ms. Ellis, 44, has from the start presented herself as an outsider: It is her first run for party leadership. ... Mr. Bauman has spent 30 years working for the Democratic Party, including leading the Los Angeles County Democratic Party. He was a delegate for Mrs. Clinton in last year's presidential election. With his gruff demeanor and a strong-as-ever Bronx accent -- no matter that he came here 40 years ago -- he has been called 'Boss Bauman,' as Mr.

Bauman himself noted in an interview." http://nyti.ms/2vlJYYl

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : If you know only one fact about rising drug costs, know this one: drug makers set prices for prescription drugs. To help manage nearly double-digit price increases, employers, unions and government programs use PBMs to negotiate lower net prices to help curb costs for employers and patients. Learn more at affordableprescriptiondrugs.org ******

WHAT HAPPENED TO DWS? -- MARC CAPUTO: "Blowback from staffer scandal burns Wasserman Schultz": "The chatter about a House leadership post is gone. So is talk of statewide office. After Hillary Clinton's defeat, there's no prospect of an administration job for Rep. Debbie Wasserman Schultz. She's under fire for mismanaging an IT employee under a House IT investigation who was arrested on a seemingly unrelated mortgage fraud charge. Wasserman Schultz broke her public silence on Awan last week, portraying herself as the victim of 'right wing media' attacks rooted in anti-Muslim bigotry.

"Here's fellow Florida Democrat and DNC member Nikki Barnes saying what many others are saying privately: 'We wish she would go away and stop being so public by doubling down on negative stories ... None of this makes sense. It doesn't sound like racial profiling ... there must have been something for her .... This adds to Debbie being re-branded as the Democrats' disastrous destruction,' Barnes said. 'Those of us on the DNC know we have to rebrand ourselves and earn the people's trust. And unfortunately Debbie's name does not scream trust. It screams power. It screams limited access. It screams WikiLeaks now. DNC lawsuit. It screams a lot of negative things to the public. That's not how we want to rebrand ourselves.'" http://politi.co/2vRpSGJ

STRANGE STORY OF THE WEEK -- "Hearing loss of US diplomats in Cuba blamed on covert device," by AP's Matthew Lee in D.C. and Michael Weissenstein in Havana: "In the fall of 2016, a series of U.S. diplomats began suffering unexplained losses of hearing, according to officials with knowledge of the investigation into the case. Several of the diplomats were recent arrivals at the embassy, which reopened in 2015 as part of former President Barack Obama's reestablishment of diplomatic relations with Cuba.

"Some of the diplomats' symptoms were so severe that they were forced to cancel their tours early and return to the United States, officials said. After months of investigation, U.S. officials concluded that the diplomats had been exposed to an advanced device that operated outside the range of audible sound and had been deployed either inside or outside their residences. It was not immediately clear if the device was a weapon used in a deliberate attack, or had some other purpose." http://bit.ly/2wKAbsz

-- DEPT. OF DIPLOMACY: "Trump friend Tom Barrack said to be in talks to become ambassador to Mexico," by Josh Dawsey: "Tom Barrack, a real estate investor and a close friend of President Donald Trump's, is in talks to become

ambassador to Mexico, according to three White House officials and advisers familiar with the matter. The high-profile post -- one of the most important in Trump's orbit, given his tense relationship with the country and his crackdown on immigration along the border -- has been the subject of intense talks within the administration ... Barrack, a gregarious billionaire, is the front-runner for the position but has expressed some concerns about taking it, one of the White House officials said. It is unclear whether he will end up accepting, 'but it is his if he wants it,' one of these people said." http://politi.co/2wwuT4u

GET IT YET? -- BREITBART VS. MCMASTER -- "Exclusive - Zionist Organization of America Analysis Determines McMaster Hostile to Trump, Calls for Reassignment," by Matt Boyle. http://bit.ly/2vHRQ7s

ALEX ISENSTADT SCOOP -- "Top Trump donor ponies up to take out Flake," by Alex Isenstadt: "One of Donald Trump's most generous political benefactors is providing a six-figure donation to a super PAC devoted to unseating Sen. Jeff Flake, an Arizona Republican who has been fiercely critical of the president. Robert Mercer, a reclusive hedge fund billionaire who was intimately involved in Trump's rise and helped to bankroll his 2016 campaign, is contributing $300,000 to a super PAC supporting former state Sen. Kelli Ward, who is challenging Flake in a Republican primary next year. It's the latest sign that Trump's political machine is preparing to take on Flake, whose persistent attacks have angered the president. The White House has met with Ward and two other Republicans who are mulling primary challenges to the Arizona senator, state Treasurer Jeff DeWit and former state GOP Chairman Robert Graham." http://politi.co/2urDacO

SCOOP - "Feds sought cooperation from Manafort's son-in-law," by Josh Dawsey and Darren Samuelsohn with Daniel Lippman: "Federal investigators sought cooperation from Paul Manafort's son-in-law in an effort to increase pressure on President Donald Trump's former campaign chairman, according to three people familiar with the probe. Investigators approached Jeffrey Yohai, who has partnered in business deals with Manafort, earlier this summer, setting off 'real waves' in Manafort's orbit, one of these people said.

"Another of these people said investigators are trying to get 'into Manafort's head.' Manafort, who is a focus of the broad federal and congressional investigations into Russian meddling in the 2016 presidential campaign, is also under investigation for his business and real estate transactions, including some that involve Yohai. ... It is unclear if investigators have secured cooperation from Yohai, who also hasn't been accused of wrongdoing. ... Mueller's targeting of both Manafort and his son-in-law over potential criminal wrongdoing is a familiar tactic in white-collar cases, commonly called 'climbing the ladder.'" http://politi.co/2ustbzZ

FOR TY COBB -- "Trump's Legal Team Is No Match for Mueller's: The president could learn from Bill and Hillary Clinton's years of litigation," by Bloomberg's Tom Schoenberg with Shannon Pettypiece: "As Mueller adds experienced prosecutors and broadens his investigation, Trump's legal team still appears disorganized and

understaffed. An army of well-paid lawyers would help the president get in front of the investigation: preparing responses to allegations before hearing about them from prosecutors or reporters, anticipating where Mueller is going, and developing a counternarrative to stymie him. ... Instead, Trump's defense has been almost entirely reactive-responding to the latest bombshell report with uninformed statements by surrogates. ...

"Bill and Hillary Clinton -- both Yale Law grads -- set up a war room on the top floor of the old executive office building next to the White House, where lawyers and staff would go through documents that needed to be turned over. Meetings were held several times a day, with lawyers shuttling between the White House, the executive building, and the offices of Skadden and Williams & Connolly a few blocks away. Dowd and Sekulow have offices less than a 10-minute walk from the White House, and at this point the legal team doesn't see any need to set up a Clinton-style war room. ... Trying to deal with Mueller without a high-powered legal operation 'is like going to a knife fight with a stick of butter in your hand,' says Nicholas Allard, a former Washington attorney who's now the dean of Brooklyn Law School. 'The team should reflect the importance of what's at stake, which is nothing less than the future of this presidency.'"
https://bloom.bg/2hN5kcr

TRUMP'S THURSDAY -- THE PRESIDENT is lunching with VP Mike Pence at Bedminster.

ERIC BOLLING SUES ... "Eric Bolling initiates lawsuit against reporter behind sexting story," by Hadas Gold: "On Wednesday, Bolling filed a 'summons with notice' in New York State Supreme Court against [Yashar] Ali, seeking $50 million in damages for defamation. Ali must respond within 20 days, demanding that Bolling file a complaint, after which Bolling will have 20 days to file his response before the suit goes forward."
http://politi.co/2wwvDXy

Playbook Reads

PHOTO DU JOUR: Cranes are seen on the south lawn of the White House as it undergoes renovations on August 9. | Mandel Ngan/AFP/Getty

IN THE SKIES -- "Unarmed Russian Air Force jet overflies the Pentagon, Capitol, CIA," by CNN's Jon Ostrower, Peter Morris and Noah Gray: "An unarmed Russian Air Force aircraft overflew the US Capitol, the Pentagon, Central Intelligence Agency and Joint Base Andrews at low altitude on Wednesday as part of a longstanding treaty that allows the militaries of the United States and Russia to observe the other from the air, according to two people familiar with the flight. The flight was part of the Treaty on Open Skies, which allows military aircraft from the United States and Russia and other nations

to fly aerial observation flights to observe military sites of the 34 signatory nations. The Russian Air Force Tupolev Tu-154 on Wednesday afternoon passed at around 3,700 feet over downtown Washington and Joint Base Andrews in Maryland, where Air Force One is based, according to tracking website Flightradar24.

"The jet is authorized to enter P-56, the highly secure airspace surrounding the White House. ... A second flight by the same jet [was] planned for between 5 p.m. and 6 p.m. Wednesday, when the Russian jet [was scheduled to] overfly Bedminster, New Jersey, where President Donald Trump is vacationing ... A law enforcement source told CNN that the plane also overflew Camp David, the presidential retreat in the Catoctin Mountains, the Trump National Golf Course in Virginia, and Mount Weather, one of the U.S. government's secret relocation bunkers. United States Air Force personnel were on the flight and the aircraft is capable of a variety of intelligence gathering." http://cnn.it/2vpKMtw

THE 16-YEAR-OLD WAR -- "Trump's indecision on Afghanistan leaves generals in lurch," by Wesley Morgan: "U.S. and Afghan military commanders battling the Taliban and the Islamic State are encountering an obstacle they never expected, sources close to them say: months of indecision by President Donald Trump on whether to commit thousands of additional American troops. Instead of approving their plan for more troops as anticipated, the president has caught his generals off guard by questioning whether the 16-year-long effort to stabilize Afghanistan is still worth it, according to current and former military officials familiar with the conversations. ...

"Amid the uncertainty, the security situation on the ground continues to deteriorate. Deaths of Afghan security forces in the early months of 2017 were 'shockingly high,' the special inspector general for Afghanistan reconstruction recently reported, continuing a years-long upward trend. The Afghan government 'controls or influences' only 60 percent of the country's 407 districts as of early this summer, down from 65 percent the same time last year, according to the U.S. military headquarters in Kabul." http://politi.co/2urJ4uc

NETANYAHU'S STAND -- "Netanyahu Accuses 'the Left' and the Media of Trying to Oust Him," by NYT's Isabel Kershner in Jerusalem: "In Trumpian fashion, Mr. Netanyahu denounced the 'fake news media,' which he said had joined with 'the left' in what he called 'an obsessive and unprecedented witch hunt against me and my family, in order to carry out a coup.' The point, he said, was to press the law enforcement authorities to file charges, no matter what." http://nyti.ms/2vpocRX

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)**: Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers and other health care purchasers; however, the list price - the important starting point for those negotiations -- continues to rise, at a rate of nearly ten percent in 2016 alone. Increased competition, faster reviews of generics and biosimilars and ending anti-competitive practices can also bring down the cost of medications for patients. Learn more at affordableprescriptiondrugs.org ******

MEDIAWATCH -- "United Nations Appoints Alison Smale of The New York Times to Top Post for Public Information," by NYT's Somini Sengupta: "The United Nations on Wednesday named Alison Smale, a veteran correspondent and editor at The New York Times, as its most senior official in charge of shaping the 193-member organization's global public image. As the next under secretary general for global communications, Ms. Smale, 62, will join the cabinet of the United Nations' top leader, Secretary General António Guterres, and be among a small circle of influential women around him. ... Ms. Smale, a British citizen, is currently The Times' bureau chief in Berlin. She had been the executive editor of The International Herald Tribune, based in Paris, for four years, before it was renamed The International New York Times in 2013." http://nyti.ms/2hMgrSL

--"Disney paying at least $177 million to settle 'pink slime' lawsuit," by CNN's Tom Kludt: "In a footnote on the company's quarterly earnings report on Tuesday, Disney said it paid $177 million that was 'incurred in connection with the settlement of litigation,' at least some of which was related to a years-long legal dispute with South Dakota-based meat processor Beef Products Inc. ... [A] lawyer for BPI told CNNMoney that its settlement was worth even more than $177 million. ... Even just $177 million would likely represent roughly a year's worth of advertising revenue for ABC's evening news program, a significant sum for the network and a sign of how damaging defamation suits can be for media outlets after the Hulk Hogan case sent Gawker into bankruptcy." http://cnnmon.ie/2vQzXD0

--"Google reveals sites with 'failing' ads, including Forbes, LA Times," by Digiday's Lucia Moses: "On June 1, Google rolled out its Ad Experience Report, a tool it's using to evaluate and score websites based on their ad creative and design. It provides screenshots and videos of ads that have been identified as annoying to users, such as pop-ups and autoplaying video ads with sound, and 'prestitial' ads with countdown timers.

"So far, Google has identified about 700 sites as warranting corrective action out of around 100,000 sites it's reviewed so far. Half of the roughly 700 got a 'failing' status and the other half a 'warning.' ... Those listed as failing include Forbes; Tronc-owned Orlando Sentinel, Sun-Sentinel and Los Angeles Times; Bauer Xcel Media's Life & Style and In Touch Weekly; The Wrap; Chicago Sun-Times; Tribune Broadcasting's Fox 13 Now; and Sporting News." http://bit.ly/2vRCRIr

--NANCY YOUSSEF is leaving BuzzFeed to cover intelligence for the Wall Street Journal later this month.

TV TONIGHT -- Tonight on "NBC Nightly News with Lester Holt," Lester Holt is sitting down with SNL's Colin Jost and Michael Che ahead of Thursday's premiere of the summer edition of "Weekend Update." ***1-min. video*** http://nbcnews.to/2voe9fy

Playbookers

[redacted]

http://bit.ly/2hN5dNF

TRANSITIONS -- Jennie Westbrook Courts is joining Precision Strategies as a principal on the communications team. She was most recently at Subject Matter.

OBAMA ALUMNI -- Krish Vignarajah, who was policy director to former First Lady Michelle Obama, is entering the race for governor of Maryland. Before the Obama White House, Vignarajah, a lifelong Maryland resident, served as a senior adviser at the State Department under Secretaries Hillary Clinton and John Kerry.

WEST WING ARRIVAL LOUNGE -- Emily Mallon has started as executive assistant to chief of staff John Kelly. She previously was at DHS and worked on the transition

SUNDAY SO FAR -- "FOX NEWS SUNDAY": Sen. Lindsey Graham (R-S.C.). Panel: Newt Gingrich, Donna Edwards, Tom Rogan and Marie Harf.

WELCOME TO THE WORLD - Liz Breckenridge, administrative director for Sen. Bob Casey (D-Pa.) and a Politico alum, and **Ken White,** senior counsel in the legal division at Office of Personnel Management, post on Instagram: "Ari [Benjamin] White joined our family [Wednesday]. He arrived a solid 7 lbs and 20 inches. Words cannot explain the love we have for him already." ***Instapic*** http://bit.ly/2vRdiX5

HAPPY 26th ANNIVERSARY to Tucker Carlson and Susie Andrews, celebrating in Portugal.

BIRTHDAY OF THE DAY: Nancy Cordes, CBS News congressional correspondent and the pride of Kalaheo, Hawaii. **How she got her start in journalism:** "I did an internship at the 'Today Show' the summer after my sophomore year of college, and from then on I was hooked. I came back to school in the fall and started anchoring at our college TV station. If anybody ever gets their hands on those Beta tapes, I'm ruined." ***Read her Playbook Plus Q&A*:** http://politi.co/2hMonDz

BIRTHDAYS: Andrew Sullivan is 54 ... Buffy Wicks, Clinton, Obama and Dean alum and candidate for CA Assembly District 15 (East Bay) (hat tips: Tim and Kiki Burger) ... Gina Ormand Cherwin (h/t Stella) ... 270 Strategies co-founder Meg Ansara, an HFA alum ... John Dunagan, SVP at VOX Global ... Matthew MacWilliams ... Sally Garner (h/ts Jon Haber) ... Alex Thompson, politics and policy editor at VICE News and an NYT alum ... Kevin McAllister, deputy comms director at American Bridge 21st Century, is 29 (h/t Dawn Le, filing in-transit to Netroots in Atlanta) ... Jim Brady, ESPN's public editor, is 5-0 ... Addison DiSesa ... Jessica Wehrman ... Paul Conway ... NYT's Laura Kim, a "Morning Joe" alum ... Sophie Vershbow, social media manager at Random House ... Sarah Kyle, director of federal gov't relations at BIO (h/t Ross Kyle) ... Chris Hansen, executive director of the National Republican Senatorial Committee, is 35 ... Daniel Patrick Howard, the son of Ben, is 1 (h/t grandfather Jack) ...

... Alex Marquardt, CNN senior national correspondent ... Joshua Karp ... Chirag Shah, VP of gov't affairs for AAHOA (h/t Brandon VerVelde) ... Mike Linhorst ... BuzzFeed's Lissandra Villa ... Quorum's Kevin King ... Robert Cogan of the House Budget Committee, celebrating in Kennebunkport, Maine and Ipswich, Mass. (h/t Katie Byerly) ... Leila Clifford ... Julie Johnson ... Ally Harpootlian, media associate at ReThink Media ... Jayson Rodriguez ... Noah Marine is 33 ... Katie Papa ... Mark Walker ... Lucy Wolfe Goss ... Emily Buck ... Cameron Onumah ... Rick Phelps ... George Appleby ... Benjamin Giesser (h/ts Teresa Vilmain) ... Vanessa Reed ... Rose Gallagher ... Johannah Tyer ... Sam Wilson is 35 ... Paul Foutch ... Antonio Banderas is 57 (h/t AP)

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : The high prices that drug makers set for prescription drugs can put financial strain on patients, employers, unions and others who provide health care coverage to more than 50 percent of Americans. Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers, unions and government programs. But, as list prices - the starting point for those negotiations -- continue their nearly double-digit increases, the effects ripple throughout the system. The key to ensuring greater access and affordability lies in fostering greater competition. Facilitating faster reviews of generics and biosimilars, identifying off-patent drugs with little or no generic competition, and ending anti-competitive practices that keep safe, effective alternatives out of the market are also key to abating rising drug costs for patients. Learn more at affordableprescriptiondrugs.org ******

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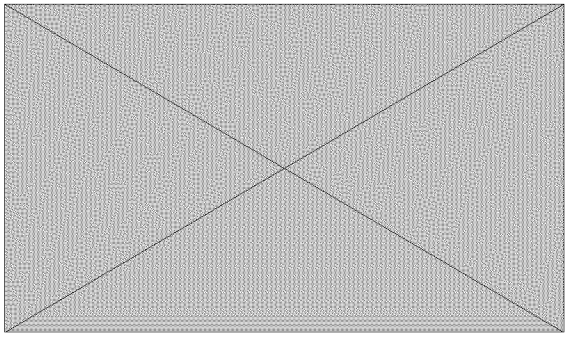
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
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Subject: AEI Today: Does America still believe in the right to be wrong?

The whole idea of a free society is based on a very simple idea that is very hard to live by: People have the right to be wrong.

AEI's daily publication of independent research, insightful analysis, and scholarly debate



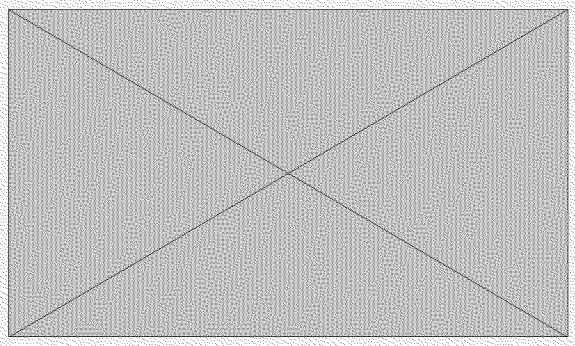
Reuters

Does America still believe in the right to be wrong?

Jonah Goldberg | National Review Online

You might think that current controversies over NFL players refusing to stand for the national anthem, the vandalizing and removal of statues, and the "PC" firestorms erupting across campuses aren't about religion. But you'd be wrong. History's religious conflicts were ultimately about what values and ideas should be imposed on everybody. Traditional religion may be

receding in American culture, but politics is taking on a religious flavor to compensate.

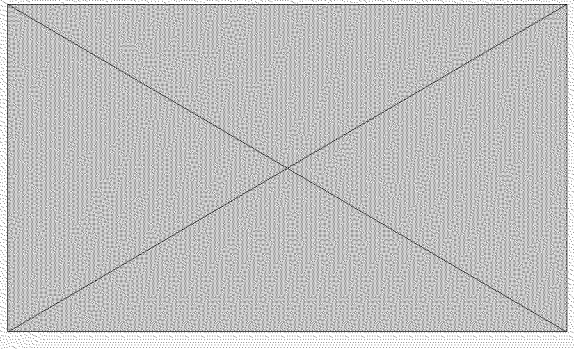


Reuters

Volkswagen and the urge for collective punishment

Benjamin Zycher | AEI

A rotten apple spoils the barrel, the old saying goes. And because of regulatory politics and the incentives of agency officials, the spoilage often proceeds unimpeded — even if the rotten one and the others occupy separate barrels. Witness for example the Volkswagen diesel emissions scandal that emerged in 2015, a brazen act of business malfeasance that will cost VW at least $15 billion. It's full steam ahead for the regulatory bureaucracy.

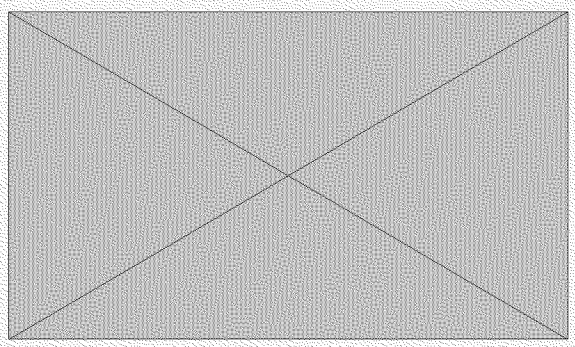


USA Today

Disrespecting the flag is a disgraceful way to protest the president

Marc A. Thiessen | The Washington Post

The NFL's game operations manual says that "all players must be on the sideline for the National Anthem" and must "stand at attention, face the flag, hold helmets in their left hand, and refrain from talking." But it turns out the league is selective when it comes to the speech it protects. Last September, the Dallas Cowboys asked for permission to wear helmet stickers in honor of police officers massacred in Dallas. The NFL refused.



Reuters

Germany's swing to the right isn't just about migrants

Paul Zajac | AEIdeas

The migrant issue has swayed the German elections, with the Alternative for Germany leveraging anti-immigrant sentiments to break into the German Bundestag. But there's more to the story. The other party that made significant gains is the Free Democrats. What do the two parties have in common? A deep rejection of any increased

solidarity in the Eurozone, which taxpayers fear would end with Germany paying for everyone else's public debts.



MORE FROM AEI

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Frederick M. Hess and Amy Cummings | US News & World Report

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Ramesh Ponnuru | Bloomberg View

As NATO approaches its 70th birthday, it needs a new strategic concept to ensure its relevance
Patrick Keller | AEIdeas

With calls for a big federal push on jobs, it's local solutions that are putting people to work
Andy Smarick | The Weekly Standard

This is a monumental week in the 163-year history of the Republican Party. So far, it isn't going well.
James Pethokoukis | The Week

Angela Merkel's victory-slash-defeat
Michael Barone | Washington Examiner

The world has idolized Aung San Suu Kyi, but the real hero of the Rohingya is Sheikh Hasina
Sadanand Dhume | AEIdeas

Teachers unions blow an easy chance to walk the walk
Frederick M. Hess | Education Next

Report: Is it time for classical liberals to rethink their foreign policy worldview?
Dalibor Rohac | Journal des Economistes et des Etudes Humaines

AEI in the news: Aparna Mathur on whether wages will soar if Republicans cut taxes
Heather Long | The Washington Post

High taxes and the availability of illicit cigarettes
Roger Bate | AEIdeas

Watch live today: Is the Senate filibuster a tool of mass obstruction or the key to deliberation?
Gary J. Schmitt | AEI event today at 2:00 PM ET

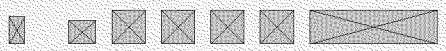
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From: Hadas Gold - POLITICO Media
Sent: Wed 8/16/2017 10:39:15 AM
Subject: Morning Media: Trump's press conference draws outsized coverage -- New poll results on trust in news -- AP to avoid using 'alt-right'

By Hadas Gold | 08/16/2017 06:37 AM EDT

With Alex Weprin and Cristiano Lima

WELL, WE HAD BEEN WAITING FOR A PRESS CONFERENCE AND BOY, DID WE GET ONE. President Donald Trump took questions from the media in the lobby of Trump Tower yesterday, a move that several reports suggested was impromptu considering White House officials hadn't said ahead of time that there would be a press conference ("That was all him -- this wasn't our plan," a White House official told CNN's Jeff Zeleny). Trump doubled down on his initial reaction to a deadly white supremacist rally in Charlottesville, Virginia, laying blame on "both sides" and asking why the "alt-left" isn't being held accountable for the violent clashes. Observers from mainstream media outlets and many politicians including Republicans thought the press conference was a mess, and it backtracked on the statement Trump made yesterday directly condemning white supremacists and neo-Nazis.

-- Predictably, the right-wing media loved the press conference though, particularly how Trump bashed the mainstream media and highlighted left-wing violence -- Breitbart's homepage: "Trump on fire: Blast's reporters' handling of Charlottesville violence." Charlie Hurt, opinion editor of The Washington Times, Fox News contributor, Breitbart News contributor, and a Drudge Report editor: "And THIS is why Donald Trump is president." Gateway Pundit: "EPIC! Trump Blasts #FakeNews Media and Alt-Left Thugs At Trump Tower Presser." Mike Cernovich: " Trump's press conference calls out left wing domestic terrorism." Cassandra Fairbanks: "I have never ever been so pleased with a politician. He just verbally beat their asses while telling the truth."

-- Among mainstream outlets, the presser drew outsized coverage. It dominated coverage all afternoon and evening on cable news and the "CBS Evening News" even dedicated its entire half hour to the presser and the response to it, a move which you almost never see on the usually pressed-for-time network newscasts. All of the networks dedicated extensive time to replaying parts of the presser in full, which is also unusual.

-- Then there was Fox News, the president's favorite cable news channel. Initially the reaction wasn't favorable to Trump. The "Fox News Specialists" hosts, who were on right after the press conference, blasted the presser, with host Kat Timpf even saying she was ready to burst into tears. Laura Ingraham, who is said to be in talks for a program at the channel, even lobbed some criticism at the president. But come primetime, during the host-driven hours, much of the focus was on left-wing violence, the media, and other topics. Sean Hannity seemed to revel in the media reaction: "It was an epic beatdown of the liberal mainstream establishment media they are now in full complete panic meltdown mode,."

BONUS VIDEO - NBC's cameras caught Chief of Staff's John Kelly's reaction during a part of

the press conference.

HE MAY HAVE DELETED IT BUT THE RETWEET WAS HEARD LOUD AND CLEAR. Just two days after a woman was struck and killed by an alleged white supremacist plowing his car into a group of protestors, Trump retweeted a tweet that appeared to show a cartoon train, labeled "TRUMP" hitting a person with the CNN logo superimposed on their head. The original tweeter of the cartoon said in a tweet that it has no connection to the events in Charlottesville, and that in the cartoon "the reporter is trying to hold the train back. His feet are popping up railroad ties," not being hit by the train. Regardless, a White House official, speaking on background to reporters, said the tweet was "inadvertently posted" and "immediately deleted" when noticed. The first time Trump shared a tweet featuring violence against the CNN logo, (a GIF of himself beating up a person with the CNN logo superimposed on its head), he kept it up and the White House vigorously defended it.

-- But retweets take two clicks, as several people have noted. It's a lot easier to mistakenly hit "like" by accident. When you want to retweet a tweet, on all platforms Twitter pops up a notice giving you the option to "retweet" or to "quote tweet." This isn't the first time Trump has retweeted something and then claimed it was a mistake. In 2015, Trump blamed an intern for manually retweeting a tweet which mocked Iowans.

Good morning and welcome to Morning Media! Today is my last day at POLITICO after more than five years. As we announced last week, I'm joining CNN as a correspondent covering European politics, media and global business. I will miss this place, the work and the people here immensely. I want to thank all of you for reading and all for all your tips and comments. I also want to specifically thank **Alex Weprin** (**@alexweprin** / **alexweprin@gmail.com**) for being my guide and editor through my too-short Morning Media tenureship, **Cristiano Lima** (**clima@politico.com** / **@ludacristiano**) for his assistance, Joe Pompeo for showing me the ropes, and all my POLITICO colleagues for their tips and contributions. I hope you'll continue following my work at CNN. My twitter handle will remain the same: **@Hadas_Gold**. **Alex Weprin** will take the reins from here. **Archives**. Subscribe.

THE AP IS AVOIDING THE TERM "ALT-RIGHT": "At AP, we have taken the position that the term "alt-right" should be avoided because it is meant as a euphemism to disguise racist aims. So use it only when quoting someone or when describing what the movement says about itself. Enclose the term "alt-right" in quotation marks or use phrasing such as the so-called alt-right (no quote marks when using the term so-called) or the self-described "alt-right."" More on their explanation here.

NEW POLITICO/MORNING CONSULT POLL: VOTERS TRUST LOCAL NEWS OVER NATIONAL NEWS via POLITICO polling guru Steven Shepard - Voters trust local news over national news and generally perceive their regional media sources as more ideologically balanced, according to a new POLITICO/Morning Consult poll out today. Asked which they trust more to tell them the truth, 41 percent say local news, 27 percent say national news and 32 percent don't have an opinion. Democrats have more faith in national news, saying 39-36 percent they trust it more than their local news. But Republicans (45-21 percent) and independents (41-22 percent) trust local news more by roughly two-to-one margins.

-- National news outlets are viewed as more liberal: A combined 55 percent say the national news is very or somewhat liberal, compared to only 16 percent who say national news outlets are very or somewhat conservative. Compare that with local news: 40 percent say it's liberal (though only 14 percent say it's very liberal), while 26 percent say they consider local news very or somewhat conservative. **Toplines: http://politi.co/2uYvRET | Crosstabs: http://politi.co/2uGk7LG**

THAT NEW YORK TIMES DOCUMENTARY WILL BE ON SHOWTIME: On Monday I broke in Morning Media that New York Times reporters were being followed around by a documentary crew filming them for a documentary about their reporting on Trump. Now the Hollywood Reporter and CNN are reporting the documentary will air on Showtime, and is being filmed by Liz Garbus for a multipart series.

THE TIMES' JAMES BENNET TO TESTIFY TODAY IN SARAH PALIN DEFAMATION SUIT: At 2 p.m. in New York City the Times' editorial page editor James Bennet will testify regarding an editorial which initially connected the former governor and vice presidential candidate to a shooting which killed six people and severely injured former Congresswoman Gabrielle Giffords in 2011. The Times subsequently corrected the editorial.

THE MOOCH DELIVERS FOR COLBERT, via Alex Weprin: Anthony Scaramucci might not have lasted in the White House, but he has a place in late night comedy, if Monday's ratings for CBS' "Late Show" are any indication. Monday's show. Per preliminary Nielsen overnight ratings, Monday's show was the most-watched Monday night ever for the program, and tied an episode from May as the most-watched regular episode of the program since 2015.

-- Speaking of "The Mooch," what does he have planned now? THR's Jeremy Barr suggests that a book or another TV gig could be in his future.

NEW BREITBART NEW YORK TIMES MAGAZINE FEATURE goes "Down the Breitbart Hole". The piece takes a sympathetic look at the organization and its editor, Alex Marlow. Written over a lengthy period of time, the author, Wil S. Hylton, notes the divers emakeup of Breitbart's staff, Marlow's own lack of political certitude on many issue Breitbart attaches itself to, and the obsession the rest of the media has with Breitbart, including what he says were incorrect reports that the staff of Breitbart were told to lay off writing about Jared Kushner. Hylton says he sat in on a "dozen" editorial calls during that time period and only heard Marlow asking for "more dirt on Kushner." Also of note: Marlow claims the administration is keeping them at arm's length - he even traveled to Sicily for the G-7 meeting, hoping to interview Trump but the president declined to see him.

REVOLVING DOOR:

-- Adam Bryant, author of The New York Times "Corner Office" column, announced he's leaving the paper after 18 years and over 500 columns penned, our former colleague Joe Pompeo reported.

-- HuffPost announced that Shelley Venus is taking over its video operations from Charlotte Koh, who's pursuing local media opportunities in Los Angeles.

-- Elle announced a spate of promotions, including columnist R. Eric Thomas moving into a senior writer role and Sally Holmes and Gena Kaufman shifted into roles as executive director of social media and director of special projects, respectively.

-- The Weekly Standard is relaunching NFL writer Gregg Easterbrook's "Tuesday Morning Quarterback," the popular sports column, next Tuesday.

SOUNDBITE: "Honestly, if the press were not fake and if it was honest, the press would have said what I said was very nice. - excuse me - unlike you and unlike the media, before I make a statement, I like to know the facts." [Donald Trump]

EXTRAS:

-- This week Fox News and The Daily Caller quietly deleted posts from January that appeared to advocate for using cars to run over protesters. [The Daily Beast] The Daily Caller also removed articles and the author page for Jason Kessler, the organizer of the "Unite the Right" rally in Charlottesville who had previously written for the site.

-- CNN refused to air a Trump campaign ad that featured an attack on the channel. "CNN would accept the ad if the images of reporters and anchors are removed," a network spokesperson said in a statement. "Anchors and reporters don't have 'enemies,' as the ad states, but they do hold those in power accountable across the political spectrum and aggressively challenge false and misleading statements and investigate wrong-doing." [BuzzFeed News]

-- The Nation is reviewing a story which cast doubt upon the Russian hack of the DNC emails. [Washington Post]

-- Vogue has a big profile on Oprah Winfrey, including details on her new gig as a correspondent for "60 Minutes." [Vogue]

-- According to data from NewsWhip, content from the AP "drove higher total engagement on Facebook than any of the Top 10 individual publishers in June and July." [AP]

-- Marketplace and BBC unveiled a new global business broadcast initiative led by veteran BBC reporter Anu Anand and set to launch Sept. 5 in the U.S. [Current]

-- Have swarming journalists turned the Capitol subway into the epicenter of D.C. politics? [WaPo]

-- "How SB Nation profits off an army of exploited workers." [Deadspin]

-- This tweet by Barack Obama quoting Nelson Mandela became the most liked tweet in Twitter history yesterday. [Twitter]

To view online:
http://www.politico.com/media/tipsheets/morning-media/2017/08/16/trumps-press-conference-draws-outsized-coverage-new-poll-results-on-trust-in-news-ap-to-avoid-using-alt-right-001333

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Sent: Sun 8/20/2017 2:57:04 PM
Subject: POLITICO Playbook, presented by the Coalition for Affordable Prescription Drugs (CAPD): MATTIS on NEW AFGHANISTAN strategy -- SNEAK PEEK: REMNICK on Trump -- BANNON to WaPo: 'No administration in history has been so divided' -- ELISE STEFANIK's wedding

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Today's POLITICO Playbook presented by the Coalition for Affordable Prescription Drugs (CAPD)
08/20/2017 10:54 AM EDT

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

Visit the online home of Playbook

Driving the Day

BULLETIN -- NYT'S MICHAEL GORDON in Amman, Jordan: "Defense Secretary Jim Mattis said that President Trump, who had been accused by lawmakers of dragging his feet on Afghanistan, had settled on a new strategy after a 'rigorous' review.

"'The president has made a decision,' Mr. Mattis told reporters on an overnight flight that arrived in Amman ... on Sunday. 'I am very comfortable that the strategic process was sufficiently rigorous.' Mr. Mattis received the authority in June to send nearly 4,000 troops to Afghanistan so that the United States military could expand its efforts to advise Afghan forces and support them with American artillery and air power. But Mr. Mattis had refrained from building up the American force there until the Trump administration settled on a broader strategy. Mr. Mattis declined to say what steps the president had ordered, including troop levels. He added that Mr. Trump wanted to announce the details to the American people, and that the president was expected to do so in coming days. ...

"The decision to send troops is just one component of a strategy that is also expected to outline ways to pressure Pakistan to shut down the sanctuaries that the Taliban and other extremist groups have maintained on its territory. 'It is a South Asia strategy; it not just an Afghanistan strategy,' Mr. Mattis said." http://nyti.ms/2x2TxKm

Good Sunday morning. SNEAK PEEK -- DAVID REMNICK in the New Yorker, coming out tomorrow: "Early last November, just before Election Day, Barack Obama was driven through the crisp late-night gloom of the outskirts of Charlotte, as he barnstormed North Carolina on behalf of Hillary Clinton. ... During his speech in Charlotte that night, Obama warned that no one really changes in the Presidency;

rather, the office 'magnifies' who you already are. So if you 'accept the support of Klan sympathizers before you're President, or you're kind of slow in disowning it, saying, 'Well, I don't know,' then that's how you'll be as President.'" http://bit.ly/2ihQqes ... ***A look inside the magazine*** http://bit.ly/2vPCKvX

-- WORTH NOTING: Obama has not publicly responded to Trump's comments post-Charlottesville except to post a tweet quoting Nelson Mandela.

MARK LANDLER and **MAGGIE HABERMAN: "With Bannon's Ouster, Question Remains Whether His Agenda Will Be Erased, Too"** http://nyti.ms/2x2QKRw

-- JOSH DAWSEY and **MATT NUSSBAUM:** "The departures from Trump's White House have come at a dizzying pace in recent weeks: multiple communications directors, the chief of staff and the press secretary have all left, along with top aides on the national security council and a number of CEOs from influential business councils. But none of the departures are likely to change the dynamics as much as that of the polarizing Bannon, whose ouster on Friday could alienate conservatives, hearten some who feared his brand of populism-nationalism, and dial down the fights inside 1600 Pennsylvania Ave.

'"Bannon is the intellectual heart and soul of the Trump movement,' said Mark Corallo, a prominent GOP operative who served briefly as the spokesperson for Trump's private legal team. 'He was the think tank. He's the idea generator. ... He was the guy who was the most thoughtful about how to enact the agenda, how to build a coalition.'" http://politi.co/2vdOox4

BREITBART'S LEAD STORY -- "Report: Powerful GOP Donor Sheldon Adelson Supports Campaign to Oust McMaster" http://bit.ly/2vPDzET

-- BANNON SPEAKS to Bob Costa and John Wagner, who reported from Bedminster: "'If the Republican Party on Capitol Hill gets behind the president on his plans and not theirs, it will all be sweetness and light, be one big happy family,' Bannon said. ... 'No administration in history has been so divided among itself about the direction about where it should go,' Bannon said, adding that Trump's base is frustrated by a congressional agenda that has dovetailed more with traditional Republican priorities than the agenda Trump championed." http://wapo.st/2wepaDo

--"Breitbart bullish on Bannon return, promises 'aggressive expansion,'" by Cristiano Lima: "Breitbart News is riding high amid its reunion with executive chairman Steve Bannon. ... 'I think we definitely are planning on stepping up our game,' Breitbart News Washington editor Matthew Boyle said during the outlet's weekly SiriusXM show on Saturday. '[W]e're planning a lot of aggressive expansion and much more aggressive reporting than we've already been doing ... We've been a pirate ship without a captain for a year ... We're thrilled to have our captain back." http://politi.co/2xfu5AT

THERE WE GO! -- DAILY MAIL SAYS IVANKA AND JARED PUSHED BANNON

OUT: "How Jewish convert Ivanka got 'Bannon the Barbarian' to go: Trump's daughter 'helped to force out' aide blamed over President's failure to condemn neo-Nazi rally ... Chief strategist Bannon, 63, helped orchestrate the President's election victory ... But many blamed him for Trump's failure last week to condemn neo-Nazis ... 'Pushed out' by daughter Ivanka and her husband because of his far-Right views": http://dailym.ai/2v3rp8p

-- FRONT PAGE OF THE BALTIMORE SUN: "Jared Kushner's firm seeks arrest of Maryland tenants to collect debt," by Doug Donovan: "The real estate company owned by Jared Kushner, son-in-law and top adviser to President Donald Trump, has been the most aggressive in Maryland in using a controversial debt-collection tactic: getting judges to order the arrest of people who owe his company money. Since 2013, the first full year in which the Kushner Cos. operated in Maryland, corporate entities affiliated with the firm's 17 apartment complexes in the state have sought the civil arrest of 105 former tenants for failing to appear in court to face allegations of unpaid debt, The Baltimore Sun has found." http://bsun.md/2weo36H

-- TIMES OF ISRAEL: "Abbas says Trump administration 'in chaos'": "'Each time they reiterate their commitment to a two-state solution and the stop to settlement building, Abbas says. 'I urge them to tell Netanyahu that, but they are deterred.' 'I don't even know how they are dealing with us, because his entire administration is in chaos,' he adds." http://bit.ly/2uVkvWM

MNUCHIN RESPONDS TO CRITICS IN HIS YALE CLASS -- via Zach Warmbrodt: "I don't believe the allegations against the president are accurate. I believe that having highly talented men and women in our country surrounding the president in his administration should be reassuring to you and all the American people." ***Mnuchin's full statement*** http://bit.ly/2v3Q0tY

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)**: If you know only one fact about rising drug costs, know this one: drug makers set prices for prescription drugs. To help manage nearly double-digit price increases, employers, unions and government programs use PBMs to negotiate lower net prices to help curb costs for employers and patients. Learn more at affordableprescriptiondrugs.org ******

NEW POLL -- "Trump's Job Rating Is Below 40 Percent in Three Key Midwest States," by NBC's Mark Murray: "President Donald Trump's job-approval rating in the three states that helped propel him to the White House - Michigan, Pennsylvania and Wisconsin - stands below 40 percent, according to a trio of NBC News/Marist polls of these key states in the Midwest. In addition, Democrats enjoy double-digit leads in Michigan and Pennsylvania on the question of which party voters prefer to control Congress after the 2018 midterms, and they hold an 8-point advantage in Wisconsin.

"And in all three states, more than six-in-10 voters say Trump's conduct as president has embarrassed them, versus just a quarter who have said it's made them proud. These three NBC/Marist polls were conducted Aug. 13-17 - after the August 12 unrest

and violence in Charlottesville, Va., as well as in the midst of President Trump's multiple responses to that unrest and violence." http://nbcnews.to/2v3zs58

ABOUT YESTERDAY ... -- BOSTON GLOBE FRONT PAGE: "MAKING A STAND AGAINST RACISM ... Resolute and ready, they marched ... Rally by tens of thousands is peaceful but pointed" -- ***A1 pdf*** http://bit.ly/2ve082l

-- "'Free speech' rally speakers, little heard, end event quickly," by the Boston Globe's Beth Healy: "By 12:45 p.m., only 45 minutes into their official program, organizers of the Boston Free Speech rally ended the event and were escorted by police out of the park, to chants of 'Go home, Nazis' from the crowd. A Facebook post for the event listed 14 speakers and was scheduled to last for two hours." http://bit.ly/2fX8NEr

-- @realDonaldTrump: "Great job by all law enforcement officers and Boston Mayor @Marty_Walsh. Our great country has been divided for decades. Sometimes you need protest in order to heal, & we will heal, & be stronger than ever before! I want to applaud the many protesters in Boston who are speaking out against bigotry and hate. Our country will soon come together as one!"

... AND IN CHICAGO: "7 shot, 1 fatally, in West Pullman attack among 33 shot in 13 hours," by the Chicago Tribune's Elva Malagon and Denease Williams-Harris. http://trib.in/2v32Zfp

WHAT OTTAWA WANTS YOU TO READ -- "The Trump Unit: Inside Canada's PMO squad to save NAFTA," by the National Post's Alexander Panetta: "The Canadian government has created an election-style nerve centre to handle White House-related challenges and officials who describe its operations say it has about eight regular staff: two former trade officials, two senior PMO officials, an ambassador, a writer, a cabinet minister, and it's run by a young staffer with a reputation for staying cool while smothering political fires.

"The most blistering inferno it's preparing to confront is a scenario where the president threatens NAFTA. Everybody involved anticipates the threat level from Trump will rise with the heat of negotiations. A well-connected Washington lobbyist milling about last week's talks said a Trump pullout threat is virtually assured: 'Almost 100 per cent.' Trade lawyer Dan Ujczo said it's a logical play for the president: 'The threat of withdrawal is his key negotiating leverage.'" http://bit.ly/2wlnOad

GREAT STORY -- ANNIE KARNI on **NEWT GINGRICH: "Newt Gingrich goes to spouse school":** "Last week, Newt Gingrich sat in a classroom surrounded by 11 women and one other man, furiously jotting notes. In the weeklong intensive, where classes ran from 9 a.m. to 4 p.m. with only a short cafeteria lunch break in between, the former House Speaker and onetime presidential candidate received a crash course in a new role: invisible spouse. When he moves to Rome with his third wife, Callista Gingrich, to become husband of the Ambassador to the Holy See, the ubiquitous Fox

News talking head, will have no official diplomatic role abroad, beyond being generally presentable and essentially not heard from.

"It will be a challenge for an outspoken sometimes-booster, sometimes-critic of the Trump administration, who said he does not plan to terminate his contract with Fox News. But like former President Bill Clinton during his wife's two bids for the presidency, Gingrich will be taking on the secondary role of booster after a public life spent demanding the limelight. Aware that this new, less celebrated, role will take some getting used to, Gingrich eagerly enrolled himself in what he referred to, excitedly, as 'spouse school.'

"The program, run by the State Department and hosted on the Arlington campus of the Foreign Service Institute, was started in the 1950s, when it was referred to simply as the 'Wives Seminar.' Over the years, a State Department official said, it 'has evolved into a variety of training and orientation programs for foreign affairs family members.' Today, topics include: 'expectations and personal goals for your time overseas,' 'post morale,' 'the official residence,' 'navigating a public diplomacy role,' 'legal issues and ethics,' as well as 'stress management.'" http://politi.co/2x2pnHl

WHAT AMERICA IS READING ... -- THE BIRMINGHAM (ALA.) NEWS: "With Jones, Democrats dreaming big again: 'Mount Rushmore of political upsets'" http://bit.ly/2iguP5O ... **ARIZONA REPUBLIC:** "Sign of respect for the eclipse: Navajos won't be watching 'sacred communication' between sun and moon" http://bit.ly/2x3k8XK ... **CHARLOTTE OBSERVER:** "HERITAGE OR 'SHAMEFUL HISTORY'?: Gastonia's Confederate monument, one of dozens standing quietly on N.C. public property, inspires loyalty even as people question its message" http://bit.ly/2vPqZ8F ... **JANESVILLE (WIS.) GAZETTE:** "Now available: One-fourth of business space vacant in downtown Janesville." http://bit.ly/2wtHAjd

-- RARE: INDIANAPOLIS STAR FULL FRONT PAGE EDITORIAL: "LET'S STAND AGAINST HATE. TOGETHER" http://bit.ly/2vPTuTS

REMEMBERING ARTHUR FINKELSTEIN - NYT's Sam Roberts: "Finkelstein, a reclusive political Svengali who revolutionized campaign polling and financing and helped elect a bevy of conservative candidates, including President Ronald Reagan and Prime Minister Benjamin Netanyahu of Israel, died on Friday night in Ipswich, Mass., where he lived. He was 72. ... Mr. Finkelstein was among the first political strategists in the late 1970s to grasp the potential of a United States Supreme Court ruling that allowed putatively independent political committees to spend money on behalf of individual candidates and causes. ... He also pioneered sophisticated demographic analyses of primary voters and methodical exit polling, and of using a marketing strategy, called microtargeting, to identify specific groups of potential supporters of a candidate regardless of their party affiliation." http://nyti.ms/2xfq2En ... ***Statement by his family*** http://bit.ly/2ihkjeR ... ***National Review profile*** http://bit.ly/2we3uqY

-- AP: "Comedian, civil rights activist Dick Gregory dies," by Daisy Nguyen: "Dick

Gregory, the comedian and activist and who broke racial barriers in the 1960s and used his humor to spread messages of social justice and nutritional health, has died. He was 84. Gregory died late Saturday in Washington, D.C. after being hospitalized for about a week, his son Christian Gregory told The Associated Press. He had suffered a severe bacterial infection. As one of the first black standup comedians to find success with white audiences, in the early 1960s, Gregory rose from an impoverished childhood in St. Louis to win a college track scholarship and become a celebrated satirist who deftly commented upon racial divisions at the dawn of the civil rights movement." http://bit.ly/2fWy16a

SUNDAY BEST -- JAKE TAPPER talks to **OHIO GOV. JOHN KASICH** on CNN's **"STATE OF THE UNION": TAPPER:** "If everything continues like it has been, does a Republican need to step forward to challenge President Trump in three years?" **KASICH:** "Well, Jake, as you said, I don't have any plans to do anything like that. I'm rooting for him to get it together. We all are. We're only like seven months into this presidency. ... What we have to start thinking about, all of us, not just the president, but down where we live, in the neighborhoods, in the communities, we've gotta build a stronger America. Look, why am I on this show. You asked me to come on.

"I'm trying to have a responsible voice. To call things out when they need to be called out, but also to support my country. So what I hope is going to happen ... I hope we're going to have stability, the president is going to learn from these episodes and we're going to do better. That's what I hope is going to happen. We'll have to wait and see."

-- FOX NEWS SUNDAY: "Trump ally blast congressional leaders," by Kyle Cheney: "A top ally of President Donald Trump offered hints Sunday of a coming war on Republican leaders in Congress, a battle presaged by the return of former chief strategist Steve Bannon to Breitbart News.

"'There's a lack of leadership on one side of Pennsylvania Avenue,' said David Bossie, a former Trump campaign adviser, appearing on 'Fox News Sunday.' Bossie, who said he's spoken to Bannon 'many times' in recent days, said Bannon's departure from the administration will help the administration at 'leaning into Congress.' He repeatedly decried a 'failure of leadership in the House and Senate.' 'Mitch McConnell and Paul Ryan have to step up,' Bossie said, adding, 'The House and Senate leadership has not bought into the president's agenda fully.'" http://politi.co/2vdLIF0

-- SEN. TIM KAINE talks to **JOHN DICKERSON** on **CBS'S "FACE THE NATION"** about Robert E. Lee's statue in the Capitol: "Every state gets two statues to put in Statuary Hall or throughout the capital. Just using Virginia as an example. The state gets to choose two people to represent the entire scope of the state's history. Virginia obviously chose George Washington, the father of the country. But the second choice that was made in 1909, and has never been changed, is Robert E. Lee.

"I think as you look at the scope of Virginia history here in 2017, and if you want there

to be two people to really stand for who Virginia is, why wouldn't you think about Pocahontas who, had she not saved John Smith's life, we wouldn't even be here possibly? Why wouldn't you think about a Barbara Johns, who led a school walkout in Prince Edward County that ultimately became part of the Brown versus Board, desegregation decision? Why wouldn't you think about Governor Wilder, the grandson of a slave, a decorated Korean War combat veteran, who became the first elected African-American government in the history of the country? I think from 2017 looking backward, I think Virginia could probably do better in the two people that we choose to stand for us in Statuary Hall. And I think a number of the other states can do better as well."

-- SIREN: @facethenation: Sen. Scott: "'As we look to the future it's going to be be very difficult for POTUS to lead. His moral authority remains compromised.'"

Playbook Reads

PHOTO DU JOUR: Protesters face off with riot police escorting conservative activists following a march in Boston on Aug. 20 against a planned 'Free Speech Rally' just one week after the violent 'Unite the Right' rally in Virginia. | Spencer Platt/Getty Images

JAKE'S TIP OF THE DAY -- WEAR THESE SHOES (Allbirds are kind of great) **-- NYT Style: "To Fit Into Silicon Valley, Wear These Wool Shoes,"** by Nellie Bowles. http://nyti.ms/2vdNIaQ

DEPT. OF TAX REFORM IS HARD -- "Left warns Democrats in tax reform fight," by Elana Schor: "Liberal activists who hounded the GOP throughout its failed Obamacare repeal bid are gearing up to hit any Democrat who strays from the fold on tax cuts for the wealthy - including some of the party's most politically vulnerable incumbents. Democrats were spared the sight of their progressive base battling centrists on Obamacare, which proved a uniquely unifying issue for both wings of the party. But there's no guarantee that taxes will be another kumbaya moment for Democratic leaders, who have long struggled to contain tensions between red-state lawmakers facing tough reelections and a grassroots emboldened by resistance to President Donald Trump's agenda. ...

"Liberal groups are vowing to fight the GOP tax bill as hard as they battled Obamacare repeal. They're expecting Democrats to stand together against any legislation that cuts taxes for the rich, even if it also trims tax bills for others. And they're prepared to unleash their energized grassroots on any lawmaker who doesn't get on board." http://politi.co/2wlrl8H

IMPORTANT -- THE HILL'S BEN KAMISAR: "The Republican National Committee

expanded its massive fundraising lead over the Democratic National Committee in July as the Democrats posted their worst July haul in a decade. The DNC raised just $3.8 million in July, compared to the $10.2 million raised by the RNC in the same month. While the GOP has no debt, the DNC added slightly to its debt in July, which now sits at $3.4 million." http://bit.ly/2uUsZxC

THE OPPOSITION -- "Amateur sleuths hunt for Trump bombshells," by Darren Samuelsohn: "Nearly 3,000 miles from special counsel Robert Mueller's Washington offices, another investigation into President Donald Trump is underway. This one unfolds in the public libraries and coffee shops of San Francisco, where a self-employed 40-year-old named Geoff Andersen has worked since November for 16 hours a day, seven days a week, burning through nearly $45,000 in personal savings and donations from friends and family in pursuit of hidden truths about Trump's rise to power. ... Andersen is not alone in his largely solitary quest. Countless amateur sleuths are on the case, from a short-order cook in Belfast whose research was recently cited by the Daily Beast to a Florida art teacher who tells POLITICO he is applying his pattern-recognition skills to Trump's sprawling business empire.

"Undaunted by a lack of subpoena power or search warrants, and the government's vast legal and technical expertise, countless people like these are poring through Trump's personal and business records, as well as overlooked 2016 campaign clues. They share their findings through email, blogs, Twitter, Facebook, Reddit and even tips to reporters and the FBI. Most labor in obscurity, but all are motivated by the lottery-like odds of a discovery that has eluded journalists and prosecutors but which just might bring down a president." http://politi.co/2fW575P

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers and other health care purchasers; however, the list price - the important starting point for those negotiations -- continues to rise, at a rate of nearly ten percent in 2016 alone. Increased competition, faster reviews of generics and biosimilars and ending anti-competitive practices can also bring down the cost of medications for patients. Learn more at affordableprescriptiondrugs.org ******

VALLEY READ -- KARA SWISHER: "Jeff Immelt has emerged as the front-runner to become Uber's CEO": "While the tension on the board of the car-hailing company remains high - due of late to an ugly lawsuit that one of its major investors, Benchmark, is waging against its ousted co-founder and CEO Travis Kalanick - sources said that a majority of the board is coalescing around the experienced Immelt.

"That could certainly change, said sources, and there are two other executives who are also still being considered, neither of whom is a woman, as some had hoped. Sources said a vote of Uber's directors is likely to happen within the next two weeks, which does not have to be unanimous, although most directors are hoping it will be. In any case, Immelt has pulled ahead, said several sources. One of Immelt's earliest and strongest supporters on the board is Arianna Huffington, said sources, but he is also the

top choice of several directors. Others still undecided - including Benchmark, which has weakened its status because of the lawsuit and ensuing publicity - have become convinced that Uber needs to hire someone who can quickly deal with a number of pressing and problematic issues and consider Immelt fully capable of handling that well." http://bit.ly/2vPtw2O

MEDIAWATCH -- "Jersey Gov. Chris Christie no longer a candidate to replace Mike Francesa at WFAN," by N.Y. Daily News' Bob Raissman: "Scratch Chris Christie off the list of candidates to replace Mike (Sports Pope) Francesa when he leaves WFAN (if he actually does) in December. FAN sources said the suits searching for Francesa's replacement have informed the New Jersey Governor his Gasbag services will not be needed." http://nydn.us/2vUASAc

BONUS GREAT WEEKEND READS, curated by Daniel Lippman, filing from Nantucket:

--"After The Flame," by Wayne Drehs and Mariana Lajolo in ESPN the Magazine: "The 2016 Summer Games were supposed to bring Rio and Brazil to new financial and athletic heights. What's left behind? A city and country shrouded by corruption, debt and broken promises." http://es.pn/2vGuvCn

--"A Brief History of Traveling With Cats," by Jackie Mansky in Smithsonian: "Fierce felines of history sailed the world, survived Europe's crusade against them and made it all the way to Memedom." http://bit.ly/2uTzyfG

--"Bangalore, before the dystopia," by Harish C Menon in Quartz - per The Browser's description: "Bangalore has gone from Garden City to Garbage City in 30 years. Renowned as the tech hub of India, producing 10% of India's GDP, the city is 'a disaster in slow motion'. Population and area have tripled with little in the way of planning or infrastructure. Green spaces and watercourses have been concreted over. Quality of life has fallen to the lowest of all Indian cities. Residents 'grapple with self-combusting foaming toxic lakes". By 2025 Bangalore 'will be simply uninhabitable." http://bit.ly/2v4ADAs

--"'Y'all Sent Me to Washington at an Interesting Time,'" by The Atlantic's Molly Ball: "A freshman Republican lawmaker [Jim Banks] tries to stay on the right side of his constituents-and his principles-deep in Trump Country." http://theatln.tc/2v4ruZ0

--"What the Heck Is Guam? A Guide for the Perplexed," by Shannon Togawa Mercer in Lawfare: "It sits almost 1,500 miles south of Japan and around 2,100 miles from North Korea. ... According to historians, Guam was discovered and populated by Austronesian peoples around 4,000 years ago. Guam got a jump on contact with Europeans when Ferdinand Magellan stumbled upon Guam in 1521." http://bit.ly/2wjhGOQ

--"The partition goes on: A Pakistani perspective," by Mohammed Hanif on Al-Jazeera: "Like many Pakistanis I saw my first Indians in London and was surprised that they were a bit like us. Most Indians and Pakistanis have the same reaction when they

meet. It seems as if they are brought up to believe that a community of ferals lives across the border. The most we know about each other is from moving images from films and songs, and a bit from books." http://es.pn/2vGuvCn

--"James Baldwin's Istanbul," by Suzy Hansen in PublicBooks: "Baldwin was delighted by the Turkish custom of holding hands - even men could be openly affectionate. It was easier to be gay in Istanbul than in America, and easier to be black ... [The city was] a place anyone could go to live and feel free." http://bit.ly/2fO2Vxi

--"What should you do when two ISIS suspects are interrogated right before your eyes?" by Anthony Loyd in the New Statesman: "I felt intrigued but uncomfortable, watching it all unfold, the bound and kneeling men waiting for the whip or worse. I knew that if I left the room both prisoners would get thrashed for sure, and likely tortured. If I stayed, they might get thrashed anyway, in front of me, which might have implied my acquiescence. But I also wanted to know what would happen. It was awkward either way." http://bit.ly/2fNROEt

--"The Fight of His Life," by Brian Castner in Esquire: "Afghan Army Captain Noorullah Aminyar was once a valuable ally to the American military. But after a failed defection attempt and three years in detention, his asylum claim now rests on the argument that the U.S. has lost its longest war." http://bit.ly/2wdhWQi (h/t Longreads.com)

--"Mr. Nice Guy," by Wired's Nicholas Thompson: "Instagram's Kevin Systrom wants to clean up the &#%$@! Internet." http://bit.ly/2wdqlU0

--"My Life Lessons in Rust Belt Racism," by Kim Kingsley on Medium: http://bit.ly/2xfTcU0

--"The White Lies of Craft Culture," by Lauren Michele Jackson in Eater: "How the world of small batch, single origin, and totally artisanal erases the people of color who made it possible." http://bit.ly/2fUeLG

Playbookers

SPOTTED: Rep. Joe Crowley (D-N.Y.) at Cisco Brewery on Friday on Nantucket ... John King on an American Airlines flight from DCA to Nantucket on Saturday morning.

WEEKEND WEDDINGS -- "Elise Stefanik, Matthew Manda" -- N.Y. Times: "Ms. Stefanik, 33, is a United States congresswoman, representing the 21st District of New York. She is a Republican serving on the House Armed Services Committee; the Committee on Education and the Workforce; and the House Permanent Select Committee on Intelligence. Elected in 2014 at age 30, she is the youngest woman elected to Congress in United States history. Previously she served in the Office of the Chief of Staff in the White House under President George W. Bush. She graduated from

Harvard. ...

"Mr. Manda, 34, is the marketing and communications director in Alexandria, Va., for the Media Group of America, which owns and operates the media outlet Independent Journal Review. Previously he was the communications director for Representative Kevin Yoder, Republican of Kansas, and as the political director for 2010 campaign for Senator Jerry Moran, Republican of Kansas. The groom graduated from the University of Kansas. ... The couple met through mutual friends in January 2012 at a party hosted by the bride in Washington." ***With pic*** http://nyti.ms/2wlkegi

-- Pool report: "At the Hall of Springs in Saratoga State Park, guests noshed on Baby lamb chops, a raw bar pork belly sliders, potato pancakes, antipasti in honor of the bride's Italian roots, a Cannoli bar and a gelato bar. The Bride and groom had a choreographed dance to 'Can't Take My Eyes Off You.' The father and daughter dance was to Hamilton's 'Dear Theodosia.'" ***Pics*** http://bit.ly/2x2Paix ... http://bit.ly/2fWc3Qv

SPOTTED: Russ Schriefer and Nina Easton, Lenny and Amelia Chassé Alcivar, Ryan Coyne, Joel and Laura Cox Kaplan, Anita and Tim McBride, House Majority Leader Kevin McCarthy (R-Calif.), Reps. Carlos Curbelo (R-Fla.), Will Hurd (R-Texas), Chris Collins (R-N.Y.), Mimi Walters (R-Calif.), David Young (R-Idaho), John Katko (R-N.Y.), Susan Brooks (R-Ind.) and Joe Wilson (R-S.C.), New York State Assemblyman Dan Stec, NY State Conservative Party Chair Mike Long, Megan and Tyler Foote, Phil Musser, Mike Leavitt, Tom and Corinne Hoare, Lindley and Dustin Sherer, Aly and Graham Wheeler, Ali and Stuart Siciliano, and Anthony Katie Pileggi.

-- Jonathan Nabavi, vice president of public policy and government affairs at the NFL, and **Catherine Hansen**, who works on congressional relations at Blue Cross Blue Shield Association, were married Saturday in Bar Harbor. ***NYT announcement with pic*** http://nyti.ms/2vdRW2h ... ***Wedding pic*** http://bit.ly/2xfxklj **SPOTTED:** Andrew Kovalcin, Rebecca and Matt Haller, Bradley Hayes, Adriana Brizuela and Chris Gindlesperger, Nicole Gustafson, Ali Tulbah and Alana Nolan, Sergio Rodriguera, Allison O'Brien, Nat and Melissa Sillin, Dan Finucane and Danielle Bruccheri and Sean Fairchild.

ENGAGED -- Andrea Saul , who works on communications at Facebook and was national press secretary for Romney 2012, got engaged on Saturday to **David Nosbusch**, who works in business development at Box and is a Harvard Business School grad. He proposed on the 18th green at 3 Creek Ranch in Jackson Hole, with friends and family nearby. They met through mutual friends watching college football at NorthStar Cafe in San Francisco.

WELCOME TO THE WORLD - Krista Zuzenak, co-founder of mKz Inc and member of Team Pelosi, and **Brian Zuzenak,** partner at Moxie Media and member of Team McAuliffe, "welcomed their 3rd roommate Isabelle Emma on [Friday]. Isabelle weighed 7 pounds 4 ounces and despite many bets that Baby Z was a boy she surprised and melted the hearts of her parents, family and friends. The couple fell in love across departments at the DCCC and can't wait to introduce her to the entire Pelosi/McAuliffe

Family." ***Pic*** http://bit.ly/2uVun37

BIRTHDAYS: Fox News's Fin Gomez, celebrating in Iceland running a half marathon ... Lea Berman ... Chuck Campion, chairman and co-founder of Dewey Square Group (hat tips: Rick Ahearn) ... Jenny Backus ... Amb. Michael Froman, a distinguished fellow at CFR and former USTR, is 55 (h/t Andrew Bates) ... Brad Fingeroot ... Politico's Doug Palmer ... Scott Rothrock, CTO at advanced-manufacturing company Xometry and a Politico alum ... BPI birthday twins: partner Ben LaBolt and COO Ann Marie Habershaw (h/ts Jen Nedeau and Addie Whisenant) ... Al Roker is 63 ... former Rep. Ron Paul (R-Texas) is 82 ... former Sen. George Mitchell (D-Maine) is 84 ... Targeted Victory co-founder Zac Moffatt ... Connie Chung ... Rae-Lynn Ziegler, director of social media and outreach for the Washington Free Beacon (h/t Anton Vuljaj) ... Rachel Thomas, who works on external relations, gov't and regulatory affairs at IBM ... Susan Aspey ... Kendell (Coletti) Mountain ... Gina Keeney, partner at Lawler, Metzger, Keeney & Logan and a FCC alum (h/t Jon Haber) ... Brianna McCullough ... Rep. Brad Schneider (D-Ill.) is 56 (h/t Josh Brown) ... Rep. Kathy Castor (D-Fla.) is 51 ... Sen. Steve Daines (R-Mont.) is 55. He's celebrating by grilling burgers with his family at home and his three dogs. ... former Rep. Ruben Hinojosa (D-Tex.) is 77 ... Tarrah Cooper, managing director at Mercury ... Matt Shapanka is 3-0 ... Morgan Murtaugh ... Jody Serrano (h/t Amy Sisk) ... Alice Frost Richardson ...

... CNN senior media reporter Oliver Darcy ... Jim Hock, adviser at PSP Capital and former Commerce COS ... Meghan Grant ... Madeline Shepherd, associate director of federal policy at Council for a Strong America (h/t Rachel Wein) ... Gordon Neal ... Hayley Herrin (Peterson), senior correspondent at Business Insider ... Patrick Drahi is 54 ... Matthew Gould is 46 ... David Ryan Adelman is 36 (h/ts Jewish Insider) ... Pat Collier IV, policy director at JB Pritzker for Governor ... Jeff Morehouse is 37 ... Angelica Alatorre ... Nicholas Himebaugh ... Kenny Swab ... Jordan Kittleson ... Shannon Travis ... Linnea Dyer Hegarty ... Katie Peters, comms director for Americans for Responsible Solutions ... Casey Badmington ... Eleni Roumel ... Steve Pfrang ... Shannon Harris ... Ari Goldberg, VP of comms at First Focus, is 44 ... Faryar Shirzad ... Jen Brown ... Lona Valmoro ... Bob Hudek ... Ryan O'Keefe (h/ts Teresa Vilmain)

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : The high prices that drug makers set for prescription drugs can put financial strain on patients, employers, unions and others who provide health care coverage to more than 50 percent of Americans. Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers, unions and government programs. But, as list prices - the starting point for those negotiations -- continue their nearly double-digit increases, the effects ripple throughout the system. The key to ensuring greater access and affordability lies in fostering greater competition. Facilitating faster reviews of generics and biosimilars, identifying off-patent drugs with little or no generic competition, and ending anti-competitive practices that keep safe, effective alternatives out of the market are also key to abating rising drug costs for patients. Learn more at affordableprescriptiondrugs.org ******

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August 1, 2017

Today on Climate Beat . . .

. . . we talked regulation, noting that the Trump administration is said to be planning a significantly scaled-back replacement rule for the Obama EPA's Clean Power Plan, with the new rule focusing on greenhouse gas reduction strategies that can occur "inside the fence" of a regulated power plant such as efficiency upgrades.

In climate science news, leaders of 16 scientific groups are asking EPA Administrator Scott Pruitt for a meeting on his planned "red team, blue team" review of climate change science, arguing climate science for years has undergone significant peer review and that Pruitt's effort has the potential to undermine the "integrity" of the scientific process.

In personnel news, the Senate Judiciary Committee is poised to vote on the nomination of Jeffrey Clark to head the Department of Justice's environment division, with the panel having scheduled an Aug. 3 business meeting to vote on several nominations including Clark's.

Elsewhere in the Senate, a bipartisan group of senators is floating legislation to create a new investment tax credit for offshore wind facilities, saying the technology "offers enormous potential" for producing domestic clean energy near large population centers that could rely on existing transmission lines.

And staying in Congress, Rep. Debbie Dingell (D-MI) has introduced legislation to prohibit the "closure, consolidation, or elimination" of EPA offices, underscoring that Democrats likely will keep pressing Pruitt for assurances that he is not planning to shutter EPA regional or program offices in tandem with proposed budget cuts.

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Subject: Sep. 13 -- Daily Environment Report



Daily Environment Report

September 13, 2017 - Number 176

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Leading the News

Enforcement
EPA Adds Agents to Guard Pruitt, While Fewer Fighting Crimes
The EPA has 151 federal law enforcement officials working environmental crimes cases—49 short of the number set by a 1990 law—and there is no indication their ranks will increase.

News

Air Pollution
Canadian Potash Producers Guided on Emissions Monitoring
Fertilizer and animal feed companies in Canada should monitor and report particulate matter emissions from their production as the world's largest supplier of potash cracks down on pollution.

Chemical Security
EPA to Probe Arkema Plant's Safety Procedures After Explosion
The EPA is opening an investigation into whether Arkema's chemical plant in Crosby, Texas, was in compliance with existing regulations when explosions occurred at the plant after it suffered flooding from Hurricane Harvey.

Chemicals
Furniture Industry Has Grave Concerns Over EPA Solvent Ban
The furniture industry would be destroyed if the Environmental Protection Agency enacts a broad ban of a common paint-stripping chemical, business owners told the agency Sept. 12.

Climate Change
Exxon Must Disclose Accounting Details in N.Y. Climate Probe

Exxon Mobil Corp.'s attempt to use "accountant-client privilege" to avoid handing over audit documents in a politically charged climate-change probe was dealt a final blow by New York's top court.

Climate Change

Tone Down Climate Change in Suit Against Exxon: Judge

A federal judge said he wanted to avoid having "the Scopes Monkey Trial of the 21st Century," and ordered an environmental organization to remove claims based on climate change in its lawsuit against Exxon Mobil Corp.

Emissions Trading

EU Said to Mull Marking U.K. Carbon Permits in Contingency Plan

The European Commission will propose marking carbon allowances issued by the U.K. as of January 2018 as part of Brexit-related rules to make the world's biggest emissions market resistant to potential supply turmoil.

Energy

Proposed Maryland Offshore Wind Ban Draws Diverse Opposition

A proposal to ban offshore wind projects in Maryland waters is attracting opposition from a band of unlikely allies, with oil company representatives front and center.

Hydraulic Fracturing

Delaware River Basin Fracking Talks Could Be Revived

A de facto moratorium on hydraulic fracturing in the Delaware River basin—in place since December 2010—could be up for discussion again before a multistate watershed commission.

Motor Vehicles

China Solar-Cell Maker Explores Electric Cars With World No. 2

Golden Concord Group Ltd., a Chinese energy conglomerate, said it's seeking opportunities in electric vehicles, joining investors like billionaire Li Ka-shing who are pushing into the sector as the government works on a plan to phase out internal-combustion autos.

Renewable Energy

German Coastal States Urge Merkel to Raise Offshore Wind Targets

Germany's coastal states and cities urged Chancellor Angela Merkel to raise the nation's offshore wind power target to take advantage of the technology's plummeting costs.

Renewable Energy

Solar Developers Hoarding Panels as Threat of U.S. Tariffs Looms

Solar developers are suspending construction as the looming threat of U.S. import tariffs has driven up prices and spurred hoarding, crippling panel supplies.

Renewable Energy

Utility-Scale Solar Hits Cost Goal, Focus Turns to Reliability

The solar industry has met the Energy Department's goal to reduce the average price of utility-scale solar to 6 cents per kilowatt-hour—three years ahead of the agency's 2020 target.

Sustainability

Evian Aims to Deflect Water Criticism by Going Carbon Neutral

Evian aims to become the first major spring water brand to go carbon neutral amid criticism that packaging water from the French Alps and transporting it around the world in plastic

bottles causes unnecessary environmental damage.

Sustainability
Tyson, Cargill Trail Nestle on Water Conservation, Study Shows
Agricultural giants such as Cargill Inc. and Tyson Foods Inc. are trailing their counterparts and customers in the food and beverage industries when it comes to using, tracking and conserving water, according to a report from a climate-change researcher.

Water Pollution
StarKist to Pay $6.3 Million to Settle Samoan Water Violations
StarKist Co. will pay $6.3 million and bring its tuna processing plant in American Samoa into compliance with federal environmental laws under a Sept. 12 agreement.

Hillwatch

Air Pollution
DIESEL EMISSIONS
• (S. 1447) The bill would reauthorize the Diesel Emissions Reduction Act, the popular federal clean air program commonly known as the DERA program, for targeting emissions from older diesel engines. • The bipartisan bill would reauthorize the program through fiscal year 2022 at its current funding level of $50 million. The program provides grants and rebates to states and localities to move away from diesel engines and upgrade or replace older diesel engine ...

Air Pollution
OZONE STANDARDS
• (H.R. 806, S. 263) The legislation would postpone deadlines under the Environmental Protection Agency's updated ozone air pollution standards. • Both called the Ozone Standards Implementation Act of 2017, the bills would give the EPA another eight years to determine which areas of the country do not meet the 70 parts per billion ozone standards set in 2015. • The legislation also would extend from every five years to every 10 years ...

Brownfields
BROWNFIELDS
• (H.R. 1758, S. 822) These bills would reauthorize the Environmental Protection Agency's Brownfields Program, which provides grants and training to redevelop contaminated land. The House bill would add grant considerations for brownfields contaminated by petroleum products and reduce the amount of a grant that can be used for administrative costs. The Senate bill specifies that small and rural communities should be considered for a subcategory of program grants, emphasizes ...

Climate Policy
CARBON CAPTURE
• (S. 1535) The Furthering Carbon Capture, Utilization, Technology, Underground Storage, and Reduced Emissions (FUTURE) Act would increase tax credits for carbon capture and sequestration under Section 45Q of the Internal Revenue Code of 1986.

Climate Policy
CARBON TAX

• (H.R. 3420, S. 1639) The American Opportunity Carbon Fee Act would put in place a carbon tax of $49 per metric ton of greenhouse gas emissions, to be collected by the Treasury Department. The fee would be applied to all fossil fuels when mined, processed, refined, or imported, and would be increased 2 percent annually to adjust for inflation.

Coal Mining

COAL MINE CLEANUP

• (H.R. 1731, S. 728, S. 738) The RECLAIM Act (all three bills) would draw $1 billion from the federal Abandoned Mine Land fund and deliver the money to coal states so they can clean up their most polluted or dangerous old mines. Money in the fund comes from a tax on coal production. • The bills are also meant to promote economic revitalization, diversification, and development in economically distressed communities. The Office of Surface Mining Reclamation ...

Energy

ENERGY POLICY

• The Energy and Natural Resources Act of 2017 (S. 1460) would require the Energy Department to expedite approval of liquefied natural gas export projects, while authorizing $90 million in annual spending for safeguards against cybersecurity attacks. The nearly 900-page bill also includes a range of energy efficiency, power grid modernization, and pipeline measures.

Energy

ETHANOL

• (H.R. 1311, S. 517) Both bills, the Consumer and Fuel Retailer Choice Act, would allow sales of transportation fuel containing 15 percent ethanol (E15) in the summer months.

Energy

NUCLEAR POLICY

• (H.R. 590, H.R. 1320, S. 512) H.R. 590, the Advanced Nuclear Technology Development Act, would direct the Energy Department and the Nuclear Regulatory Commission to create a regulatory framework specifically for advanced reactors. • H.R. 1320, the Nuclear Utilization of Keystone Energy Act, would change the structure for the annual fees nuclear companies pay the NRC, including limiting the amount of funding for NRC administrative support. ...

Energy

NUCLEAR RESEARCH

• (H.R. 431, H.R. 589, S. 97) The Nuclear Energy Innovation Capabilities Act would expand private and public institutions' research and development of advanced nuclear energy technologies. Those efforts would include partnerships with Energy Department national laboratories. • Advanced reactors are cooled by substances other than water, such as liquid metals and sodium, and reportedly have a stronger safety profile and lower costs than current reactors.

Pesticides

PESTICIDE REGISTRATION

• (H.R. 1029) The bill would reauthorize the Environmental Protection Agency to collect fees from industry to license pesticides, review their risk to health and the environment, and provide funds for farmworker training programs. The Pesticide Registration Improvement Extension Act would reauthorize the 2003 version of the law for three more years.• The bill would allow the EPA to raise up to $31 million—an increase from $27.8 million—to maintain the ...

Pesticides

PESTICIDE USE

• (H.R. 953, S. 340) These bills would block the Environmental Protection Agency from requiring pesticide applicators to obtain Clean Water Act discharge permits before they apply pesticides into, over, or near bodies of water. • The EPA's National Pollutant Discharge Elimination System program requires permits for pollutant discharges into federally protected waters. Pesticides are registered for use by the EPA under the Federal Insecticide, Fungicide, ...

Water Infrastructure

WATER INFRASTRUCTURE

• (H.R. 3387) This bill would amend the Safe Drinking Water Act by reauthorizing a key infrastructure loan program at a higher funding level, providing funding to remove lead from school drinking fountains, and giving the EPA more authority to force small water utilities to consolidate, among other measures.

Water Infrastructure

WATER RIGHTS

• (H.R. 2939, S. 1230) The bills would forbid the Forest Service and other permitting agencies from demanding that a business operating on federal lands relinquish its water rights in exchange for a permit. They were introduced in response to a 2014 draft proposal from the Forest Service that suggested the agency should acquire private water rights to improve its management of groundwater on federal lands.

Water Pollution

BALLAST WATER

• (H.R. 1154, S. 168) These bills would direct the Coast Guard to establish national regulations for ballast water discharges under the National Invasive Species Act. The resulting standards would supersede the Environmental Protection Agency's ballast water regulations under the Clean Water Act and preempt most rulemaking at the state level. The EPA regulates ballast water and other incidental discharges from ships, such as gray water and rainwater runoff from decks.

Water Resources

RURAL WATER ASSISTANCE

• (S. 518) The Small and Rural Community Clean Water Technical Assistance Act (S. 518) would authorize $75 million in training and assistance funds for publicly owned wastewater utilities to comply with federal regulations.

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Daily Environment Report for EPA

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Daily Environment Report

August 18, 2017 - Number 159

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Leading the News

Air Pollution
EPA to Revisit Rules Cutting Carbon Emissions from Trucks
The EPA will re-examine Obama-era rules designed to slash carbon-dioxide emissions from tractor-trailers, school buses and other heavy-duty vehicles following complaints from industry groups.

Chemicals
Potential Health Effects of Gas Additives Divide EPA Board
EPA scientists could not definitively conclude this week whether two widely-used gasoline additives cause health problems, delaying potential regulation until the agency can address questions in its research.

News

Air Pollution
China's Blue Skies Target May Make for Winter Gas Crunch
Chinese President Xi Jinping's government beat expectations in its drive to help clear the nation's notoriously smoggy skies by burning less coal and oil in favor of cleaner natural gas.

Air Pollution
Saudi Arabia Calls for Pollution Monitors on Industrial Chimneys
Saudi Arabia has ordered about 7,000 industrial plants to install networked monitoring systems to measure greenhouse gas emissions in real-time as part of its effort to reduce air pollution and improve public health, according to the Ministry of Environment, Water and Agriculture.

Chemicals

Panel to Build on Ideas to Ease Chemical Data Requirements

A panel that included manufacturers agreed Aug. 17 to flesh out four ideas to simplify EPA requirements companies face when providing information about chemicals in waste streams they recycle.

Contribution

Lloyd's of London Willamette River Contribution Claims Sunk

Lloyd's of London can't recoup from a group of insurers for the cleanup of a property on the banks of the Willamette River, an Oregon appeals court ruled (Certain Underwriters at Lloyd's London v. Mass. Bonding & Ins. Co., 2017 BL 286439, Or. Ct. App., No. A156649, 8/16/17).

Disclosure

Most Companies Cautious When Talking About Conflict Minerals

Companies such as Intel Corp., Kemet Corp., and Texas Instruments Inc. remain among a very small group that can say minerals in their supply chains don't fund conflict in Africa, an analysis of this year's regulatory filings found.

Energy

An Eclipse Is What the U.S. Power Sector's Been Waiting For

Turns out the solar eclipse, set to plunge parts of the U.S. into total darkness on Aug. 21, will offer exactly what the power sector's been looking for: a completely predictable stage for experiments.

Energy

China's Menswear Maker Swaps Stitching for Lithium Batteries

Ten years ago, Ningbo Shanshan Co. was primarily a maker of menswear turning out shirts, casual wear and business suits from its base of Ningbo, an industrial hub in China's Zhejiang province. Not anymore.

Energy

How a Harley-Riding Ex-Ally of Villains Is Leading a Nuke Revolt

In the basement of a three-story house in a leafy neighborhood in Tokyo, about 40 lawyers crowded together, plotting against Japan's massive nuclear power industry.

Enforcement

Maersk Oil Faces Danish Chemical Breach Prosecution

Denmark has taken the unusual step of initiating legal action against the Copenhagen-based multinational Maersk Oil for environmental breaches relating to modifications to a chemical used in oil extraction.

Oceans

New York Sues EPA to Stop Waste Dump in Long Island Sound

New York sued the Environmental Protection Agency in a bid to stop a plan to dump tens of millions of cubic yards of dredged sediments at a site in eastern Long Island Sound.

Oil & Gas

Blackstone's New Pipeline Asset Is Wreaking Environmental Havoc

In the energy business, it's one of the biggest projects going today: construction of a 710-mile pipeline to transport natural gas from America's most prolific shale deposit in the eastern U.S. to consumers in the Midwest and Canada. Even Blackstone Group LP has

agreed to take a sizable stake.

Oil & Gas

Enbridge Pipeline Gets Environmental OK From Minnesota

Rejecting the Minnesota portion of an Enbridge Inc. proposed $5.8 billion pipeline would adversely affect the future adequacy and reliability of the state's energy supply, the Minnesota Commerce Department said Aug. 17 .

Renewable Energy

GE, Tesla to Outfit 50 Home Depot Stores with Solar Panels

General Electric Co.'s Current unit and Tesla Inc. will install solar systems on 50 Home Depot Inc. stores and sell the power output to the retailer.

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Daily Environment Report for EPA

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Subject: Sep. 26 -- Daily Environment Report - Afternoon Briefing



Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

EPA Opens Door to Cutting Biodiesel, Renewable Fuel Quotas

Posted September 26, 2017, 03:27 P.M. ET

By Jennifer A. Dlouhy

The EPA wants public input on potential reductions in annual renewable fuel quotas, including mandates for biomass-based diesel in 2018 and 2019.

The Environmental Protection Agency issued a notice Sept. 26 providing historical data on imports of renewable fuel and possible strategies for using its statutory authority to waive annual targets established by Congress. It includes options for reductions in the biomass-based diesel, advanced biofuel and total renewable fuel volumes beyond what the EPA proposed in July in its 2018 renewable fuel standard rule.

The EPA cites a provision allowing it to reduce annual biomass-based diesel requirements as much as 15 percent for up to 60 days, with extensions allowed, if there's a renewable feedstock disruption or other market circumstance that would make its price jump. But "waiving the standard for 60 days" without adjusting the annual requirement "would provide no relief," the EPA said.

The agency asked in the notice whether it would be appropriate to reduce the annual standard by as much as 15 percent or, alternatively, allow refiners and importers to reduce individual quotas by an amount pegged to production and import levels within a specific 60-day period.

The notice follows the Commerce Department's decision to slap duties on biodiesel from Indonesia and Argentina, amid heavy lobbying by oil companies and trade groups asking the EPA to lower annual biofuel targets.

Bob Dinneen, president and CEO of the Renewable Fuels Association, said in a statement that there was no rationale for further lowering the 2018 advanced biofuel or total renewable fuel volume requirements.

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California Mulls Following China With Combustion-Engine Car Ban

Posted September 26, 2017, 9:03 A.M. ET

By Ryan Beene and John Lippert

The internal combustion engine's days may be numbered in California, where officials are mulling whether a ban on sales of polluting autos is needed to achieve long-term targets for cleaner air.

Gov. Jerry Brown (D) has expressed an interest in barring the sale of vehicles powered by internal-combustion engines, Mary Nichols, chairman of the California Air Resources Board, said in an interview Friday at Bloomberg headquarters in New York. Brown, one of the most outspoken elected official in the U.S. about the need for policies to combat climate change, would be replicating similar moves by China, France and the U.K.

"I've gotten messages from the governor asking, 'Why haven't we done something already?'" Nichols said, referring to China's planned phase-out of fossil-fuel vehicle sales. "The governor has certainly indicated an interest in why China can do this and not California."

Embracing such a policy would send shockwaves through the global car industry due to the heft of California's auto market. More than 2 million new passenger vehicles were registered in the state last year, topping France, Italy or Spain. If a ban were implemented, automakers from General Motors Co. to Toyota Motor Corp. would be under new pressure to make electric vehicles the standard for personal transportation in the most populous U.S. state, casting fresh doubts on the future of gasoline- and diesel-powered autos elsewhere.

California has set a goal to cut carbon dioxide emissions by 80 percent from 1990 levels by 2050. Rising emissions from on-road transportation has undercut the state's efforts to reduce pollution, a San Francisco-based non-profit said last month.

"To reach the ambitious levels of reduction in greenhouse gas emissions, we have to pretty much replace all combustion with some form of renewable energy by 2040 or 2050," Nichols said. "We're looking at that as a method of moving this discussion forward."

Legal Means

California has the authority to write its own pollution rules, which dates back to the 1970 Clean Air Act. Those rules are underpinned by waivers granted by the U.S. EPA.

Nichols said the state would likely take a different legal route to enable a possible ban rather than use an EPA waiver, since the Trump administration would be unlikely to approve one. For example, California could use vehicle registration rules or control the vehicles that can access state highways, she said.

"We certainly wouldn't expect to get a waiver for that from EPA," Nichols said. "I think we would be looking at using some of our other authorities to get to that result."

China will likely order an end to sales of all polluting vehicles by 2030, the chairman of electric-car maker BYD Co. said Thursday. France and the U.K. have announced 2040 as their end date for sales of fossil fuel-powered cars.

A ban for California could also still be decades away from implementation, and just how far out remains to be seen, Nichols said.

"There are people who believe, including who work for me, that you could stop all sales of new internal-combustion cars by 2030. Some people say 2035, some people say 2040," she said. "It's awfully hard to predict any of that with precision, but it doesn't appear to be out of the question."

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Puerto Rico May Be Grid Innovation Testing Ground: Energy Nominee

Posted September 26, 2017, 02:53 P.M. ET

By Rebecca Kern

Puerto Rico has the potential to be a testing ground for new electricity delivery technologies from U.S. national labs as the Caribbean island looks to rebuild its electric grid, an Energy Department nominee told senators today.

Senate Energy and Natural Resources Committee members asked Bruce Walker about what can be done to improve the U.S. territory's resilience against future hurricanes, after Hurricane Maria knocked out Puerto Rico's entire electric grid, leaving its 3.4 million residents without power.

Walker said he sees a "tremendous opportunity" to use Puerto Rico to deploy projects developed at Energy Department national laboratories "to introduce new concepts and perhaps new architectural construction."

Walker discussed the potential for a more "collapsible" electric grid system in Puerto Rico that can come down in a hurricane with high winds—but be restored quickly.

"I think that, plus with new innovation with new technologies, will allow for the redevelopment and reconstruction of the actual overall system in Puerto Rico," he said.

If confirmed, Walker would head the Energy Department's Office of Electricity Delivery and Energy Reliability, which works to ensure the U.S. energy delivery system is secure, resilient and reliable and helps develop new technologies to improve electricity infrastructure.

Coal Export Terminal Permit Rejected in Washington

Posted September 26, 2017, 01:51 P.M. ET

By Paul Shukovsky

Building the largest coal export terminal in North America would have "too many unavoidable" consequences, the Washington Department of Ecology said this morning when it denied the proposed Millennium Bulk Terminals a necessary water permit.

The denial effectively kills the proposed terminal, but the company could still appeal the decision.

"There are simply too many unavoidable and negative environmental impacts for the project to

move forward," Ecology Director Maia Bellon said in a statement.

Millennium, owned by Lighthouse Resources Inc., would have shipped up to 44 million metric tons of coal a year to Asia. It was the last hope in the near-term for a Northwest terminal allowing for export of U.S. coal from the Powder River Basin in Wyoming and Montana and the Uinta Basin in Utah and Colorado to markets such as South Korea, Japan, and Taiwan. Regulators have blocked other proposals in the region.

Scana Says S.C. Is Seeking Criminal Probe of Nuclear Project

Posted September 26, 2017, 02:30 P.M. ET

By Jim Polson and Mark Chediak

South Carolina's attorney general called for a criminal probe into Scana Corp.'s handling of the canceled V.C. Summer nuclear expansion project, adding that it may not be entitled to charge customers for the plant.

Attorney General Alan Wilson was joined by state legislators in calling on the South Carolina Law Enforcement Division to open a probe, Scana said in a Sept. 26 filing. Separately, Wilson questioned the state law that allows utilities to recover the costs of unfinished or abandoned power plants. Scana said it will fully cooperate "with any potential government investigation."

Scana and its partner, state-owned utility Santee Cooper, halted construction on two new reactors at the Summer plant after costs ballooned to over $20 billion, a decision that leaves Southern Co. as the only utility building a nuclear plant in the U.S. Scana had asked utility regulators for permission to recover $4.9 billion in expenses for the project before withdrawing the request in August to give officials more time for review.

"Our citizens have paid billions of dollars and got absolutely nothing from it but a money pit," Wilson said in an emailed statement. The law "at the heart of the failed nuclear reactors" is "constitutionally suspect."

The announcements follow the disclosure last week that the U.S. Attorney's office in South Carolina is carrying out a grand jury probe of Santee Cooper. Scana said last week it had received a subpoena from the U.S. Attorney seeking information about the project.

South Carolina Governor Henry McMaster (R) was among those opposed to scrapping the project, saying that the reactors are still worth finishing.

"The politics has reached a fever pitch," Paul Patterson, a New York-based utility analyst for Glenrock Associates LLC, said. "The operative word is 'uncertainty."'

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Syngenta Said to Pay More Than $1.4 Billion in Corn Accord

Posted September 26, 2017, 02:16 P.M. ET

By Jef Feeley and Margaret Cronin Fisk

Syngenta AG agreed to pay more than $1.4 billion to U.S. farmers who complained that the marketing of the company's genetically modified corn seeds shut them out of the Chinese market, according to people familiar with the deal.

The settlement with more than 100,000 farmers was announced Sept. 26 in a Minnesota class-action trial. It resolves all farmers' litigation in the U.S. but doesn't include Canadian lawsuits, according to Paul Minehart, a Syngenta spokesman. Minehart wouldn't confirm the amount of the settlement, saying the terms will be made public when the deal is presented to a judge.

The pact resulted from months of negotiations between a four-lawyer team representing farmers and Syngenta's attorneys, according to the people familiar with the meetings, who said they weren't authorized to speak publicly about the settlement.

Syngenta halted the trial involving about 22,000 Minnesota farmers to announce the settlement. Those farmers were seeking more than $400 million in damages over their corn losses.

The settlement comes three months after Syngenta lost a $218 million jury verdict to a class of Kansas farmers, in the first trial over the corn-contamination claims. Several other trials were pending as lawyers pursued suits on behalf of hundreds of thousands of corn growers claiming as much as $13 billion in losses. The farmers alleged Syngenta caused five years of depressed corn prices.

Minnesota Lawsuit

The Minnesota farmers claimed Syngenta, the Swiss agrochemical giant, rushed its GMO seed to market before getting import approval from China. In 2013, China stopped taking shipments from the U.S., calling the corn contaminated. The farmers said Syngenta misled them on when the Chinese would approve the seed.

Corn prices dived and didn't recover because China found other sources, the farmers said.

Syngenta had denied causing harm or damages. Two droughts in years leading up to the launch of the company's Viptera seed elevated prices, Syngenta lawyer Mike Brock told jurors at the Minnesota trial. When Viptera was released, heavy rains set off a bumper crop in the U.S.

"It rained, and when that happened, the bottom dropped out of the price of corn," he said.

The Minnesota case is In re Syngenta Litigation, 27-cv-15-3785, District Court, Hennepin County, Minnesota (Minneapolis).

—With assistance from Todd Melby.

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Europe's Gas Industry Gathers and Asks Whether It Should Exist

Posted September 26, 2017, 02:16 P.M. ET

By Kelly Gilblom

Ask about this winter, and European natural gas executives question if there's enough supply. Ask

about life in a few decades, and the same people wonder whether their business will exist.

"Society now requires more from us than to promote our own product," said Annie Krist, chief executive officer of GasTerra, a natural gas wholesale venture between Royal Dutch Shell Plc, Exxon Mobil Corp. and the Dutch State, at a gathering of gas executives in Rotterdam. "We should be asking: are you prepared to put your business model up for discussion? Are the good times over?"

Krist's comments at the Platts European Gas Summit reflect the sort of existential questions industry executives increasingly face. While striving to position gas as an alternative to dirtier coal in a worldwide effort to reduce carbon-dioxide emissions and stem global warming, they realize that cleaner and cheaper renewable fuels may be sounding the death knell for gas.

Listen to Kirst, who runs the largest gas buyer in the Netherlands, where people have proposed ripping gas grids out of the ground to force a switch to greener fuels, and you hear that gas is an endangered species. Others are more circumspect.

Jason Tate, chief operating officer of European gas and power at BP Plc, said gas is now the cornerstone of their business and will be an expanding part of their portfolio for years as they move away from oil. Pierre Vergerio, the chief operating officer at Edison SpA, the Italian natural gas distributor, said he believed gas has a bright future.

At the other extreme, Sergei Komlev, head of contract structuring at the export arm of Gazprom PJSC, Europe's biggest supplier, warned of "eco-jihadists" that could end civilization by eliminating the use of natural gas and fossil fuels too quickly. He also believes the way gas has been priced for decades, in long-term bilateral contracts linked to the price of crude, works just fine, even as the company opens up a new office in St. Petersburg that relies on trading hubs.

"We are decarbonizing the economy, we at the same time are providing a guarantee that just in case something happens, gas will always be there," he said. "By the way, the theory of global warming is based on what? On models? Manmade models that could be mistaken."

At least over the next few months, the work of the gas industry will be critical to Europe. The continent is heavily reliant on imports of the heating and power fuel as its largest onshore field in the Netherlands faces mandatory output cuts.

Its two largest pipelines suppliers, Russia and Norway, already say they'll send record volumes of the fuel. To supplement those volumes in case of a severe cold snap, EU countries need to attract liquefied natural gas away from Asia. They'll also need to look very carefully at coal prices, which may dip below gas prices and crater demand for its use in power generation, or vice versa.

Other key takeaways from day one of the Platts Gas Summit:

• Who's to blame for the move against gas in the Netherlands? It may well be Napoleon, Gasterra's Kirst said. After all, he's the one that decided mineral wealth should go to the state instead of to individual landowners, who only suffer from activity on their property. "We're not Texas," she said.

• Centrica Plc isn't worried about the closure of its Rough gas storage facility, the U.K.'s largest. Gautam Mukherjee, head of gas, liquids and economic analysis at Centrica, said Britain has many other sources it can pull from. "At some point that will matter, but it's just not something that's sort of impacting the market today."

• Edison's Vergerio said he isn't worried that a big breakthrough in battery technology will lead to a massive uptake in the use of wind and solar for power, which now struggle with intermittency issues. Gas will always be needed for its reliability. "Do we need gas in the long-run? I'm convinced of that."

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Britain's Grid to Share Clean Energy Data After Green Summer

Posted September 26, 2017, 7:47 A.M. ET

By Mathew Carr

As low-carbon energy met more than half of the U.K.'s power use this summer, the nation's power grid operator plans to debut a program that will make it easier for households to benefit from cheap solar and wind generation.

The London-based network manager is working on publishing data that will help consumers switch on appliances at times when it's cheapest to do so, National Grid Plc said by email. Clean-energy sources including wind, solar and nuclear met a record 52 percent of power use in the three months through Sept. 22, compared with 35 percent four years ago, it said.

"Clear and concise information that can tell you in advance when's best to turn on the washing machine, load the dishwasher or charge your car, for example, is a step in the right direction toward a low-carbon future," said Duncan Burt, director of the grid's system operator.

Software will combine grid data with that from the U.K.'s Met Office, which forecasts weather, in order to estimate the share of renewable and non-renewable energy on the network during the next 48 hours. The plan will relieve pressure on the system during peak times, reduce the need for back-up fossil-fuel plants, and potentially cut household bills, National Grid said.

In March, the grid operator said it may pay big energy consumers to use more electricity on sunny weekends when solar energy is plentiful and demand is low. This eases the need for other grid balancing measures such as calling on power producers to reduce output.

Under the plan to provide additional data:

• The project's information system will be available so developers can create consumer apps

• National Grid is also working with environment groups WWF and Environmental Defense Fund Europe on the project

• Other nations could use the model to help meet emission-reduction goals, said Bryony Worthington, executive director of Environmental Defense Fund Europe

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Corporate Demand Growing for Clean Energy Certificates in Brazil

Posted September 26, 2017, 11:04 A.M. ET

By Michael Kepp

Corporate demand in Brazil is growing for renewable energy certificates, signaling that companies are using more renewable power from certified producers.

Brazilian companies and local offices of multinationals, including Procter & Gamble, Johnson & Johnson, GE Global Research, and Nivea, the Germany-based personal-care brand, have bought 137,160 internationally registered renewable energy certificates (RECs) from 19 certified renewable power plants—50,000 in 2016 and 87,160 in the first eight months of 2017, Fernando Lopes, a partner at Instituto Totum, which certifies and issues RECs, told Bloomberg BNA.

"Demand for RECs is growing quickly in Brazil, where 80 percent of the electricity matrix comes from renewable sources, and we expect 100 companies to have bought these seals in the next two years," said Lopes. "Companies in Brazil buy RECs from certified renewable power plants to prove that some of the energy they consume is renewable and to improve their corporate image as being sustainable."

Igor Oliveira, sustainability manager for Nivea in Brazil , which bought 815 RECs from an Instituto Totum-certified small hydropower plant for its new Sao Paulo headquarters, told Bloomberg BNA that the company bought the seals because "applied sustainability can help construct a better world."

Each certificate represents 1 megawatt-hour of renewable power and is sold for between 1 to 5 Brazilian reais (32 cents to $1.60).

Marketing Tool

The three mainstream systems for documenting, tracking, and registering certified use of renewable energy are the REC system in the U.S. and Canada, Guarantee of Origin system in Europe, and International-REC (I-REC) system in Brazil and 15 other countries.

"I-REC launched in Brazil in 2016, a time when there weren't any other international certifications system here and when we believed there would be a demand for them, which is on the rise here," Oliver Crouch, a member of the I-REC Standard Advisory Group, told Bloomberg BNA.

Many companies buy renewable energy certificates in Brazil to help qualify their facilities to receive a Leadership in Energy and Environmental Design (LEED) certification for sustainable buildings, awarded by the U.S. Green Building Council.

The Clube Atletico Paranaense soccer team in southern Parana state bought 2,600 RECs in March from an Instituto Totum-certified small hydropower plant so that its stadium, now under renovation, could get LEED certification, which it expects to receive by December.

"The LEED certification of our stadium will show that our soccer club is committed to sustainability," Luiz Volpato, a club architect coordinating the stadium's renovation, told Bloomberg BNA. "Once we get the LEED seal we can use it for marketing purposes."

Taking the LEED

GE Global Research, the research and development arm of General Electric, bought 4,100 renewable energy certificates from a small hydropower plant in Brazil in July 2016 to get LEED certification for three buildings in Rio de Janeiro.

"Buying those RECs to help us get LEED certification helps us create a more sustainable corporate image, which is good for business," Cleber Barbosa, a manager of GE Global Research in Brazil, told Bloomberg BNA.

Proctor & Gamble, the U.S. consumer goods corporation, bought them in 2016 to help get LEED certification for a manufacturing plant it built just outside Rio de Janeiro, Annette Amadin, an engineering leader for P&G in Latin America, told Bloomberg BNA.

"P&G also bought those RECs to help make our corporation more sustainable and to meet our long-term sustainability targets, one being the goal of running our manufacturing on 100 percent renewable power," said Amadin.

Voluntary Reductions Platform

Other companies buy RECs to prove and register their greenhouse gas emissions reductions on voluntary emissions reductions platforms, like Brazil's GHG Protocol or Carbon Disclosure Project, or to qualify to join the RE100, a global initiative of businesses committed to using 100 percent renewable electricity, said Lopes of Instituto Totum.

"I expect future demand for RECs to grow from companies for a variety of reasons, one being to help make them eligible for listing on the Corporate Sustainability Index of Brazil's stock exchange, set up to help environmentally and socially conscious investors build sustainable stock portfolio," he said.

Laura Albuquerque, technical adviser for the Brazilian Business Council for Sustainable Development, said, "These certificates are new to Brazil but we foresee a growing demand for them by companies that need to show transparency in their sustainable activities."

Companies currently account of 10,000 of the 20,000 terawatt-hours of global demand for renewable power, with households accounting for the rest, said Crouch. And 2,500 terawatt-hours of that corporate demand comes from renewable energy.

Brazil's Courtship with Big Oil Tested at Temer's First Auction

Posted September 26, 2017, 11:31 A.M. ET

By Sabrina Valle

President Michel Temer's efforts to repair Brazil's strained relationship with the world's biggest oil companies will be put to the test Sept. 27 when his government auctions 287 exploration blocks.

Temer, who became president last year following the impeachment of his predecessor, swiftly pushed through business-friendly regulations and expanded resource access to woo producers including Royal Dutch Shell Plc, Total SA and Exxon Mobil Corp. Brazil's most recent oil round in 2015 flopped at a time when the terms were less attractive to foreign operators.

Brazil is also selling power plants, its main utility and even the national mint to accelerate its slow climb from the deepest recession on record. It opened the country's most prized offshore oil region to foreign control and scaled back buy-in-Brazil requirements for goods and services to address long-standing complaints from drillers. Officials are predicting robust turnout at Wednesday's sale, which will serve as a gauge of investor confidence in Brazil's recovery.

"The success of the auctions will be measured by the quality of the companies that bid," Decio Oddone, the head of the National Petroleum Agency, said Sept. 21. "If rounds this year are successful, they will bring Brazil side by side with the biggest oil producers in the world."

The Temer government is planning a total of nine oil auctions that it expects to bring in as much as $80 billion in investments during the life of the projects. Brazil has two more auctions planned for October for areas in the offshore pre-salt region that holds Brazil's most productive oil fields.

Thirty-two companies including Shell, Total, BP Plc, Exxon, as well as state-controlled Petroleo Brasileiro SA, have signed up to compete in the so-called 14th round that has a combined minimum signing bonus of 1.7 billion reais ($540 million).

The most recent round in 2015 was considered a failure due to the low number of competitors and areas sold. It was the first round ever without participation from Rio de Janeiro-based Petrobras, which was grappling with a massive graft scandal and high leverage at the time. It raised less than 500 million reais in signing bonuses and investments, one of the worst results since Brazil ended Petrobras' monopoly on exploration and production two decades ago.

Offshore blocks in the Campos, Santos, and Sergipe-Alagoas basins, where large discoveries have already been made, are expected to draw the most attention from oil majors. They include six blocks in a section known as SC-AP3 where there is evidence of pre-salt formations, while located outside the official pre-salt polygon that has a special development model.

The block with the most expensive minimum bid, SEAL-M-501, is in deep waters of the Sergipe-Alagoas basin where Petrobras has announced large discoveries.

"Brazil's geological potential is unquestionable, but there is an enormous global competition for resources and investments," Flavio Ofugi, Shell's government relations representative in Brazil, said Sept. 15. "Brazil can't lose this window of opportunity."

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Brazil's Temer Backs Down Again From Amazon Mining Plans

Posted September 26, 2017, 8:34 A.M. ET

By David Biller

Brazil's government has backed down from its proposal to allow mining activities in a reserve within the Amazon rainforest after it sparked outcry from opposition lawmakers, environmental organizations and supermodel Gisele Bundchen.

In a statement issued Sept. 25, the Mines and Energy Ministry said it had asked President Michel Temer to revoke a decree that, if approved by Congress, would have stripped protections from an area known as Renca, short for National Reserve of Copper and Associates, that's larger than Switzerland. It said that wider debate is needed over the future of the area.

"The Ministry of Mines and Energy clarifies that the reasons that led to the adoption of the decree ordering the extinction of the reserve are still valid," the ministry said. "The country needs to grow and generate jobs, attract investment for the mining sector and explore the region's economic

potential." Temer will revoke the decree on Tuesday in the nation's official gazette, according to the statement.

For a deeply unpopular politician who has repeatedly stated his indifference to his single-digit approval ratings, Temer has appeared sensitive to criticism over his proposed policies in the Amazon. This is despite his dependence on congressional support from lawmakers linked to agribusiness and mining, some of whom regard environment protections in the rain forest as a brake on development. The Sept. 25 announcement follows an earlier government climb down on the Renca, as well as backtracking on a separate proposal to downgrade environmental protections for another national park in Amazonia, known as Jamanxim.

For Thiago de Aragao, the director of strategy for Arko Advice, a political consultancy, international pressure played a role. "This particular issue regarding the Amazon received a lot of criticism from outside of Brazil," he said. "For the image of the country, not the image of the government, the decision to stop this outweighed the decision to continue."

In June Temer tweeted to Gisele Bundchen his decision to veto two bills that would have drastically reduced the area of Jamanxim under conservation. The supermodel responded that she would "continue watching" developments closely. The president subsequently submitted a new bill which would downgrade a slightly smaller area.

Last week, Bundchen took to the stage at a nationally televised rock concert in Rio de Janeiro to give a speech calling for greater protections for the Amazon.

Even before Temer assumed power in May 2016, the Amazon was well on its way toward its worst deforestation in eight years. In the year through mid-2016, 7,900 square kilometers (3,050 square miles) of Amazon forest was chopped down, according to data from the National Institute for Space Research, or INPE, released last month. That's bigger than the size of Delaware, and up 29 percent from the prior year.

—With assistance from R.T. Watson.

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Israel Air Pollution Rises as Pipeline Repair Halts Gas Use

Posted September 26, 2017, 12:01 P.M. ET

By Matthew Kalman

Sulfur dioxide concentrations in the air around Ashdod in Israel rose after the country's sole natural gas pipeline was shut down, forcing power stations to fall back on coal, fuel oil and other dirtier fossil fuels, the Environmental Protection Ministry said.

Monitors near the Eshkol power station in Ashdod recorded a 12 percent increase in sulfur dioxide during the past two days, compared to days with similar meteorological conditions, the ministry said in a statement Sept. 25. Sulfur dioxide produced by coal-burning power plants has been linked with higher rates of cardiovascular and pulmonary diseases.

Repairs to a crack in the pipeline were expected to be completed and gas supplies restored early Sept. 27, the partnership that owns the license of the offshore Tamar field announced in a statement

to the Tel Aviv Stock Exchange Sept. 24. The gas supplies to Israel were halted on Sept. 21 after the crack was found in an emission pipe used to release natural gas and pressure from a platform during a scheduled upgrade, the Tamar partnership said.

The operator, Noble Energy Inc., informed the partners that "there is no safety and environmental exposure," the partners said, but the ministry said it was closely monitoring pollutant levels after the Israel Electric Corp. announced it was switching to other fossil fuels.

"The use of fuels other than natural gas increases the emission of pollutants into the air," the ministry said. "The production of electricity with fuel oil causes the emission of sulfur dioxide at a rate that is 100 times higher than the emission when generating electricity with natural gas."

Israel Electric said in a stock exchange filing on Sept. 24 that it was prepared for the scheduled maintenance and could switch to power stations using primarily coal, liquefied natural gas, diesel, and fuel oil. Costs of those fuels are significantly higher than gas, it said.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Media
Sent: Fri 10/27/2017 9:40:54 AM
Subject: Morning Media: The game changed -- How Fox covered Weinstein vs. O'Reilly -- Dossier media frenzy -- Slate revisits Reconstruction

By Michael Calderone | 10/27/2017 05:39 AM EDT

MARK HALPERIN'S CAREER QUICKLY UNRAVELED after five women accused him Wednesday night of sexual harassment while he was political director at ABC News. First, Halperin stepped back from his analyst role at NBC and MSNBC for a yet-to-be-determined time. Then HBO killed the movie version of Halperin and John Heilemann's forthcoming book on the 2016 election. Finally, Penguin Press canceled plans for the book itself. Now "Game Change," the most lucrative franchise in political journalism, appears doomed. My full piece is here.

-- More women have already come forward. Emily Miller, on Twitter, and an unidentified woman journalist to The Daily Beast claimed Halperin also harassed them at ABC. And Dianna Goldberg, a former ABC News researcher, alleged that Halperin had urged her to sit on his lap while he had an erection. Presumably, there will be more digging into Halperin's treatment of women during his tenure at ABC News, which ended in 2007, and the following decade in which he assumed high-profile gigs at Time, Bloomberg and Showtime and covered three presidential elections.

-- As allegations against Halperin mount, it becomes harder to see how he can come back. Halperin had already faced criticism for his kid-glove treatment of Donald Trump during the 2016 campaign. Now his 2016 coverage of issues like sexism and misogyny will be seen in a new light, especially his dismissal of candidate Trump's alleged misconduct toward women and his framing of Hillary Clinton's candidacy. As the New York Times' Jodi Kantor noted, "very few narrators had the power that Mark Halperin did to shape the political discourse -- which was often specifically about gender."

Good morning and welcome to Morning Media. Please send tips and suggestions to **mcalderone@politico.com and @mlcalderone. Daniel Lippman contributed to the newsletter. Archives. Subscribe.**

"LEON WIESELTIER WAS ALWAYS HIDING IN PLAIN SIGHT," by Splinter's Clio Chang: "The Atlantic's Adrienne LaFrance called the snowballing around Wieseltier the 'Harvey Effect.' But it should not have taken Harvey Weinstein's downfall to bring Wieseltier to his reckoning. In my conversations with seven former editorial staffers, it's clear that much of his alleged behavior was far from secret. The fact that he faced no consequences in his three decades at TNR shows how sexism and harassment can become so intrinsic to a company's culture that it is rendered completely banal. "

"12 HOURS V. 20 MINUTES: FOX'S UNEVEN SEX HARASSMENT COVERAGE," by AP's David Bauder: "A news organization's instinct to downplay a story that reflects poorly on itself isn't unusual. But in this case, some are attributing the disparity to politics. Weinstein has long been a supporter of liberal causes, while O'Reilly is a hero to many on the right, for whom Fox is the network of choice."

JILL ABRAMSON INVESTIGATING SEXUAL HARASSMENT: The former New York Times executive editor noted her ongoing reporting in a Guardian column: "I've spent the past two weeks investigating sexual harassment allegations at another media company. I've approached lots of scared young women who tell me about awful experiences but won't talk on the record because they've signed non-disclosure agreements or fear becoming unemployable if they talk."

SOUND BITES:

"I think what's hard for a lot of women right now is the confirmation that things are exactly as bad as we thought. There's a satisfaction in knowing you weren't imagining it all, but it's a pretty dark feeling nonetheless." [Jessica Valenti]

"I warned my daughters before they went into the workforce. Wish someone warned me. I thought I was 'the only one' & it was somehow my fault." [Jackie Calmes]

"Let's be very clear-- the one responsible for any sexual misconduct that may have taken place is the man who instigated it. NOT the women who were victims of it, nor their friends and colleagues who tried to support them through it." [Clarissa Ward]

"Yes, there needs to massive cultural change. And there are so many brave, heroic women telling their stories. But it's also ok if you didn't" [Maeve Reston]

"Today alone, 5 people reached out w/ sexual harassment allegations against 5 different media figures. This isn't slowing. It's snowballing." [Dylan Byers]

TODAY: Slate launches "Reconstruction: A Slate Academy," the second installation of the site's "History of American Slavery" series. The first episode of the series will be available to the public, though the rest is exclusive to members of premium program Slate Plus. Chief political correspondent

Jamelle Bouie -- who moved to Charlottesville prior to recent white nationalist violence -- developed the project with Slate history writer Rebecca Onion.

"DON'T BE DISTRACTED BY THE TRUMP DOSSIER FUSS" Bloomberg View executive editor and Trump biographer Tim O'Brien breaks down the recent frenzy: "It's an odd media moment. As interesting as the Post's article might be, anyone who's paid close attention over the last year knew all along that Democrats had paid for the opposition research that turned into the Steele dossier. That fact was part of articles published last October by Mother Jones, then later by CNN, the New York Times and Vanity Fair."

"HOW FACEBOOK, GOOGLE AND TWITTER 'EMBEDS' HELPED TRUMP," by POLITICO's Nancy Scola: "Facebook, Twitter and Google played a far deeper role in Donald Trump's presidential campaign than has previously been disclosed, with company employees taking on the kind of political strategizing that campaigns typically entrust to their own staff or paid consultants, according to a new study."

DAVID RUBENSTEIN, TV STAR: The Washingtonian's Ben Wofford looks at the unlikely trajectory of Carlyle Group's David Rubenstein to Bloomberg TV host: "One might presume that awarding a prime-time slot (Wednesdays at 9 pm) to the most famous billionaire in Washington elevates the town's gratuitousness to new heights. This summation would be correct if not for one thing: The show is doing well. Now in its third season, it's one of Bloomberg's fastest-growing programs. Viewership is up by 67 percent. A new agreement grants PBS affiliates nationwide the option to syndicate, meaning Rubenstein's face could beam into every cord-cutter's living room soon enough."

EXTRAS:

-- Variety profiles Norah O'Donnell.

-- Jacobin editors stress importance of their print magazine, eschew industry fads.

-- BuzzFeed restructures entertainment desk, resulting in four employees leaving.

-- Choire Sicha talks NYT Styles section.

To view online:

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Today's POLITICO Playbook presented by BP
07/30/2017 11:43 AM EDT

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

Happy Sunday. SPOTTED last night having dinner at one big table at BLT Prime at the Trump hotel: President Donald Trump, Gen. John Kelly, Dina Powell and David McCormick, Treasury Secretary Steven Mnuchin and Louise Linton, and Commerce Secretary Wilbur Ross and Hilary Geary Ross.

FIRST IN PLAYBOOK - TRUMP'S WEEK -- Monday: President Trump is presenting the Medal of Honor. ... **Tuesday:** He holds a small business event at the White House. ... **Friday:** Trump visits FEMA headquarters to get a briefing on the hurricane season. This week's theme is the "American dream."

GROUNDHOG DAY -- "As Trump steams, Senate Republicans consider new repeal effort," by Burgess Everett, Josh Dawsey and Rachael Bade: "Senate Republicans' party-line attempts to repeal Obamacare aren't dead just yet - at least not if President Donald Trump has anything to say about it. Trump, increasingly impatient with the long-stalled repeal effort, met with three Senate Republicans about a new plan to roll back the health care law on Friday, signaling some lawmakers -- as well as the president -- are not ready to ditch their seven-year campaign promise.

"The group is trying to write legislation that could get 50 Republican votes, according to multiple administration and Capitol Hill sources. The proposal from Sen. Lindsey Graham (R-S.C.) would block grant federal health care funding to the states and keep much of Obamacare's tax regime. White House officials also met with House Freedom Caucus chairman Mark Meadows (R-N.C.) to brainstorm how to make the idea palatable to conservatives, according to two sources familiar with the meeting." http://politi.co/2tNTxf7

-- ONE CONSERVATIVE said to us the other day that Obamacare is a tax bill -- even the Supreme Court said so. So keeping the taxes would be akin to keeping the entire law, for many conservatives.

ON THE PRESIDENT'S MIND -- yesterday at 12:19 p.m.: "After seven years of'talking' Repeal & Replace, the people of our great country are still being forced to live with imploding ObamaCare!" ... **at 12:27 p.m.:** "If a new HealthCare Bill is not approved quickly, BAILOUTS for Insurance Companies and BAILOUTS for Members of Congress will end very soon!" ... **at 1:04 p.m.:**"U.S. Stock Market up almost 20% since Election!" ...

... **at 4:36 p.m.:** "Unless the Republican Senators are total quitters, Repeal & Replace is not dead! Demand another vote before voting on any other bill!" ... **at 7:15 p.m.:** "I love reading about all of the 'geniuses' who were so instrumental in my election success. Problem is, most don't exist. #Fake News! MAGA" ... **at 7:29 p.m.:** "I am very disappointed in China. Our foolish past leaders have allowed them to make hundreds of billions of dollars a year in trade, yet..." ... at **7:35 p.m.:** "...they do NOTHING for us with North Korea, just talk. We will no longer allow this to continue. China could easily solve this problem!" ... **at 7:37 a.m.:** "Don't give up Republican Senators, the World is watching: Repeal & Replace...and go to 51 votes (nuke option), get Cross State Lines & more."

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KELLYANNE CONWAY on **"FOX NEWS SUNDAY":** "He's going to make that decision this week [whether to end cost sharing reduction payments], and that's a decision that only he can make." http://politi.co/2uOlPYq

-- A FEW QUICK NOTES: Every permutation of repeal and replace got fewer than 50 votes, so ancillary issues -- like being able to buy insurance across state lines -- is besides the point at this moment. **IF TRUMP** follows through on his threat to end the employer contribution for members of Congress, that would be a big deal, and could strip lawmakers of one of the only appealing benefits of their job. **ALSO:** Congress has to fund the government at the end of September and lift the debt ceiling shortly after that. Not passing anything until Obamacare is repealed and replaced is not necessarily a realistic position.

-- @burgessev: "Historically, conservatives use filibuster to block progressive legislation. Take this away and the next D Washington has few limits."

... AND THIS: "Lawsuits could force feds to pay Obamacare insurers," by Paul Demko: "A pending court decision could force the Trump administration to pump billions of dollars into Obamacare insurers, even as the president threatens to let the health

care law 'implode.' Health insurers have filed nearly two dozen lawsuits claiming the government owes them payments from a program meant to blunt their losses in the Obamacare marketplaces. That raises the prospect that the Trump administration will have to bankroll a program the GOP has pilloried as an insurer bailout." http://politi.co/2vbn2LD

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NEW CBS NEWS NATION TRACKER POLL -- "Six months in, the latest CBS News Nation Tracker study shows President Donald Trump's strongest backers like seeing him fight his chosen opponents: they want the President to call out those he believes disloyal, fight with the mainstream media, and they're the only group among the segments in this study where a majority wants the President to do more tweeting. But what they applaud seems precisely what most others dislike, and that is costing the President potential support, even as many give him credit for an improving economy."

PETER BAKER: "Trump Tries to Regroup as the West Wing Battles Itself": "President Trump enters a new phase of his presidency on Monday with a new chief of staff but an old set of challenges as he seeks to get back on course after enduring one of the worst weeks that any modern occupant of the Oval Office has experienced in his inaugural year in power. With his poll numbers at historic lows, his legislative agenda stalled and his advisers busy plotting against one another, Mr. Trump hoped to regain momentum by pushing out his top aide, Reince Priebus, and installing a retired four-star Marine general, John F. Kelly, to take command. But it is far from certain that the move will be enough to tame a dysfunctional White House.

"The shake-up followed a week that saw the bombastic, with-me-or-against-me president defied as never before by Washington and its institutions, including Republicans in Congress, his own attorney general, the uniformed military leadership, police officers and even the Boy Scouts. No longer daunted by a president with a Twitter account that he uses like a Gatling gun, members of his own party made clear that they were increasingly willing to stand against him on issues like health care and Russia. The setbacks came against the backdrop of a West Wing at war with itself, egged on by a president who thrives on conflict and chaos. Mr. Kelly, who had been serving as secretary of homeland security, brings a career of decisive leadership to his new assignment as White House chief of staff. But he confronts multiple power centers among presidential aides, all with independent lines to the man in the Oval Office who resists the discipline and structure favored by generals." http://nyti.ms/2wbgNog

THE KELLY LOOKAHEADS ...

WAPO'S PHIL RUCKER, BOB COSTA and **DAN BALZ: "Trump enlists Kelly to enforce order, but can the 'zoo' be tamed?"**: "When Kelly made the rounds on Capitol Hill before his nomination hearings in January, he did not know Trump very well

and asked people there to share stories about the president-elect. He wanted to know how Trump made decisions. Told that Trump relished competing power centers around him, Kelly grimaced and said nothing. ...

"Trump's transition documents included a lengthy memo about White House structure, based on past administrations. 'They didn't follow the product at all,' said a person with direct knowledge of what transpired as Trump was setting up his administration. 'They did it instinctively ... The president-elect didn't want to say no to anybody.' The result was the White House that now exists, populated by advisers with competing ideologies that reflect an administration that is an amalgam of populist nationalists, hard-line conservatives and establishment Republicans - and a few Democrats. ...

"The environment is poised to change in the Kelly era. The new chief of staff is expected to have full control over the Oval Office and schedule, officials said. Trusted aides such as Hope Hicks, Dan Scavino and Keith Schiller -- as well as senior advisers such as Kushner, Bannon and Conway -- will continue to have casual access to the president." http://wapo.st/2tNL0cg

ANDREW RESTUCCIA, BRYAN BENDER and **JOSH DAWSEY: "Kelly's first task: Stabilize the West Wing:** The no-nonsense retired Marine Corps general will soon be thrust into the center of the West Wing soap opera": "When he officially becomes chief of staff on Monday, Kelly, a no-nonsense retired Marine Corps general, will be thrust into the center of the West Wing soap opera, where President Donald Trump's policy agenda regularly gets preempted by feuding advisers and headline-grabbing scandals. ... 'I think this is the best and last shot,' said one person close to Kelly. 'This is it.' ...

"Kelly wants to have more of a pecking order among the staff and a more 'traditional' approach, one White House official said. But others in the White House said it's too early to make predictions. 'Everything is up in the air. Anyone who tells you they know anything is lying,' a White House official said. ... Kelly has built relationships with several top White House aides in recent months, including chief strategist Steve Bannon and senior adviser Stephen Miller, who have played a central role in Trump's immigration crackdown.

"Kelly has nonetheless expressed frustration about the White House to friends and associates, complaining about the slow pace of hiring and bristling at having to answer to lower-level aides, according to one person who has spoken to him and another person familiar with the tension. ... Asked to name any similarities between the two men, the person said, 'They're both Catholic, but that's probably about it.' ... Kelly is expected to make his first staff change at the White House on Monday, when he'll bring in Kirstjen Nielsen, his chief of staff at DHS." http://politi.co/2tTD0KV

THE NEVER ENDING CAMPAIGN -- "How 2018 became the new 2020," by Gabe Debenedetti: "The 2020 Democratic presidential road show is already underway. And 2018 is beginning to look like the dress rehearsal. Top contenders are making

endorsements, picking sides in party primaries and aggressively working the fundraising circuit on behalf of 2018 candidates, all the while building their own name recognition. With many of presidential prospects on the ballot themselves next year, potential challengers to Donald Trump are also stockpiling cash to help run up their re-election margins to burnish their stature for the big election on the horizon.

"The early focus on the midterms is a marked departure from previous practice, and a further acceleration of the presidential campaign cycle. Prior to the 2016 presidential primary season, for example, Hillary Clinton and Bernie Sanders largely stayed off the campaign trail and out of elections until late 2014 - roughly six months before they officially announced their campaigns. But with a historically large presidential field taking shape, more than a dozen prominent Democrats - including governors like Terry McAuliffe and Steve Bullock, and senators like Cory Booker, Elizabeth Warren, and Kamala Harris - have recognized the need to distinguish themselves from the crowd. And they are already working hard to advance their brand while helping to reinvigorate the dilapidated party infrastructure in advance of the midterm elections." http://politi.co/2viPoo7

TRUMP is at his Virginia golf resort this morning, per the pool.

-- @markknoller: "By my count, it's his 36th visit to one of his golf clubs, 15th time at the one in Sterling, VA - since taking office."

VICE PRESIDENT MIKE PENCE is in Tallinn, Estonia. Pence chief of staff Nick Ayers alerted staff and reporters on the trip that Jarrod Agen, communications director, had been promoted to deputy chief of staff, according to pooler Ashley Parker of the Washington Post.

IN MOSCOW ... -- "The Kremlin is done betting on Trump and planning how to strike back against U.S. sanctions," by WaPo's Andrew Roth in Moscow: "Regardless of whether the Kremlin believes its own denials of interfering in the 2016 elections, there is one undeniable truth: Russia is now Washington's greatest political foe. Understanding that President Trump is 'tied hand and foot,' as one foreign policy hawk here put it, Moscow is weighing options for retaliation.

"After a dalliance on the Trump train, Russia is once again channeling the ruthless realism that drives its political id, and embracing its role as antihero. 'Okay, you think we're bad guys, we're going to be bad guys, and we'll see whether you like it or not,' said Konstantin Eggert, a television political commentator, describing the Kremlin thinking." http://wapo.st/2tUhg1k

RUSSIAN DEPUTY FOREIGN MINISTER SERGEI RYABKOV on potential retaliation as because of new U.S. sanctions to **ABC'S MARTHA RADDATZ:** "If the U.S. side decides to move further towards further deterioration we will answer, we will respond in

kind. We will mirror this. ... "I can assure you that different options are on the table and consideration is being given to all sorts of things, both symmetrical or asymmetrical to use a very popular word in the world of diplomacy."

FOR YOUR RADAR -- AP: "U.S. bombers fly over South Korea after North's 2nd ICBM test": "The United States flew two supersonic bombers over the Korean Peninsula on Sunday in a show of force against North Korea following the country's latest intercontinental ballistic missile test. The U.S. also said it conducted a successful test of a missile defense system located in Alaska. The B-1 bombers were escorted by South Korean fighter jets as they performed a low-pass over an air base near the South Korean capital of Seoul before returning to Andersen Air Force Base in Guam, the U.S. Pacific Air Forces said in a statement. ...

"'**North Korea** remains the most urgent threat to regional stability,' said Gen. Terrence J. O'Shaughnessy, Pacific Air Forces commander. "Diplomacy remains the lead. However, we have a responsibility to our allies and our nation to showcase our unwavering commitment while planning for the worst-case scenario.' 'If called upon, we are ready to respond with rapid, lethal, and overwhelming force at a time and place of our choosing,' O'Shaughnessy said." http://bit.ly/2hcLebc

SUNDAY BEST ...

-- HOUSE MINORITY LEADER NANCY PELOSI defends her leadership to **CHRIS WALLACE** on **"FOX NEWS SUNDAY" --** "I am a master legislator. I know the budget to the nth degree. I know the motivation of people I respect the people who are in Congress. I think this is a great moment for those of us who understand what is at stake with the Affordable Care Act - what our possibilities are in terms of working together with the Republicans as has been our experience in the past. So I feel very confident about the support I have in my caucus. I have never not been opposed within my caucus."

--PELOSI ON JOHN KELLY: "I look forward to working with General Kelly. I've worked with him as Secretary Kelly at the Department of Homeland Security. So I will be speaking with him today. We look forward to working together. It's a very important position - the President's chief of staff to the President of the United States. And it has to be recognized that he is the chief of staff."

-- HHS SECRETARY TOM PRICE talks with **CHUCK TODD** on **NBC'S "MEET THE PRESS: TODD:** "So if they come up with a fix that helps, essentially gives some certainty to the insurance companies to go into rural markets, are you then going to implement the Affordable Care Act as it was meant to be, including encouraging people to sign up, encouraging enrollment, encouraging Medicaid expansion?" **PRICE:** "Well, our, as I said, our responsibility is to follow the law and again we take that responsibility very seriously and we will continue to do so. But remember that the current law right now is failing the American people. As I mentioned, I think, we've got 40 counties across this - 40 counties that will no longer have any insurance company next year.

"That's not a choice for anybody. You've got a third of the counties right now that only have one insurance company providing coverage. That's not a choice for anybody. You've got premiums that are up, deductibles that are up, people having that insurance card and no care, got insurers fleeing the market. 83 insurance companies fled the health insurance market last year. That's before this administration came in. This system is imploding upon itself and that's what we're trying to care of. That's what the president has said. That's why we need repeal and replace."

-- PRICE to **ABC'S MARTHA RADDATZ** on **"THIS WEEK" -- TRUMP DOESN'T REALLY WANT TO LET OBAMACARE EXPLODE: RADDATZ:** "But he says... -- let it -- let Obamacare implode, then deal. What does that mean?" **PRICE:** "Well, I -- again, I think what that does is punctuate the seriousness with which he understands the American people are having to deal with the current situation."

-- OMB DIRECTOR MICK MULVANEY talks with **CNN'S JAKE TAPPER** on **"STATE OF THE UNION" -- TAPPER:** "When General Kelly is sworn in on Monday as White House chief of staff, will all staff members immediately begin reporting to him?" **MULVANEY:** "I don't know. I answer to the chief of staff. And I will continue to do that. The Office of Management and Budget actually reports directly to the chief of staff. Obviously, we answer to the president, as everybody does in the West Wing. But, as far as I know, my reporting doesn't change, nor do I have any reason for it to change. So, we will continue to do our business at OMB the same way we did last week. I think we're doing some good work, and look forward to continuing that under General Kelly's leadership."

FUN -- NYT's NEW PODCAST - Per The Times: "[W]e published the first episode of 'The New Washington,' a new limited-run politics podcast that takes you inside Trump's Washington. Each episode of 'The New Washington,' which airs once a week and will run through the fall, features interviews with politicians and Washington insiders, along with insight, analysis and perspective from some of The Times's most intrepid reporters. ... In the introductory episode, Michael Barbaro talks with Carl Hulse about the most interesting and important characters in Washington today and what he's learned from his decades covering these figures -- and sharing a home, and in one case a barber, with them." http://nyti.ms/2u8FbFR

Playbook Reads

PHOTO DU JOUR: President Donald Trump waves to well wishers after dining at Trump International Hotel on July 29 in Washington, DC. | Chris Kleponis/Pool/Getty Images

WAPO'S ROXANNE ROBERTS in **REHOBOTH BEACH, DEL. -- "Joe Biden still wants to be president. Can his family endure one last campaign?"** http://wapo.st/2u9e2CH

HOMESTATE POLITICS -- "Lisa Murkowski walked a tightrope in Alaska when she voted 'no' on Obamacare repeal," by the L.A. Times' Kyle Hopkins in Anchorage: "The chairman of the Alaska Republican Party says phones at the state GOP office have been ringing off the hook with Republicans angry or confused by Murkowski's votes. To some moderates, independents and Democrats, she is a folk hero. Supporters planned a 'Stay Strong Lisa' rally on Saturday in Anchorage." http://lat.ms/2viM38A

ELECTION WATCH -- "Hackers descend on Las Vegas to expose voting machine flaws," by Kevin Collier in Las Vegas: "Election officials and voting machine manufacturers insist that the rites of American democracy are safe from hackers. But people like Carten Schurman need just a few minutes to raise doubts about that claim. Schurman, a professor of computer science at the University of Copenhagen in Denmark, used a laptop's Wi-Fi connection Friday to gain access to the type of voting machine that Fairfax County, Virginia, used until just two years ago. Nearby, other would-be hackers took turns trying to poke into a simulated election computer network resembling the one used by Cook County, Illinois.

"Elsewhere, a gaggle of hackers went to work on a model still used in parts of seven states, as well as all of the state of Nevada. Though the device was supposedly wiped before it was sold by the government at auction, the hackers were able to uncover the results the machine tallied in 2002. They were among the hundreds of cybersecurity experts who descended on 'Voting Village,' one of the most talked-about features of the annual DEF CON hacker conference. In a cramped conference room, they took turns over three days cracking into 10 examples of voting machines and voter registration systems - a reminder, they say, of the risks awaiting upcoming U.S. elections." http://politi.co/2eYkwSM

BONUS GREAT WEEKEND READS, curated by Daniel Lippman, filing from the Deutsche Bahn ICE train from Munich to Berlin, where he's attending the American Council of Germany's American-German Young Leaders Conference:

--"Scott Pruitt's Crimes Against Nature," by Jeff Goodell in Rolling Stone: "Trump's EPA chief is gutting the agency, defunding science and serving the fossil-fuel industry." http://rol.st/2uCAUhf

--"Patagonia's Big Business of #Resist," by Abe Streep in Outside Magazine: "The iconic brand has long been the conscience of the outdoor industry, forsaking hefty profits to do the right thing. Now the company is going to war against the Trump administration over protections for public land in a bid to become a serious political player-which happens to be very good for sales." http://bit.ly/2h7eQGN (h/t Longreads.com)

--"Strippers, Insane Asylums, Assassination, and Termites: Inside the Insane History of the World's Greatest White House Replica," by The Daily Beast's Will O'Connor in Baton Rouge: "Governor Huey Long was so anxious to get to the White

House that he built his own in Baton Rouge. An assassin's bullet cut short Long's ambitions, but his gaudy knock-off survives." http://thebea.st/2uO1fHK

--"Slaves of Isis: the long walk of the Yazidi women," by Cathy Otten in The Guardian: "When Isis rounded up Yazidi women and girls in Iraq to use as slaves, the captives drew on their collective memory of past oppressions - and a powerful will to survive." http://bit.ly/2v83KXp

--"Kristin Beck: A Navy SEAL in Transition," by Devin Friedman in the Nov. 2015 issue of GQ: "Back when she was a member of SEAL Team 6-Kristin Beck liked to grow her beard real long. But as disguises go, that was nothing compared with the life she lived as a man. What's it take, and how does it feel, for a paragon of masculinity to travel so far to find her true self?" http://bit.ly/2v2g9fN (h/t Longform.org)

--"Naked Truths: Who are we without our clothes?" by Jamie Lauren Keiles in Racked -- per Longreads' description: "Keiles spends a week at a naturist camp to learn 'why people get naked.' As she exercises, sun tans, and square dances her way through a week garbed for the most part only in shoes, she gets stripped not only of inhibitions around her own body, but also of notions around naturist intent, learning that most enthusiasts take off their clothes not for sexual reasons, but simply to feel free." http://bit.ly/2vbWRVU

--"Instagram is Pushing Restaurants to be Kitschy, Colorful, and Irresistible to Photographers," by The Verge's Casey Newton: "[S]ome entrepreneurs are taking the idea a step further, designing their physical spaces in the hopes of inspiring the maximum number of photos. They're commissioning neon signs bearing modestly sly double entendres, painting elaborate murals of tropical wildlife, and embedding floor tiles with branded greetings - all in the hopes that their guests will post them." http://bit.ly/2v3C06j

--"Afghanistan's Young Liberal Elites Challenge the Taliban," by Susanne Koelbl in Der Spiegel: "A young, liberal elite has emerged in Kabul, including many women. It is taking a stand against the Taliban's atrocities in the form of political and artistic initiatives and wants to put an end to Afghanistan's culture of violence." http://bit.ly/2v1XjWn

--"Tough Talk," by Steve Kolowich in the Chronicle of Higher Ed: "A black philosopher at Texas A&M thought forcing a public discussion about race and violence was his job. Turns out people didn't want to hear it." http://bit.ly/2h6YCxB (h/t Longreads.com)

Playbookers

SPOTTED: Ed Gillespie at gate 42 at Reagan airport Sunday morning. A "couple folks walked up to wish him well," per our tipster.

HAPPY 28th ANNIVERSARY to Diane and Paul Begala.

WEEKEND WEDDINGS - "Deanna Howes, Peter Spiro" -- N.Y. Times: "Mrs. Spiro, 31, is the communications director at the Association of Jesuit Colleges and Universities, which is in Washington. She graduated from Fordham and received a master's degree in communication from Johns Hopkins. ... Mr. Spiro, 47, is the chief of staff to Representative Ro Khanna, a California Democrat. The groom graduated from Tulane and received an M.B.A. from Georgetown. ... The bride and groom first met at a political fund-raiser in 2013, and after an encounter at another fund-raiser, several emails and a much longer conversation at an awards dinner, they began dating in 2015." ***With pic*** http://nyti.ms/2uN7Hyr ... ***Wedding pic*** http://bit.ly/2uKnu2J

SPOTTED: Rep. Ro Khanna, Archbishop of Vilnius Gintaras Grusas, Rev. Michael J. Sheeran S.J., former Amb. to Malta Gary Matthews, former Rep. Tim Bishop (D-N.Y.), ret. Lt. Col. Jim Zumwalt, Heather Purcell, Geo Saba, Kevin Fox, Will McKelvey.

--Conrad Lucas, West Virginia GOP chairman and likely 2018 congressional candidate, last night married **LeFlore Barbour,** an RNC alum now a strategic partner at Direct Edge. The couple met in 2014 at an RNC meeting, and the wedding was in New Orleans. ***Pic*** http://bit.ly/2eYC2WV

SPOTTED: former Miss. Gov. Haley Barbour, Rep. David McKinley (R-W.Va.), Arkansas Attorney General Leslie Rutledge, RAGA political director Seth Wimer, RNC members Sharon Day, Christine Toretti, Henry Barbour, John Ryder, Vicki Drummond, Jonelle Fulmer, Doyle Webb, Jonathan Barnett, Jeannie Luckey, and Melody Potter, and Austin Barbour, Greg Thomas, Rob Cornelius, Jordan Burgess, Kayla Kessinger, Roger Hanshaw, Riley Moore, Brent Robertson, Katie Hirkman, former WV state Justice John McCuskey, Lane Flynn, Katie Leslie, and Jeppie Barbour.

--"Jamie Farnsworth, Andrew Finn": "Mrs. Finn, 33, is a digital and operations manager for education initiatives at NBC News in New York. [She is also an alum of 'Rock Center' and CBS News.] She graduated from the University of Wisconsin-Madison. ... Mr. Finn, 34, is a special counsel in the litigation group at Sullivan & Cromwell, a New York law firm. He also graduated from the University of Wisconsin-Madison, though the couple didn't meet until after both had moved to New York. He received a law degree from New York Law School. ... The couple met in Manhattan in 2015 at a Memorial Day weekend party. They talked about their common background in Wisconsin, and laughed when they exchanged cellphone numbers, as each had retained a 608 area code from their time in Madison." ***With pic*** http://nyti.ms/2hczSE3

OBAMA ALUMNI -- "Casey Pallenik, Bradford Simmons": "The bride, 30 ... is a director of business development for Atlantic Media in Washington. She is also studying for an M.B.A. at Johns Hopkins. Previously, she was a political appointee of the Obama administration, where she served as a staff assistant in the East Wing visitors office, facilitating public tours and large events at the White House. She graduated cum laude

from American University. ... The groom, 31, is a foreign affairs officer at the State Department, where he advises on energy security matters in the Asia Pacific. He graduated from Emory University in Atlanta and received a master's degree in international affairs from George Washington University. ... The couple met in 2007 while studying abroad in Prague." ***With pic*** http://nyti.ms/2vb33wt ... ***Wedding pics*** http://bit.ly/2tUquux ... http://bit.ly/2wbfgi5

--SPOTTED: Graham Brookie, Samantha Tubman, Jonny Dach, Leslie Dach, Chelsea Bollinger, Emily Boyle, Mike DelMoro, Will Jennings and Adrienne Watson, Tess Hetzel, Dana Rosensweig, Elizabeth Pan, Julia Duncan, Micah Fergenson, Andrea Richter, Thayer Surette, Josh Volz, Alex Kahl, Rachel Alben, Kelly McCoy and Sid Mahanta.

BIRTHDAYS: Jim Rutenberg ... WSJ's Shane Harris ... Dave Kochel, Jeb and Mitt alum ... Chris Battle ... Carl Lavin ... Medicare is 52 ... Arnold Schwarzenegger is 7-0 ... Anita Hill is 61 ... Trump WH alum Michael Short ... Eleanor Smeal is 78 ... former Rep. Pat Schroeder (D-Colo.) is 77 ... Michelle Bernard ... Mario H. Lopez, president of Hispanic Leadership Fund (hat tip: Joseph Culotta) ... Rebecca Kutler, VP at CNN ... former CFTC Chairman Tim Massad is 61 ... Chelsie Gosk, social media at Airbnb and a New Yorker alum ... Freeman Klopott ... Meredith Simpson ... Megan Rodriguez ... Fran McCarthy (h/t Jon Haber) ... Tony Maciulis is 41 ... Mark Beatty, 270 Strategies founding partner and 2012 Obama deputy battleground states director. "It's his last bachelor birthday -- he marries the love of his life in less than a month!" (h/t Lynda Tran) ... Ben Marter, comms director for Sen. Durbin ... Candace Randle ... Robert Gottheim ... Brad Jenkins of Funny or Die ... Bill O'Leary, a partner at Heidrick & Struggles, celebrating by playing golf and having dinner with the kids (h/ts Ben Chang) ...

... Suzanne Nossel, executive director of PEN America ... Courtney Asbill ... former Rep. Quico Canseco (R-Tex.) is 68 ... former Rep. Wendell Bailey (R-Mo.) is 77 ... Furhawn Shah ... Kana Smith ... Ines de La Cuetara ... Rep. Sean Patrick Maloney (D-NY) is 51 ... Politico's Tyler Weyant, Alexa Velickovich and Francesca Pigna ... MSNBC's Isaac-Davy Aronson ... Garry Malphrus ... HuffPost's Ashley Alman ... Maggie Easterlin Cutrell ... Kate Harris ... Lindsay Butcher ... Colleen Murray ... Glen Chambers ... Salesforce's Jim Green ... Bonnie Eggers ... Nate Beeler ... Emily Sanders Elam ... Dave Koenig is 58 ... Robert Basmadjian ... Stephen Gallo is 33 ... Paul Dickson ... Wesley Boatwright is 53 ... George McDowell ... Jonathan Spalter ... Asher Grady (h/ts Teresa Vilmain)

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In Hurricane Maria's aftermath, these soldiers have felt uniquely isolated and alone.
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Navy fires two officers over USS McCain collision, says deadly accident was 'preventable'

Ten sailors died as a result of the accident.
By Andrew deGrandpre • Read more »

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Navy relieves two officers of their duties over USS John McCain's 'preventable' collision in August, which killed 10 sailors

The Navy blamed "poor judgment" and "poor leadership" for the incident in a statement announcing that the vessel's commanding officer and executive officer would be relieved of their duties because of a loss of confidence. This is a

developing story. It will be updated.

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Here's how I found peace — and hope.

As America's longest conflict marks its 16th anniversary, a war hero finds meaning in his painful past.

By Florent Groberg • Read more »

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The body of a fourth U.S. service member has been recovered following a deadly ambush this week in Niger

The service member went missing Wednesday during a joint patrol with Nigerien forces near the Mali border. The troops were ambushed and three other Americans were killed. Details about their mission remain unclear, though it appears the patrol encountered a brutal fight involving dozens of armed militants. This is a developing story. It will be …

By Washington Post Staff • Read more »

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Tue 10/17/2017 4:40:23 PM
Subject: Playbook Power Briefing, presented by JPMorgan Chase & Co.: Obamaworld pushes back after POTUS invokes death of John Kelly's son -- PAUL says he won't vote for Senate GOP budget right now -- TRUMP tumbles in FORBES 400 -- TOM MARINO withdraws as drug czar

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Today's Playbook Power Briefing presented by JPMorgan Chase & Co.

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman) and ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

Good Tuesday afternoon. OBAMA WORLD PUSHES BACK ON TRUMP -- From a former Obama White House official: "President Trump's claim is unequivocally wrong. President Obama engaged families of the fallen and wounded warriors throughout his presidency through calls, letters, visits to Section 60 at Arlington, visits to Walter Reed, visits to Dover, and regular meetings with Gold Star Families at the White House and across the country."

-- OBAMA'S OFFICE declined to comment on the existence -- or lack thereof -- of a call between Obama and John Kelly about the general's son passing away. **OBAMA,** however, did host a breakfast for Gold Star Families on May 30, 2011. **KELLY** and his wife sat at Michelle Obama's table, according to someone familiar with the breakfast. White House Press Secretary Sarah Huckabee Sanders did not immediately respond to an email request for comment.

TRUMP ON TALK RADIO, EARLIER -- "Trump invokes death of John Kelly's son in furor over calls to fallen soldiers," by Nolan McCaskill: "President Donald Trump on Tuesday invoked the death of the son of his chief of staff, John Kelly, as he defended his claim from a day before that Barack Obama and other past presidents didn't always call the families of slain service members. Trump also said he doesn't feel a need to clarify his remarks. ...

"'So they ask me that question, and for the most part, to the best of my knowledge, I think I've called every family of somebody that's died, and it's the hardest call to make, and I said it very loud and clear yesterday. The hardest thing for me to do is do that. ... Now, as far as other representatives, I don't know,' he continued. 'I mean, you could ask General Kelly did he get a call from Obama. You could ask other people. I don't know what Obama's policy was. I write letters, and I also call.'" http://politi.co/2zfFgdu

THIS SEEMS LIKE IT'S A GIGANTIC PROBLEM -- BURGESS EVERETT SCOOP: "Rand Paul opposes Senate GOP budget": "Sen. Rand Paul is prepared to vote 'no' on the Senate GOP budget if leaders do not agree to cut billions in spending from the

plan, he said in an interview Tuesday.

"The Kentucky Republican said he spoke to President Donald Trump on Tuesday morning about the impasse with GOP leaders, which could lead to a high-profile intraparty defection on the budget this week.

"With Sen. Thad Cochran (R-Miss.) out indefinitely, Republicans may be able to lose only one vote and still pass the budget, which is needed to pave the way for the GOP's tax push.

Paul said he wants to get rid of the $43 billion that exceeds federal budget caps Congress agreed to in 2011. 'I've told them I'm a 'yes' if they'll not exceed the budget caps,' Paul said. 'If leadership is unwilling to compromise with somebody who is concerned about the debt, then they deserve to lose.'" http://politi.co/2gLNi7e

-- QUICK REMINDER: No budget means no tax reform. Period. The end.

TRUMP VS. MCCAIN, CONTINUED -- "Trump and McCain smack at each other over 'spurious nationalism' comments," by Louis Nelson and Elana Schor: "President Donald Trump on Tuesday slapped at Sen. John McCain's condemnation the previous night of 'spurious nationalism,' warning the Arizona Republican that 'at some point I fight back and it won't be pretty.'

"'Well it's a shocker,' the president told radio host Chris Plante in response to a question about McCain's comments. 'Yeah, well I hear it and people have to be careful because at some point I fight back. You know, I'm being very nice. I'm being very, very nice. But at some point I fight back and it won't be pretty.' The Arizona senator brushed off the apparent threat. 'It's fine with me,' McCain told reporters on Capitol Hill on Tuesday. 'I've faced some fairly significant adversaries in the past.'" http://politi.co/2zvE6f6

MARK YOUR CALENDAR -- @JenniferJJacobs: "Trump will announce his Federal Reserve chair pick before he leaves on Asia trip Nov. 3, person familiar confirms to me."

****** **A message from JPMorgan Chase & Co.: 30 Years in the Waiting** It's been more than three decades since America reformed its tax system. As the world became more competitive, our tax code remained the same, putting America at a disadvantage when it comes to creating new jobs. Learn how tax reform can jump-start our economy: http://politi.co/2xE3I1i ******

A LIST THE PRESIDENT WON'T LIKE -- THE FORBES 400 ranking of the richest Americans is out today. The total combined net worth of this year's list is a whopping $2.7 billion and to even make the list, a person must have at least $2 billion. Forbes estimated that President Trump's net worth tumbled by nearly $600 million to $3.1 billion due to a "tough New York real estate market, particularly for retail locations; a costly lawsuit and an expensive presidential campaign." **THE TOP TEN:** Bill Gates, Jeff

Bezos, Warren Buffett, Mark Zuckerberg, Larry Ellison, Michael Bloomberg, Charles Koch, David Koch, Larry Page and Sergey Brin. ***The entire list*** http://bit.ly/2zvvd4X

NEW PHILANTHROPIC GIANT -- "George Soros Transfers $18 Billion to His Foundation, Creating an Instant Giant: The pioneer of hedge-fund investing has transferred the bulk of his wealth to Open Society Foundations," by WSJ's Juliet Chung and Anupreeta Das: "George Soros, who built one of the world's largest fortunes through a famous series of trades, has turned over nearly $18 billion to Open Society Foundations, according to foundation officials, a move that transforms both the philanthropy he founded and the investment firm supplying its wealth.

"Now holding the bulk of Mr. Soros's fortune, Open Society has vaulted to the top ranks of philanthropic organizations, appearing to become the second largest in the U.S. by assets after the Bill and Melinda Gates Foundation, based on 2014 figures from the National Philanthropic Trust." http://on.wsj.com/2kVUGBA

WAPO/60 MINUTES REPORT FALLOUT -- @realDonaldTrump at 8:39 a.m.: "Rep.Tom Marino has informed me that he is withdrawing his name from consideration as drug czar. Tom is a fine man and a great Congressman!"

WAR REPORT -- "U.S.-Backed Forces Capture Raqqa From ISIS," by NYT's Anne Barnard: "Kurdish-led forces said on Tuesday that they had taken all of the northern Syrian city of Raqqa from the Islamic State, a major blow to the militant group, which had long used it as the de facto capital of its self-declared caliphate.

"Officers with the Syrian Democratic Forces, an American-backed militia group made up of Syrian Kurds and Arabs, said by phone and in press statements that they had taken control of the city after a monthslong campaign. But the United States Central Command stopped short of declaring victory, saying that fighters were checking to make sure all areas were clear.

"Celebrations had already begun in Raqqa, where residents had lived under the repressive rule of militants who beheaded people in a central square for offenses as minor as smoking or communicating on the internet without permission. Fighters could be seen cheering in the streets, according to residents reached by phone and text message." http://nyti.ms/2zhtJul

AFTERNOON READ -- JASON ZENGERLE in the NYT Magazine, **"Rex Tillerson and the Unraveling of the State Department:** With an isolated leader, a demoralized diplomatic corps and a president dismantling international relations one tweet at a time, American foreign policy is adrift in the world": "Accommodating the president, rather than working with him, is not a normal mission for a secretary of state - and for Tillerson, it seems to be an increasingly doomed one. 'The president's always saying, "Rex's not tough," and "I didn't know he was so establishment,"' says one Trump adviser. ... The question among many people inside and outside the Trump administration is not necessarily what's keeping Tillerson from resigning; it's what's stopping Trump from

firing him. One Trump-administration official offered me a tentative theory: 'Losing a chief of staff in the first year is a big deal, but losing a secretary of state is an even bigger one.'" http://nyti.ms/2zv1pFE

SCOTUSWATCH -- "It's a Fact: Supreme Court Errors Aren't Hard to Find," by ProPublica's Ryan Gabrielson: "The decisions of the Supreme Court are rich with argument, history, some flashes of fine writing, and, of course, legal judgments of great import for all Americans. They are also supposed to be entirely accurate. But a ProPublica review of several dozen cases from recent years uncovered a number of false or wholly unsupported factual claims.

"The review found an error in a landmark ruling, Shelby County v. Holder, which struck down part of the Voting Rights Act. Chief Justice John Roberts used erroneous data to make claims about comparable rates of voter registration among blacks and whites in six southern states. In another case, Justice Anthony Kennedy falsely claimed that DNA analysis can be used to identify individual suspects in criminal cases with perfect accuracy.

"In all, ProPublica found seven errors in a modest sampling of Supreme Court opinions written from 2011 through 2015. In some cases, the errors were introduced by individual justices apparently doing their own research. In others, the errors resulted from false or deeply flawed submissions made to the court by people or organizations seeking to persuade the justices to rule one way or the other." http://bit.ly/2zxfRNA

--"Book's challenge: Can you do squats like Justice Ginsburg?" by AP's Jessica Gresko: "[A] new workout book written by [RBG's personal trainer Bryant] Johnson, out Wednesday: 'The RBG Workout: How She Stays Strong ... and You Can Too!' ... came about this year after Politico Magazine wrote a piece on the workout. Johnson, 53, took reporter Ben Schreckinger through Ginsburg's workout. The result was a piece titled, 'I did Ruth Bader Ginsburg's Workout. It Nearly Broke Me.' ... Ginsburg ... [wrote] the book's foreword. Schreckinger help**ed Johnson write t**he text. The result is an approx **imately 120-page vo**lume that walks readers through Ginsburg's hour-long workout with illustrations of the justice doing each exercise." http://bit.ly/2gLKOWA ... *$10.52 on Amazon* http://amzn.to/2ig0IMh ... *Ben's original piece* http://politi.co/2ihia30

IN NEVADA, POST-SHOOTING -- "Nevada law on background checks for gun purchases not enforced," by CBS' Julianna Goldman: "Gun control advocates acknowledge that the expanded background checks they want would not have prevented the Las Vegas massacre. But last week, they went to court to try to make Nevada enforce the background checks that are already on the books. Last year, the NRA spent more on a Nevada ballot initiative than in any congressional race, fighting a proposal to expand background checks, including at gun shows. ...

"Nearly a year later, however, the law is not being enforced. State and federal officials are in a standoff over who does the background checks on private gun transfers. So at a Reno, Nevada, gun show just days after the country's deadliest mass shooting in Las

Vegas, Everytown for Gun Safety easily and legally bought four semi-automatic rifles and a 100-round capacity magazine without any background checks." http://cbsn.ws/2xOpKci

COMING ATTRACTIONS -- Former President George W. Bush and **Laura Bush** are launching a new Bush Institute project that is "affirming faith and U.S. leadership in freedom, free markets, democracy, and institutions" with an event at Jazz at Lincoln Center in New York City on Thursday. The former first couple will give remarks and panel discussions will include U.N. Ambassador Nikki Haley, Madeleine Albright, Condoleezza Rice, Jean Case, Mel Martinez, Wes Moore, Jeffrey Rosen and Sen. Ben Sasse (R-Neb.).

DANIEL'S POSTCARD FROM THE HOOVER INSTITUTION -- MICHAEL MCFAUL, former U.S. Ambassador to Russia and now a Stanford professor, spoke at a media roundtable on Monday: "What I thought I would do ... is just go through the list in U.S.-Russian relations over the last several months and talk about wins vs. losses ... What I want you to understand is that's the way Putin thinks about the world ... The score is 13-1-1. 13 wins for Putin, one draw and one win for us ... **[The wins for Putin and losses for the U.S.:]** Withdrawal from TPP ... Withdrawal from the Paris Accords ... Threat to withdraw from the Iran nuclear deal ... Threat of NAFTA withdrawal ... Syria ... Internal divisions within the United States ... Absence of any discussion of democracy or human rights abroad ... Decline in America's image ...

"'Leader of the free world': how many people use that phrase when describing the American leadership today? ... Ukraine can see an indifference [from the U.S.] ... Momentum of the nationalist-populist movement ... Tensions with North Korea ... Closer Russian-Chinese ties ... Reducing our staff in Russia at the embassy ... **Draws:** backlash from violating our sovereignty in 2016 ... And finally ... **we got one victory!** The closing of the consulate in San Francisco: Score that one for the United States of America, minus for Putin ... that facility did other things besides just having a National Russia Day there."

--KORI SCHAKE, a Hoover Institution fellow and an NSC, State and DoD alum: "The most alarming thing to me about the Trump administration ... is that Mick Mulvaney ... who was an entirely sensible, [fiscal] conservative when he was in Congress is now arguing that debt shouldn't matter at all and that economic growth is going to take care of this problem. ... If markets lose confidence in the dollar or if interest rates go up or if Europeans, Chinese or bitcoin become more reliable as alternative holding currencies this is actually going to be an enormous problem for the American government.

"And if you want a near term parallel, watch what is happening to British ability to pay for their defense articles now that Brexit begins to be a real thing because the British are buying Joint Strike Fighters and other things from the United States, they're being required to pay for them in dollars and they're having to cut fighter planes off the list because the appreciation of the dollar relative to the pound is actually foreclosing what they thought they could buy."

MEDIAWATCH -- Mike Zapler has been promoted to the role of deputy managing editor at POLITICO. He'll oversee a combined political reporting unit and continue to lead the Congress team.

SPOTTED Sen. Tim Kaine (D-Va.) and Jim Messina having breakfast at Bistro Bis this morning

--SPOTTED in and around the Kennedy School and the Charles Hotel in the last day: Ash Carter, Jeh Johnson, Ernie Moniz, Sally Jewell, Shaun Donovan, Samantha Power, John Podesta, Caroline Kennedy, Eric Rosenbach, Liz Sherwood Randall and Juliette Kayyem. Rachel Maddow moderated a national security-focused Institute of Politics event Monday night (http://bit.ly/2xMnaUj) with Carter, Johnson, Moniz and Power.

HAPPY ANNIVERSARY to Chicago WLS-AM morning host John Howell and his wife Sarah

****** **A message from JPMorgan Chase & Co.: Keeping Jobs at Home** America is falling behind when it comes to a tax system that helps spur job growth and expand economic opportunity. A 2017 EY report found that the existing tax structure has put job creators here at home at a disadvantage: updating the outdated tax system could have kept nearly 4,700 companies in the United States. That could mean more products made here in America, more parts sourced from American companies and billions of dollars spent here at home. As JPMorgan Chase Chairman and CEO Jamie Dimon put it, "Reforming the tax code is the single most important thing that Congress could do to jump-start our economy, create jobs, and raise wages for American workers." Learn more: http://politi.co/2z6j0D8 ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Mon 8/14/2017 5:30:17 PM
Subject: Sierra Club sues DOE for communications on grid study

By Darius Dixon

08/14/2017 01:26 PM EDT

The Sierra Club sued the Energy Department today to force the agency to divulge communications between top officials working on a contentious electric grid study and any outside groups.

The lawsuit filed in the Northern District of U.S. District Court of California would require the agency to respond to a Freedom of Information Act request the Sierra Club filed on May 1. The deadline to comply with that FOIA passed on May 30.

Sierra's FOIA request specifically demands communications that Energy Secretary Rick Perry, DOE Chief of Staff Brian McCormack, and senior adviser Travis Fisher may have had with groups such as the Edison Electric Institute, Institute for Energy Research or utility representatives.

The lawsuit says the Sierra Club had at least four email exchanges with the agency about the requested communications after the FOIA deadline passed, and EPA failed to meet subsequent goals to comply with the FOIA request by mid-July and early August.

"Given DOE's demonstrated pattern of failing to produce documents by the dates it has communicated to the FOIA requester, Sierra Club is far from certain that any documents, much less a comprehensive response to our request, will be provided in late August," Sierra Club attorneys write.

WHAT'S NEXT: Sierra Club has asked the court to direct DOE to produce the communications "immediately" but it's unclear how quickly the case will proceed.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/sierra-club-sues-doe-for-communications-on-grid-study-091778

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Fri 9/1/2017 12:38:21 PM
Subject: BREAKING NEWS: Economy created 156,000 jobs in August

The economy added 156,000 jobs in August, the Labor Department reported Friday, down from 189,000 in July.

Average hourly private-sector earnings were up 2.5 percent over the previous year. In July, earnings were also up 2.5 percent. The unemployment rate was 4.4 percent, up from July's 4.3 percent.

Analysts surveyed by Bloomberg had predicted the creation of 180,000 jobs, an increase in over-the-year hourly earnings of 2.6 percent, and an unemployment rate of 4.3 percent.

Read more: http://www.politico.com/story/2017/09/01/economy-created-156-000-jobs-in-august-242249

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Mon 8/7/2017 9:44:09 AM
Subject: Morning Energy: FERC may have an August pulse — Asian carp plan set to jump — No changes for Grand Canyon-Parashant

By Darius Dixon | 08/07/2017 05:41 AM EDT

With help from Esther Whieldon, Annie Snider, Alex Guillén and Eric Wolff

AUGUST WATCH: Free of Congress, wilting from the heat and anxious for some vacation time before the kids are back in school, most of Washington's policy apparatus is likely to shut down now for the rest of August. But this summer may be different for FERC since the Senate approved two nominees last week. After losing its quorum for the first time in its history early this year, the pressure is on for the agency to shrink the backlog that built up over the past six months. Remember, it's not just natural gas pipelines. There are also mergers, rehearings, and electric and natural gas rate cases, not to mention enforcement probes and potential settlements. Digging out from under that backlog — while dealing with the day-to-day workload — will take several months to get FERC caught up.

Neil Chatterjee and Rob Powelson were confirmed to FERC last Thursday, but it's not clear when they'll take the oath. When former FERC Chairman Norman Bay was confirmed by the Senate as a commissioner three years ago, he wasn't sworn in for 20 days. Of course, the circumstances are a bit more urgent now and a lot of people who depend on FERC may get more than a bit impatient if Chatterjee and Powelson head out for summer vacation. Just remember: They weren't the ones who brought FERC's work to a standstill or slowed the confirmation process. FERC commissioners don't normally hold a monthly meeting in August, but that's just tradition, not a rule. They also aren't limited to holding only one meeting a month, and there's plenty they can approve without having a public session. All in all, this may be a different sort of August for FERC.

BROUILLETTE IN THE BUILDING? One of the Senate's last votes before jetting out of town last week was to confirm Deputy Energy Secretary Dan Brouillette, a move that was welcomed by the Energy Department and those groups and companies who work with the agency. One of the most frequent complaints inside and outside the agency for months has been about the lack of confirmed nominees (Brouillette is just the second at DOE) to help take the bureaucratic busy work off of Perry's plate. Although it's August, we may see more activity out of the agency as Brouillette settles in. His swearing-in date hasn't been publicly released yet.

HAPPY MONDAY! I'm Darius Dixon, returning to the morning slot and attempting to fill Anthony's big ME shoes. Hayley Moller at Glover Park Group was the first by a mile to call out the myth/rumor of President William Howard Taft getting stuck in a bathtub. He apparently weighed about 354 pounds around the time of his inauguration in 1909. Annie dove into atomic history trivia last week and your new host can't resist jumping in the deep end. What Manhattan Project physicist later founded a science museum? Name the museum and its location. Send your answers to moi — along with your tips, energy gossip and commentary — at ddixon@politico.com, or follow us on Twitter @dariusss, @aadragna, @bjlefebvre,

@Morning_Energy, and @POLITICOPro. And tell me if that was too easy!

CARP PLAN A-COMING: The Army Corps of Engineers is poised to dodge a major controversy when it releases a long-awaited draft plan for blocking invasive Asian carp from reaching Lake Michigan. A notice posted in the Federal Register Friday indicates the plan, due out today, will recommend using noise, electric barriers, water jets and other measures to deter carp from migrating further upstream, where recreational and environmental interests fear they would devastate the ecosystem and pose a safety threat to boaters. That's a much less controversial approach than others under consideration, like shutting down barge traffic on the waterway. The draft plan was originally due out at the end of February, but the Trump administration put it on hold amid worries from shippers. That delay drew an outcry from Great Lakes lawmakers, and multiple appropriations riders were aimed at speeding its release.

One fish, two fish, every fish! If you're reading about Asian carp then you probably know how frustrating they are to deal with. But for the uninitiated, who may not know how crazy this fish is, watch this.

NEVERMIND! NO EPA RFS ANNOUNCEMENT AFTER ALL: EPA has changed course, and will not announce its intent to leave the Renewable Fuel Standard as-is, multiple sources tell ME. Instead, it will wait until the official documents are ready for the Federal Register, most likely in a few weeks. The sources say nothing has changed with the agency's policy decision, which is backed by the president: It will still leave refiners on the hook for the cost of complying with the program. But while it had been planning to announce the decision last week or today, it has now decided that industry and the public were sufficiently notified by POLITICO and other media reports last week. No public statement will be issued until all the t's are crossed and i's are dotted.

MC ZINKE WON'T TOUCH THIS: Interior Secretary Ryan Zinke announced on Friday that Arizona's Grand Canyon-Parashant national monument is "no longer under review" and that he's recommending that it be left alone amid a White House-directed study. The monument, which spans more than a million acres, was designated by President Bill Clinton in 2000. "The land has some of the most pristine and undeformed geological formations in North America, which show the scientific history of our earth while containing thousands of years of human relics and fossils," Zinke said. He has now officially removed five monuments from the original list. Seventeen remain under the microscope.

GREENS SCORE KEY WIN IN COAL ASH SUIT: A federal judge ruled for the first time Friday that a coal-fired power plant would have to remove the material from a leaky coal ash pond, rather than simply cap it and leave it in place — a pricey proposition. The lawsuit, brought by the Southern Environmental Law Center and a local Tennessee group, challenged the Tennessee Valley Authority's management of coal ash at its Gallatin Fossil Plant, although the conditions there are similar to those at plants across the south. "While the burden of closure by removal may be great, it is the only adequate resolution to an untenable situation that has gone on for far too long," Chief District Judge Waverly Crenshaw, Jr. of the Middle District of Tennessee wrote in his order.

DOCS SHOW ENERGY CONNECTIONS AMONG EPA APPOINTEES: Key Trump administration appointees at EPA previously provided legal representation or held investments in some of the companies the agency regulates, according to newly released financial disclosures. Erik Baptist, EPA's senior deputy general counsel who arrived from the American Petroleum Institute in June, recently sold off investments of less than $1,000 apiece in Exxon Mobil and ConocoPhillips. Another top appointee in the general counsel's office, David Fotouhi , still holds a number of energy-related investments, according to his disclosure. They include Phillips 66, Dow Chemical, Halliburton, Clorox, Solar Capital Ltd. and Energy Select Sector SPDF, an index with oil and gas holdings. Fotouhi, previously an attorney at Gibson Dunn & Crutcher, had a client list there that included Tesoro, General Electric and oil company Maxus Energy.

Meanwhile, Patrick Traylor, the deputy assistant administrator in the Office of Enforcement and Compliance Assurance, previously represented a number of energy interests at Hogan Lovells, including Southern California Edison, the American Petroleum Institute, Transocean, Koch Minerals, NRG Energy, Venture Global LNG, Delfin LNG, Denbury Resources, AES Corp., Vopak, Flint Hills Resources, The C. Reiss Coal Company, BHP Billiton and Bloom Energy, as well as Daimler Truck North American and U.S. Steel. And Byron Brown , EPA's deputy chief of staff, disclosed that his wife owns between $265,000 and $550,000 in stock in Hess, where she is a senior lobbyist.

Meanwhile, a new Interior nom is Mr. Clean: Trump's pick for Interior Department assistant secretary on land and minerals management, Joe Balash, has an ethics agreement and financial disclosure form that are as boring as they come, listing his pension fund and less than a handful of index funds. Balash, who works for Sen. Dan Sullivan, is a former Alaska Department of National Resources commissioner and ex-staffer for Sarah Palin when she was governor. Balash has advocated for opening up the National Petroleum Reserve in Alaska for additional leases — a goal he shares with Zinke.

BOEM WRAPS UP WORK ON STALLED CAPE WIND: The Interior's Bureau of Ocean Energy Management on Friday issued its final supplemental environmental impact statement for the stalled 468-megawatt Cape Wind project after a court in July 2016 held the agency should have used better data to determine the conditions of the seafloor for the project before it issued a lease for the project. The final EIS says that the additional data it gathered does not change its prior finding that drilling foundations for the project in the seabed would only temporarily disturb sedimentation and the overall impacts to water quality would be minor. Cape Wind is on ice after it missed a financing deadline, prompting National Grid and NStar (now Eversource) to cancel contracts to buy power from the project.

SCANA CHIEF 'SORRY' FOR SHUTTING NUCLEAR PROJECT: The CEO of SCANA made a public apology to its customers for its plans to walk away from its V.C. Summer nuclear project last week. "I want to express that I am deeply disappointed and sorry that we were unable to complete the new nuclear units. You put your trust in us to build these units in order to bring additional clean, reliable energy to our state," CEO Kevin Marsh wrote in an op-ed. "I understand your frustration and share in your disappointment."

MOVERS, SHAKERS: Susanna Murley has taken over as the head of communications for the

Energy Department's SunShot Initiative. Murley replaces Jamie Nolan who left last week. Murley's previous jobs include at the Solar Energy Industries Association and the Chesapeake Climate Action Network.

QUICK HITS

— Under Trump, coal mining gets new Life on U.S. lands. The New York Times.

— Keystone XL foes rally in Lincoln ahead of hearings on pipeline route. Omaha World-Herald.

— Power grid showing its age as more renewable energy produced. The Maui News.

— Pa. Senate's budget package raises hackles of environmental groups. The Associated Press.

— South Carolina's cloudy energy future: Will it affect manufacturing? The Post and Courier.

— Rep. Polis touts green energy in gubernatorial campaign stop in Pueblo. The Pueblo Chieftain.

THAT'S ALL FOR ME!

Pack an umbrella. It's supposed to rain all day in the D.C. area, with a high of 74.

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https://www.politicopro.com/tipsheets/morning-energy/2017/08/ferc-may-have-an-august-pulse-024100

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Hadas Gold - POLITICO Media
Sent: Thur 8/10/2017 10:19:10 AM
Subject: Morning Media: Scaramucci launches media redemption tour -- Eric Bolling initiates lawsuit against Yashar Ali -- Fox CEO 'confident' Sky deal will be approved

By Hadas Gold | 08/10/2017 06:15 AM EDT

With Cristiano Lima and Alex Weprin

ERIC BOLLING INITIATES LAWSUIT AGAINST YASHAR ALI OVER SEXTING STORY: Ali, who wrote a freelance article for HuffPost [he also writes for New York magazine and Mother Jones] reported that two women had received explicit photo messages from Bolling several years ago lead to the Fox News host's suspension over the weekend while an outside law firm investigations. Bolling's lawyer has said he "recalls no such inappropriate communications" and that the article is "is false, defamatory, and obviously intended to destroy this good man's career and family." Bolling himself took to Twitter recently to proclaim that he was going to clear his name.

-- This "summons with notice" is the first step in a lawsuit. The summons says Bolling is suing for $50 million in damages over the article, but only names Ali, not HuffPost. However, HuffPost on Wednesday evening announced that even though Ali was under a freelance contract they stand by him and are willing to financially back him up through the legal process. Ali said in a statement "I stand by my reporting and will protect my sources, especially the victims, at all costs."

-- By issuing the summons, Bolling is essentially making sure Ali preserves any records he may have. But continuing on with the case could open Bolling up to discovery. According to the New York Supreme Court, "after a summons with notice is served, the defendant [Ali] will demand that the plaintiff serve a complaint. The plaintiff [Bolling] must then have the complaint served within 20 days after being served with the demand, or the case may be dismissed." On Twitter, Ali has suggested that Bolling shouldn't continue the suit and lead it to discovery.

-- Of note: Bolling's lawyer is from the same firm, Kasowitz Benson Torres that represented former Fox News host Bill O'Reilly, and previously represented President Donald Trump.

FOX CEO 'CONFIDENT' SKY TAKEOVER WILL BE APPROVED, by Alex Weprin: 21st Century Fox CEO James Murdoch told shareholders on Wednesday that the company was "confident" that the U.K. would grant government approval to its proposed takeover of Sky in 2018. "We remain confident our transaction will be approved, but more likely in the first half of 2018 than before the end of this calendar year," Murdoch said on the company's earnings call.

-- Murdoch, in an email to staff at the company, wrote that "culture is critical," and emphasized the company's diversity and inclusion efforts.

-- Despite the troubles stemming from harassment allegations, Fox News was the financial bright spot for 21st Century Fox, helping offset lower revenues from Fox's film division and

broadcast unit. Variety has more.

--Former Fox News anchor Greta Van Susteren weighed in on the channel's problems in a Facebook post. "The bottom line? A network should never be defined by a handful with bad behavior (or even alleged bad behavior) who get lots of attention for their conduct (real or not) but by the thousands who every day work really hard to do a good job...maybe not a perfect job...but always trying to do a good job."

--And speaking of former Fox News stars, Bill O'Reilly teased the unveiling of new behind-the-paywall content for paid subscribers of his independent website last night, writing on Twitter that on Wednesday, "Premium Members will see a new prototype production of my No Spin News analysis." The former top Fox anchor said a public version of the rollout is set for today.

Good morning and welcome to Morning Media! Yesterday it was announced that I'm leaving POLITICO after more than five years to join CNN to cover European politics, media & global business. It's an incredibly bittersweet departure for me because I love POLITICO, what it stands for, the people here, and the journalism we produce. This was one of those unexpected opportunities that pop up in life. Never fear -- Alex Weprin will take the reins in the meantime and there will be more news on the POLITICO front coming soon.

I hope to keep in touch with all of you. My Twitter DM's will always be open. Until Aug. 16 you can reach me at hgold@politico.com / @Hadas_Gold. Morning Media is edited by **Alex Weprin** (@alexweprin / alexweprin@gmail.com) and produced with writing/reporting help from **Cristiano Lima**. (clima@politico.com / @ludacristiano). Archives. Subscribe.

THE MOOCH KICKS OFF HIS MEDIA REDEMPTION TOUR ON ABC's 'THIS WEEK' ON SUNDAY, the show's anchor George Stephanopoulos tweeted this morning. Just about every major news show has been chasing to get former White House Communications Director Anthony Scaramucci, but we heard last week that Mooch chose ABC News as his first stop.

SCARAMUCCI WILL THEN GO TO STEPHEN COLBERT FOR HIS FIRST LATE-NIGHT POST-EXIT INTERVIEW: The comedian announced on Twitter last night that Scaramucci would be joining him on Monday. "This is just a heads up for our censors to get ready! #themooch," the CBS late night host tweeted. Scaramucci teased a post-exit presser the week after his firing, but cancelled just prior to it, making the appearance this Sunday and Monday one of his first public outings since his fall from grace.

-- Bonus: 5 times Colbert roasted "The Mooch" ahead of their late-night next Monday. Read the list here.

BUT HE'S STILL NOT OVER THAT NEW YORKER INTERVIEW featuring numerous expletive-laden attacks on fellow White House staffers that ensnared the Trump administration in controversy just days after his official unveiling as communications director. Scaramucci took to Twitter late Wednesday to blast New Yorker writer Ryan Lizza: ".@RyanLizza is the Linda Tripp of 2017. People know. And he is up at night not being able to live with himself." Asked

online if he was accusing Lizza of taping their interview without permission, Scaramucci responded, "Yes. He absolutely taped the call without my permission. #lowlife" The problem is, The New Yorker and Lizza say that Scaramucci at one point requested the conversation go off-the-record, which Lizza accepted, meaning the rest of the conversation was on. And assuming Lizza and Scaramucci were within Washington D.C. when they held their phone conversation, Lizza was legally within his right to record even if he did not notify Scaramucci - Washington D.C. adheres to "one-party consent" recordings.

THIS IS QUITE THE NEW YORK TIMES CORRECTION to their big story about scientists purposely leaking a climate change report out of fear the Trump administration would suppress the report. The article explains how a "draft report by scientists from 13 federal agencies concludes that Americans are feeling the effects of climate change right now" and that "it directly contradicts claims by President Trump and members of his cabinet who say that the human contribution to climate change is uncertain, and that the ability to predict the effects is limited." The idea that the report was leaked to the Times by concerned scientists before the Trump administration approved it for release was given a lot of play. But it turns out, according to the correction, the report was actually uploaded by the nonprofit Internet Archive in January.

-- New York Times Washington bureau chief Elisabeth Bumiller told the Washington Post's Erik Wemple "We were just not aware that somebody involved in the report had put a draft on this nonprofit Internet site ... it was not a well-known site to us and the point is that the people who shared the draft with us were not aware of it either. That doesn't change the larger point that scientists were worried that the government wouldn't approve the report or release it through normal channels."

AMID LEGAL THREAT, TECHDIRT MOUNTS FREE SPEECH REPORTING PUSH: The news organization, currently the target of a $15 million lawsuit spearheaded by the same law firm that took down Gawker, announced a boost to its free speech reporting program Wednesday, including a $250,000 investment from outside groups. The initiative , launched in partnership with the Freedom of Press Foundation, the Charles Koch Foundation and Craigslist founder Craig Newmark's CraigConnects, among others, is will look to "draw attention to the threats news organizations face when reporting on powerful individuals who attempt to stifle criticism," the group wrote in a statement. You can read the full release here.

DISNEY TO PAY MORE THAN $177 MILLION TO SETTLE 'PINK SLIME' SUIT, by Alex Weprin: In what is the largest settlement of its kind, Disney paid at least $177 million to settle the "pink slime" defamation suit filed against its ABC News division. Disney settled the case in June, partway through the high-profile court case. The figure was revealed in regulatory filings on Wednesday. That figure is the most ever paid by a media organization in a defamation case, according to CNN Money.

FACEBOOK IS LAUNCHING A VIDEO CONTENT PLATFORM today called "Watch," in what many see as an opening salvo in its plan to compete with television providers for original content and viewers. The social media giant says the redesigned video tab, previously released as the "Video" tab last year, "will be home to a wide range of shows, from reality to comedy to live sports." A spate of roughly 40 shows on "Watch" is set to launch on Aug, 28, Business Insider

reports.

BUZZFEED MAKES STRIDES IN NEWSROOM DIVERSITY. Over the past few years BuzzFeed's newsroom has become increasingly less white and male, a report from Splinter's David Uberti shows , as the outlet moves towards a more accurate representation of the communities it seeks to cover. The percentage of non-white staffers at the viral news outlet has risen by roughly six percent since this time last year and over the past year the the percentage of women in the newsroom has risen from 50 to over 60 percent. BuzzFeed's diversity gain, and its somewhat rare decision to publish of internal demographic breakdowns, highlights a larger push in the industry to diversity. But while homogeneity has decreased, BuzzFeed still has work to do in terms of retaining minority employees, particularly Hispanics and Latinos, EIC Ben Smith concedes: "We need to do better on this front, especially in leadership roles."

REVOLVING DOOR:

-- Katherine Borgerding is joining Recode as Associate Engagement Editor. She is currently assistant editor for news platforms at POLITICO.

SOUNDBITE: "Shep, it appears to be a very large chicken display." [Josh Lederman]

EXTRAS:

-- Ben Shapiro has one of the most popular podcasts on iTunes. [National Review]

-- The cameras will stay in the daily briefings on "for now" new White House press secretary Sarah Sanders says. [New York Times]

-- How Kayleigh McEnany became the voice of the RNC. [Daily Beast]

-- The American Civil Liberties Union filed a lawsuit Wednesday to defend Milo Yiannopoulos' freedom of speech. [Daily Caller]

-- You know all those supplements Alex Jones sells on his radio and online programs? Here's what's actually in them. [BuzzFeed News]

-- Jack Shafer asks: Who's afraid of Sinclair Broadcasting? [POLITICO Magazine]

-- How newspapers from around the world reported on Trump's North Korea threat. [CJR]

-- Could investing in video streaming save ESPN? [Poynter]

To view online:
http://www.politico.com/media/tipsheets/morning-media/2017/08/10/scaramucci-launches-media-redemption-tour-eric-bolling-initiates-lawsuit-against-yashar-ali-fox-ceo-confident-sky-deal-will-be-approved-001329

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Subject: Morning Energy, presented by the U.S. Chamber's Global Energy Institute: More Pruitt non-commercial travel emerges — Trump biofuel moves spook backers — Zinke abandons planned mining industry address

By Anthony Adragna | 09/28/2017 05:40 AM EDT

With help from Esther Whieldon and Ben Lefebvre

NOT FLYING SOLO: EPA chartered a plane for Administrator Scott Pruitt to visit the Gold King mine because he otherwise would not have been able to travel with a member of his security detail, according to documents obtained by ME. EPA officials have said Pruitt had to take the charger flight from Denver to Durango, Colo., because his commercial flight had been delayed and no other arrangements were available. However, Pruitt apparently could have taken another commercial flight or caught a ride with Gov. John Hickenlooper on a state-owned plane, but neither option would have allowed Pruitt to be accompanied by a member of his around-the-clock security detail. Instead, EPA booked a charter plane, which cost taxpayers more than $5,000.

"**While there was one potential alternative identified** that had only one seat available (and the airline may have gone as far as to reserve that seat in case we determined it would meet the travel needs requirements), [chief of staff Ryan Jackson]'s understanding from the security detail was that there was not any additional seat for a Special Agent to accompany the Administrator and, therefore, that flight did not meet the travel and security needs," wrote Kevin Minoli, EPA's acting general counsel, in an Aug. 4 detailing his decision to approve the commercial travel. "Similarly, there was only one seat available on the plane with the Governor, so without the Governor removing someone else from the trip that was not an option either." The email was included with an Aug. 24 memo from Minoli formally authorizing the flight, copies of which EPA shared with ME.

EPA has spent at least $58,000 for Pruitt and his entourage to fly on private or government-owned planes this year, according to reports in the Washington Post and CBS News Wednesday, citing records provided to Sen. Sheldon Whitehouse . The Washington Post also noted that Pruitt "flies either in business or first class when those seats are available on commercial flights. Multiple EPA travel documents state that Pruitt 'is entitled to business class accommodation due to security concerns.'" His non-commercial flights also included:

—An early June flight from Cincinnati to New York on an Air Force plane so he could make his flight to an international energy ministers meeting in Italy. That trip cost $36,068.50. Approval here.
—A July 27 trip on an Interior plane from Tulsa to the tiny outpost of Guymon, Okla. to discuss water regulations with farmers that cost $14,434.50. The agency argued "time constraints" prevented Pruitt from making the five-hour drive. Approval here.
—An Aug. 9 trip on North Dakota's state aircraft so Pruitt could participate in a roundtable at the University of North Dakota's Environmental Research Center at a cost of $2,144.40.

Any other non-commercial flights? "This is it," a spokesman told ME on Wednesday, adding he believed Pruitt had only flown by helicopter once to survey hurricane damage.

Expanded IG probe sought: Three senior House Energy and Commerce Democrats — Frank Pallone, Diana DeGette and Paul Tonko — asked EPA's inspector general to expand its ongoing probe into Pruitt's travel habits to include his use of private and military aircraft. Letter here.

REMINDER: President Donald Trump suggested Wednesday he might fire HHS Secretary Tom Price for spending $300,000 on private flights. This isn't going away.

WELCOME TO THURSDAY! I'm your host Anthony Adragna, and API's Khary Cauthen was first up to identify Charlton Heston as the actor-turned-NRA president. For today: Which NBA Hall-of-Fame center endorsed Richard Nixon in the 1968 presidential election? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

GUIDE TO TAX REFORM — Easily understand and explain tax reform. Tax reform is complicated, to say the least. Download POLITICO Pro's Guide to Tax Reform and become an expert. Includes six tax-related infographics. **GET YOUR GUIDE TO TAX REFORM.**

MEXICO, U.S. SIGN NEW WATER DEAL: Officials with the U.S. and Mexico announced an agreement at a Santa Fe, N.M. water conference to help preserve the Colorado River, the Associated Press reports. Under the agreement, the U.S. will spend $31.5 million in water conservation projects in Mexico and any water saved would then be split between the two countries and environmental projects. Pro's Annie Snider took an in-depth look at the backstory and negotiations last November. The river supplies water to about 40 million people and 6,300 square miles of farmland in the U.S. alone.

BIOFUEL BACKERS FEAR TRUMP BETRAYAL: Biofuels producers and their farm-state backers in Congress fear the Trump administration is wavering in its commitment to Renewable Fuel Standard, Pro's Eric Wolff reports. Sen. Joni Ernst on Wednesday slammed EPA's notice seeking input on whether to reduce the already set 2018 biomass-based biodiesel requirement and shrink the mandate in 2019. In a letter to Trump, Ernst said she hoped "that your EPA has not forgotten about the pledges that were made to my constituents and to farmers across the country." More from Eric here.

What's more, EPA is considering a policy shift within the next few months that would allow all domestically produced biofuel to count toward annual biofuel compliance quotas, Bloomberg reports, citing people familiar with the discussions. That would lower costs for refiners but come at the expense of corn farmers.

CLIMATE NOW CONSIDERED IN PIPELINE CASE: FERC announced Wednesday it added a new 5-page analysis of the Southeast Market Pipelines Project to ensure it complied with a federal court's requirement that it include an assessment of greenhouse gas emissions from the Florida power plants that may use the fuel, Pro's Darius Dixon

reports . FERC has until Oct. 6 to decide whether it will appeal the D.C. Circuit's Aug. 22 ruling, though the move to issue a supplemental EIS on greenhouse gas emissions suggests an appeal is less likely. The analysis found that the pipeline would increase Florida's annual greenhouse gas emissions between 3.7 percent and 9.7 percent compared to 2014 levels for the state.

MIXED SIGNALS ON JONES ACT WAIVER: Several House Democrats introduced legislation Wednesday permitting Jones Act waivers for humanitarian relief. That came after Trump said he was "thinking about" granting a waiver to help deliver fuel and other goods to Puerto Rico, but noted "we have a lot of shippers and a lot of people and a lot of people who work in the shipping industry that don't want the Jones Act lifted." DHS previously said it was unlikely to grant the request, arguing the problem wasn't the number of ships with supplies but the lack of delivery logistics on the island.

Status update: All of Puerto Rico remained without electricity and 44 percent of the island's residents still lacked drinking water, according to status reports. "Right now we are in emergency mode," Gov. Ricardo Rosselló told CNN on Wednesday. "Our focus is not necessarily restoring energy. The energy grid has been destroyed. ... And we need to rebuild it. That does not get rebuilt in days."

IN OTHER PRUITT NEWS: His agency has threatened to cut off support for a program within Justice Department's Environment and Natural Resources Division that reimburses DOJ for Superfund litigation seeking to force polluting entities to pay to clean up toxic contamination they caused, The New York Times reports, citing budget documents. EPA payments accounted for 27 percent of the division's budget — amounting to $810 million — between 1987 and 2016.

ENERGY GROUPS WEIGH IN ON TAX PLAN: The oil and gas industry are among the early fans of the Republican tax proposal released Wednesday, Pro's Eric Wolff reports. One principle in the plan, allowing companies to fully expense their spending, is of particular interest to the sector, which says it pours an average of $232 billion a year in capital expenditures in the U.S. "The right pro-growth tax policies can accelerate these economic investments and create more jobs while keeping energy affordable for consumers," American Petroleum Institute President Jack Gerard said.

Utility and renewables industries are withholding their verdicts for now. The Edison Electric Institute is concerned about the potential loss of the interest tax deduction. "For us, the interest deduction is how we raise capital," Eric Grey, EEI's director of government affairs, told Eric. "Our companies are in the debt and equity markets every single day trying to build the necessary financing for the large [capital expenditure] we do." The Solar Energy Industries Association and the American Wind Energy Association both said they were still studying the proposal.

** **A message from the U.S. Chamber's Global Energy Institute:** Energy security is a top priority. For decades, we lacked a tool to measure our progress and assess the impact of policy decisions. Our *Index of Energy Security Risk* changed all that and gives us an objective, quantitative way to track it. See our Index here: http://bit.ly/2xGeOvL **

PENCILS DOWN ON WOTUS REPEAL: More than 190,000 comments had already flooded the government's inboxes on the last day to submit comments on the Trump administration's proposal to replace the Obama-era Waters of the U.S. rule with an earlier version while EPA and the Army Corps of Engineers write a new one. Everyone seems to have stuck to well-worn talking points, but a couple of highlights here:

—**Agricultural groups:** They argued in separate letters the Obama-era EPA regulation "ignores the limits and structure that Congress put in place" for the Clean Water Act and urge the agencies to "move quickly" on a new regulation after rescinding the 2015 version.

—**Environmental groups:** The Southern Environmental Law Center, on behalf of dozens of other groups, vehemently opposed the proposal and said reviving "an under-protective, case-by-case regime would result in renewed uncertainty and an unlawful abdication of the agencies' responsibility for protecting clean water." The Natural Resources Defense Council said in its own comments the proposal represents "woefully misguided and unlawful environmental policy" without adequate public input opportunities.

—**Senate EPW Republicans:** Lawmakers commended the administration for pulling the earlier rule, which they said in a letter stemmed from "the erroneous premise that federal jurisdiction over water is whatever the federal wants it to be" and unlikely to survive legal challenges. They asked for a new regulation that "respects the intent of Congress" ASAP.

GREENS GIVE GREEN: The League of Conservation Voters Action Fund, NRDC Action Fund PAC and NextGen America today are announcing they've raised or contributed $3 million to state and federal candidates so far the 2017-2018 cycle. The groups hit the mark after a 48-hour fundraising push, GreenStorm, meant to boost priority candidates like New Jersey's Phil Murphy, Virginia's Ralph Northam and Oregon Gov. Kate Brown.

SECRETARIES IN PENNSYLVANIA — PERRY VISITING COAL COMPANY: Energy Secretary Rick Perry, along with Rep. Lou Barletta, visits the Jeddo Coal Mine in Wilkes-Barre, Pa. today at 1 p.m. He'll view rare earth elements extraction site, take questions from employees and observe anthracite mining operations.

About two hours away, Interior Secretary Ryan Zinke visits the Valley Forge National Historic Park in King of Prussia for an update on the park and to visit with National Park Service employees.

ZINKE WON'T SPEAK TO MINING GROUP: Zinke dropped out of addressing the National Mining Association's annual fall meeting at the Trump Hotel next week, the group tells ME. "He was scheduled, but is not speaking now," NMA spokesman Luke Popovich said. "He will not be attending." NMA did not give the reason for the cancellation, and Interior did not respond to questions. The meeting, first reported in The Intercept, drew criticism for NMA money flowing into a business of which Trump is

still a majority owner. Zinke has also come under fire from public watchdog Citizens for Responsibility and Ethics in Washington for addressing the American Petroleum Institute at the hotel and conducting at least one lunch there.

INTERIOR TO SEEK COMMENT ON SAGE GROUSE PLANS: The Interior Department could as early as today issue a request for public comment on potential changes to how it manages sage grouse populations in the West, including to make it easier for fossil fuel development and livestock grazing, according to sources familiar with the situation. Zinke in August ordered staff to move forward on internal staff recommendations to change BLM's land-use conservation plans for the bird, revise guidelines for fossil fuel leases and allow states to set population targets.

EPW NOMINATION HEARING SET FOR OCT. 4: The Senate EPW Committee plans to hold a confirmation hearing for four EPA and one NRC nomination on Oct. 4, your ME host reports. For EPA, lawmakers will consider the selections of Matthew Leopold to be general counsel, William Wehrum to run the air office, Michael Dourson to run the Office of Chemical Safety and Pollution Prevention and David Ross to run the water office. They'll also consider Jeff Baran's renomination to the NRC.

MAIL CALL! E&C LEADERS ASK GAO TO PROBE DOE CONTRACTORS: Eight bipartisan Energy and Commerce Committee members asked GAO in a Wednesday letter to examine so-called data calls from DOE contractors, requests for various information from the contractors running the national labs and performing other projects for the agency.

CBD SEEKS RECORDS ON BLM DECISION LINKED TO CADIZ: The Center for Biological Diversity has filed a public records request with the Interior to figure out why the agency earlier this month reversed a legal interpretation it made under the Obama administration that would have required Cadiz Inc. to go through an environmental review process to use a railroad right of way for its controversial water pipeline in California. Interior's second in command, David Bernhardt, was a lobbyist for Cadiz before joining the agency but an Interior spokesman in an emailed statement said Bernhardt was not involved in the decision to revoke the legal finding.

COAL ASH DEBATE, DELAYED: Arguments over EPA's 2015 coal ash rule will now take place on Nov. 20 rather than Oct. 17 after the D.C. Circuit Court of Appeals granted a one-month delay, Pro's Alex Guillén reports.

GINA SPEAKS OUT! If you happen to be anywhere near Columbia Law School tonight in New York, former EPA Administrator Gina McCarthy delivers what's sure to be an interesting lecture entitled "The President and Future of EPA." Details here.

TAKE A GLANCE! The American Bar Association and the Environmental Law Institute released a primer Wednesday on the Trump administration's environmental actions since January. Read it here.

I'M ALL FERC-AKE: Commissioners Cheryl LaFleur and Robert Powelson served up some mighty tasty looking cake in honor of FERC's 40th anniversary. Pic.

MOVER, SHAKER: Former U.S. Ambassador Laura Holgate is joining Third Way as a non-resident expert focusing on the intersection of climate change, advanced nuclear energy, and security. She was previously U.S. representative to the Vienna Offices of the United Nations and International Atomic Energy Agency.

QUICK HITS

— Maryland sues EPA over interstate air pollution. Baltimore Sun.

— Pennsylvania not fully capitalizing on its Marcellus shale, energy economic potential, energy leaders say. Trib Live.

— Blackstone, Apollo team up for Westinghouse bid - sources. Reuters.

— Pollution could increase as Rauner EPA moves to rescue coal plants. Chicago Tribune.

— National parks struggle with overcrowding. New York Times.

— Weather extremes, fossil fuel pollution cost US $240 billion: study. Reuters.

— 1 dead, 1 hurt in rockfall at Yosemite National Park's El Capitan. Los Angeles Times.

— Worker exposed to potential unsafe dose of radiation at federal lab. Washington Post.

HAPPENING TODAY

9:30 a.m. — "The Great American Eclipse: To Totality and Beyond," House Science Space and Research and Technology subcommittees, Rayburn 2318

9:30 a.m. — "Rural Development and Energy Programs: Perspectives for the 2018 Farm Bill," Senate Agriculture, Nutrition and Forestry Committee, Hart 216

12:30 p.m. — Rep. Jimmy Gomez, concerned community members and activists discuss their Clean Buses for Healthy Niños campaign, Rayburn 2203

4:00 p.m. — International Trade Administration holds a meeting by teleconference of the Renewable Energy and Energy Efficiency Advisory Committee, RSVP: Victoria.Gunderson@trade.gov

THAT'S ALL FOR ME!

A message from the U.S. Chamber's Global Energy Institute: Pipelines Power America. America has over 2.6 million miles of pipelines that safely deliver natural gas and petroleum products throughout our nation. It would take over 750 tanker trucks a day to transport the same amount of energy as a single pipeline. While our analysis shows that certain regions like the Northeast face a critical lack of pipeline infrastructure that is contributing to higher prices and negative economic impacts, pipeline projects are under attack across the nation. It's time to end delays and allow for energy that is essential for our daily lives to move around our nation. Find out more about how Pipelines Power America here: http://bit.ly/2wG6lj9 **

To view online:
https://www.politicopro.com/tipsheets/morning-energy/2017/09/more-pruitt-non-commercial-travel-emerges-024806

Stories from POLITICO Pro

Price traveled by private plane at least 24 times Back

By Rachana Pradhan and Dan Diamond | 09/21/2017 05:58 PM EDT

Health and Human Services Secretary Tom Price has taken at least 24 flights on private charter planes at taxpayers' expense since early May, according to people with knowledge of his travel plans and a review of HHS documents.

The frequency of the trips underscores how private travel has become the norm — rather than the exception — for the Georgia Republican during his tenure atop the federal health agency, which began in February. The cost of the trips identified by POLITICO exceeds $300,000, according to a review of federal contracts and similar trip itineraries.

Price's use of private jets represents a sharp departure from his two immediate predecessors, Sylvia Mathews Burwell and Kathleen Sebelius, who flew commercially in the continental United States. HHS officials have said Price uses private jets only when commercial travel is not feasible.

But many of the flights are between large cities with frequent, low-cost airline traffic, such as a trip from Washington to Nashville that the secretary took on June 6 to make a morning event at a medication distributor and an afternoon speech. There are four regular nonstop flights that leave Washington-area airports between 6:59 a.m. and 8:50 a.m. and arrive in Nashville by 9:46 a.m. CT. Sample round-trip fares for those flights were as low as $202, when booked in advance on Orbitz.com. Price's charter, according to HHS' contract with Classic Air Charter, cost $17,760.

HHS spokespeople did not respond to questions about specific aspects of Price's travels, including how many charter trips he has taken. Charmaine Yoest, the agency's top spokesperson, said Price's travel for official business "comes from the HHS budget."

In a statement, Yoest said, "The Secretary has taken commercial flights for official business after

his confirmation. He has used charter aircraft for official business in order to accommodate his demanding schedule. The week of September 13 was one of those times, as the Secretary was directing the recovery effort for Irma, which had just devastated Florida, while simultaneously directing the ongoing recovery for Hurricane Harvey . . . Some believe the HHS Secretary should be Washington-focused. Dr. Price is focused on hearing from Americans across the country."

Nonetheless, POLITICO identified at least 17 charter flights that took place before the first storm — Hurricane Harvey — hit in late August, and included flights that did not appear to be for urgent HHS public health priorities.

For example, Price took a Learjet-60 from San Diego to the Aspen Ideas Festival — a glamorous conference at the Colorado resort town — that arrived at 3:33 p.m. on Saturday afternoon, June 24, nearly 19 hours before his scheduled panel. That flight likely cost more than $7,100, according to one charter jet agency estimate.

"If you're going to a conference, you have some [advance] flexibility to book travel" and shouldn't need last-minute charters, said Walter Shaub, who was the Barack Obama-appointed director of the United States Office of Government Ethics until July. "This shows a complete disregard for the expense to the taxpayer."

Since being confirmed in early February, Price has developed a reputation inside the agency for flying on private charters rather than taking other means of transportation, people inside and outside the Trump administration said.

After a POLITICO investigation identified five private flights that Price took up and down the East Coast last week, Price took a charter jet to Oklahoma on Tuesday of this week, Sept. 19, where he met with Native American tribes and toured health care facilities by car — although HHS initially explored flying him by charter around the state, two people with knowledge of Price's travels said. "There was a push from political [staff] at HHS to fly him and not drive him to these small communities," said one of the people.

Price's staff cut short his news conference in Oklahoma on Wednesday when reporters raised questions about his use of taxpayer funds, an attendee said.

Price's frequent trips around the country have rankled staff inside the White House, with a senior official saying many trips aren't related to priorities like Obamacare repeal and other items on the president's agenda. While Price has flown to Maine, New Hampshire, Oklahoma and Pennsylvania since last Wednesday, President Donald Trump and Senate Republicans have been frantically rallying support to pass an Obamacare repeal bill by Sept. 30. After that date, the GOP will need 60 Senate votes, not 50, to overturn the 2010 health law.

"No one is quite sure what [Price] is doing," a senior White House official said. "You look at this week, we're doing a last final push trying to get this over the finish line, and he's nowhere to be found."

Many of Price's trips have centered on making announcements related to the use of opioids and holding listening sessions about the epidemic, which Trump labeled a national emergency and continues to contribute to rising death rates from drug abuse. Price has labeled fighting the opioid epidemic one of his top priorities.

But rather than fly commercially to these events, which are scheduled well in advance, Price tends to rent corporate-style jets. Sometimes, he ferries big-name guests along with him. In May, Price and Kellyanne Conway — the White House counselor and former Trump campaign manager who traveled with Price to Philadelphia last week to tour an addiction treatment center — made stops in four different states in the span of two days.

The pair traveled to Lansing, Michigan, and Charleston, West Virginia, for opioid-related meetings in the morning and early afternoon on May 9. That happened to be the same day Trump abruptly fired FBI Director James Comey. On May 10, Conway and Price were in Augusta, Maine, and Concord, New Hampshire, for more opioid-related events.

On July 6, Price again made an opioid-related visit to Chattanooga, Tennessee, where he took a private plane, according to two sources with knowledge of the situation. According to records, HHS signed a $14,570 charter plane contract for Washington to Tennessee travel with a July 6 effective date.

In June, Price spoke at a physicians association conference in San Diego, where he vowed to wring out wasteful spending in the government's health care programs. Getting "value" for spending "is incredibly important," he said.

Price took a private plane to get to the meeting, which was one stop on a five-state sprint of charter travel that cost $50,420.

Josh Dawsey and Josh Gerstein contributed to this report.

To view online click here.

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Trump win churns U.S.-Mexico water talks Back

By Annie Snider | 11/26/2016 07:41 AM EDT

Negotiations between the U.S. and Mexico to seal a water-sharing deal over the dwindling supplies on the Colorado River are confronting a new deadline: the inauguration of Donald Trump.

A 16-year drought has sent water levels at the river's most important reservoir, Lake Mead, to their lowest point since it was first filled in the 1930s, threatening supply cuts for 40 million people across seven U.S. states and two Mexican states. It's also raising the stakes for the two

countries as they try to hammer out an extension of a four-year-old agreement on how to share the water.

That agreement expires at the end of 2017, but negotiators who have worked for years are pressing to finish a new pact before President Barack Obama leaves office — or put at risk years of fruitful collaboration on the sharing of cross-border water supplies that are vital to both countries.

The fear is not only that Trump — who has called Mexicans criminals and vowed to erect a massive border wall — could derail any potential deal, but that even turning the talks over to new negotiators would stall the process at a critical moment, since it would take them months to get up to speed.

The issue is just one of dozens of crucial international topics, from relationships with NATO and Russia to Asian trade deals, that may take a dramatic shift under a Trump team that campaigned on an "America First" platform.

Farmers and cities in Arizona and Nevada could face their first cuts in water supplies a year from now, just as the existing agreement ends. Without a new agreement with Mexico, it is unclear whether or how those cuts could be shared across the border, raising the prospect of either deeper, swifter cuts to U.S. states or a bitter cross-border dispute.

Water policy experts say that even before Trump's election, the Obama administration had been pressing to tie up a new deal for the Colorado River and avoid any delays caused by the change in administrations.

"There's pressure to finish off any type of arrangement that you start with one administration," said Carlos de la Parra, a Mexican water analyst who advised his country's lead negotiator on the previous water sharing deal. "Now there's this surprise, and there's a President-elect Trump, and obviously that becomes a little more acute given his discourse."

The Colorado River provides the lifeblood of much of the American Southwest, feeding desert metropolises including Phoenix, San Diego and Las Vegas, and supplying farmers who grow 15 percent of the nation's food. The river rises on the Continental Divide in Rocky Mountain National Park, and snakes 1,450 miles before finally draining into the Gulf of California on the Mexican side of the border — although most of the time there's barely a trickle left by the time the river reaches its delta.

Experts say the arrival of a potentially hostile new U.S. president doesn't necessarily mean Mexico will settle for less than it wants. Mexico holds significant leverage since its water is the most protected as a treaty obligation. It also has the right to take the U.S. to international arbitration, and controls the delivery of Rio Grande water to American farmers in Texas.

While Mexico has been "very fair to the U.S. — more than it had to be" in previous negotiations, the water treaty is a sovereignty issue that "gets down to the raw material of Mexican nationalism," said Stephen Mumme, a political science professor at Colorado State University.

"There are big incentives on both sides to get this done, and done in a way that's sustainable," he said. "But it's not going to come at Mexican expense and Mexico cannot be bullied or pressured in this. I think that's one of those things that's going to be a little bit of a wake-up call for the Trump administration."

Negotiators are focusing on the technical aspects of crafting a water-sharing deal and hoping to keep politics out of the talks. Sally Spener, foreign affairs officer at the International Boundary and Water Commission, the U.S.-Mexican agency that negotiates and applies the treaties, said the American commissioner "has instructed his staff to continue with our work and we continue to do that."

Roberto Salmon, the lead Mexican negotiator, told POLITICO the primary urgency to sign a new deal comes from the ongoing drought and dire predictions for the basin, rather than "political issues or political aspects or the political life of either country." But keeping calm heads only stands to get harder as flows on the river continue to dwindle.

Under a 1944 treaty with Mexico, the U.S. must send 1.5 million acre-feet of water — nearly half a trillion gallons —across the border each year, an amount that's roughly enough to supply 3 million homes. But the treaty's provisions laying out rules on what happens during a drought are vague and undefined.

Moreover, hydrologists now realize that the period in the early 20th century when the Colorado River's water supply was divvied up was unusually wet. And as temperatures rise and climate change shrinks the winter snow pack that feeds the Colorado, the river is likely to carry even less water in the future.

The strain is already being felt: Water levels behind the Hoover Dam at Lake Mead this year plummeted to the lowest level since the reservoir was built. Under existing law, Arizona and Nevada must start taking cuts when water levels reach 1,075 feet above sea level in late summer. The Bureau of Reclamation estimates a 50-50 chance that the lake will hit that level next year, triggering the first supply cuts for the U.S. — and potentially Mexico — in 2018.

In fact, if the existing compacts and treaties had been strictly followed, the cuts would already have begun. But after years of battling each other in court and across the negotiating table, the U.S. and Mexican governments and the seven U.S. states in the Colorado River basin decided to stop fighting and start working together, ultimately staving off water delivery cuts for several years.

In the U.S., the lower basin states of Arizona, Nevada and California have struck several deals to undertake and fund aggressive water conservation programs. The U.S. and Mexico struck a similar deal as part of the water sharing agreement signed in 2012 that is set to expire next year. Under that deal, called Minute 319, the states and the U.S. government are investing $21 million in water conservation programs in Mexico like lining canals to reduce leaks and improving water efficiency at farms.

That deal also takes steps to restore the parched river delta south of the border, and allows Mexico to store some of its Colorado River water supplies in Lake Mead to make up for capacity that was lost in Mexico after a 2010 earthquake damaged its dams. That helped Mexico solve its shortage problem while bolstering water levels at the critical reservoir.

But that history of collaboration may be tested if the negotiations drag on into the new Trump administration, which has focused much of its most bombastic rhetoric on international trade agreements and immigration from Mexico.

"All this blustering, all of these insults being hurled around just doesn't help, because we depend on Mexico in so many ways," Mumme said.

Trump hasn't spoken about the Colorado River's issues, and his transition team did not respond to a request for comment. But during the campaign he championed the plight of farmers in the Central Valley of California, who have had their water deliveries cut because of a five-year drought combined with endangered species protections that restrict pumping from the Sacramento-San Joaquin delta in the northern part of the state. In a May campaign stop in Fresno, Trump vowed to fix the state's "insane" water problem to "bring jobs back."

And in what could be signal of the type of polices to expect, David Bernhardt, a former Interior Department solicitor who is now the top lobbyist for a powerhouse Central Valley water district, was tapped to lead Trump's initial transition for the Interior Department.

Getting a Colorado River deal done before Trump's inauguration will be a heavy lift. Mexico has indicated it doesn't want to sign the deal until a separate but related agreement is in place on the U.S. side of the border. That deal, a drought contingency plan among California, Arizona and Nevada, calls for the states to conserve additional water above and beyond mandatory cuts in order to increase reservoir levels and stave off the most severe scenarios. Although the states have agreed to top-line numbers, they've haven't yet worked out with their farmers, cities and other users how to share the cuts. And in Arizona, the state legislature must give its approval to any pact.

Water experts agree it's only a matter of time until a shortage declaration is declared on the river, and without a new U.S.-Mexico deal in place, what would happen then is anyone's guess.

The U.S. could simply implement the delivery cuts agreed to under the 2012 deal, hoping that Mexico wouldn't object to extending those provision under the expired deal. But it's not clear whether those cuts would still be acceptable to Mexico.

"Without a U.S.-Mexico agreement, it's entirely possible that Mexico asserts that it does not have to take a shortage," said Jennifer Pitt, Colorado River project director for the National Audubon Society.

Moreover, whatever the U.S. does on the Colorado River could have knock-on effects elsewhere. In particular, the same treaty that governs the Colorado River also covers the Rio Grande, where Mexico is obliged to deliver water to the U.S.

It was Mexico's failure to deliver agreed-upon water volumes from the Rio Grande to the U.S. that last raised U.S.-Mexico water issues to the presidential level. That was in 2005 under President George W. Bush, who was acutely aware of the importance of that water to farmers in his home state of Texas.

Cross border tensions were also high in the mid-2000s, when some of the United States' Colorado River water was seeping into the ground and over the border and being pumped by Mexican farmers. The two countries also feuded during the late 1960s over salinity levels in the water that the U.S. was sending south, a dispute still fresh in the minds of water experts on both sides of the border. Mexico repeatedly threatened to sue the U.S. over that issue, and ultimately President Richard Nixon appointed a special ambassador to deal with the problem.

Key players on the Colorado River hope that relations won't get that bad anytime soon, even as they acknowledge that Trump's fiery campaign rhetoric presents a major wild card.

"On the merits, having Mexico conserve more water to improve the reliability of the Colorado River water supply for 36 million users in the U.S., for 15 percent of U.S. agricultural output, that seems to me to have enormous value," Pitt said.

"On that basis, I have confidence. But on the basis of how rhetoric can sometimes get detached from those merits — I don't know," she said.

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Biofuel producers unite against potential EPA biodiesel cuts Back

By Eric Wolff | 09/27/2017 06:57 PM EDT

Biofuels producers and their farm-state backers in Congress are keeping the pressure on EPA, accusing the agency of betraying President Donald Trump's promises to back the Renewable Fuel Standard after the agency signaled it would cut its biodiesel volume mandates.

EPA's Tuesday notice seeking input on whether to reduce the already set 2018 biomass-based biodiesel requirement and shrink the mandate in 2019 is drawing opposition from both biodiesel and ethanol producers, who say EPA's move marks its second attempt to undermine the program this year.

The new EPA notice has already driven down prices for biofuel credits, which are used by refiners to meet the obligations under the RFS. That's a boon to refiners like CVR Energy, the company owned by former Trump adviser Carl Icahn who had joined with other fuel processors like Valero Energy earlier this year in an unsuccessful effort to shift the compliance burden of the RFS away from their companies.

Trump has repeatedly offered public support for ethanol producers and the RFS, and just last month, he told Sen. Chuck Grassley (R-Iowa) to assure Iowans he had their backs on the RFS — a position Trump staked out early in his presidential campaign and which helped him carry Iowa and other Midwestern states.

On Wednesday, Sen. Joni Ernst (R-Iowa) blasted the new EPA move, saying in a letter to Trump that the biodiesel cut would be "bad for American farmers, American manufacturing and American rural communities," adding that she hoped "that your EPA has not forgotten about the pledges that were made to my constituents and to farmers across the country."

That letter came a day after Grassely said the proposal "seems like a bait-and-switch from the EPA's prior proposal and from assurances from President Trump himself and Cabinet secretaries in my office. ... This all gives me a strong suspicion that Big Oil and oil refineries are prevailing, despite assurances to the contrary."

And biodiesel makers are drawing strong support from the ethanol industry, who see the EPA's move as a step toward undercutting the RFS.

"This would undermine renewable fuel production in the U.S. and cause severe harm to our friends in the biodiesel industry," Robert Walther, vice president of federal advocacy for ethanol producer POET, told POLITICO. "That harm would radiate throughout the entire biofuel value chain from starch biofuel plants, to cellulosic facilities now scaling up, to the corn and soybean farmers who voted overwhelmingly for Trump."

In its Tuesday notice, EPA relied on letters from Valero, the American Petroleum Institute, and the American Fuel and Petrochemical Manufacturers to argue the agency expects biodiesel prices to climb because of the expiration of a tax credit last year — as well as the new tariffs the administration is putting on biodiesel imports from Argentina and Indonesia.

As a result, the agency asked for comment on revising down the amount of biodiesel to be used in 2018 by 15 percent, and on setting 2019 biodiesel requirements possibly as low as the 1 billion gallon floor laid out in the law, less than half the original 2018 level of 2.1 billion gallons.

Biodiesel credits are linked to the ethanol credits — called Renewable Identification Numbers — since U.S. ethanol producers typically fall short of supplying the volumes required under the RFS program. Oil refiners then must buy biodiesel RINs to meet requirements, according to research by University of Illinois economist Scott Irwin.

While corn ethanol credit prices are cheaper than biodiesel RINs, the two tend to move in tandem, so the effect of EPA's notice on RIN prices for ethanol, advanced biofuel and biodiesel was immediate: a 20 percent decline in prices for credits of biodiesel and ethanol after EPA's notice, according to the fuel price tracking service OPIS.

The proposal to cut the biomass-based fuel shocked the biodiesel makers such as Gene Gebolys, CEO of World Energy, who said the industry "froze" as soon as the notice came out.

"The more baffling part is Trump has been consistently supportive of the RFS, over and over and over and over again, he has been supportive of the RFS," he said. "This has been a frontal assault on the RFS. You have to ask yourself, is EPA taking direction from the White House or the oil industry?"

EPA also did not respond to a request for comment. Nor did API or Valero, both of whom EPA cited in its notice, although the AFPM trade association was pleased by the action.

"EPA is on the right track in adjusting renewable fuel requirements," AFPM CEO Chet Thompson said in a statement. "This proposal more appropriately advances Congress's stated purpose of bolstering America's energy independence. American drivers shouldn't have to shoulder more costs to help foreign biofuel producers."

But ethanol producers think EPA may be putting key states in play if it follows through and makes cuts to biodiesel.

"If I am a Democrat thinking of taking Trump on in Iowa and Wisconsin in 2020, I am licking my chops," Walther from POET said.

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FERC amends pipeline study to add climate impact Back

By Darius Dixon | 09/27/2017 04:31 PM EDT

FERC announced today that it is amending an environmental study for a natural gas pipeline to meet a federal court's requirement that it include an assessment of greenhouse gas emissions from the power plants that may use the fuel.

The new 5-page analysis of the Southeast Market Pipelines Project, which consists of three natural gas pipelines under construction in Alabama, Georgia and Florida, conducted by FERC staff says they "would not result in a significant impact on the environment" so long as the developer followed the mitigation measures mentioned in the final 2015 environmental impact statement.

The original EIS didn't include an assessment of carbon dioxide, methane and nitrous oxide emissions associated with use and combustion of the natural gas that would be transported by the project when it was done. Last month, the D.C. Circuit Court of Appeals sided with the Sierra Club and vacated FERC's approval of the project, saying the agency must redo the EIS it used in its decision.

FERC's move to issue a supplemental EIS on greenhouse gas emissions suggests that it may not

appeal the court's decision.

The analysis also states that using the social cost of carbon in its greenhouse gas analysis "is not appropriate for use in any project-level NEPA review."

WHAT'S NEXT: FERC has until Oct. 6 to decide whether it will appeal the D.C. Circuit's Aug. 22 ruling, which could require the agency to revisit the EISs it conducted for several pipelines.

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Trump: Shipping industry doesn't want Jones Act waiver for Puerto Rico recovery Back

By Ben Lefebvre | 09/27/2017 03:40 PM EDT

President Donald Trump cited objections from the shipping industry when asked today why his administration has not waived the Jones Act to help deliver fuel and other goods to hurricane-ravaged Puerto Rico.

"We're thinking about that, but we have a lot of shippers and a lot of people and a lot of people who work in the shipping industry that don't want the Jones Act lifted," Trump told reporters outside the White House today. "And we have a lot of ships out there right now."

The Jones Act stipulates that only U.S.-flagged vessels can ship goods between domestic ports.

DHS said earlier today that it was not likely to grant a Jones Act waiver to Puerto Rico, where water, fuel and other necessities are in short supply since Hurricane Maria hit the island last week. Enough ships are available to deliver goods to the U.S. territory, with the problem being the lack of delivery logistics on the island itself, a department spokesman said.

DHS waived the Jones Act for fuel deliveries to Texas and Florida after hurricanes hit those states earlier this year.

WHAT'S NEXT: Congress has promised to ramp up aid to Puerto Rico.

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DHS says it hasn't denied Jones Act waiver for Puerto Rico — yet Back

By Tanya Snyder | 09/27/2017 11:35 AM EDT

DHS officials said today that they have not yet decided how to act on the Jones Act waiver request sent Monday from eight members of Congress.

However, senior DHS officials made it clear that a waiver is unlikely and that an official determination could take days or weeks, as it requires coordination with other federal agencies.

Under statute, the Jones Act, which requires that goods moved between U.S. ports must be carried on U.S.-owned and -operated vessels, can only be waived for reasons of "national defense" or if there aren't enough U.S.-flag vessels to meet demand. In the wake of Hurricanes Harvey and Irma, the Department of Defense requested a Jones Act waiver for Texas and Florida, which was issued quickly. In the absence of a Pentagon request, DHS needs to make those determinations itself, consulting with MARAD on vessel availability.

DHS officials also told reporters that the department had "not received a formal waiver request," since Congress is not a traditional pathway for these kinds of requests. Still, the officials said they are evaluating the request and working as quickly as possible to make a determination.

The officials also reiterated that a Jones Act waiver would not help move goods within the island, which is the real problem Puerto Rico is facing right now.

The U.S. Virgin Islands are statutorily exempt from the Jones Act.

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Oil industry backs GOP tax proposal, but utilities, renewables industries wary Back

By Eric Wolff | 09/27/2017 04:02 PM EDT

The oil and gas industry praised the tax proposal released Wednesday by Republican leaders, though the utility and renewables industries withheld their verdicts for now.

The "Big Six" Republican tax writers — consisting of Treasury Secretary Steven Mnuchin, National Economic Council Director Gary Cohn and key congressional leaders — called for lowering the corporate tax rate for businesses to 20 percent, and allowing companies to write off the full value of capital investments. But they left many details out of the plan, including how to pay for their tax cuts. The proposal would partially curb the interest tax deduction for businesses, and it would alter how overseas profits would be taxed.

Allowing companies to fully expense their spending would benefit the oil and gas sector, which says it pours an average of $232 billion a year in capital expenditures in the U.S. The proposal also shifts international taxes to a territorial system, under which profits from overseas subsidiaries would not be taxed, and it allows profits currently held overseas to be repatriated without being taxed.

"The right pro-growth tax policies can accelerate these economic investments and create more jobs while keeping energy affordable for consumers. This includes strong cost-recovery provisions, which are a critical part of any pro-growth tax code to allow new investment and help fuel the U.S. economy," American Petroleum Institute President Jack Gerard said.

Wednesday's tax proposal was vague on the fate of the interest tax deduction, saying it would be "partially limited" but leaving tax-writing committees to work out the details.

The Edison Electric Institute, which represents Investor-owned utilities, said it was still reviewing the proposal; but in an interview earlier this week, Eric Grey, EEI's director of government affairs, said the group was concerned about the loss of the interest tax deduction. EEI says utilities spend $125 billion a year on capital investments, and they depend on debt and equity markets to fund transmission lines, substations and wires. Grey said utilities wouldn't get an immediate benefit from 100 percent expensing.

"For us, the interest deduction is how we raise capital," Grey said. "Our companies are in the debt and equity markets every single day trying to build the necessary financing for the large [capital expenditure] we do."

The Solar Energy Industries Association and the American Wind Energy Association both said they were still studying the proposal. SEIA CEO Abigail Ross Hopper told POLITICO last week that the industry was concerned about the interaction between the investment tax credit and full expensing.

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EPW to host EPA, NRC nomination hearing Oct. 4 Back

By Anthony Adragna | 09/27/2017 04:25 PM EDT

The Senate Environment and Public Works Committee will hold a confirmation hearing Oct. 4 on a host of President Donald Trump's picks for posts at EPA and the Nuclear Regulatory Commission.

The session will include four EPA nominees: Matthew Leopold to be general counsel, William Wehrum to run the air office, Michael Dourson to run the Office of Chemical Safety and Pollution Prevention and David Ross to run the water office. Lawmakers will also consider Jeff Baran's re-nomination to the NRC.

The committee shelved a hearing planned for last week on the picks after the Senate adjourned earlier than expected for Rosh Hashanah. Wehrum's and Dourson's nominations have attracted the most controversy from Democrats and the environmental community.

WHAT'S NEXT: The full EPW Committee will consider the nominees at the Oct. 4 hearing.

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Court delays coal ash arguments to November Back

By Alex Guillén | 09/27/2017 04:54 PM EDT

The D.C. Circuit Court of Appeals today granted a one-month delay in arguments over EPA's 2015 coal ash rule following Administrator Scott Pruitt's decision to reconsider key parts of the regulation.

Arguments had been scheduled for Oct. 17, but a three-judge panel ordered them delayed until Nov. 20.

The judges ordered EPA to reveal by Nov. 15 which portions of the rule will be reconsidered "and setting forth with specificity the timeline for reconsideration." In addition, all sides, including industry and environmental challengers, are supposed to file new briefs by Oct. 11 addressing whether the new state-based coal ash permitting program that passed Congress as part of the Water Infrastructure Improvements for the Nation Act at the end of 2016 affect the broader lawsuit at all. And the court told attorneys to be ready at arguments to discuss whether a longer delay in the lawsuit is appropriate, opening up the possibility of further delay.

The court set 90 minutes' worth of arguments in total, split into four sections: Three dealing with various legal and technical challenges to the rule and one on whether the case should be delayed longer.

The case will be heard by Judges Karen LeCraft Henderson, a George H.W. Bush appointee, and two Obama appointees, Judges Patricia Millett and Cornelia Pillard.

WHAT'S NEXT: The parties must submit briefs regarding the permitting program by Oct. 11. Oral argument is scheduled for Nov. 20.

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Today's POLITICO Playbook presented by the Coalition for Affordable Prescription Drugs (CAPD)
08/16/2017 06:32 AM EDT

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

Good Wednesday morning. PRESIDENT DONALD TRUMP is again in the hot seat after veering off course and reiterating that there was blame on "both sides" of the protests in Charlottesville. Remember all the bluster that recently named chief of staff John Kelly was going to install order and help get Trump's presidency back on track so Republicans could make good on their promises to pass tax reform and an infrastructure package, not to mention fund the government and raise the country's borrowing limit? No dice. White House aides we talk to were surprised this happened, but have grown immune to the president's unpredictability. Many are dispirited. This was a news conference aimed at boosting an infrastructure bill -- Trump's best chance of bipartisan legislating for the year. Instead, he did this. Remember that there are just four-and-a-half months left in this year, and there's a lot the president wants to get done.

RUBBER MEETS THE ROAD: How much sway is the president going to have with lawmakers as he is saddled with a 34-percent approval rating coming off playing footsie with neo-Nazi and white-supremacist groups?

WAPO OP-ED: "The nation can only weep": "TUESDAY WAS a great day for David Duke and racists everywhere. The president of the United States all but declared that he has their backs. ...

"Yes, there are good and moral Americans who oppose the removal of statues of Confederate generals. Yes, there are reasonable Americans who fear that slaveholding Founding Fathers will be the next target. Notwithstanding Mr. Trump's comments Tuesday, we don't find it difficult to distinguish between a monument to George Washington, say, and statues to Confederate generals that were erected in the 20th

century with the goal of maintaining white supremacy. ...

"There may be a time to debate such questions -- but not, as any national leader with a sense of decency would understand, now. Not in a time of mourning, with the wounds so fresh. Not when Mr. Trump has not even bothered to call the family of Heather Heyer, the young woman mowed down on Saturday. Not when Americans are looking for a clear and unequivocal condemnation of the hatred that brought those 700 marchers to Charlottesville." http://wapo.st/2w03xGG

WHAT TRUMP WILL WAKE UP TO -- N.Y. POST COVER: "Trump back at it: Hey, some white nationalists are 'very fine people' ... THEY WEREN'T *ALL* NAZIS" http://nyp.st/2wdMtwB ... **N.Y. DAILY NEWS:** "SYMPATHY FOR THE DEVILS" http://bit.ly/2v0yw0S ... **NYT:** "TRUMP AGAIN SAYS TWO SIDES AT FAULT IN RALLY VIOLENCE" http://nyti.ms/2v0FAKN ... **WSJ:** "Trump Adds Fuel to Race Furor" ... **WaPo:** "Trump again blames 'both sides'"

REPUBLICANS roundly criticized Trump.

-- SPEAKER PAUL RYAN (@SpeakerRyan): "We must be clear. White supremacy is repulsive. This bigotry is counter to all this country stands for. There can be no moral ambiguity." ... **SEN. MARCO RUBIO (R-FLA.) (@marcorubio):** "Mr. President, you can't allow #WhiteSupremacists to share only part of blame.They support idea which cost nation & world so much pain 5/6" ... "The #WhiteSupremacy groups will see being assigned only 50% of blame as a win. We can not allow this old evil to be resurrected 6/6" ... **MITT ROMNEY (@MittRomney):** "No, not the same. One side is racist, bigoted, Nazi. The other opposes racism and bigotry. Morally different universes." ...

... NRCC CHAIRMAN STEVE STIVERS (@RepSteveStivers): "I don't understand what's so hard about this. White supremacists and Neo-Nazis are evil and shouldn't be defended." ... **KEVIN MCCARTHY (@GOPLeader)** : "Saturday's violence and tragic loss of life was a direct consequence of the hateful rhetoric & action from white supremacists demonstrating." ... **JUSTIN AMASH (@justinamash):** "'Very fine people' do not participate in rallies with groups chanting racist and anti-Semitic slogans and displaying vile symbols of hate."

-- SENATE MAJORITY LEADER MITCH MCCONNELL (R-KY.) has not publicly commented about Trump's press conference.

THE REACTION -- "'Wow': Stunned TV Hosts Reacted in Real Time to Trump," by NYT's Mike Grynbaum: "'What I just saw gave me the wrong kind of chills,' a visibly stunned Chuck Todd said on MSNBC. 'Honestly, I'm a bit shaken by what I just heard.' Unable to disguise her disgust, the Fox News host Kat Timpf said: 'I'm still in the phase where I'm wondering if it was actually real life. I have too much eye makeup on to start crying right now.' And on CNN, as the network cut away from President Trump's extraordinary 23-minute news conference at Trump Tower, the anchor Jake Tapper could not contain his astonishment. 'Wow,' he said. That was something else.'"

http://nyti.ms/2vCFYCJ

-- TV THIS MORNING -- JOE SCARBOROUGH was supposed to be off until Thursday, but he will be live this morning on "Morning Joe" from 6 a.m. to 7:30 to address Trump's press conference.

THE FALLOUT -- "Trump Gives White Supremacists an Unequivocal Boost," by NYT's Glenn Thrush and Maggie Haberman: "President Trump buoyed the white nationalist movement on Tuesday as no president has done in generations - equating activists protesting racism with the neo-Nazis and white supremacists who rampaged in Charlottesville, Va., over the weekend. Never has he gone as far in defending their actions as he did during a wild, street-corner shouting match of a news conference in the gilded lobby of Trump Tower, angrily asserting that so-called alt-left activists were just as responsible for the bloody confrontation as marchers brandishing swastikas, Confederate battle flags, anti-Semitic banners and 'Trump/Pence' signs.

"'Thank you President Trump for your honesty & courage to tell the truth,' David Duke, a former Ku Klux Klan leader, wrote in a Twitter post shortly after Mr. Trump spoke. Richard B. Spencer, a white nationalist leader who participated in the weekend's demonstrations and vowed to flood Charlottesville with similar protests in the coming weeks, was equally encouraged. 'Trump's statement was fair and down to earth,' Mr. Spencer tweeted. ... No word in the Trump lexicon is as tread-worn as 'unprecedented.' But members of the president's staff, stunned and disheartened, said they never expected to hear such a voluble articulation of opinions that the president had long expressed in private." http://nyti.ms/2vHSBL6

-- ANNIE KARNI, ELIANA JOHNSON AND NOLAN MCCASKILL: "[John] Kelly stood off to the side while Trump spoke, staring down at the marble floor as the president doubled down on his widely criticized 'many sides' rhetoric. Kelly's stiff body language appeared to reflect the feeling among many Trump aides. 'My head is spinning,' texted one White House aide watching the president unleash himself on television. When asked whether he and other officials supported the president's views on the protest, [National Economic Council chairman Gary] Cohn hedged. 'We share the president's view that infrastructure is really important to America, and our infrastructure is crumbling,' he said.

"Jared Kushner and Ivanka Trump, the two family members who serve in Trump's administration, were absent from Trump Tower on Tuesday -- they were on a two-day, pre-scheduled trip to Vermont, a White House official said, and were planning to rejoin the president at his Bedminster, N.J. golf club on Thursday." http://politi.co/2i3g9H8

-- @NBCNews: "WATCH: White House chief of staff John Kelly reacts to President Trump's latest remarks on violence in Charlottesville, Virginia." http://bit.ly/2vHIlgN

ALI WATKINS and **JOSH MEYER: "Domestic hate groups elude feds:** American white supremacists enjoy legal protections that blunt sweeping powers used to

prosecute groups like ISIS and Al Qaeda": "U.S. law enforcement officials, who enjoy sweeping powers to investigate and prosecute suspected foreign terrorists on U.S. soil, face obstacles to charging the man, James Alex Fields Jr., as a terrorist. The Justice Department's civil rights division is currently focused on whether Fields committed a hate crime. Beyond Fields' case is the urgent question of how law enforcement can prevent further violence at a time when radical white supremacist groups appear emboldened. U.S. officials are severely limited in their ability to crack down on domestic extremist groups-even those who spew hate-filled rhetoric, acquire arms and advocate violence." http://politi.co/2fKyecg

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : If you know only one fact about rising drug costs, know this one: drug makers set prices for prescription drugs. To help manage nearly double-digit price increases, employers, unions and government programs use PBMs to negotiate lower net prices to help curb costs for employers and patients. Learn more at affordableprescriptiondrugs.org ******

THE BROADER NARRATIVE -- "Racial politics haunt GOP in the Trump era," by AP's Steve Peoples and Bill Barrow: "[T]he fight over 'traditional America' is throwing a spotlight on the Republican Party's struggle with race in the age of Trump. The deadly white supremacist rally against removal of the Lee statue served as a painful example of the uncomfortable alignment between some in the party's base and the far-right fringe. But despite the party's talk of inclusiveness and minority outreach, it's clear white fears continue to resonate with many in the GOP base. Politicians willing to exploit those issues are often rewarded with support. One big beneficiary, critics say, has been the president himself." http://bit.ly/2w9u3xA

DON'T EXPECT HILL ACTION -- "GOP chairmen resist hearings on white supremacy," by Kyle Cheney and Rachael Bade: "Days after neo-Nazis and white nationalists led a deadly march through Charlottesville - and are beginning to organize again - Republican leaders in Congress appear to be in no hurry to tackle the issue beyond statements of condemnation. Many GOP lawmakers called Saturday's march and the killing of a 32-year-old woman an act of 'domestic terrorism.' ... But there was little urgency for congressional action among committee leaders and top GOP brass. Despite House Democrats' calls for hearings on the rise of white supremacy, the House Judiciary Committee, which oversees the Department of Justice's handling of domestic terrorism, has no immediate plans to schedule one, aides say." http://politi.co/2ul1MxQ

-- "Confederate statues in U.S. Capitol likely going nowhere," by Elana Schor: "Some of the most famous Confederate statues sit smack dab in the U.S. Capitol - and there are no plans to remove them. ... Robert E. Lee, leader of the Confederate army during the Civil War ... is among the 10 Confederates whose statues remain in the Capitol, lionizing a slaveholding era and sparking calls this week from some House Democrats to rid the building of their likenesses. The Capitol's Confederate statues are part of the National Statuary Hall Collection, created more than 150 years ago as a means to represent two citizens of each state under the dome. Even as multiple other cities follow Charlottesville in pursuing removal of their Confederate monuments,

however, only a handful of Democrats have so far called for the statues' replacement after the violent rally in the Virginia town left one woman dead and injured more than a dozen others." http://politi.co/2i3VVx3

SARAH ELLISON, a UVA alum, in Vanity Fair, **"Why Charlottesville, Liberal College Town, Became Ground Zero for White Supremacy":** "The university, in many ways, represents a sort of antebellum fantasy of the South. From its founder to its sororities and fraternities, to its public face as a Southern Ivy, the image that Charlottesville and U.V.A. occupies is a kind of Southern masquerade. It matches perfectly with the fantasy of the aggrieved Trump supporters' vision of themselves as a group under siege-one representing a way of life that is falling away and that must be made great again." http://bit.ly/2vCEuZf

-- NORTH CAROLINA GOV. ROY COOPER in Medium on the Confederate monuments: "Some people cling to the belief that the Civil War was fought over states' rights. But history is not on their side. We cannot continue to glorify a war against the United States of America fought in the defense of slavery. These monuments should come down." http://bit.ly/2wOXIcL

ADDING FUEL TO THE FIRE -- "Trump pours gasoline on feud with CEOs," by Dan Diamond: "The businessman president is bleeding support from business leaders he once called allies - and his latest comments cost him another adviser. 'I cannot sit on a council for a President that tolerates bigotry and domestic terrorism,' Richard Trumka, the head of the AFL-CIO, said in a statement on Tuesday, an hour after President Donald Trump defended protesters in Charlottesville at a free-wheeling news conference. 'His comments today were the last straw.'

"Since Monday morning Trumka and four other business leaders have dropped out of Trump's manufacturing council, citing his inadequate response to the Virginia protests or suggesting that their companies shouldn't be involved in politics. Trump on Tuesday escalated his feud with those leaders, accusing them of failing to do their jobs and rebuffing criticism from Wal-Mart's CEO that his comments about Charlottesville were insufficient." http://politi.co/2ul3gZ1

-- WSJ EDITORIAL BOARD: "Trump and the CEOs: A GOP President who loses the business class has a big problem": "Their decision to quit now in such public fashion shows the growing political and cultural pressure that CEOs and others in public life are under to distance themselves from Mr. Trump. The disdain for the President in the media and Hollywood isn't surprising, and Mr. Trump wears it like a badge of honor. But the business community is, or ought to be, a natural part of a Republican President's governing coalition.

"Mr. Trump began his Presidency amid unprecedented hostility from those who didn't vote for him. This is all the more reason to govern in a way that seeks to broaden his coalition with new allies. Yet Mr. Trump has seemingly taken every opportunity to escalate feuds and attack even allies in Congress like Senate Majority Leader Mitch

McConnell. ... Mr. Trump's ego won't allow him to concede error and he broods over criticism until he ends up hurting himself, as he showed again Tuesday by relitigating his response to the Charlottesville violence. This is how he has achieved a 34% approval rating, as even allies flee and his Presidency shrinks in on itself." http://on.wsj.com/2vCuwan

WAPO's Danielle Paquette in Indianapolis: **"Trump tried to save their jobs. These workers are quitting anyway":** "Kipp Glenn grew tired of standing for eight-hour shifts, assembling steel furnace doors. His knees ached from 25 years on the concrete factory floor. So even after President Trump made his job at Carrier a symbol of American prosperity and vowed to save it, the Indiana native took a buyout. 'What we want to call "blue-collar jobs" are on the way out,' he said." http://wapo.st/2wP2oPR

-- THE PRESIDENT at 6:12 a.m.: "Amazon is doing great damage to tax paying retailers. Towns, cities and states throughout the U.S. are being hurt - many jobs being lost!"

NEW POLITICO/MORNING CONSULT POLL -- STEVEN SHEPARD: "Poll: GOP voters side with Trump over McConnell": "Republican voters are taking President Donald Trump's side in his war with Senate Majority Leader Mitch McConnell, according to a new POLITICO/Morning Consult poll that also shows a bump in Trump's approval rating after last week's all-time low. The poll shows more GOP voters think Trump is looking out for the party's best interests than think McConnell (R-Ky.) is. By a more than three-to-one margin, they say that Trump is more in touch with Republican voters and that Trump is more honest. More evidence Trump has the upper hand, at least among Republicans: McConnell's favorability rating among GOP voters is down over the past three weeks, and half of Republicans say Trump's attacks against him were appropriate." http://politi.co/2fKJLZg

-- More Shepard: **"Poll: No increase in support for military action in North Korea":** http://politi.co/2fK4YT5

TRUMP'S WEDNESDAY -- THE PRESIDENT heads back to Bedminster, New Jersey, at 2 p.m. today. At 4 p.m., he'll sign the Harry W. Colmery Veterans Educational Assistance Act of 2017. (***Today show spot on the bill*** http://on.today.com/2v1djDI)

ABOUT LAST NIGHT -- "Trump, McConnell will try to avoid Alabama embarrassment," by Alex Isenstadt and Seung Min Kim: "President Donald Trump and Senate Majority Leader Mitch McConnell went all in for their man Luther Strange in the Alabama Senate race -- but the two GOP leaders will need a lot more to put him over the top after Strange's second-place finish in Tuesday's opening round of balloting. Strange starts the six-week runoff in the hole against former state Supreme Court Justice Roy Moore, whose fervent base of evangelical supporters helped him clinch nearly 40 percent of the vote in a field of 10 candidates.

"The outcome puts enormous pressure on Trump and McConnell, both of whom

have put their political capital in the line: They now must find a way to get Strange a majority of support when the Republican nomination is decided on Sept. 26. Senior Republicans conceded that Tuesday's results weren't what they'd hoped for. But they argued that Strange, who in February was appointed to the Senate seat that Attorney General Jeff Sessions held for two decades, still has a path to victory.

"One option being considered by McConnell allies, who have already spent around $4 million in support of Strange, is a scorched-earth campaign targeting Moore. In a possible preview of what's to come, the pro-McConnell Senate Leadership Fund began airing TV commercials in the days leading up to Tuesday's primary accusing Moore of taking funds from a charity he ran. Those involved with Senate Leadership Fund insist they have not yet decided on what approach to take." http://politi.co/2w0hTqr

-- THE PRESIDENT at 6:18 a.m.: "Congratulation to Roy Moore and Luther Strange for being the final two and heading into a September runoff in Alabama. Exciting race!" ***As CNN's John Berman said on Twitter this morning: "rooting for both the Red Sox and Yankees."***

-- WAPO: "John Curtis, mayor of Provo, Utah, wins GOP nomination for House seat formerly held by Jason Chaffetz," by Mike DeBonis: "Curtis faced hundreds of thousands of dollars in negative super PAC ads that sought to portray him as insufficiently committed to lowering taxes and cutting government spending. Many of them highlighted his 2000 run as a Democrat for a state legislative seat." http://wapo.st/2v0U1yp

FIRST IN PLAYBOOK: WHAT HOUSE WAYS AND MEANS CHAIRMAN KEVIN BRADY (R-TEXAS) WILL SAY ABOUT TAX REFORM TODAY IN CALIFORNIA: The House's top tax writer will talk tax reform today at a replica of Ronald Reagan's White House tax-cut table at the Reagan Ranch. Reps. Peter Roskam (R-Ill.), Carlos Curbelo (R-Fla.) and David Schweikert (R-Ariz.) will all be with him. **WHAT BRADY WILL SAY:** "Thirty-one years ago today, a conference committee of 10 Members of Congress - five tax-writers from the House and five from the Senate - reached agreement on the most sweeping overhaul of the U.S. tax code in American history. ... As we stand here 31 years later, we face a monumental challenge of our own - coming together to fix a U.S. tax code that has become just as broken as the one President Reagan and Congress overhauled in the 1980s. ... Today Americans are watching good-paying jobs, manufacturing plants, and our research and development move overseas to countries with more competitive tax systems. ...

"It begs the question: Why are we standing idly by while this happens? When did this nation start shrinking from challenges? At what point did we give up on the principles of fairness, simplicity, free enterprise, and - most of all - faith in each American's individual talents? ... And when did we decide that it was better to give in to Washington special interests at the expense of all the hardworking Americans who truly contribute to our economy? ... For the first time in over three decades we have a president, a House, and a Senate who are all committed to overhauling this broken tax

code and unleashing the growth of jobs and paychecks nationwide. And whether you're a Democrat or a Republican, if you're serious about getting real pro-growth tax reform done for the American people this year, we are serious about working with you."

HAPPENING TODAY - ATTORNEY GENERAL JEFF SESSIONS and ICE acting director Tom Homan are speaking today at 3 p.m. at PortMiami about how they believe jurisdictions like Miami-Dade are sharing more information with federal immigration authorities. The speech is meant as a contrast to cities like Chicago. Earlier this month, Chicago Mayor Rahm Emanuel sued Sessions over his threat to withhold federal money for cities that don't cooperate with Trump's policies on illegal immigrants.

WHAT SESSIONS WILL SAY: "Miami-Dade is an example of what is possible through hard work and a rededication to the rule of law. It is proof that the entire nation can do better. ... The most fundamental duty of government is to ensure the safety and liberty of its people. ... Respect for the rule of law has broken down. In Chicago, their so-called 'sanctuary' policies are just one sad example. ... That makes a sanctuary city a trafficker, smuggler, or predator's best friend. ... I know that Miami-Dade will be an example of the good that comes from following the law. We have already seen that: the same Independence Day weekend when Chicago suffered more than 100 shootings and 15 homicides, Miami-Dade also had an historic number of shooting deaths - zero."

THE JUICE ...

-- FORMER PRESIDENT BARACK OBAMA set the record for the most liked Tweet ever at 10:07 p.m. last night, according to Twitter. His tweet (http://bit.ly/2wdRGEr), which has over 3 million likes, "No one is born hating another person because of the color of his skin or his background or his religion..." is also currently the fifth most retweeted in the company's history with over 1.2 million retweets.

THE WASHINGTON POST on the Senate Subway. http://wapo.st/2wP6BTK

Playbook Reads

PHOTO DU JOUR: President Donald Trump reaches into his suit jacket to read a statement regarding the events in Charlottesville, Va., while addressing the media at Trump Tower in New York on Aug. 15. | Pablo Martinez Monsivais/AP Photo

SNEAK PEEK -- NYT MAGAZINE COVER - "Breitbart Goes to the White House -- Inside the paranoia-inducing, rage-channeling, conspiracy-fanning media company at the nerve center of Donald Trump's America," by Wil S. Hylton (online headline: "**Down the Breitbart Hole --** Steve Bannon once said it was the platform for the alt-right. Its current editors disagree. Is the incendiary media company at the nerve center of Donald

Trump's America simply provocative - or dangerous?"): "In the short annals of journalism, there's no real precursor for Breitbart. I don't mean to suggest that this is because of the site's political agenda - the history of journalism is a cacophony of strident writing as far back as you want to look. ... What makes Breitbart distinct ... [is] the way the site appeared to materialize overnight, from the outermost periphery of the media, and to dominate the political conversation in a pivotal election.

"Maybe it's hard to remember anymore what you thought of Breitbart two years ago, but if you were like most people, you didn't think about Breitbart at all. The average voter had no idea the site existed, and by the time its stories slipped into the mainline arteries of public discourse, most people were already hearing more about Breitbart than they would ever hear from Breitbart. Take a quick survey of your friends and see how many visited Breitbart last week or can name two articles that appeared on the site in the past three months. Then ask the same people what they think of Breitbart's influence on the election, and watch how loud the room becomes.

"It's startling the way the word 'Breitbart' has become iconographic, referring not really to the website or the company but to an amorphous mass of revanchist opinions for which Breitbart receives credit or blame. We're all so certain that Breitbart is spewing a fountain of bigotry every day - denigrating women and riling up anti-Semitism, wailing about 'black crime' and 'trannies' - that few of us devote much time to observing it for ourselves. As a result, we haven't done a great job of figuring out what exactly Breitbart is or what Steve Bannon meant when he described it as a 'platform for the alt-right.'" http://nyti.ms/2fJtFzb ... ***The cover*** http://bit.ly/2i4TVEL

FOR YOUR RADAR -- "Israel Seeks UN's Respect in Campaign for Security Council Seat," by Bloomberg's Kambiz Foroohar: "Outreach to Africa, educational trips for foreign diplomats and a more conciliatory Prime Minister Benjamin Netanyahu make it clear: Israel is campaigning to overcome its acrimonious relationship with the United Nations in time to win a coveted spot on the Security Council next year. Israel is working to rally enough votes in the 193-member General Assembly to defeat either Germany or Belgium in a three-way race for two spots on the UN's most powerful body. ... [C]ampaigning ... sometimes resembles a cross between the campaign to win an Oscar and a high school student council election. Germany and Belgium kicked off their campaigns in 2015 with colorful posters, notebooks and little packets of candy bearing their country's campaign logos." https://bloom.bg/2v0Qxfd

THIS IS A BIG DEAL -- TEXAS TRIBUNE: "Federal court invalidates part of Texas congressional map: Federal judges have invalidated two of Texas' 36 congressional districts, setting up a scramble to redraw them ahead of the 2018 elections," by Alexa Ura and Jim Malewitz: "A three-judge panel in San Antonio unanimously ruled that Congressional Districts 27 and 35 violate the U.S. Constitution and the federal Voting Rights Act. The judges found that Hispanic voters in Congressional District 27, represented by U.S. Rep. Blake Farenthold, R-Corpus Christi, were 'intentionally deprived of their opportunity to elect a candidate of their choice.' Congressional District 35 -- a Central Texas district represented by Democrat Lloyd Doggett of Austin -- was

deemed 'an impermissible racial gerrymander' because lawmakers illegally used race as the predominant factor in drawing it, the judges wrote.

"The 107-page ruling ... sets up a scramble to redraw the districts in time for the 2018 elections. The court ruled only on the current congressional map, leaving legal challenges to the state House map unanswered. The court ordered the Texas Attorney General's Office to indicate within three business days whether the Texas Legislature would take up redistricting to fix those violations. Otherwise, the state and its legal foes will head back to court on Sept. 5 to begin re-drawing the congressional map." http://bit.ly/2w9rc7T

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)**: Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers and other health care purchasers; however, the list price - the important starting point for those negotiations -- continues to rise, at a rate of nearly ten percent in 2016 alone. Increased competition, faster reviews of generics and biosimilars and ending anti-competitive practices can also bring down the cost of medications for patients. Learn more at affordableprescriptiondrugs.org ******

TOWN HALL HEAT -- "Colorado's Gardner faces blowback at home over Obamacare repeal," by Rachana Pradhan in Lakewood, Colorado: "Sen. Cory Gardner was hammered for supporting Obamacare repeal during a series of raucous town halls on Tuesday, where constituents repeatedly criticized his role in a closed-door partisan process to draft the failed GOP health bill. Gardner, who's responsible for protecting the GOP majority in the Senate in 2018, faced heated criticism over the repeal effort that collapsed just a few weeks ago, even as congressional leaders try to pivot to tax reform when they return from the lengthy recess next month.

"While Gardner's constituents in this purple state applauded him for his swift and strong condemnation of white supremacist groups this weekend, he was interrupted by boos and jeers of 'shame' and was called a 'liar' as he defended his support for health care legislation that would have significantly scaled back Obamacare and Medicaid. One attendee at the town hall here, held at Colorado Christian University in a Denver-area suburb, was escorted out by police after repeatedly shouting, 'Why are you taking away health care?'" http://politi.co/2i4aFfw

-- "Trump Threat to Obamacare Would Send Premiums and Deficits Higher," by NYT's Robert Pear and Tom Kaplan: "Premiums for the most popular health insurance plans would shoot up 20 percent next year, and federal budget deficits would increase by $194 billion in the coming decade, if President Trump carried out his threat to end certain subsidies paid to insurance companies under the Affordable Care Act, the Congressional Budget Office said Tuesday. ... Those threats continue, though the Trump administration has paid the subsidies each month. The nonpartisan budget office has now quantified the cost of the threats and potentially handed Democrats a weapon to force Congress and the administration to keep the money flowing." http://nyti.ms/2fKwFv7

NAFTA TALKS START TODAY -- "5 big questions about the NAFTA talks," by Doug Palmer: http://politi.co/2w9w0Ks

BACK HOME -- "N.H. neighbors say Corey Lewandowski threatened them in land dispute" - AP: "Glenn and Irene Schwartz countersued Lewandowski this month after he filed a $5 million lawsuit in July over access to a pond-front property in Windham, New Hampshire. Lewandowski accused the couple of blocking an easement granted to him so he could reach the tract. Court documents indicate Lewandowski is building a garage at the property. In the countersuit, the Schwartzes accuse Lewandowski of repeatedly intimidating them, once coming out of his house with a baseball bat and another time yelling on the phone that he would 'use his political connections and clout to shut down all building and work and make your life a nightmare with an expensive and extended lawsuit.'" http://bit.ly/2x3lUYb

AT THE PENTAGON -- "In a meeting with sailors, Mattis lauds their service and vulgarly criticizes people 'sitting on the sidelines," by WaPo's Dan Lamothe: "Defense Secretary Jim Mattis met with sailors serving on the submarine USS Kentucky last week in his home state of Washington, praising them for their sacrifices and expressing concern that he has 'grown remote from those of you who matter.' Then he noted the up-and-down nature of military life, told the sailors that they'll miss being in the Navy after they leave -- and issued an off-color compliment.

"'You'll miss it like the dickens, and you'll be changed for the better for the rest of your life,' said Mattis, who retired as a four-star Marine general in 2013. 'So you'll never regret, but you will have some of the best days of your life and some of the worst days of your life in the U.S. Navy, you know what I mean? That says -- that means you're living. That means you're living. That means you're not some p-- sitting on the sidelines, you know what I mean, kind of sitting there saying, 'Well, I should have done something with my life." He continued: 'Because of what you're doing now, you're not going to be laying on a shrink's couch when you're 45 years old, say[ing] 'What the hell did I do with my life?' Why? Because you served others; you served something bigger than you.'" http://wapo.st/2i5ymUL

Playbookers

SPOTTED: Rupert Murdoch and former LA mayor Antonio Villaraigosa having lunch on Monday at the commissary at the Fox studios in Los Angeles ... At the Watergate hotel last night having drinks: Morgan Ortagus, Tony Sayegh, Marty Obst, Jason Miller, Chris Giancarlo, and Samantha Menh ... Steven Mnuchin and wife Louise Linton last night at Cafe Milano for dinner ... Denis McDonough outside of the Center for American Progress on Monday after speaking to the U.S. Mexico Leaders Initiative.

ENGAGED - Isaac Baker, partner at AKPD Message & Media, got engaged on Monday

to **Kristina Peterson,** congressional reporter for the Wall Street Journal. He proposed in Greece while they were on vacation. They met online. ***Pic*** http://politi.co/2uHnHFI

--Victoria Hartman, senior account executive at Politico Pro, got engaged yesterday to **Paul Blair,** strategic initiatives director at Americans for Tax Reform. He posted on Instagram: "9 years ago we were next door neighbors in a freshman dorm at GW. 7 years ago we went on our first date in Georgetown. 8 months ago I brought two round trip tickets for a ten day trip to France. I had today in mind, the day I'd propose to my best friend. She said yes and I'm the luckiest guy alive." **Back-story** on their engagement: "I bent the knee as we sipped wine and hid from the rain on the balcony of our hotel room ... With a bit of inspiration from an episode of Anthony Bourdain's 'Parts Unknown,' we celebrated with a bit too much champagne and cheese at Paul Bocuse's flagship restaurant, The Auberge du Pont de Collonges. Next, we're off to Paris." ***Instapic*** http://bit.ly/2w0xmXy

WELCOME TO THE WORLD - Jackie Kucinich, Washington bureau chief for the Daily Beast and a CNN political analyst and **Jared Allen,** senior director for media relations at the National Automobile Dealers Association, welcomed Evelyn June Allen, who was born on Tuesday at 11:08 a.m. at Sibley Memorial Hospital, weighing in at 6 lbs. 12 oz. "Her middle name 'June' marks the first double byline Jackie and Jared shared shortly after meeting at The Hill newspaper in 2008. They are overjoyed to welcome Evelyn to Washington, although her arrival nine days prior to deadline will have them scratching their heads for some time to come. Evelyn and Jackie are both doing great and enjoyed their well-earned rest." ***Pic*** http://politi.co/2wPbVpQ

-- Jordan Jiloty, director of public and government affairs at NASCAR, and **Summer Jiloty,** a speech-language pathologist in Volusia County Schools, on Saturday welcomed Charles Jordan Jiloty, born at 10:53 p.m. at 8 lbs, 20 inches. "His big sister, Abigail (2 years old), was very excited to help welcome Charlie and mom home last night." ***Pic*** http://politi.co/2wdlAsK

TRANSITIONS -- Caitlin Girouard started on Tuesday as communications director for Sen. Amy Klobuchar (D-Minn.). She previously was deputy chief of staff and communications director for Rep. Sean Patrick Maloney (D-N.Y.). ... **David Kanevsky** has joined the Republican State Leadership Committee as director of polling and analytics. He held a similar role at the NRSC in the 2016 cycle. ...

... Participant Media has named **Amy Glickman** SVP for publicity and corporate comms. She is an alum of 42 WEST, PMK*BNC, and Rubenstein Communications. ... **Meredith Swan** has been named the national finance director for South Bend Mayor Pete Buttigieg's new super PAC, Hitting Home PAC. Swan is an alum of Evan Bayh, Melissa Bean and DWS PAC.

BIRTHWEEK (was yesterday): Patrice Woods Wildgoose, on AARP's social team and a Capital One alum, celebrating in Costa Rica (hubby tip: Laurence, who was on time)

BIRTHDAY OF THE DAY: Jack Quinn, partner in the gov't and regulatory practice at Manatt and former Clinton W.H. counsel. **How he's celebrating:** "Celebrating in Jamaica, the island, where I'm mostly working but also enjoying a fabulous lobster feast on my birthday with Susanna, Storm, Jocelyn, Brendan and Clementine Quinn and great friends including Allen Gannett, Matt Dornic, Kate Bennett, Stephanie Cutter, and more. We are staying in an amazing villa overlooking the Caribbean Sea." Read his Playbook Plus Q&A: http://politi.co/2wP5hA3

BIRTHDAYS: Josh Bolten, co-founder and managing director of Rock Creek Global Advisors, is 63 ... Politico's Michael Grunwald is 47 ... Ramesh Ponnuru is 43 ... CNN's Chris Moody ... Tom Lopach, chief of staff for Montana Gov. Steve Bullock and DSCC, Tester and Kennedy alum (hat tip: Jon Haber) ... Erin Casey French ... Danielle Jones ... FWD.us' Chris Golden ... Tyler Grimm is 32 ... Dave DenHerder, partner at FP1 Strategies, is 45 (h/t Ryan Williams) ... Rep. Earl Blumenauer (D-Ore.) is 69 ... Rep. Doug Collins (R-Ga.) is 51 (h/t Team Collins) ... Rep. Don Bacon (R-Neb.) is 54 ... former Rep. Dick Zimmer (R-NJ) is 73 ... former Rep. Rick Berg (R-ND) is 58 ... Steve Abbott is 55 ... Neil McKiernan ... Charles Brittingham ... Tom Anfinson is 76 ... Marli Keeley ... Lyndsi Stevens ... CBS' Matt Silverstein ... Karly Moen ... Stacey Daniels, press secretary for Rep. Farenthold (R-Texas), is 26 ... Kenneth Ryan James ... Nick Rawls ... former Sen. Carol Moseley-Braun (D-Ill.) is 8-0 ... Qorvis VP Sol Levine ... James Chris Bowen, former company commander/platoon leader in Iraq, now working in the DoD's military labs office, is 34 (h/t Saana Allie) ...

... Abe Adams, Targeted Victory managing partner ... Tricia Moffatt (h/ts Zac Moffatt) ... Grant Rumley, research fellow at the Foundation for Defense of Democracies who just published "The Last Palestinian: The Rise and Reign of Mahmoud Abbas" (***$16.32 on Amazon*** http://amzn.to/2w6zFZA) (h/t Mikayla Bouchard) ... Matt Spence, partner at Andreessen Horowitz ... Ellen Weissfeld ... Harrison Roday ... Julia Haslanger ... Nick Rawls ... Marshall Cohen ... Kourtney Geers ... Dean Thompson ... Seth Colton ... Rafael Viturro ... Jane Elizabeth ... Julie Young ... Michael K. Lavers ... Robin Ahnen ... Jon Lipshutz ... Hunter and Cole Norris ... Linda Honold ... Dave Jacobsen ... Uday Sreekanth ... Lisa Graves (h/ts Teresa Vilmain)

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : The high prices that drug makers set for prescription drugs can put financial strain on patients, employers, unions and others who provide health care coverage to more than 50 percent of Americans. Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers, unions and government programs. But, as list prices - the starting point for those negotiations -- continue their nearly double-digit increases, the effects ripple throughout the system. The key to ensuring greater access and affordability lies in fostering greater competition. Facilitating faster reviews of generics and biosimilars, identifying off-patent drugs with little or no generic competition, and ending anti-competitive practices that keep safe, effective alternatives out of the market are also key to abating rising drug costs for patients. Learn more at affordableprescriptiondrugs.org ******

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December 5, 2017

Today on Climate Beat . . .

. . . we went to court, where the Natural Resources Defense Council has filed a lawsuit alleging EPA is violating the Freedom of Information Act for failing to disclose records relating to Administrator Scott Pruitt's plans to have a "red team/blue team" style climate change science debate.

In personnel news, Clint Woods, executive director of the Association of Air Pollution Control Agencies, will join EPA on Dec. 8 as the deputy assistant administrator in the Office of Air & Radiation (OAR), where he will work with OAR chief William Wehrum on rollbacks of Obama-era climate and air rules.

And our daily news roundup offered an early look at a new voluntary program from the oil and gas group American Petroleum Institute to reduce methane emissions from the sector.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Sat 8/19/2017 7:52:06 PM
Subject: The New York Times & Chlorpyrifos

Good Morning -

After a monumental mistake where the New York Times was caught peddling false information, they're at it again.

Last night, the New York Times' Eric Lipton and Roni Rabin reported on false facts about the EPA's decision not to ban the pesticide Chlorpyrifos and the decision to continue the review regarding the pesticide.

Specifically speaking, they left out that the EPA's decision was upheld by the 9th Circuit Court of Appeals in San Francisco.

They also took the drastic decision of omitting words from the EPA's one-sentence statement in response to their story that reminded Americans that the USDA had scientific concerns about banning this pesticide. Additionally, three days before President Trump's inauguration, the Obama Administration's USDA strongly opposed banning this pesticide.

Given that the New York Times never lets the truth get in the way of a good story, below is our official statement that was provided to them, along with some inconvenient facts that their story left out.

"Taking emails out of context doesn't change the fact that we continue to examine the science surrounding chlorpyifos, while taking into account USDA's scientific concerns with methodology used by the previous administration." - EPA spokesman, Amy Graham

BACKGROUND …

Despite having 8 years to review the petition on chlorpyrifos, the Obama Administration never banned Chlorpyrifos. "The EPA considered whether to ban it for roughly a decade before Trump appointed EPA Administrator Scott Pruitt, a Republican from Oklahoma, to lead the agency." (Reuters, 07/25/17)

The EPA is still reviewing Chlorpyrifos. "The agency said it was still reviewing the chemical's registration." (Reuters, 07/25/17)

San Francisco-based 9th Circuit Court of Appeals rejects greens' appeal of EPA decision not to ban pesticide. "A federal appeals court rejected a request from environmental groups to overturn the Environmental Protection Agency's (EPA) decision not to restrict the controversial pesticide chlorpyrifos." (The Hill, 07/18/17)

The U.S. Department of Agriculture supported the EPA's action. "'This is a welcome decision grounded in evidence and science,' said Sheryl Kunickis, director of the Office of Pest Management Policy at USDA. 'It means that this important pest management tool will remain available to growers, helping to ensure an abundant and affordable food supply for this nation and the world. This frees American farmers from significant trade disruptions that could have been caused by an

unnecessary, unilateral revocation of chlorpyrifos tolerances in the United States. It is also great news for consumers, who will continue to have access to a full range of both domestic and imported fruits and vegetables. We thank our colleagues at EPA for their hard work.'" (Food Safety News, 03/31/17)

National Association of State Departments of Agriculture also objected to Obama's EPA methodology. "Similarly, the National Association of State Departments of Agriculture also objected to EPA's methodology. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) also expressed concerns with regard to EPA's previous reliance on certain data the agency had used to support its proposal to ban the pesticide." (Food Safety News, 03/31/17)

The Washington Post: New York Times guilty of large screw-up on climate-change story. "The New York Times on Wednesday appended a correction to a story about a climate change study: Correction: August 9, 2017 -- An article on Tuesday about a sweeping federal climate change report referred incorrectly to the availability of the report. While it was not widely publicized, the report was uploaded by the nonprofit Internet Archive in January; it was not first made public by The New York Times. That correction, which sits at the foot of the story, dutifully straightens out the record. Yet given the magnitude of the screw-up, it should sit atop the story, surrounded by red flashing lights and perhaps an audio track to instruct readers: Warning: This story once peddled a faulty and damaging premise." (The Washington Post, 08/09/17)

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Tue 8/1/2017 9:17:56 PM
Subject: BREAKING NEWS: Wray confirmed as FBI director

The Senate voted overwhelmingly to confirm Christopher Wray as FBI director. He'll succeed James Comey, who was fired by President Donald Trump in May.

Read more: http://politi.co/2w2EIH6

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Tue 9/12/2017 9:44:22 PM
Subject: Today on Climate Beat

September 12, 2017

Today on Climate Beat . . .

. . . we checked the costs, reporting that White House regulatory affairs chief Neomi Rao is urging EPA and other agencies to propose regulatory cost budgets for fiscal year 2018, as required by a Trump administration executive order, that will indicate how agencies plan to reduce regulatory costs in the coming year.

In personnel news, Todd Parfitt, Wyoming's environment chief who was just elected to lead the Environmental Council of the States, the group that represents state environmental commissioners, is not ruling out the possibility of leading EPA Region 8 if offered the job.

In court, EPA and the landfill sector are asking an appellate court to extend a current pause of litigation that the sector brought against the agency's methane standards for new and existing landfills, with the agency saying it has not yet completed its formal reconsideration of several aspects of the rules.

And our daily news roundup highlighted a statement from the White House homeland security adviser that administration officials "take seriously" climate change – "not the cause of it, but the things that we observe."

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 10/6/2017 1:01:34 PM
Subject: Oct. 06 -- EHS State Regulatory Alert

EHS State Regulatory Alert

October 06, 2017 - Number 193

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California Regions

AIR
Emissions Standard for Lead
California Regions AIR

Notice of the South Coast Air Quality Management District announces a hearing and comment due date for a proposed rule to amend regulations under Rule 1420 regarding lead emissions from stationary sources. The rule includes an initial ambient lead air concentration limit of 0.150 micrograms per cubic meter (µg/m3) averaged over 30 consecutive days that will be lowered to 0.100 µg/m3 Jan. 1, 2021. The rule also establishes provisions concerning lead point source emission control requirements, total enclosures where lead processing occurs, periodic source testing, air pollution control device monitoring, recordkeeping requirements, and conditional ambient air monitoring. The hearing is scheduled for Nov. 3, 2017, in Diamond Bar. Comments are due Oct. 24, 2017. Contact: Kennard Ellis; South Coast AQMD; 909-396-2457; kellis@aqmd.gov

—California RegionsRegulations (09/27/2017)

Regulatory Update

AIR
Odors from Animal Rendering Facilities
California Regions AIR

Notice of the South Coast Air Quality Management District announces a hearing and comment due date for a proposed rule to adopt regulations under Rule 415 regarding control of odors from facilities rendering animals and animal parts. The rule requires implementation of odor best management practices, permanent enclosure or operation in a closed system and ventilation to odor control equipment, and compliance with wastewater treatment limitations. The rule also requires the installation of odor complaint contact signage near facility entrances and compliance with an odor mitigation plan if three or more confirmed odor events occur within 180 days. In addition, the rule establishes recordkeeping requirements for facilities and specifies facilities that are exempt from requirements. The hearing is scheduled for Nov. 3, 2017, in

Diamond Bar. Comments are due Oct. 24, 2017. Contact: Tracy Goss; South Coast AQMD; 909-396-3106; tgoss@aqmd.gov

—California RegionsRegulations (09/27/2017)

Regulatory Update

WATER
General Waste Discharge Requirements/Wineries
California Regions WATER

Notice of the Central Coast Regional Water Quality Control Board announces the adoption of an order concerning general waste discharge requirements for discharges of winery waste (Order No. R3-2017-0020). The order establishes a categorical waiver of waste discharge requirements and monitoring and reporting requirements. The order also waives the requirement to submit a report of waste discharges for certain small wineries. The requirements under the order are identical to those of a 2008 order, and existing dischargers enrolled under the previous order will remain active and be automatically enrolled under the new order. The order was adopted Sept. 21, 2017. Contact: Howard Kolb; Central Coast RWQCB; 805-549-3332; howard.kolb@waterboards.ca.gov

—California RegionsRegulations (10/03/2017)

Regulatory Update

Idaho

OCCUPATIONAL SAFETY AND HEALTH
Safety and Accident Reporting for Public Utilities/Natural Gas Pipelines
Idaho OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Public Utilities Commission amends regulations under IDAPA 31.11.01.201 to incorporate by reference federal standards for the construction and operation of natural gas pipelines under 18 CFR 260.9, as of April 1, 2017, and 49 CFR 191, 192, 193, 195, and 199, as of Oct. 1, 2017. The rule includes updated technical requirements of materials, installation methods and use, and expanded use of excess flow valves in gas distribution systems. Hearing requests are due Oct. 18, 2017. Comments are due Oct. 25, 2017. Contact: Brandon Karpen; Public Utilities Commission; 208-334-0357

—Idaho Administrative Bulletin (10/04/2017)

Regulatory Update

WATER
Dairy Byproduct/Phosphorus Management
Idaho WATER

Proposed rule of the Department of Agriculture amends regulations under IDAPA 02.04.14.004,

.010, and .030 and adopts regulations under IDAPA 02.04.14.031 regarding dairy byproduct to establish standards for phosphorus management. The rule requires dairy farms to use either phosphorus indexing or the phosphorus threshold to manage nutrient application and requires phosphorus indexing after June 30, 2023. The rule also incorporates by reference the Phosphorus Site Index; the Natural Resources Conservation Service (NRCS) Web Soil Survey Database; and the NRCS Part 630 Hydrology National Engineering Handbook, Chapter 7. The rule is issued in response to a petition from the Idaho Dairyman's Association. Hearing requests are due Oct. 18, 2017. Comments are due Oct. 25, 2017. Contact: Scott Leibsle; Department of Agriculture, Division of Animal Industries; 208-332-8540; scott.leibsle@isda.idaho.gov

—Idaho Administrative Bulletin (10/04/2017)

Regulatory Update

New York

WATER

Susquehanna River Basin Commission Meeting Actions

New York WATER

Notice of the Susquehanna River Basin Commission announces actions taken at its Sept. 7, 2017, meeting in Elmira. The commission approved and postponed several project applications and grants, postponed the action to amend commission by-laws, and adopted guidelines for preparing an alternatives analysis to provide clarity to project sponsors. The commission also released a proposed rule to codify and strengthen the commission's access to records policy; extended the terms of emergency certificates for Sunset Golf Course, Sunoco Pipeline LP, and Furman Foods Inc.; and approved a report on delegated settlements with several sponsors. In addition, the commission approved waiver requests from Carrolltown Borough Municipal Authority and Middletown Borough. Contact: Jason Oyler; SRBC; 717-238-2436; joyler@srbc.net

—New York State Register (10/04/2017)

Regulatory Update

Oregon

AIR

Particulate Matter Emissions, Preconstruction Permitting/Lane Regional Air Protection Agency

Oregon AIR

Proposed rule of the Department of Environmental Quality amends regulations under OAR 340-200-0040 to incorporate the Lane Regional Air Protection Agency's revised particulate matter emission standards and the preconstruction permitting program into the state implementation plan. The rule deletes certain greenhouse gas permitting requirements, increases preconstruction permitting flexibility for small facilities, and specifies small source permitting

exemptions. The rule also updates air quality provisions and particulate matter emission standards, revises permitting requirements for emergency generators and small natural gas or oil-fired equipment, and establishes the "sustainment" and "reattainment" new state air quality area designations. In addition, the rule designates Oakridge as a state reattainment area while retaining its federal nonattainment designation, revises the new source review preconstruction permitting program, and revises industrial and commercial activity levels below which certain categories of sources are exempt from permitting. Finally, the rule deletes an unused category, increases air contaminant discharge permit fees by 10 percent, and revises the annual increase from the consumer price index to 4 percent. A hearing is scheduled for Nov. 9, 2017, in Springfield. Comments are due Nov. 9, 2017. Contact: Meyer Goldstein; DEQ; 503-229-6478

—Oregon Bulletin (10/01/2017)

Regulatory Update

WATER
Maintenance, Repair, and Deepening of Water Supply Wells/Back-Siphon Prevention Devices
Oregon WATER

Final rule of the Water Resources Department amends regulations under OAR 690-215-0017 regarding back-siphon prevention devices. The rule clarifies requirements for installation of down well water treatment systems and for back-siphon prevention device testing, adds information regarding other agencies that also have backflow assembly requirements, and specifies the department's authority to require back-siphon prevention devices on any water supply well. The rule also clarifies back-siphon prevention device options for irrigation wells when a mainline diameter is less than, or larger than, four inches when used to apply chemicals or fertilizers through an irrigation system, and specifies options for using other methods to prevent backflow when using chemigation or fertigation. In addition, the rule establishes requirements for bypass piping installed around approved back-siphon prevention devices. The rule is effective Aug. 25, 2017. Contact: Diana Enright; WRD; 503-986-0874

—Oregon Bulletin (10/01/2017)

Regulatory Update

WATER
Well Supply Well Construction Bonds and Permits
Oregon WATER

Proposed rule of the Water Resources Department amends regulations under OAR 690-205-0005, -205-0175, -240-0035, -240-0055, and -240-0340 regarding water supply well construction. The rule increases the bond to $20,000 for water well constructors and to $10,000 for landowner water well construction. The rule also increases the well construction permit application fee to $500 for landowners who are not licensed to construct wells and clarifies when a landowner well construction permit is required. A hearing is scheduled for Oct. 27, 2017, in Salem. Comments are due Nov. 3, 2017. Contact: Diana Enright; WRD; 503-986-0874

—Oregon Bulletin (10/01/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Thur 8/17/2017 9:30:57 PM
Subject: Today on Climate Beat

August 17, 2017

Today on Climate Beat . . .

. . . we looked on the bright side, reporting on a paper from a prominent clean energy group arguing there is still time to transition to a low-carbon economy and reduce global temperature increases in line with the goals of the United Nations Paris Agreement, which President Donald Trump abandoned earlier this summer.

Regarding environmental reviews, Cass Sunstein, the White House regulatory czar during President Barack Obama's first term, is praising President Donald Trump's new executive order seeking to speed infrastructure development by streamlining environmental review under the National Environmental Policy Act.

In personnel updates, Elbert Lin, the West Virginia solicitor general who argued the case against the Obama EPA's Clean Power Plan last fall on behalf of states challenging the climate rule, is leaving for the private sector beginning next month.

In transition news, Myron Ebell, the free-market advocate who led the Trump EPA's transition team, is calling for an overhaul at the agency that would eliminate regional and enforcement offices, the environmental justice program and others, while placing new controls on research and risk assessments.

And our daily news roundup brought word that state attorneys general fighting Trump's climate and environmental rollbacks have a new resource in the form of a new center at New York University Law School.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Tue 9/26/2017 7:55:18 PM
Subject: BREAKING NEWS: Corker to retire after 2018

Sen. Bob Corker (R-Tenn.) will not seek reelection to a third term in the Senate, he announced Tuesday.

"When I ran for the Senate in 2006, I told people that I couldn't imagine serving for more than two terms," Corker, who faced a potential primary challenge in 2018, said in a statement. "Understandably, as we have gained influence, that decision has become more difficult. But I have always been drawn to the citizen legislator model, and while I realize it is not for everyone, I believe with the kind of service I provide, it is the right one for me."

Read more: http://www.politico.com/story/2017/09/26/corker-to-retire-after-2018-243168

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Sent: Tue 8/8/2017 12:17:03 PM
Subject: Aug. 08 -- EHS Federal Regulatory Alert

EHS Federal Regulatory Alert

August 08, 2017 - Number 151

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Summaries

AIR
Connecticut SIP/2010 SO2 NAAQS Infrastructure Requirements
AIR

Final rule of the EPA approves portions of revisions to the Connecticut SIP regarding the interstate transport requirements for the 2010 sulfur dioxide (SO2) NAAQS. The revision addresses Connecticut's demonstration that sources or emissions activity within the state will not contribute significantly to nonattainment or interference with maintenance of the 2010 SO2 NAAQS in other states. The rule is effective Sept. 7, 2017. Contact: Donald Dahl; EPA Region 1; 617-918-1657; dahl.donald@epa.gov. Citations: 40 CFR 52.386

82 FR 37013 (08/08/2017)

Regulatory Update

AIR
Idaho SIP/Logan PM-2.5 Nonattainment Area
AIR

Final rule of the EPA approves revisions to the Idaho SIP relating to the Idaho portion of the Logan, Utah-Idaho, 2006 24-hour fine particulate matter (PM-2.5) NAAQS nonattainment area. The rule approves Idaho's attainment demonstration and 2014 motor vehicle emissions budgets (MVEBs) as early progress budgets. The rule also conditionally approves reasonable further progress, quantitative milestones, and revised MVEBs for the Idaho portion based on the state's commitment to adopt and submit updates to the attainment plan elements within one year of the rule's effective date. The rule is effective Sept. 7, 2017. Contact: Jeff Hunt; EPA Region 10, Office of Air and Waste; 206-553-0256; hunt.jeff@epa.gov. Citations: 40 CFR 52.670

82 FR 37025 (08/08/2017)

Regulatory Update

AIR

Kentucky SIP/PM-2.5 NAAQS Infrastructure Requirements

AIR

Final rule of the EPA approves portions of revisions to the Kentucky SIP regarding the infrastructure requirements for the 2012 annual fine particulate matter (PM-2.5) NAAQS. The rule takes no action on revisions regarding the interstate transport provisions and visibility protection requirements (prongs 1, 2, and 4) and the minor source program requirements, which will be addressed in a separate action. The rule is effective Sept. 7, 2017. Contact: Tiereny Bell; EPA Region 4, Air, Pesticides and Toxics Management Division; 404-562-9088; bell.tiereny@epa.gov. Citations: 40 CFR 52.920

82 FR 37012 (08/08/2017)

Regulatory Update

AIR

Lamp Testing Energy Conservation Standards

AIR

Notice of the Energy Department, Office of Energy Efficiency and Renewable Energy, requests information regarding updates to test procedures for general service fluorescent lamps, general service incandescent lamps, and incandescent reflector lamps. The agency seeks comments regarding the updated American National Standards Institute and the Illuminating Engineering Society of North America industry methods, including the efficacy of lamp testing in high-frequency instead of low-frequency settings, updates to ballast characteristics, and the use of the new array spectometry method. The agency also seeks comments regarding photometric measurements of reflector-type lamps, the required test voltage of incandescent lamps, and the integrating sphere testing method. The agency seeks comments to improve the repeatability, reproducibility, and consumer representativeness of the test procedures and to limit the test burden for manufacturers. Comments are due Sept. 7, 2017. Contact: Lucy deButts; DOE, Office of Energy Efficiency and Renewable Energy; 202-287-1604; appliancestandardsquestions@ee.doe.gov. Citations: 10 CFR 429, 430.2, Subpart B, Appendix R

82 FR 37031 (08/08/2017)

Regulatory Update

AIR

Mississippi SIP/Prevention of Significant Deterioration

AIR

Direct final rule of the EPA approves revisions to the Mississippi SIP concerning prevention of significant deterioration (PSD) under the new source review permitting program. The revisions update the incorporation by reference date of federal PSD permitting requirements and PSD provisions related to the 1997, 2006, and 2012 fine particulate matter (PM-2.5) and 2015 eight-hour ozone NAAQS. The rule is effective Oct. 10, 2017, unless adverse comments are received by Sept. 7, 2017. Contact: Andres Febres; EPA Region 4, Air, Pesticides and Toxics Management Division; 404-562-8966; febres-martinez.andres@epa.gov. Citations: 40 CFR 52.1270

82 FR 37015 (08/08/2017)

Regulatory Update

AIR

Mississippi SIP/Prevention of Significant Deterioration

AIR

Proposed rule of the EPA would approve revisions to the Mississippi SIP concerning prevention of significant deterioration (PSD) under the new source review permitting program. The revisions update the incorporation by reference date of federal PSD permitting requirements and PSD provisions related to the 1997, 2006, and 2012 fine particulate matter (PM-2.5) and 2015 eight-hour ozone NAAQS. A concurrent direct final rule adopts the revisions, effective Oct. 10, 2017. Comments are due Sept. 7, 2017. Contact: Andres Febres; EPA Region 4, Air, Pesticides and Toxics Management Division; 404-562-8966; febres-martinez.andres@epa.gov. Citations: 40 CFR 52.1270

82 FR 37037 (08/08/2017)

Regulatory Update

AIR

Nevada SIP/Regional Haze Progress Report

AIR

Final rule of the EPA approves a revision to the Nevada regional haze SIP regarding the five-year progress report toward achieving visibility goals by 2018 in Class I federal areas within the state and nearby states. The revision addresses the state's determination that the regional haze requirements in the existing SIP do not require any substantive revision at this time and that existing control measures are adequate to make progress towards reasonable progress goals. The EPA plans to rescind the federal implementation plan for the Reid Gardner Generating Station units 1, 2, and 3 in a separate action. The rule is effective Sept. 7, 2017. Contact: Krishna Viswanathan; EPA Region 9; Air Division; 520-999-7880; viswanathan.krishna@epa.gov. Citations: 40 CFR 52.1470, 52.1488

82 FR 37020 (08/08/2017)

Regulatory Update

ENDANGERED SPECIES

Listing Determination/Pacific Bluefin Tuna

ENDANGERED SPECIES

Notice of the National Marine Fisheries Service announces a 12-month finding on a petition to list the Pacific bluefin tuna, a pelagic species of fish, as a threatened or endangered species and to designate critical habitat concurrently with the listing. The agency finds that the listing is not warranted because the species is not currently in danger of extinction throughout all or a significant portion of its range and is not likely to become so within the future. The finding is dated Aug. 8, 2017. Contact: Gary Rule; NMFS West Coast Region; 503-230-5424; gary.rule@noaa.gov

82 FR 37060 (08/08/2017)

Regulatory Update

FOOD SAFETY
Risk Designations for Bovine Spongiform Encephalopathy
FOOD SAFETY

Notice of the Animal and Plant Health Inspection Service announces that the agency concurs with the World Organization for Animal Health's designation of negligible risk for bovine spongiform encephalopathy in seven regions. The seven regions are Costa Rica, Germany, Lithuania, Mexico, Namibia, Romania, and Spain. Contact: Roberta Morales; APHIS, Veterinary Services; 919-855-7735. Citations: 9 CFR 92, Subpart B

82 FR 37041 (08/08/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Bursal Disease-Marek's Disease Vaccine Field Test
GENERAL ENVIRONMENT AND SAFETY

Notice of the Animal and Plant Health Inspection Service announces the availability of an environmental assessment for a field test of an unlicensed bursal disease-Marek's disease vaccine in Alabama, Delaware, Georgia, Iowa, and North Carolina. The live Marek's disease serotype 3 vaccine is intended for use in healthy 18-day or older chicken embryos or day-old chickens. The EA also addresses the issuance of a veterinary biological product license for the vaccine following satisfactory completion of the field test. The agency intends to issue a finding of no significant impact for the field test and product licensing. Comments are due Sept. 7, 2017. Contact: Donna Malloy; APHIS, Center for Veterinary Biologics, Policy, Evaluation, and Licensing; 301-851-3426

82 FR 37045 (08/08/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Cosmetic Labeling Requirements
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the submission of a continuing information collection request to the OMB concerning four cosmetic labeling requirements. The collection addresses requirements that cosmetic products bear a declaration of ingredients in descending order of predominance; a statement of the identity of the product; the name and place of business of the manufacturer, packer, or distributor; and the net quantity of contents of the product. Comments are due Sept. 7, 2017. Contact: Ila Mizrachi; FDA, Office of Operations; 301-796-7726; PRAStaff@fda.hhs.gov. Citations: 21 CFR 701

82 FR 37100 (08/08/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
OEERE Environmental Questionnaire
GENERAL ENVIRONMENT AND SAFETY

Notice of the Energy Department, Office of Energy Efficiency and Renewable Energy, announces the submission of a revised information collection request to the OMB regarding the administration of an environmental questionnaire. The questionnaire collects information from federal financial assistance awardees for renewable energy and energy efficiency research and development and demonstration projects to ensure that agency decision-making processes are in compliance with NEPA. Comments are due Sept. 7, 2017. Contact: Lisa Jorgensen; DOE, Office of Energy Efficiency and Renewable Energy; 720-356-1569; EEREEQComments@ee.doe.gov

82 FR 37094 (08/08/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Postmarketing Periodic Safety Reports
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the submission of a revised information collection request to the OMB regarding the International Conference on Harmonisation's (ICH) Periodic Benefit-Risk Evaluation Report (PBRER). The PBRER provides a common standard for periodic postmarketing safety reporting on approved drugs or biologics among the ICH regions. The revisions reflect a Nov. 29, 2016, guidance for industry (81 FR 85976) that describes the conditions under which the FDA will exercise its waiver authority to permit applicants to submit an ICH PBRER in lieu of an ICH periodic safety update report, a U.S. periodic adverse drug experience report or a U.S. periodic adverse experience report to satisfy periodic safety reporting requirements. Comments are due Sept. 7, 2017. Contact: Domini Bean; FDA, Office of Operations; 301-796-5733; PRAStaff@fda.hhs.gov. Citations: 21 CFR 314, 600

82 FR 37098 (08/08/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Strategic National Stockpile/Labeling Requirement Exceptions and Alternatives
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the submission of a continuing information collection request to the OMB regarding exceptions or alternatives to labeling requirements for products held by the Strategic National Stockpile (SNS) during national health emergencies. The collection addresses requirements for SNS officials or entities that manufacture, distribute, or store SNS products to submit to an FDA center director a written request for exceptions or alternatives to labeling requirements for human drug products, biological products, medical devices, and in vitro diagnostic products for human use. The collection also addresses requirements for manufacturers to report changes to the new drug applications, biologics license applications, premarket approval applications, or premarket notifications to the FDA if the request is granted. Comments are due Sept. 7, 2017. Contact: Domini Bean; FDA, Office of Operations; 301-796-5733; PRAStaff@fda.hhs.gov. Citations: 21 CFR 201.26, 610.68, 801.128, 809.11

82 FR 37101 (08/08/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Automatic Emergency Braking Systems Field Study
HAZARDOUS MATERIALS TRANSPORTATION

Notice announces the intention of the National Highway Traffic Safety Administration to seek OMB approval for a new information collection request regarding a field study of newer generation heavy-vehicle automatic emergency braking (AEB) systems. The collection consists of a demographic questionnaire, initial crash avoidance systems (CAS) technology questionnaires, and a post-study CAS technology questionnaire for drivers assigned to a specific commercial vehicle equipped with new products released by the major AEB system suppliers in 2015 and 2016. The agency will use information obtained from the questionnaires to determine the real world performance of the new AEB systems. Comments are due Oct. 10, 2017. Contact: Alrik Svenson; NHTSA, Office of Vehicle Safety Research; 202-366-0436

82 FR 37162 (08/08/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Safety Sensitive Transportation Personnel/Obstructive Sleep Apnea
HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Federal Motor Carrier Safety Administration and Federal Railroad Administration announces the withdrawal of a March 10, 2016, advance notice of proposed rulemaking (81 FR 12642) that would have established standards to address potential safety risks from moderate to severe obstructive sleep apnea (OSA) among individuals occupying safety sensitive positions in highway and rail transportation. The agencies will instead address OSA risk through current safety programs, the FRA's rulemaking addressing fatigue risk management, and a potential update to the FMCSA's bulletin to medical examiners and training organizations regarding OSA. The FMSCA also will continue to recommend that drivers and their employers use the North American Fatigue Management Program, which includes a module on driver sleep disorders management. Contact: Christine Hydock; FMCSA; Medical Programs Division; 202-366-4001; fmcsamedical@dot.gov. Citations: 49 CFR 240, 242, 391

82 FR 37038 (08/08/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
California/Vandenberg Air Force Base
HAZARDOUS WASTE CLEANUP

Notice of the Justice Department announces a proposed consent decree in United States v. The Bionetics Corp. (Civil Action No. 17-5677) lodged on Aug. 1, 2017, with the U.S. District Court for the Central District of California. The consent decree resolves claims under CERCLA for the recovery of costs incurred responding to releases of hazardous substances at certain Installation Restoration Program sites at Vandenberg Air Force Base in Santa Barbara County, Calif. The

proposed consent decree requires the defendant to pay $219,000, in exchange for a covenant not to sue under CERLCA Sections 106 and 107. Comments are due Sept. 7, 2017. Contact: DOJ, Environment and Natural Resources Division; 202-514-2701

82 FR 37115 (08/08/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Fire Brigades Standard
OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of OSHA to seek OMB approval for a continuing information collection request concerning the fire brigades standard that applies to discretionarily established fire brigades, industrial fire departments, and private or contract fire departments, but not airport crash rescue units or forest firefighting operations. The collection addresses development and maintenance of an organizational statement that describes the functions performed by the brigade members and determines the level of training and type of personal protective equipment necessary for members to perform assigned functions safely. The collection also addresses requirements for workers' fitness physician's certificates and hazard communications and safety training for special hazards, including storage and use of flammable liquids and gases, toxic chemicals, radioactive sources, and water-reactive substances. Comments are due Oct. 10, 2017. Contact: Theda Kenney; OSHA; 202-693-2044; Kenney.Theda@dol.gov. Citations: 29 CFR 1910.156

82 FR 37118 (08/08/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Hoists and Elevators Standard
OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of OSHA to seek OMB approval for a continuing information collection request concerning the material hoists, personnel hoists, and elevators standard. The collection addresses requirements for posting of rated load capacities, recommended operating speeds, and special hazard warnings and instruction on cars and platforms. The collection also addresses requirements for posting the operating rules for material hoists at the operator's station of the hoist, including procedures for the signal system and allowable line speeds for various loads. In addition, the collection addresses requirements to secure a capacity and data plate in a conspicuous place on cars and addresses equipment test, inspection, and certification requirements. Comments are due Oct. 10, 2017. Contact: Todd Owen OSHA, Directorate of Standards and Guidance; 202-693-2222. Citations: 29 CFR 1926.552

82 FR 37120 (08/08/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Ionizing Radiation Standard
OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of OSHA to seek OMB approval for a continuing information collection regarding the ionizing radiation standard. The collection documents that employers are providing their workers with protection from hazardous ionizing radiation exposure by monitoring worker exposure to ionizing radiation, posting caution signs at radiation areas, reporting worker overexposures to OSHA, maintaining exposure records, and providing exposure records to current and former workers. Comments are due Oct. 10, 2017. Contact: Theda Kenney; OSHA, Directorate of Standards and Guidance; 202-693-2222. Citations: 29 CFR 1910.1096

82 FR 37117 (08/08/2017)

Regulatory Update

RADIATION

Enforcement Discretion for Operating Nuclear Reactors and Gaseous Diffusion Plants
RADIATION

Notice of the NRC announces the submission of a continuing information collection request to the OMB regarding notices of enforcement discretion for operating power reactors and gaseous diffusion plants. The collection addresses licensee and certificate holder requests that the NRC choose not to enforce applicable technical specifications, technical safety requirements, or other conditions where compliance with the conditions would involve unnecessary plant shutdown or place the plant in a condition where safety, safeguards, or security features are degraded or inoperable. Comments are due Sept. 7, 2017. Contact: David Cullison; NRC, Office of the Chief Information Officer; 301-415-2084; Infocollects.Resource@nrc.gov. Citations: 10 CFR 50.91

82 FR 37122 (08/08/2017)

Regulatory Update

RADIATION

Nuclear Power Reactors/Voluntary Reporting of Performance Indicators
RADIATION

Notice announces the intention of the NRC to seek OMB approval for a continuing information collection request regarding voluntary quarterly reporting of performance indicators by power reactor licensees. The agency uses the information in its Reactor Oversight Process to make decisions about plant performance and regulatory response. Comments are due Oct. 10, 2017. Contact: David Cullison; NRC, Office of the Chief Information Officer; 301-415-2084; Infocollects.Resource@nrc.gov

82 FR 37132 (08/08/2017)

Regulatory Update

WATER

Illinois/NPDES Program Electronic Reporting
WATER

Notice of the EPA announces the approval of Illinois' request to revise its EPA-authorized National Pollutant Discharge Elimination System (NPDES) program to allow electronic reporting.

The approval is effective Aug. 8, 2017. Contact: Karen Seeh; EPA, Office of Environmental Information; 202-566-1175; seeh.karen@epa.gov. Citations: 40 CFR 122, 125

82 FR 37095 (08/08/2017)

Regulatory Update

WATER

Marine Technology and Standards Workshop

WATER

Notice of the U.S. Coast Guard announces a workshop, in coordination with the American Society of Mechanical Engineers, on marine technology and standards to exchange information regarding technological impacts on industry. The agenda includes panel discussions regarding transport and use of natural gas, alternative fuels for ship systems, infrastructure for alternative energy sources, and offshore marine technology. The agenda also includes panel discussions regarding shipboard technologies for energy efficiency; polar ship design, construction, and operation; pressure vessels for human occupancy; autonomous ship technology, automation, and cybersecurity; and regulatory/classification developments. The workshop is scheduled for Oct. 16-17, 2017, in Washington, D.C., and via webcast. Contact: Wayne Lundy; USCG, Office of Design and Engineering Standards; 202-372-1379

82 FR 37104 (08/08/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Sun 7/30/2017 1:16:27 PM
Subject: Tulsa World: Heaven forfend! Scott Pruitt is going home on weekends!

The Tulsa World

Heaven Forfend! Scott Pruitt Is Going Home On Weekends!

NOTE 1: The Washington press corps and the environmental lobby might prefer that the EPA boss be held captive on the East Coast and that he hear nothing but the opinions of "green" lobbyists, but the people out in fly-over country like it when we're being heard, too.

NOTE 2: It's apparent to us, and we suspect to Pruitt, that environmental extremists are determined to find anything they can use against him, including this not-so-damning evidence that he hasn't abandoned his family

Editorial
July 30, 2017
http://www.tulsaworld.com/opinion/editorials/tulsa-world-editorial-heaven-forfend-scott-pruitt-is-going-home/article_d54095df-4a88-5e5f-910b-34fa0944d8d4.html

If we were supposed to shocked to learn that EPA Administrator Scott Pruitt is going home on weekends, we're not.

A fishing expedition request for Pruitt's EPA expense accounts by an environmentalist advocacy group pretty much discovered just that, and that he was spending some public money along the way and met with people that the advocates don't approve of.

The New York Times first reported the results of a Freedom of Information request for Pruitt's expense accounts filed by the Environmental Integrity Project, which has a history of blocking development and encouraging regulation. The findings: Pruitt returned to his Tulsa home at least 10 times in his first three months in office, costing taxpayers more than $15,000.

During his trips home, Pruitt made some stops, including an informational meeting at the Brainerd Chemical Company in Tulsa and a speech to the Heritage Foundation in Colorado.

As outrages go, it's not worth much.

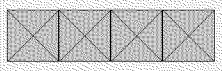
The Washington press corps and the environmental lobby might prefer that the EPA boss be held captive on the East Coast and that he hear nothing but the opinions of "green" lobbyists, but the people out in fly-over country like it when we're being heard, too.

We prefer it when the people at the top of the nation's bureaucratic pyramid get out of the Beltway once in a while to talk to ordinary Americans. If Pruitt is coming home to see his friends, family, neighbors and some of the people he regulates, then good for him. That sounds like the acts of a balanced man who wants to know the thinking of the public, not just the pro-regulation lobbyists.

It's apparent to us, and we suspect to Pruitt, that environmental extremists are determined to find anything they can use against him, including this not-so-damning evidence that he hasn't abandoned his family.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 9/7/2017 5:22:16 PM
Subject: Murkowski says committee may vote on Interior, FERC nominees late next week

By Esther Whieldon

09/07/2017 01:19 PM EDT

Senate Energy and Natural Resources Chairwoman Lisa Murkowski aims to hold a vote on four FERC and Interior Department nominees late next week.

"My hope is that we might be able to get them out ... maybe a week from now, which would be great," Murkowski told reporters today after a confirmation hearing.

The nominees are Joseph Balash, to be Interior assistant secretary for land and minerals management; Ryan Nelson, to be Interior solicitor; and Richard Glick and Kevin McIntyre, to be FERC commissioners.

Murkowski at the hearing said she will urge her colleagues to submit their questions for the record quickly and asked the nominees to be "rapid with your responses ... so that you can get to work. We can't get you there fast enough," she said.

WHAT'S NEXT: The committee will vote on the nominees as soon as next week.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/09/murkowski-says-committee-may-vote-on-interior-ferc-nominees-late-next-week-092583

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Mon 8/14/2017 5:24:47 PM
Subject: Green groups sue EPA over TSCA rules

By Annie Snider

08/14/2017 01:21 PM EDT

Environmental groups have filed a suite of lawsuits challenging a pair of chemical safety rules finalized by the Trump administration last month.

The suits, filed Friday by Earthjustice in the 9th Circuit Court of Appeals in San Francisco, and Environmental Defense Fund in the 2nd Circuit Court of Appeals in New York, contest the two "framework rules" for implementing last year's bipartisan overhaul of the Toxic Substances Control Act. The rules govern how EPA will prioritize and conduct evaluations of tens of thousands of chemicals that are already on the market in the U.S.

In particular, the suits challenge the rules' approach to excluding certain uses of chemicals from EPA's evaluation of the substance's safety. Green groups argue that, under the law, EPA must analyze all of a substance's likely uses.

"Unfortunately, in straying from the letter and intent of that law, the EPA's framework rules leave the public at risk from chemicals commonly found in our homes, schools and workplaces," Richard Denison, lead senior scientist for Environmental Defense Fund, said in a statement. "Our legal challenges seek to hold EPA to the law and ensure that the public is protected as Congress intended."

EPA did not immediately respond to a request for comment on the lawsuits.

WHAT'S NEXT: The two appellate courts will decide whether to allow the lawsuits to proceed.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/green-groups-sue-epa-over-tsca-rules-091777

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 8/3/2017 7:49:38 PM
Subject: Aug. 3 -- Daily Environment Report - Afternoon Briefing

Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

Justice Department Environment Pick a Step Closer to New Role

Posted August 03, 2017, 11:04 A.M. ET

By Renee Schoof

The Senate Judiciary Committee approved Jeffrey Bossert Clark to lead the Justice Department's environment division Aug. 3 over objections by Democrats that Clark doesn't accept the scientific consensus on climate change.

Clark's nomination was sent to the Senate on an 11-9 vote, with all Republicans in favor and all Democrats against. Sen. John Cornyn (R-Texas), a member of the Senate leadership, told Bloomberg BNA afterward he didn't know when the full Senate would vote on Clark's nomination.

Sen. Charles Grassley (R-Iowa), the committee chairman, said before the committee's executive meeting that he was under pressure from Attorney General Jeff Sessions to complete votes on nominees.

Clark, as a private attorney, wrote about his opposition to the Environmental Protection Agency's action on climate change. He told senators at his confirmation hearing that those views on climate change and defense of BP PLC in the 2010 oil spill case would be irrelevant to how he would lead the Environment and Natural Resources Division.

Sen. Dianne Feinstein of California, the ranking Democrat on the committee, said during the hearing that Clark's views on climate change did matter, and that they were the reason for her vote against him.

If the Senate confirms him as assistant attorney general in charge of the division, Clark will lead Justice Department attorneys who enforce environmental laws and defend the EPA and other federal clients in court. He is a trial and appellate lawyer and partner at Kirkland & Ellis LLP.

Clark served as deputy attorney general leading the appellate work in the Environment and Natural Resources Division during the George W. Bush administration.

Methane Hot Spot in West Troubles Regulators and Industry

Posted August 03, 2017, 7:01 A.M. ET

By Alan Kovski

The Four Corners area of northwestern New Mexico and southwestern Colorado has been described as an especially prominent hot spot for methane leaking and venting—and illustrates why the Obama administration issued tougher federal regulations in 2016 to govern oil and gas operations on federal and Indian lands.

Emissions of natural gas—mostly methane—contribute to climate change. Some of the hydrocarbon molecules in the mix of gases also add to ground-level ozone, which is linked to respiratory and cardiovascular effects at high levels of exposure. From a business perspective, the emissions are a waste of natural resources.

The Bureau of Land Management's 2016 Methane and Waste Prevention Rule, commonly called the venting and flaring rule, put oil and gas companies and some state officials on the defensive. They argued that it would add significant costs; that existing regulations were adequate; and that companies already had an economic incentive to capture the gas and sell it for a profit.

Companies in the Four Corners areas produce natural gas from layers of coal and separate gas deposits. ConocoPhillips Co. was for years the the largest operator in the region but on July 31 completed the sale of its assets there to Hilcorp Energy Co. Other notable producers in the area include BP Plc and WPX Energy Inc. Chevron Corp. sold its assets in the area in the second quarter.

It's not necessarily easy to say why the Four Corners area may be worse for methane emissions than other areas. Geology, weather, local infrastructure, state regulations, and the limitations of methane detection systems all play a role.

Charged Political Issue

Some states have taken action to varying degrees and report declining emissions. More federal action awaits Interior Department decisions on how the Trump administration will change the venting and flaring regulations.

The Bureau of Land Management, an Interior Department agency, didn't criticize any state when it issued the venting and flaring rule. But the Four Corners' methane plume became a charged political issue, nevertheless.

Sens. Maria Cantwell (D-Wash.) and Michael Bennet (D-Colo.) singled out the New Mexico portion of the methane plume when they participated in a Washington press conference May 9. One day later, they helped defeat a congressional attempt to rescind the BLM rule.

In June, the Interior Department suspended compliance with those parts of the rule not already in effect and said it will either rescind or revise the rule. The suspension of the regulations pending judicial review was quickly challenged in court by the attorneys general of California and New Mexico.

"Believe me, this was not done without some serious discussions with the lawyers at the Department of Interior," attorney Vincent DeVito, counselor to the Interior secretary on energy policy, said July 27 at an annual meeting of the U.S. Energy Association.

Satellite and Airborne Detection

A 2014 NASA report turned the spotlight on the Four Corners, when satellite detection of methane plumes found the largest single plume over that area.

A later study, led by a scientist at NASA's Jet Propulsion Laboratory at the California Institute of Technology, used two airborne spectrometers in April 2015 for infrared measurements that identified 250 methane point sources in the Four Corners area.

"This finding confirms earlier assumptions that most of the enhanced methane is related to natural gas extraction, as well as coal mining but also that there is not a single source explaining most enhancements," the 2016 report said, referring to enhanced emissions. It was published in the Aug. 30, 2016, issue of the Proceedings of the National Academy of Sciences.

The most prominent identified leaks came from gas processing facilities, storage tanks, a couple of gas pipelines, and a venting coal mine. The spectrometers could detect individual plumes, but not measure volumes, which were inferred from the plume sizes.

All of which doesn't mean the states were sitting by idly while methane leaked.

Colorado Takes Action

Colorado and New Mexico have tightened their emissions regulations during the past three years, as have other states. For Colorado, 2015 was the first full year of new regulations requiring, among other things, hydrocarbon leak detection, which includes methane detection.

Although the regulations don't specify infrared cameras, in practice that has been what companies use, according to Jeremy Neustifter, a planner in the Air Pollution Control Division of the Colorado Department of Public Health and Environment.

"It's still early to tell what effects we have seen" from the relatively new regulations, especially given that 2016 results have not been fully vetted yet, Neustifter told Bloomberg BNA July 27. And the program gets good marks from an industry group.

"The leak detection and repair program has been working fairly well," according to Scott Prestidge, spokesman for the Colorado Oil & Gas Association.

Colorado has seen declines in methane and ethane emissions and ozone concentrations, but specifying the exact reasons for the declines isn't so simple, Neustifter said.

The drop in emissions of volatile organic compounds in Colorado from 2011 to the present, not just under the latest regulations, have been significant, "and the oil and gas industry is responsible for three-quarters of that reduction," Prestidge said.

Individual companies didn't respond to requests for information on methane control strategies.

New Mexico Acts

New Mexico has for several years required operators to obtain special permission for venting or flaring after 60 days of drilling operations. Starting May 1, 2016, the state also requires a gas capture plan for all new applications for permits to drill.

But the New Mexico gas capture plan doesn't require leak detection, according to Jon Goldstein, director of regulatory and legislative affairs for the conservation group Environmental Defense Fund. That leaves New Mexico behind both Colorado and Wyoming, Goldstein said.

Venting and flaring in the state have gone down, David Catanach, director of the Oil Conservation Division within the New Mexico Energy, Minerals and Natural Resources Department, said. The percentage of total gas production in New Mexico was almost 1.5 percent in January 2016 and down to 0.89 percent in January 2017, he said.

The 2016 BLM regulations would have gone beyond New Mexico's by requiring leak detection that would have resulted in infrared camera use, said Dave Mankiewicz, assistant field manager for minerals in the BLM Farmington, N.M., field office.

Why Worse in Four Corners?

Mankiewicz, a geologist with much industry and government experience, offered some details on why the Four Corners area—also known to geologists as the San Juan Basin—might appear to have more methane leakage than other areas.

First there are topography and meteorology. The area has a bowl shape where atmospheric inversions often occur, trapping gases longer near the surface of the Earth, where satellites can spot them. By contrast, oil and gas production areas like the oil-rich Permian Basin of western Texas and eastern New Mexico are in flatter lands, where gases quickly disperse via air currents, he said.

Goldstein agreed that topography and air inversions were a basic problem for the area.

Neustifter in Colorado said inversions also trouble Wyoming, where winter inversions trap volatile organic compounds (a broad category including natural gas) and nitrogen oxides. Wyoming requires quarterly leak inspections on new and existing wells.

Then there's the oil and gas companies' heavy reliance in the Four Corners area on gas-driven equipment, such as pumps and compressors, rather than electrically powered equipment—meaning more opportunities for gas leaks.

The gas to drive the equipment comes from the leases in the San Juan Basin, amounting to 38 percent of all on-lease use of gas in the U.S., Mankiewicz said.

Another problem is the large number of gas seeps. The Four Corners area includes the Fruitland Formation, one of the most gas-rich coal outcrops, Mankiewicz said. And while gas operations appear to dominate the leaks, there also is coal mine venting and leaking.

'Market Failure'

Two industry groups, the American Petroleum Institute and Western Energy Alliance, said operators faced the prospect of significant expenditures to comply with provisions of the BLM rule that were

scheduled to start operating in January 2018. Those now are suspended pending review.

Western Energy Alliance specifically noted that the requirement for leak detection and repair programs, and the standards for storage tanks and pneumatic devices would require operators to begin purchasing and installing tens of thousands of replacement parts in the near future.

Companies have an economic incentive to capture gas and sell it, but the incentive is not strong enough, especially with gas prices low, Environmental Defense Fund's Goldstein told Bloomberg BNA.

"It's just not a strong enough driver," Goldstein said. "It's a market failure."

If the BLM chooses to revise rather than simply rescind the rule, it could retain the leak detection and repair requirements while jettisoning much else, but the agency has not revealed its plan. It's very likely that whatever the agency does will be tested in court for compliance with the National Environmental Policy Act, Administrative Procedure Act, Mineral Leasing Act, and Federal Land Policy and Management Act.

EPA's Pruitt to Visit Gold King Mine Spill Site in Colorado

Posted August 03, 2017, 7:53 A.M. ET

By Tripp Baltz

EPA Administrator Scott Pruitt is planning an Aug. 4 visit to the area of the Gold King Mine spill in Colorado that occurred two years ago.

Joining Pruitt will be Sen. Cory Gardner (R-Colo.) and Sen. Michael Bennet (D-Colo.), as well as Colorado Gov. John Hickenlooper (D) and other other state and federal officials.

Pruitt should meet with the affected communities "on the lasting consequences of the Gold King Mine spill and work with them to identify solutions," Bennet said in an Aug. 3 statement.

Employees of the Environmental Protection Agency and an agency contractor on Aug. 5, 2015, triggered the release at the mine, which spilled some 3 million gallons of mining wastewater and sediment loaded with heavy metals into Upper Cement Creek in a high-altitude region near Silverton, Colo.

The plume of waste flowed into the Animas River, passing through three states and American Indian lands, before flowing into the Colorado River at Lake Powell.

The EPA said in January the spill did not cause long-term harm to the water quality of the Animas and San Juan rivers. Within days of the incident, then-Administrator Gina McCarthy said no harm to human health was reported. The EPA later gave a Superfund designation to the region around the mine, a historic hard-rock mining district.

The EPA press office said it was unable to share details of Pruitt's schedule.

Nuclear Plant Closure Quashes Tax Credit Need, Graham Says

Posted August 03, 2017, 02:05 P.M. ET

By Brian Dabbs

An early extension of a high-profile nuclear tax credit is no longer needed following the closure of a nuclear plant in South Carolina, Sen. Lindsey Graham (R-S.C.) told Bloomberg BNA Aug. 3.

The statement marks a reversal of the senator's position on the production tax credit, which currently sunsets at the beginning of 2021. Graham previously spearheaded the early extension effort in the Senate.

But the July 31 decision by Scana Corp. to abandon an expansion project at the V.C. Summer plant in South Carolina shows that a tax credit won't prop up the industry, Graham said.

"That's probably the end of a nuclear renaissance," he told Bloomberg BNA. "Why do you need production tax credits if you're not building reactors?"

Scana said the move would save utility customers $7 billion.

Brouillette Heads to Energy Department Following Heller Sign-Off

Posted August 03, 2017, 12:42 P.M. ET

By Brian Dabbs

The Energy Department is set to add a deputy for Secretary Rick Perry following the Senate's confirmation of Dan Brouillette Aug. 3.

The chamber, on a vote of 79-17, approved Brouillette after Sen. Dean Heller (R-Nev.) lifted a hold on his nomination. Brouillette formerly served at the Energy Department during the George W. Bush administration.

As recently as Aug. 1, Heller said he was blocking the nomination because Brouillette hadn't responded to his inquiry over the nominee's position on the Yucca Mountain nuclear waste repository. A spokeswoman for Heller said the senator made "progress" on resolving the standoff with Brouillette.

Heller sent the inquiry, which focused on the nominee's support for consent-based siting of a waste repository, nearly two months ago. The spokeswoman didn't respond to a followup request by Bloomberg BNA to obtain more details. Heller was the lone Republican to vote no on the nomination.

A hold is an informal Senate tactic that typically signals a senator will force full debate on a nomination or legislation. The Brouillette nomination received only 15 minutes of debate prior to the vote, an indication that the hold had been lifted.

The Nevada congressional delegation largely opposes the permanent repository at Yucca Mountain, arguing the project presents risks to the environment and surrounding communities. A bill sponsored by Heller (S. 95) would require any such facility to first receive consent from the state's governor, Indian tribes and local governments. Gov. Brian Sandoval (R-Nev.) opposes a repository at Yucca.

Brouillette has been senior vice president of the United Services Automobile Association, an organization providing financial services to military personnel, veterans, and their families. Before that he was a vice president at Ford Motor Co. He served as an assistant secretary of energy for congressional and intergovernmental affairs from 2001 to 2003.

Brouillette previously worked in Congress for the House Energy and Commerce Committee and for lobbying firms, including FleishmanHillard Inc. His clients at that firm included Entergy Corp., Allegheny Energy Inc., and Peabody Energy Corp., according to OpenSecrets.org, a project of the Center for Responsive Politics that tracks money in politics.

Electric-Car Revolution Shakes Up Biggest Metals Markets

Posted August 03, 2017, 7:35 A.M. ET

By Mark Burton and Eddie van der Walt

The revolution in electric vehicles set to upturn industries from energy to infrastructure also is creating winners and losers within the world's biggest metals markets.

While some of the largest diversified miners like Glencore Plc argue that fossil fuels such as coal and oil still play a crucial role supplying energy needs, they also will benefit the most from a move to electric cars, requiring more cobalt, lithium, copper, aluminum, and nickel.

The outlook for greener transportation got a boost this year as the U.K. joined France and Norway in saying it would ban fossil-fuel car sales in coming decades. That's as Volvo AB announced plans to abandon the combustion engine and Tesla Inc. unveiled its latest, cheaper Model 3. Such vehicles will outsell their petroleum-driven equivalents within two decades, Bloomberg New Energy Finance estimates.

"For some of the metals, it's a complete game-changer," said Simona Gambarini, a commodities economist at Capital Economics Ltd. in London. "We've already seen a big impact on some metals like cobalt and lithium, which have soared over the past couple of years."

Electric cars contain about three times more copper than a regular vehicle, according to Glencore. Even more is needed for charging stations, with Exane BNP Paribas seeing such infrastructure adding about 5 percent to demand by 2025. Lithium, cobalt, graphite, and manganese used in batteries also will see more demand.

Copper and Cobalt

Glencore will get a boost as rising electric-vehicle sales lend support to copper prices, as well as from its position as the world's largest cobalt producer, according to Jefferies Group LLC. Freeport-McMoRan Inc. and First Quantum Minerals Ltd. are also top picks for long-term investors looking to benefit from the trend, the brokerage said in a note Aug. 2.

Markets are responding. Cobalt has surged 70 percent on the London Metal Exchange this year, after jumping 37 percent in 2016. Lithium prices have extended gains in recent years. Copper is also up 14 percent in 2017 on signs of resurgent economic growth, particularly in China.

On the flip side, lead producers such as Recylex SA and Campine SA may have to adapt operations to the new era. The main end-use for lead is in starter batteries for petrol and diesel engines. Electric vehicles, by contrast, are powered by lithium-ion units.

"It's a serious risk for lead demand, unless you find different applications to make up for the decline," said Michael Widmer, head of metals market research at Bank of America Merrill Lynch in London.

Lithium vs. Lead

Yet with lead prices up 17 percent this year, the best of any major industrial metal traded in London, investors see only distant risks. "I'm not so sure things will turn out" so badly for lead, as cheap oil prices will help keep conventional cars competitive, said Herwig Schmidt, head of sales at metals brokerage Triland Metals Ltd. If demand for lead does drop, it will do so gradually, he said. "Maybe that will be the case in 10 years or so."

In the meantime, stricter emissions rules could raise demand for hybrid cars that rely on advanced lead-intensive batteries to cope with frequent engine stops and starts, according to the International Lead and Zinc Study Group.

It's not just shifts in use of batteries and wires that are forcing change.

Lightweight metals like aluminum are replacing steel to allow cars to travel further on less power. That already expanded demand by about 1.6 million metric tons, or 2.7 percent of global output, from 2013 to 2016 in a trend that's likely to accelerate, Widmer said.

Aluminum vs Steel

Aluminum is up 14 percent this year as rising use by automakers has run into supply curbs in China, pushing the market into deficit.

Steelmakers are fighting back. AK Steel Holding Corp. has teamed up with General Motors Co. to try to use nanotechnology to make lightweight vehicle bodies. ArcelorMittal and Tata Steel Europe also are among those developing lighter, stronger alloys to fend off the competition.

"The development of ultra-high–strength steel is meant to address that," said Sylvain Brunet, an analyst at Exane BNP Paribas. There's been "some success in Europe."

Platinum also could struggle to cope with the end of petroleum.

Almost half the precious metal used last year was sold to the auto industry for use in catalytic converters to curb diesel pollution, according to research from Johnson Matthey Plc, one of its top refiners.

"A lot of commodities that are in demand right now, like oil and platinum, may not be in demand in the future," said Bernard Dahdah, a commodities analyst at Natixis SA in London. "It's not that commodities overall will become less relevant, but we will see a reshuffling in terms of what is important in the next 15 years."

The platinum industry sees a continued need for converters in diesel-hybrid engines. Umicore SA, a maker of raw materials for batteries and engine catalysts, expects hybrids to still outnumber full-electric cars in 2025, Chief Executive Officer Marc Grynberg said Aug. 1.

"Given the expected evolution of battery costs, there may still be an advantage to buying a hybrid,"

he said.

Fuel-cell vehicles being developed by Toyota Motor Corp. and Hyundai Motor Co. that rely on platinum as a catalyst to generate energy from hydrogen promise the greatest opportunity for demand growth in the next 10 years, according to the World Platinum Investment Council lobby.

Yet, until such technology has been proven commercially, the industry is at risk from the shift away from fossil fuels.

"Diesel looks set to be the clear loser out of this substitution towards electric vehicles," said Brunet at Exane BNP Paribas.

German automakers, fighting for diesel's future, faced a setback last month after a Stuttgart court ruled in favor of banning the technology in the home city of Mercedes-Benz and Porsche.

Perhaps the most immediate danger from electric vehicles, though, is to analysts' predictions. Given the tectonic shift away from oil and the competing technologies to replace the fossil fuel, the outlook for demand from the auto industry has never been so clouded.

"What it comes down to is the extent to which electric vehicles gain popularity," said Bank of America's Widmer. "For metals like copper and nickel, if you underestimate electric vehicle sales by one percentage point, you can add one percentage point to global demand."

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U.K. Policy Change Seen Too Frequent for Smooth Energy Shift

Posted August 03, 2017, 8:51 A.M. ET

By Mathew Carr

The U.K.'s energy policies are confusing markets and limiting investment needed to spur a transition away from fossil fuels, according to a pro-business environmental group.

The government's willingness to move by itself in Europe to set a carbon-price floor and its threat to cap household energy tariffs is undermining the country's ability to win spending on clean energy and smart networks, said Volker Beckers, former chief executive officer of RWE AG's U.K. unit. Beckers was speaking in an interview before a report Aug. 3 by Forum for the Future, a pro-business environmental group, for which he was consulted.

"It's absolutely paramount we get this sorted," Beckers said by telephone. "The more political intervention we have in the markets, it'll undermine the ability of markets to deliver a true wholesale price of electricity—governments need to decide whether they believe in a fully competitive and free market, or they want to intervene more, as they're already doing."

The report concludes that governments, including Britain's, have been caught off guard by the pace and scale of the transition away from fossil fuels. European utilities have lost more than 100 billion euros ($119 billion) of value since 2008 and new companies are beginning to gain traction, it said.

The Department for Business, Energy and Industrial Strategy didn't immediately comment on the criticism contained in the report, when contacted by email.

The report draws on interviews with six former executives and policy makers: Beckers, Ed Davey, energy secretary in 2012–2015; Charles Hendry, U.K. energy secretary in 2010–2012, Steve Holliday, CEO of National Grid Plc in 2007–2016; Joan MacNaughton, director general of energy at the former Department of Trade and Industry in 2002–2006; and Ian Marchant, CEO of SSE Plc in 2002–2013.

The U.K. carbon price floor has made both coal and cleaner natural gas generation less profitable. With doubt about future carbon and wholesale power prices, there's a risk that free markets may not recover to levels high enough to sustain a cleaner system, Beckers said. Two gas plants commissioned by him before 2010 were needing prices of 70 pounds per megawatt-hour to break even, he said. That's about 56 percent more than average prices since then.

"You can easily work out that the economics of these power stations do not stack up," Beckers said. "Hence, we've seen massive impairments of generation assets across Europe."

Governments need to boost the EU carbon price, which will help lift power contracts, and they probably will do so after about a decade of trying, Beckers forecast. European policy makers are seeking to install a market reserve in 2019 to deal with a glut in their emissions program, while the U.K. is consulting how to price or tax its emissions after it exits the European Union.

Plunging costs for wind and solar technology have complicated policy making, MacNaughton said by phone. Still, the U.K. government had made it more difficult to meet its emissions targets cheaply by having an aversion to onshore windfarms and by favoring the EDF SA nuclear project at Hinkley Point, which was encouraged in an "expensive" fashion, she said. EDF is guaranteed to earn 92.50 pounds a megawatt-hour for the power it generates at the nuclear site over 35 years.

"We've had a very strong signal from the Climate Change Act and the carbon budgets, but it's not quite strong enough," she said.

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Arsenal Soccer Club Tackles Climate Change With Clean Energy

Posted August 03, 2017, 12:15 P.M. ET

By Jessica Shankleman

Arsenal Football Club plans to power its stadium with renewable energy produced from wasted food and solar panels in a bid to reduce greenhouse gas pollution.

The North London club signed a contract with Octopus Energy Ltd. to source energy from anaerobic digestion plants and solar farms. It will offset carbon dioxide emissions from fossil fuels.

The contract was signed Aug. 3 for an undisclosed value followed a yearlong trial by Arsenal, a spokeswoman for the utility said by phone. Wasted food from the club will be sent to the plants that break down organic waste to create biogas and electricity.

Octopus was started in April 2016, backed by renewable energy investors at Octopus Capital Ltd. In the first year the switch helped Arsenal save 2.32 million kilograms (5.1 million pounds) of carbon dioxide, according to the statement.

Arsenal isn't the only soccer club to use green energy. Forest Green Rovers, a vegan team based in Gloucestershire that's owned by the clean-energy supplier Ecotricity Group Ltd. Chairman Dale Vince, already uses a solar-powered robot lawnmower. Vince also wants his club to be the greenest in the world and is building a new stadium made almost entirely of wood.

Other companies like Apple Inc., Facebook Inc. and Google parent company Alphabet Inc. all plan to run only on green energy over the next few years, marking a growing drive by corporations to buy renewable energy.

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Germany Giving Gigafactory a Home in Latest Challenge to Tesla

Posted August 03, 2017, 8:34 A.M. ET

By Brian Parkin

German executives are preparing to announce a new home for a lithium-ion battery plant designed to rival the output at Tesla Inc.'s Gigafactory.

Terra E Holding GmbH will choose one of five candidate sites in Germany or a neighboring country next month to build its 34 gigawatt-hour battery factory, Frankfurt-based Chief Executive Officer Holger Gritzka said in an interview. The former ThyssenKrupp AG manager has helped to assemble a consortium of 17 German companies and won government support for the project, which will break ground in the fourth quarter of 2019 and reach full capacity in 2028, he said.

The battery factory is the latest sign that German industry, the motor behind the world's fourth-biggest economy, is gearing up for a new stage in the energy revolution. Lithium-ion batteries can help stabilize intermittent flows of wind and solar power on electricity networks. They're also projected to power millions of plug-in cars expected to roll off German production lines beginning early next decade.

"We have to be better in process technology than competitors, a constant step ahead," said Gritzka, who emphasized that Terra E will be counting on Germany's competitive edge in manufacturing robotics and automated production to make money.

Global battery-making capacity is set to more than double by 2021, reaching 278 gigawatt-hours, up from about 103 gigawatt-hours in the second quarter, according to Bloomberg New Energy Finance. Asia electronics makers including South Korea's LG Ltd. and Samsung SDI Co. currently control the market. Tesla will become the world's No. 2 battery maker once it finishes building its $5 billion, 35 gigawatt-hour Gigafactory in Nevada, according to the London-based researcher.

Merkel's Endorsement

Some of Terra E's consortium members also may become its clients, according to Gritzka, who declined to name companies participating. The project, which won 5.2 million euros ($6.2 million) in subsidies from Germany's Ministry of Education and Research, expects to need upwards of a billion euros before completion, the CEO said.

Terra E will be seeking strategic investors that are attracted by the government-paid research

embedded in Terra's technology and German Chancellor Angela Merkel's endorsement of the company, said Gritzka. In May, Merkel broke ground at another 500 million-euro plant to assemble lithium-ion energy-storage units for Daimler AG, which produces Mercedes-Benz and Maybach luxury cars.

The company will focus its batteries on stationary units, according to Gritzka. The project aims to tap an emerging market for mobile and non-automotive power and storage, he said. The bet rests on projected faster demand for lithium storage in the next decade.

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Turkey Awards First Wind-Power Contract to Siemens Gamesa

Posted August 03, 2017, 01:24 P.M. ET

By Onur Ant and Anna Hirtenstein

A consortium led by Siemens Gamesa Renewable Energy SA won the right to build 1 gigawatt of wind power in Turkey, outbidding competitors from China to the U.S. in the country's first wind auction.

The group won with a low bid of 3.48 U.S. cents a kilowatt-hour to sell electricity to Turkey's government, according results distributed Aug. 3 at the auction in Ankara. Siemens Gamesa partnered with Turkey's Turkerler and Kalyon at the auction, which needed 29 rounds to find a price.

"The aggressive bidding at 50 percent below the ceiling price shows that Siemens Gamesa really wanted to get into this market," said Keegan Kruger, wind analyst at Bloomberg New Energy Finance. "This tender also shows there's a shift in mentality among the turbine makers away from just being suppliers."

Eight groups participated in the auction, which set out rules requiring the winning bidder to build a turbine factory in Turkey and agree to employ a mostly local workforce. Energy Minister Berat Albayrak estimated that development costs for the wind projects will be more than $1 billion.

Capacity will be spread throughout Turkey. Before the auction, the government had selected seven regions for developers to choose from, including Eastern Thrace near Bulgaria, an area close to Ankara, and the city of Sivas in central Turkey.

German Investors

The participation of Siemens Gamesa, a Vizcaya, Spain-based company majority owned by Germany's Siemens AG, should improve ties with Berlin's government, Albayrak said after the tender, an apparent reference to months of diplomatic discord between Turkey and Europe's biggest economy.

The win by a German firm is "really important in showing bilateral problems between the Turkish and German governments is not getting in the way of German business interests in Turkey," Tim Ash, an emerging-market strategist at BlueBay Asset Management in London, said in an e-mailed note. "The Turkish government has been really keen to demonstrate this and re-assure German business."

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Invenergy Issues Green Bond to Finance Wind Park in Uruguay

Posted August 03, 2017, 01:01 P.M. ET

By Vanessa Dezem

Invenergy Wind LLC, a Chicago-based energy company, issued a $137 million green bond to finance a wind park in Uruguay.

It is the first green bond in Uruguay, according to Emilio Fabbrizzi, head of project finance Latin America at DNB Markets, who structured the transaction. The deal was backed by the Inter-American Investment Corporation, known as IIC.

"It is an innovative way to issue a bond," said Fabbrizzi. "Issuing it together with a multilateral bank is more comfortable for investors as a country such as Uruguay is not big for the capital market. It is an investment grade country, attractive for this type of transaction."

The 70-megawatt Campo Palomas Wind Farm in the Salto Department of Uruguay was acquired by Invenergy last year from an Uruguayan subsidiary of Abengoa SA. Project financing was provided by the IIC, with DNB acting as the mandated lead arranger.

The goal of the bond issuance is to refinance the wind park, which is already operating. The state-owned utility Administracion Nacional de Usinas & Trasmisiones Electricas, known as UTE, will buy the plant's output under a long-term lease agreement.

"You can get more interest from investors when the bond is certified as green," said Salvatore Santoro, head of investment banking Sweden at DNB. "Demand for green bonds is increasing as insurance companies, asset managements, pension funds, among other players, are chasing opportunities to comply with requirements of allocating a portion of the money for sustainable activities."

Invenergy and its affiliates have more than 12,000 megawatts of projects in operation, construction or advanced development, including wind, solar, natural gas fueled power generation and energy storage.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 9/1/2017 12:32:07 PM
Subject: Sep. 01 -- EHS Federal Regulatory Alert



EHS Federal Regulatory Alert

September 01, 2017 - Number 169

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Summaries

AIR
Indiana SIP/Cincinnati-Hamilton PM-2.5 Nonattainment Area
AIR

Final rule of the EPA redesignates the Indiana portion of the tri-state Cincinnati-Hamilton, Ohio-Ind.-Ky., nonattainment area to attainment for the 1997 fine particulate matter (PM-2.5) NAAQS. The rule also approves the state's plan for maintaining the 1997 annual PM-2.5 NAAQS through 2027 and the state's updated emission inventory, which includes inventories for volatile organic compounds and ammonia. In addition, the rule approves and updates the budget for the mobile source contribution of PM-2.5 and nitrogen oxides to the area for transportation conformity purposes. The rule is effective Sept. 1, 2017. Contact: Michelle Becker; EPA Region 5, Air Programs Branch; 312-886-3901; becker.michelle@epa.gov. Citations: 40 CFR 52.776, 81.315

82 FR 41527 (09/01/2017)

Regulatory Update

AIR
NOx Budget Trading Program
AIR

Notice of the EPA announces the submission of a continuing information collection request to the OMB regarding the NOx Budget Trading Program to reduce the regional transport of ozone. The program has been replaced by ozone-season NOx trading programs under the Cross-State Air Pollution Rule. The collection addresses emissions monitoring and reporting requirements for industrial sources in certain states that continue to report emissions data to the EPA under a NOx SIP call. Comments are due Oct. 2, 2017. Contact: Karen VanSickle; EPA, Office of Air and Radiation; 202-343-9220; vansickle.karen@epa.gov. Citations: 40 CFR 75

82 FR 41620 (09/01/2017)

Regulatory Update

AIR

Rhode Island SIP/VOC Emissions from Fiberglass Processing

AIR

Notice of the EPA announces the withdrawal of a July 3, 2017, direct final rule (82 FR 30747) that would have approved revisions to the Rhode Island SIP regarding volatile organic compound (VOC) emissions from fiberglass process areas operated by US Watercraft LLC, of Warren, R.I. The revisions include a closed molding process and VOC limits on gel coats and resins used to limit emissions from the facility. The revisions prohibit the use of VOC solvents for cleanup, and restrict US Watercraft to using the Seemann Composite Resin Infusion Molding Process or a roller when applying vinyl ester resin, except when applying vinyl ester resin by spray layup for corrosion proof laminate. The revisions also require tracking of VOC emissions and remove the previously approved consent agreement for the facility. The withdrawal is in response to receipt of an adverse comment. The agency will instead proceed with a final rule based on the related proposed rule (82 FR 30815; 07/03/2017). The withdrawal is effective Sept. 1, 2017. Contact: David Mackintosh; EPA Region 1, New England Regional Office; 617-918-1584; Mackintosh.David@epa.gov. Citations: 40 CFR 52.070

82 FR 41526 (09/01/2017)

Regulatory Update

FOOD SAFETY

Inspection Coverage at Siluriformes Fish Establishments

FOOD SAFETY

Notice of the Food Safety and Inspection Service confirms that on Sept. 1, 2017, the agency will adjust inspection coverage at official establishments that slaughter Siluriformes fish, including catfish, from all hours of operation to once per production shift. The change reduces the initial frequency of inspection coverage provided for in the Dec. 2, 2015, final rule (80 FR 75590) that established a mandatory inspection program for Siluriformes fish. The agency also provides responses to eight comments received on the May 17, 2017, notice (82 FR 22609) proposing the change and the June 16, 2017, notice (82 FR 27679) extending the comment period. Contact: Rachel Edelstein; FSIS, Office of Policy and Program Development; 202-205-0495.

82 FR 41501 (09/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Clinical Data Interchange Standards Consortium Study Data Tabulation Model

GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the March 15, 2018, end date for support of version 1.2 of the Clinical Data Interchange Standards Consortium Study Data Tabulation Model (SDTM) and an update to the Data Standards Catalog for study data provided in new drug applications (NDAs), abbreviated NDAs, biologics license applications, and investigational NDAs. Support will continue for versions 1.3 and 1.4 of the SDTM, which provide a standard for formatting data for electronic submission. Comments may be submitted at any time. Contact: Fatima Frye; FDA, Center for Drug Evaluation and Research; 301-796-4863; cder-edata@fda.hhs.gov

82 FR 41624 (09/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Determination Concerning Safety and Effectiveness/Nizoral
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a determination that Nizoral (ketoconazole) tablets, 200 milligrams, were not withdrawn from sale for reasons of safety or effectiveness. The determination allows the FDA to approve abbreviated new drug applications that refer to Nizoral if all other legal and regulatory requirements are met. Contact: Robin Fastenau; FDA, Center for Drug Evaluation and Research; 240-402-4510

82 FR 41624 (09/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Environmental Impact Statements
GENERAL ENVIRONMENT AND SAFETY

Notice of the EPA announces the availability of environmental impact statements filed Aug. 21-25, 2017. Contact: Dawn Roberts; EPA, Office of Federal Activities; 202-564-7146. Citations: 40 CFR 1506.9

82 FR 41621 (09/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
First Responder Network Authority/Central Region
GENERAL ENVIRONMENT AND SAFETY

Notice of the National Telecommunications and Information Administration, First Responder Network Authority (FirstNet), announces the availability of the final programmatic environmental impact statement for the central region of the nationwide public safety broadband network. The PEIS addresses deployment and operation of the proposed broadband network in the central region consisting of Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Utah, Wisconsin, and Wyoming. Once a record of decision is signed, the proposed FirstNet projects will submit site-specific environmental documentation to determine whether individual projects have been adequately evaluated in the PEIS or instead warrant a categorical exclusion, environmental assessment, or environmental impact statement. Contact: Amanda Pereira; NTIA, First Responder Network Authority, 571-665-6100

82 FR 41594 (09/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Illinois/Brandon Road Lock and Dam Aquatic Nuisance Species Controls

GENERAL ENVIRONMENT AND SAFETY

Notice of the U.S. Army Corps of Engineers announces meetings regarding the draft integrated feasibility study and environmental impact statement for the plan to prevent the spread of aquatic nuisance species between the Great Lakes and Mississippi River basins through the Chicago Sanitary and Ship Canal and other aquatic pathways. The study and EIS evaluate structural and nonstructural options and technologies near the Brandon Road Lock and Dam, in Will County, Ill., to prevent the upstream transfer of aquatic nuisance species. The study and EIS also identify potential adverse impacts that alternatives may have on existing uses and users of the waterways. The meetings are scheduled for Sept. 11, 14, and 18, 2017, in Chicago, Muskegon, and Joliet, Ill., respectively. The meetings also will be held via web conference and teleconference. Comments are due Oct. 2, 2017. Contact: Andrew Leichty; USACE, Rock Island District; 309-794-5399; Andrew.L.Leichty@usace.army.mil

82 FR 41615 (09/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Mandatory Reliability Standard CIP-014/Transmission Station Physical Attacks

GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of FERC to seek OMB approval for a continuing information collection request regarding the reporting requirement under Mandatory Reliability Standard CIP-014 for transmission owners and operators concerning stations, substations, and primary control centers that, if rendered inoperable or damaged as a result of a physical attack, could result in instability, uncontrolled separation, or cascading within an interconnection (Form FERC-725U). The collection requires such owners and operators to retain data or evidence to show compliance with the standard for three years unless directed by its compliance enforcement authority. Entities that are found noncompliant with the standard must retain related information until mitigation is completed or for the three years, whichever is longer. Comments are due Oct. 31, 2017. Contact: Ellen Brown; FERC; 202-502-8663; DataClearance@FERC.gov

82 FR 41618 (09/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Medical Devices Advisory Committee Meeting Procedures

GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the availability of a final guidance for industry that provides additional information regarding the processes for meetings of the Medical Devices Advisory Committee panels, other than the Dispute Resolution Panel. The guidance describes the general circumstances when the Center for Devices and Radiological Health (CDRH) consults with a panel; the process for exchange of information between the CDRH, panel members, industry, and the public; and the conduct of panel meetings. The guidance supplements and replaces existing FDA agencywide guidance on the conduct of advisory committee meetings. Comments may be submitted at any time. Contact: James Swink; CDRH; 301-796-6313

82 FR 41626 (09/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Nevada/Greater Phoenix Mine Project
GENERAL ENVIRONMENT AND SAFETY

Notice of the Bureau of Land Management announces the availability of a draft environmental impact statement for the proposed Greater Phoenix Mine Project in Lander County, Nev. The project, proposed by Newmont Mining Corp., of Greenwood Village, Colo., involves the expansion of the life of the mine until 2063; expansion of the mine boundary; and increasing surface disturbances to 11,871 acres, of which 5,896 acres involves public lands. In addition to the proposal submitted by Newmont, the agency has analyzed an enhanced/mechanical evaporation cell alternative, a treat water for agricultural cropping on private land alternative, and a no action alternative. Comments are due 45 days after the EPA publishes a notice of availability of the DEIS in the Federal Register. Contact: Christine Gabriel; BLM, Mount Lewis Field Office; 775-635-4000; blm_nv_bmdo_GreaterPhoenixProject@blm.gov

82 FR 41647 (09/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Royalty Policy Committee Meeting
GENERAL ENVIRONMENT AND SAFETY

Notice of the Office of Natural Resources Revenue announces the first meeting of the Royalty Policy Committee. The committee provides advice to the secretary on the fair market value of, and the collection of revenues derived from, the development of energy and mineral resources on federal and Indian lands. The agenda includes the establishment of first-year priority issues and goals, a timeline for future meetings, actions to be taken in order to achieve committee goals, and subcommittee tasks and membership. The meeting is scheduled for Oct. 4, 2017, in Washington, D.C., and via teleconference. Comments are requested, but a due date is not specified. Contact: Kim Oliver: Office of Natural Resources Revenue; 202-513-0370; rpc@ios.doi.gov

82 FR 41646 (09/01/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
TVA/Freedom of Information Act
GENERAL ENVIRONMENT AND SAFETY

Final rule of the Tennessee Valley Authority amends its Freedom of Information Act (FOIA) regulations to align with the FOIA Improvement Act of 2016. The rule incorporates statutory changes that require agencies to make available for public inspection in an electronic format records that have become or are likely to become the subject of subsequent requests for substantially the same records, or that have been requested three or more times. The rule also provides a minimum of 90 days for requesters to file an administrative appeal, includes dispute

resolution procedures, and codifies the Justice Department's forseeable harm standard. In addition, the rule includes provisions to consider whether partial disclosure is possible if full disclosure is not and to take reasonable steps to separate and release nonexempt information. Finally, the rule specifies that the deliberative process privilege does not apply to records created 25 years or more before the date of the request and that such records must be released if requested. The rule is effective Sept. 1, 2017. Contact: Denise Smith; TVA; 865-632-6945; dsmith@tva.gov. Citations: 18 CFR 1301.1 through 1301.12

82 FR 41511 (09/01/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
National Maritime Security Advisory Committee Meeting
HAZARDOUS MATERIALS TRANSPORTATION

Notice of the U.S. Coast Guard announces a meeting of the National Maritime Security Advisory Committee. The agenda includes discussion of cybersecurity guidance in the Marine Transportation System, an update on regulatory reform efforts, and a committee member report on security developments. The agenda also includes an update on the efforts of the Extremely Hazardous Cargo Working Group and a discussion on the identification of future security issues for the Coast Guard to consider. The meeting is scheduled for Sept. 19-20, 2017, in Arlington, Va., and via webcast and teleconference. Comments are due Sept. 20, 2017. Contact: Ryan Owens; USCG; 202-372-1108; ryan.f.owens@uscg.mil

82 FR 41633 (09/01/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
West Virginia/Par Industries Inc. Superfund Site
HAZARDOUS WASTE CLEANUP

Notice of the Justice Department announces a proposed consent decree in United States v. PAR Industrial Corp. (Civil Action No. 3:16-cv-1703), lodged on Aug. 25, 2017, with the U.S. District Court for the Southern District of West Virginia. The consent decree resolves claims under CERCLA concerning the Par Industries Inc. Superfund Site in Nitro, W.Va. The consent decree requires the defendant to pay a civil penalty of $300,000 over a three-year period. The consent also requires the defendant to endeavor to sell the majority of the property on which the site is located and to distribute the proceeds of any sale between the U.S. and defendant under a specified schedule. Comments are due Oct. 2, 2017. Contact: DOJ, Environment and Natural Resources Division; 202-514-2701

82 FR 41657 (09/01/2017)

Regulatory Update

MINING
Wyoming/Bridger Coal Co. Coal Exploration License Application
MINING

Notice of the Bureau of Land Management announces an invitation to participate with Bridger Coal Co., of Point of Rocks, Wyo., on a pro rata cost-sharing basis in a proposed coal exploration program (License Application WYW185631) on 1,561 acres of public lands in Sweetwater County, Wyo. The notice specifies that the exploration program is intended to obtain structural and quality information on the coal. Written notices of intent to participate are due Oct. 2, 2017. Contact: Jackie Madson; BLM; 307-775-6258; jmadson@blm.gov

82 FR 41647 (09/01/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Personnel Training/Grantee Quarterly Progress Report
OCCUPATIONAL SAFETY AND HEALTH

Notice of OSHA announces the submission of a continuing information collection request to the OMB concerning the grantee quarterly progress report for grant-funded training activities under the Susan Harwood Training Grants Program (Form OSHA-171). The collection addresses nonprofits that provide training courses for personnel that address proper use of safety and health equipment and the prevention of unsafe and unhealthful working conditions. Comments are due Oct. 2, 2017. Contact: Michel Smyth; Labor Department; 202-693-4129; DOL_PRA_PUBLIC@dol.gov

82 FR 41661 (09/01/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Safety Complaints by Employees
OCCUPATIONAL SAFETY AND HEALTH

Notice of OSHA announces the submission of a continuing information collection request to the OMB concerning the OSHA-7 Form, by which employees can report alleged safety and health hazards to the OSHA area director or compliance officer. The form also allows employees to request an inspection of the workplace and provides for the opportunity to give information directly to the OSHA compliance officer during an inspection. Comments are due Oct. 2, 2017. Contact: Theda Kenney; OSHA; 202-693-2222. Citations: 29 CFR 1903.11

82 FR 41659 (09/01/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Underground Construction Standard
OCCUPATIONAL SAFETY AND HEALTH

Notice of OSHA announces the submission of a continuing information collection request to the OMB regarding the underground construction standard. The collection addresses requirements for employers to develop records for air quality tests; to post warning signs or notices during underground construction; and to inspect and load test hoists upon installation, repair, and after tripping a hoist safety device. The collection also addresses requirements for employers to

prepare and maintain certification records of inspections and load tests. Comments are due Oct. 2, 2017. Contact: Michel Smyth; Labor Department; 202-693-4129; DOL_PRA_PUBLIC@dol.gov. Citations: 29 CFR 1926.800

82 FR 41659 (09/01/2017)

Regulatory Update

OIL AND GAS INDUSTRY
Exxon Valdez Oil Spill Public Advisory Committee Meeting
OIL AND GAS INDUSTRY

Notice of the Interior Department announces a meeting of the Exxon Valdez Oil Spill Public Advisory Committee. The agenda includes a review of the fiscal year 2018 work plan, the annual program budget, and habitat issues. The meeting is scheduled for Sept. 28, 2017, in Anchorage, Alaska. Comments are request, but a due date is not specified. Contact: Philip Johnson; Interior Department, Office of Environmental Policy and Compliance; 907-271-5011

82 FR 41646 (09/01/2017)

Regulatory Update

OIL AND GAS INDUSTRY
Small-Scale Natural Gas Exports
OIL AND GAS INDUSTRY

Proposed rule of the Energy Department would expedite certain applications for export of natural gas, including liquefied natural gas, to countries with which the U.S. has not entered into a free trade agreement requiring national treatment for trade in natural gas and with which trade is not prohibited. The rule would exempt from the notice of application and procedure process and provide for issuance upon receipt any complete application for export of natural gas in a volume up to and including 0.14 billion cubic feet per day, provided the action does not require an environmental impact statement or an environmental assessment. Comments are due Oct. 16, 2017. Contact: Amy Sweeney; DOE, Office of Regulation and International Engagement; 202-586-2627. Citations: 10 CFR 590.102, 590.208

82 FR 41570 (09/01/2017)

Regulatory Update

RADIATION
Advisory Committee on Reactor Safeguards Meeting
RADIATION

Notice of the NRC announces a meeting of the Advisory Committee on Reactor Safeguards. The agenda includes discussion regarding the Advanced Power Reactor 1400 Design Certification, Planning and Procedures Subcommittee recommendations and ACRS proposed reports. The agenda also includes discussion concerning the quality assessment on the project on validation of computational fluid dynamics methods using prototypic light water reactor spent fuel assembly thermal hydraulic data. The meeting is scheduled for Sept. 7-8, 2017, in Rockville, Md., and via video teleconference. Comments are due Sept. 7, 2017. Contact: Quynh Nguyen; NRC;

301-415-5844; Quynh.Nguyen@nrc.gov

82 FR 41669 (09/01/2017)

Regulatory Update

RADIATION
Environmental Management Advisory Board/Hanford
RADIATION

Notice of the Energy Department announces the cancellation of a Sept. 6-7, 2017, meeting of the Environmental Management Site-Specific Advisory Board, Hanford (82 FR 39572; 08/21/2017). The agenda would have included discussion of the fiscal year 2019 budget, state-of-the-site meetings, Tri-Party Agreement agencies' updates, and Hanford Advisory Board Committee reports. Contact: Kristen Holmes; DOE, Richland Operations Office; 509-376-5803; kristen.l.holmes@rl.doe.gov

82 FR 41616 (09/01/2017)

Regulatory Update

RADIATION
Environmental Management Advisory Board/Nevada
RADIATION

Notice of the Energy Department announces a meeting of the Environmental Management Site-Specific Advisory Board, Nevada. The board makes recommendations to DOE-EM and site management in the areas of environmental restoration, waste management, and related activities. The agenda addresses fiscal year 2018 work plan development and recommendation development for communication improvement opportunities. The meeting is scheduled for Sept. 20, 2017, in Las Vegas. Comments are requested, but a due date is not specified. Contact: Barbara Ulmer; DOE; 702-630-0522; NSSAB@nnsa.doe.gov

82 FR 41617 (09/01/2017)

Regulatory Update

TOXIC SUBSTANCES
Dispensing Records of Individual Practitioners
TOXIC SUBSTANCES

Notice of the Drug Enforcement Agency announces the submission of a continuing information collection request to the OMB regarding recordkeeping and associated requirements for individual practitioners registered with the DEA. The collection addresses the biennial inventory and maintenance of records for each narcotic and non-narcotic controlled substance manufactured, received, sold, delivered, or disposed of by registrants. Registrants are responsible for keeping such records for at least two years for inspection and copying by authorized U.S. officers or employees. Comments are due Oct. 2, 2017. Contact: Michael Lewis; DEA, Diversion Control Division; 202-598-6812; OIRA_submission@omb.eop.gov

82 FR 41658 (09/01/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Sat 10/21/2017 3:10:28 PM
Subject: POLITICO Playbook, presented by JPMorgan Chase & Co.: DAVID SHULKIN for HHS? -- TRUMP to open JFK files -- FREEDOM CAUCUS' MEADOWS says group is OK with Senate budget, wants TAX REFORM by mid November -- CAPUTO on Frederica Wilson -- B'DAY: HOPE HICKS

View online version | Add politicoplaybook@politico.com to your address book.

Today's POLITICO Playbook presented by JPMorgan Chase & Co.

By JAKE SHERMAN (sherman@politico.com; @JakeSherman) with ANNA PALMER (anna@politico.com; @apalmerdc) with DANIEL LIPPMAN (daniel@politico.com; @dlippman)

Visit the online home of Playbook

Driving the Day

HOW ABOUT THAT! -- @realDonaldTrump at 8:35 a.m.: "Subject to the receipt of further information, I will be allowing, as President, the long blocked and classified JFK FILES to be opened."

Good Saturday morning. WEST WING BUZZ -- Don't be surprised if you begin hearing **VETERANS AFFAIRS SECRETARY DAVID SHULKIN** is in the mix for Health and Human Services secretary. Shulkin is a doctor.

IMPORTANT RE TAX REFORM -- UPDATE ON FREEDOM CAUCUS: The House Freedom Caucus had a conference call yesterday about supporting the Senate budget. Here's what **FREEDOM CAUCUS CHAIRMAN MARK MEADOWS (R-N.C.)** told us after the call: "No official positions but the general consensus would be to support the Senate budget without going to conference, provided we can get an accelerated timetable to pass tax reform out of the House by the middle of November."

-- AMBITIOUS TIMELINE, but it's possible.

WSJ'S RICH RUBIN: "In the frenzied days ahead, the GOP will seesaw between the political necessity of obtaining a legislative win to tout in the 2018 elections and the immense difficulty of the task they've set for themselves." http://on.wsj.com/2xaA0Hs

-- "Republicans Consider Sharp Cut in 401(k) Contribution Limits," by NYT's Jim Tankersley: http://nyti.ms/2l52r8j

SNEAK PEEK -- PRESIDENT DONALD TRUMP to **MARIA BARTIROMO** on tomorrow morning's "Sunday Morning Futures":

-- ON THE TIMING FOR TAX REFORM: "[I] will say this, I want to get it by the end of the year but I'd be very disappointed if it took that long."

-- ON THE FED: BARTIROMO: "Isn't there a way that you can get Taylor and Powell in there? Because you've got a vice chairman opening as well, you can actually put them both in there. Is that in your thinking?" **TRUMP:** "It is in my thinking. And I have a couple of other things in my thinking. But I like talent. And they are both very talented people. And it's a hard decision. It's actually a very important decision. People have no -- most people have no idea how important that position is."

BANNON ON BUSH -- "Bannon faults George W. Bush for 'destructive' presidency," by AP's Michael Blood in Anaheim, California: "Former White House adviser Steve Bannon depicted former President George W. Bush as bumbling and inept, faulting him for presiding over a 'destructive' presidency during his time in the White House. Bannon's scathing remarks on Friday night amounted to a retort to a Bush speech in New York earlier this week, in which the 43rd president denounced bigotry in Trump-era American politics and warned that the rise of 'nativism,' isolationism and conspiracy theories have clouded the nation's true identity." http://bit.ly/2xcLDOd

-- CARLA MARINUCCI and **DAVID SIDERS:** "Issuing a defiant call to arms to grassroots Republicans, former White House chief strategist Steve Bannon railed Friday against dangerous 'global elites' and the Silicon Valley 'lords of technology' whom he said are robbing U.S. citizens of jobs, wealth and opportunity. 'They want all the benefits of a free society ... all the benefits of this rules based international order,' including lucrative trade deals and capital markets, he said, while 'we the citizens of the United States...underwrite the whole thing.'" http://politi.co/2yz6wXY

ON THE WORLD STAGE -- "Trump administration considers pausing U.S. refugee family reunification program," by Reuters' Yeganeh Torbati and Mica Rosenberg: "President Trump's administration has drafted a plan to pause a program that allows family members join refugees already settled in the United States until they can undergo increased security checks, two sources with knowledge of the situation told Reuters. The measure is one of several being considered for refugees ... The administration also may expand the use of intensive security checks by multiple federal agencies, called 'security advisory opinions' (SAO) to apply to women from countries designated as high-risk by the U.S. government. Currently there are usually only mandatory SAOs, as they are called, for men from those countries." http://reut.rs/2yDP6qv

COMING ATTRACTIONS -- "Niger attack fuels new push for war vote," by Connor O'Brien: "Some lawmakers, citing the deaths of four U.S. soldiers ambushed by terrorists in Niger, called on Congress on Friday to reconsider the broad war authority it granted in 2001 - as the Pentagon telegraphed that more such missions in more places are likely in the offing. The Senate Foreign Relations Committee announced it will hear testimony next week from Secretary of Defense Jim Mattis and Secretary of State Rex Tillerson on the 16-year-old Authorization for Use of Military Force that is now being

used to justify military operations in numerous countries.

"Committee Chairman Bob Corker (R-Tenn.) said in a statement that current threats make it 'perhaps more important than ever that we have a sober national conversation about Congress' constitutional role in authorizing the use of military force.' For some on Capitol Hill, the attack in Niger highlights the need for updated legislation that takes into account the myriad operations against the Islamic State in Iraq and Syria, Al Qaeda and other terrorist groups on several continents." http://politi.co/2gypuXJ

-- "Conflicting Accounts in Niger Ambush Are Subject of Pentagon Investigation," by NYT's Dionne Searcey, Helene Cooper and Eric Schmitt: "The Pentagon is trying to determine whether American forces involved in a deadly ambush in Niger this month diverted from their routine patrol to embark on an unapproved mission, military officials said on Friday. The questions have come up because the American and Nigerien soldiers on the patrol have given conflicting accounts about whether they were simply ambushed or were attacked after trying to chase Islamic insurgents, according to military officials from both countries. The episode has engulfed the White House in crisis and prompted demands from members of Congress for answers about what the soldiers were doing before the attack on Oct. 4." http://nyti.ms/2zqtgpD

-- @realDonaldTrump at 8:07 a.m.: "I hope the Fake News Media keeps talking about Wacky Congresswoman Wilson in that she, as a representative, is killing the Democrat Party!" ... **@philiprucker:** "Trump fuels this story into its sixth straight day".

****** **A message from JPMorgan Chase & Co.: 30 Years in the Waiting** It's been more than three decades since America reformed its tax system. As the world became more competitive, our tax code remained the same, putting America at a disadvantage when it comes to creating new jobs. Learn how tax reform can jump-start our economy: http://politi.co/2gBVNBD ******

MARC CAPUTO: "'Trump is messing with the wrong woman'": "Of President Trump's many opponents in Congress, none looks or sounds remotely like Rep. Frederica Wilson, the Miami Democrat known for her bedazzled, sequined-blinged hats, her vibrant matching outfits and her reputation in Florida for never backing down from a fight. But Wilson has never had an foe like Trump or a fight this personal, which began with the president's condolence call to the widow of a young soldier the congresswoman helped steer away from Miami's mean streets - only to see him die in a mysterious ambush in sub-Saharan Niger.

"Despite tough criticism and insults from the president and his allies - a top African-American Trump surrogate, former Milwaukee County Sheriff David A. Clarke, characterized Wilson as 'a buffoon' while White House Chief of Staff John Kelly teed off on her from a White House lectern - the 74-year-old Democrat hasn't flinched, firing back with caustic responses honed by years of full-contact Miami politics.

"The president is a 'jerk' and a 'liar' who 'doesn't know how to be a president,' Wilson

said. She then mocked him for raising her profile. 'You mean to tell me that I have become so important that the White House is following me and my words? Wilson laughed. 'This is amazing. That's amazing. That is absolutely phenomenal. I'll have to tell my kids that I'm a rock star now.'" http://politi.co/2yFPNzJ

-- "Video shows Kelly made inaccurate claims about lawmaker in feud over Trump's condolence call," by WaPo's David Nakamura: http://wapo.st/2yXDcLc

-- NYT: "Ms. Wilson, in an interview on Friday, called Mr. Kelly a liar and hinted strongly that the altercation, prompted by a call from President Trump to the widow of a fallen black soldier, was racially charged. 'The White House itself is full of white supremacists,' she said. 'I feel very sorry for him because he feels such a need to lie on me and I'm not even his enemy,' Ms. Wilson said of Mr. Kelly. 'I just can't even imagine why he would fabricate something like that. That is absolutely insane. I'm just flabbergasted because it's very easy to trace.'" http://nyti.ms/2iphSam

-- @ABCPolitics: "Press Sec. Sanders: 'If you want to get into a debate with a 4-star Marine general, I think that that's something highly inappropriate.'" http://bit.ly/2zrCq5v

REALITY CHECK -- "Trump stokes hopes of Obamacare repeal - setting up Senate for another failure," by Jen Haberkorn: "President Donald Trump says the Senate has the votes to repeal Obamacare. That's news to the Senate. 'I think that's aspirational,' said Majority Whip John Cornyn, who counts votes for the GOP. 'If there were 50 votes, we'd be voting,' added John Thune (R-S.D.), another member of Republican leadership.

"Repeatedly claiming that Republicans have the votes to repeal major parts of Obamacare early next year, Trump is stoking expectations that the GOP can fulfill its seven-year pledge before the 2018 midterm elections - a promise that Republicans once again might not be able to keep. The Senate, Trump says, will have the 50 votes needed to enact the bill known as Graham-Cassidy, the last of a series of repeal bids that went down in flames this summer and fall.

"The reality is that no matter what the president says at the White House or how often he says it, nothing has changed at the other end of Pennsylvania Avenue. Not a single 'no' vote has flipped to a 'yes.' When senators talk about repeal after months of failure, they are talking about hopes and dreams - not about 50 votes to pass it. 'I think eventually, I may be speaking aspirationally, eventually we'll have 50 votes for Graham-Cassidy or something like that,' Thune said." http://politi.co/2yZ2SXR

-- "ACA enrollment schedule may lock millions into unwanted health plans," by WaPo's Amy Goldstein: "Millions of Americans with insurance through the Affordable Care Act could find themselves locked into health plans they do not want for the coming year because of the Trump administration's schedule for the enrollment season that starts in less than two weeks. The complication arises when people who already have health plans under the law are automatically re-enrolled in the same plan. In the past, a few million consumers each year have been auto-enrolled and then were sent

government notices encouraging them to check whether they could find better or more affordable coverage.

"This time, according to a federal document obtained by The Washington Post, the automatic enrollment will take place after it is too late to make any changes. Auto-enrollment will occur immediately after the last day of the ACA sign-up season, which the Trump administration has shortened, leaving the vast majority of such consumers stranded without any way to switch to a plan they might prefer." http://wapo.st/2gVgmcr

PENCE WORLD -- "Financial disclosure shows unusual campaign setup for Pence chief of staff," by Matt Nussbaum and Maggie Severns: "Vice President Mike Pence's chief of staff had a lucrative 2016 campaign season even as his high-profile work on the Trump-Pence campaign was classified as unpaid volunteer work. Nick Ayers, a senior adviser to Pence during the presidential race and now his chief of staff, joined the 2016 team as a volunteer and never took a dime in salary from the Trump-Pence campaign even as he crisscrossed the country with Pence, then the Indiana governor. He served as one of Pence's top aides and prepared him for critical events, including his debate with Sen. Tim Kaine (D-Va.), the Democratic vice presidential nominee.

"But Ayers' Georgia-based political consulting firm, C5 Creative Consulting, did receive a payment of nearly $75,000 on Aug. 25 from Pence's gubernatorial re-election campaign, 40 days after Pence had been selected as Trump's running mate and withdrawn from the governor's race. In addition to the compensation from Pence's gubernatorial campaign, Ayers received significant payments from the campaign of Eric Holcomb, Pence's lieutenant governor, who sought and won the Indiana governorship after Pence joined the national ticket. Holcomb's campaign paid Ayers' firm nearly $40,000 between August 2016 and March 2017. Ayers also received payments of more than $30,000 from Missouri Gov. Eric Greitens' campaign.

"His work for multiple campaigns raises questions whether Pence's gubernatorial re-election campaign was subsidizing, in part or in full, Ayers' work for Trump - though the arrangement may have been perfectly legal, experts told POLITICO. Any payments from different campaigns for Ayers' work on the Trump-Pence campaign would qualify as an illegal in-kind contribution, but there is no indication that this took place." http://politi.co/2iqDB1U

-- "VP Mike Pence in Brown County this weekend for wedding celebration," by Mary Shown in the Herald-Times of Bloomington, Indiana: "A white 757 airplane emblazoned with 'United States of America' across the side was parked on a tarmac at Columbus Municipal Airport at noon Friday. According to Columbus Municipal Airport officials, this is the second time Pence has landed at the airport in Air Force Two since becoming vice president. Officials also said Secret Service personnel arrived at the airport Monday and have been in the area ever since. ...

"The celebration Saturday at Brown County State Park is for Michael Pence Jr. and

his wife, Sarah. The two were married in December 2016 at the Governor's Mansion in Indianapolis just before the January inauguration of Pence and President Donald Trump." http://bit.ly/2yyq7rk

Playbook Reads

PHOTO DU JOUR: Steve Bannon spoke Friday at the California Republican Convention in Anaheim, Calf. | Ringo H.W. Chiu/AP Photo

WORTH THE CLICK - "10 Minutes. 12 Gunfire Bursts. 30 Videos. Mapping the Las Vegas Massacre," by NYT's Malachy Browne, Drew Jordan, Nicole Fineman and Chris Cirillo: "The shots began at 10:05. Twelve bursts of gunfire later, police broke down Stephen Paddock's door at the Mandalay Bay. Using forensic analysis, The Times mapped 30 videos that show a vivid picture of what happened that night." http://nyti.ms/2yErOCx

FOR YOUR RADAR -- "Spanish PM seeks Senate backing to take over Catalonia govt," by AP's Aritz Parra in Barcelona: "The Spanish government moved decisively Saturday to use a previously untapped constitutional power so it can take control of Catalonia and derail the independence movement led by separatist politicians in the prosperous industrial region. ... [T]he country ... faces its most grave institutional crisis in decades." http://bit.ly/2xVhlJO

AT THE COURTS-- "Appeals court looks for compromise on abortion for undocumented minor," by Renuka Rayasam and Josh Gerstein: "A federal appeals court is seeking to defuse a high-profile abortion standoff by giving the Trump administration until the end of the month to find a sponsor for an undocumented pregnant minor being held in a federally-funded shelter in Texas. In the decision issued late Friday, a three-judge panel split 2-1, overturning a decision from a federal judge issued earlier this week that would have allowed the 17-year old girl to have the abortion immediately.

"Instead the D.C. Circuit Court of Appeals ruling, apparently devised by Judge Brett Kavanaugh, opted to find a path that would dispose of the case without making any precedent-setting decisions. The ruling stated that once federal authorities could find a suitable sponsor for the girl, the administration would have to allow her to follow state law to receive the abortion. If the administration can't find a sponsor, a federal district court judge would again have the chance to step in and re-issue the order requiring the administration to permit the teen to leave the shelter for an abortion." http://politi.co/2gs6beS

VALLEY TALK - MAUREEN DOWD in the **NYT, "Uber's Whistle-Blower Is Developing a Movie and Having a Baby":** "In her first interview since the essay that

started a wave of sexual-harassment revelations, Susan Fowler tells her life story and looks to the future." http://nyti.ms/2I7kkn2

MEDIAWATCH -- FIRST PERSON -- "I interviewed an executive in his underwear to get the job done," by USA Today's Joanne Lipman: "In my first job, as a 22-year-old newspaper reporter, I went to interview a businessman. He ushered me into his office. He locked the door. Then he stripped to his underwear. This was in the 1980s, at a time when women didn't call behavior like his 'sexual harassment.' We called it ... going to work. So I did what other women in my place would have done. I interviewed him in his underwear. Then I got out as fast as I could." https://usat.ly/2zrs8Ck

-- "Young subscribers flock to old media," by Jason Schwartz: http://politi.co/2zrxP3a

MARK PRESTON interviews **ADMIRAL KIRBY --** Retired Rear Admiral John Kirby discussed military and political issues on Mark Preston's SiriusXM show "Full Stop with Mark Preston." The show airs Saturday at noon and Sunday at 5 p.m. on SiriusXM channel 124. **Clips for Playbookers: *Gen. John Kelly's WH briefing room appearance*** http://bit.ly/2zErPVx ... ***Trump's performance so far as commander-in-chief*** http://bit.ly/2gyfEF3... ***Morale in the military*** http://bit.ly/2yY4kKd ... ***Concern about the growing gap between the military and American society*** http://bit.ly/2gVDKGN

****** **A message from JPMorgan Chase & Co.: Keeping Jobs at Home** America is falling behind when it comes to a tax system that helps spur job growth and expand economic opportunity. A 2017 EY report found that the existing tax structure has put job creators here at home at a disadvantage: updating the outdated tax system could have kept nearly 4,700 companies in the United States. That could mean more products made here in America, more parts sourced from American companies and billions of dollars spent here at home. As JPMorgan Chase Chairman and CEO Jamie Dimon put it, "Reforming the tax code is the single most important thing that Congress could do to jump-start our economy, create jobs, and raise wages for American workers." Learn more: http://politi.co/2wSCuu0 ******

CLICKER - "The nation's cartoonists on the week in politics," edited by Matt Wuerker -- ***14 keepers*** http://politi.co/2gV8RCj

GREAT WEEKEND READS, curated by Daniel Lippman:

-- "Rigged: How Voter Suppression Threw Wisconsin to Trump," by Ari Berman in the Nov./Dec. issue of Mother Jones - per Longreads.com's description: "Berman investigates how increasingly restrictive voting laws in states like Wisconsin had an impact on the 2016 presidential election - and most likely tipped it in favor of Donald Trump." http://bit.ly/2zGSUaO

-- "The Dirty Secret of War: It Can be As Compelling As it is Ugly," by Philip Caputo (Marc Caputo's father) on Lit Hub: "Everyone accepts that war is ugly and horrible.

Civilized people, however, don't accept that it is also alarmingly attractive. This is another truth as old as war itself, and one that Homer was aware of. The phrase, 'the joy of battle' occurs frequently in his verses." http://bit.ly/2l4hOhb

-- **"The Boomtown That Shouldn't Exist,"** by Mike Grunwald in the Friday cover of POLITICO Magazine: "Cape Coral, Florida, was built on total lies. One big storm could wipe it off the map. Oh, and it's also the fastest-growing city in the United States." http://politi.co/2yXDEJo

-- **"The science of spying: how the CIA secretly recruits academics,"** by Daniel Golden in The Guardian: "In order to tempt nuclear scientists from countries such as Iran or North Korea to defect, U.S. spy agencies routinely send agents to academic conferences - or even host their own fake ones." http://bit.ly/2gW29w7

-- **"A Fire's First, Fatal Hours"** - San Francisco Chronicle: "A monster firestorm became unstoppable almost as soon as it started." http://bit.ly/2irYtpb (h/t Longform.org)

-- **"What Facebook Did to American Democracy,"** by Alexis C. Madrigal in The Atlantic: "The very roots of the electoral system - the news people see, the events they think happened, the information they digest - has been destabilized." http://theatln.tc/2l5SMyc

-- **"Going 'Instagram official' is the new way to declare your relationship status,"** by Taylor Lorenz, whose birthday is today, in Medium: "[I]n 2017, the Facebook relationship status is dead and if you really want the world to know someone has stolen your heart there's only one way to go: make it Instagram official. [That] means posting a photo of you and your significant other, generally looking casual yet cute, to your Instagram page accompanied by a somewhat ambiguous caption or series of emoji." http://bit.ly/2yxUJJm

-- **"'We Need to Develop Political Heroism,'"** by Klaus Brinkbäumer, Julia Amalia Heyer and Britta Sandberg in Der Spiegel -- French president Emmanuel Macron tells the publication in an interview: "France is a country of regicidal monarchists. It is a paradox: The French want to elect a king, but they would like to be able to overthrow him whenever they want. The office of president is not a normal office." http://bit.ly/2zrDXIz

-- **"A Catfishing With a Happy Ending,"** by Jeff Maysh in The Atlantic - per Longform.org's description: "Emma Perrier was deceived by an older man on the internet-and then she found love with the model whose photographs he had stolen." http://theatln.tc/2zFwNIc

-- **"Welcoming Our New Robot Overlords,"** by Sheelah Kolhatkar in The New Yorker: "Once, robots assisted human workers. Now it's the other way around." http://bit.ly/2yY38pV

-- **"The scientists persuading terrorists to spill their secrets,"** by Ian Leslie in The Guardian: "Expert interrogators know torture doesn't work - but until now, nobody could prove it. By analysing hundreds of top-secret interviews with terror suspects, two British scientists have revolutionised the art of extracting the truth." http://bit.ly/2xd2rF2

-- **"Everest at the Bottom of the Sea,"** by Bucky McMahon in Esquire: "When the ocean liner Andrea Doria sank south of Cape Cod, she took fifty-one with her. Since then she's taken twelve more, five in the last two summers alone. On this very day, a man is strapping on two hundred pounds of scuba gear to make the descent, to bring back a little souvenir from the boat's gift shop, to possibly never return." http://bit.ly/2l5SwiO

-- **"Thinking Like a Mountain: On Nature Writing,"** by Jedediah Purdy in n+1 magazine: "Every inhabited continent has been denuded of ecosystems and species. Most North American places have shed wolves, elk, moose, brown bears, panthers, bison, and a variety of fish and wild plants, which were all abundant four hundred years ago. Before those species were driven out, there was the slaughter of the mammoth, the ground sloth, the wild horse." http://bit.ly/2xbUPCv (h/t TheBrowser.com)

Playbookers

SPOTTED: David Letterman at Commissary yesterday at lunch. He's is in town for the Mark Twain Prize for American Humor on Sunday night at the Kennedy Center and bought our tipster lunch.

TRANSITIONS -- Josh Walker is joining Eurasia Group as the head of global strategic initiatives in the office of the President. He previously was VP of global programs in the office of the CEO at APCO Worldwide and is a State alum. ... **Mark Baker** has joined Warner Music Group as VP of public policy and government affairs. He previously spent 15 years at Diageo, most recently as director of global trade and regulatory affairs.

-- **BUSH ALUMNI: SCOTT STANZEL** joined Capital One as the managing VP of corporate comms at Capital One. He previously was director of worldwide marketplace PR at Amazon and was deputy press secretary in the Bush White House.

OUT AND ABOUT -- SPOTTED at the 49th annual Meridian Ball last night -- ***Dan Swartz's Instapic of the scene*** http://bit.ly/2yGMmsz : Commerce Secretary Wilbur Ross, Speaker Paul Ryan, Rep. Ed Royce (R-Calif.), Patrick Steel and Lee Satterfield, Matt Mowers, Lindsay Walters, Virginia Boney, Steven Law, Brian Baker, Michael Goldfarb, Susan Glasser and Peter Baker, Jeremy and Robyn Bash, Suhail Khan, Riley Brands, Howard Fineman and Amy Nathan, David Bohigian, Jamie Weinstein and Michelle Fields, Robb Watters, Dan Conston, Suzanne Kianpour, John Arundel, Chris Gindlesperger, Rebecca and Matt Haller, Ryan Williams, Ben and Ashley Chang, Stephanie Benedict, Rachel Hicks, Matt Dornic, Michelle Kosinski, Lauren Culbertson,

Michael Crowley, Lauren Pratapas, Sean Miles, Fran Holuba.

-- David Rubenstein, Roger and Vicki Sant, Michelle Smith, David and Katherine Bradley, and Tony and Beatrice Welters hosted a book party last night at the National Gallery of Art to celebrate the publication of "Leonardo da Vinci," by Walter Isaacson and "Madison Park: A Place of Hope," by Eric Motley, EVP at the Aspen Institute and a Bush 43 WH alum. Rubenstein called Isaacson "a 21st century version of a Renaissance man." ***Pic of Walter speaking to the crowd*** http://politi.co/2yysevg ... ***"Leonardo" - $20.99 on Amazon*** http://amzn.to/2xECHoa ... ***"Madison Park" -- $17.48 on Amazon*** http://amzn.to/2yHylNp

SPOTTED: Tom and Anne Friedman, David Brooks, Chris Matthews, Andrea Mitchell, Elliot Gerson, Jake and Jen Tapper, Eden Rafshoon, Sally Quinn, Steve Weisman and Elisabeth Bumiller, Steve Case, Margaret Carlson, Don Baer, Alex Isenstadt, Linda Douglas, Stephanie Benedict, Corby Kummer.

SPOTTED IN NYC at a birthday party last night for Jonathan Prince, thrown by his wife, Jennifer Swanson at Red Hook last night: Stephen Prince, John Heilemann and Diana Rhoten, Karen Avrich, Danny Strong, Brian Steel and Eileen Libutti, Mike Feldman, Jake Siewert and Christine Anderson, Evan Ryan and Tony Blinken, Jordan Tamagni and Michael Schlein, Giovanna Gray and Joe Lockhart, Nicole Elkon and Neal Wolin, Josh King and Amy Theobald.

WELCOME TO THE WORLD - MATT DAVID, senior strategist at Edelman and Huntsman, Schwarzenegger, and McCain alum, and **MAGGIE DAVID,** a public affairs consultant, email friends and family: "Magdalene (Lena) Alexandra Sue David was born [Thursday] night at 10:44 p.m. PDT. Her first name comes from her maternal grandmother; Alexandra is after her maternal great grandmother; and, Sue is after her paternal great grandmother. ... Mom and baby are healthy and resting." ***Pic*** http://politi.co/2yJ4Ri7

BIRTHDAYS: Hope Hicks is 29 (***see Sarah Sanders' birthday shout-out to Hope yesterday at the briefing:*** http://bit.ly/2hUNHE9) ... Megan Smith, former U.S. C.T.O. who recently got inducted into the National Academy of Engineering (hat tip: Hilary Rosen) ... Tina Andreadis ... Israeli Prime Minister Benjamin Netanyahu is 68 ... Vikrum Aiyer, public policy and strategic comms at Postmates and an Obama alum ... Edith Gregson (h/ts Tim and Kiki Burger) ... NYT's Mikayla Bouchard (h/t Grant Rumley) ... Cate Martel, national political reporter at the Hill ... Brian Doory ... Ron Litman ... Axios' Kim Hart ... Lindsay Curren ... Max Goetschel ... Rep. Pat Tiberi (R-Ohio) is 55 ... former Rep. Jerry Lewis (R-Calif.) is 83 ... Politico's Ben Lefebvre, Hannah Edwards, Alyssa Fields, and Rachel Jongerius ... CTV's Will Dugan ...

... Taylor Lorenz of The Hill ... FEMA chief of staff Eric Heighberger (h/t Ed Cash) ... Charlie Joughin ... Mark Glaze ... Jon Rawlson ... Steve Odland, CEO of the Committee for Economic Development ... Jason Czerwiec ... Edelman's Alex Abrahamson, Charlotte Stewart and Kia Seals ... Gyan Parida ... Alison Baker (h/t Jon Haber) ...

Stavros Drakoularakos ... Lauren Waldron ... Sam Hiersteiner ... Clare Pritchett Lorimer ... Linda Nguyen ... Whitey Ford ... Mike Fazzino ... Jamie Novogrod ... Jonathan Poe ... Lorraine Kuchmy ... Gyan Parida ... Mandy Fletcher Fraher ... Courtney Lukitsch, principal at Gotham PR ... Anna Schecter Zigler ... David Brunton (h/t Teresa Vilmain)

THE SHOWS, by @MattMackowiak, filing from Austin:

-- CBS's "Face the Nation": OMB Director Mick Mulvaney ... Sen. James Lankford (R-Okla.) ... Khizr Khan. Panel: Jamelle Bouie, Michael Duffy, Susan Glasser and Rich Lowry ... former NFL player and Green Beret Nate Boyer (U.S. Army, Ret.)

-- CNN's "State of the Union": Senate Majority Leader Mitch McConnell (R-Ky.) ... Sen. Sherrod Brown (D-Ohio). Panel: Jen Psaki, Rick Santorum, Bakari Sellers and Evan McMullin (substitute anchor: CNN's Dana Bash)

-- NBC's "Meet the Press": Interviews with female U.S. senators about sexual harassment, including Sens. Claire McCaskill (D-Mo), Mazie Hirono (D-Hawaii), Elizabeth Warren (D-Mass.) and Heidi Heitkamp (D-N.D.) ... Senate Minority Leader Chuck Schumer (D-N.Y.) ... Sen. Lindsey Graham (R-S.C.). Panel: Bob Costa, Danielle Pletka, Helene Cooper and Tom Friedman

-- ABC's "This Week": David Petraeus ... 'Long Road Home' panel with SFC Eric Bourquin (U.S. Army, Ret.), U.S. Army wife Gina Denomy and "The Long Road Home" actor Michael Kelly. Panel: Matthew Dowd, Cokie Roberts, Perry Bacon, Jr. and Eliana Johnson

-- "Fox News Sunday": White House Press Secretary Sarah Huckabee Sanders ... OMB Director Mick Mulvaney ... Attorney General Xavier Becerra (D-Calif.) ... Senate Majority Leader Mitch McConnell (R-Ky.). Panel: Jason Chaffetz, Julie Pace, Matthew Continetti and Juan Williams (substitute anchor: Fox News' Dana Perino)

-- Fox News' "Sunday Morning Futures": President Donald Trump ... Newt Gingrich. Panel: Brad Blakeman and Jon Hilsenrath

-- Fox News' "MediaBuzz": Harris Faulkner ... Kimberly Guilfoyle ... Jessica Tarlov ... Trish Regan ... Shelby Holliday ... Carley Shimkus

-- CNN's "Inside Politics" with John King: Julie Hirschfield Davis, Jeff Zeleny, Kimberly Atkins and Phil Mattingly

-- CNN's "Fareed Zakaria GPS": Panel: Norman Roule, David Sanger and Anne-Marie Slaughter ... Jiayang Fan ... Canadian Foreign Affairs Minister Chrystia Freeland

-- CNN's "Reliable Sources": Olivia Nuzzi, Brian Karem and John Kirby ... Don Shipley and Geoff Ziezulewicz ... Eve Burton ... Gretchen Carlson ... Noah Rothman

-- Univision's "Al Punto": Former U.S. Treasurer Rosario Marin Lydia Cacho ... Puerto Rico resident commissioner Jenniffer González-Colón ... Richard Spencer ... Sen. Cory Booker (D-N.J.) ... John Leguizamo ... International Commission Against Impunity in Guatemala (CICG) head Ivan Velásquez

-- C-SPAN: "The Communicators": A look at how Russia used Facebook to send political ads to Americans in the 2016 election with ProPublica's Julia Angwin and Axios' David McCabe ... **"Newsmakers":** National Counterterrorism Center director Nicholas Rasmussen, questioned by AP's Deb Reichmann and the LA Times' Brian Bennett ... **"Q&A":** Paralyzed Veterans of America executive director Sherman Gillums, Jr.

-- Washington Times' "Mack on Politics" weekly politics podcast with Matt Mackowiak (download on iTunes, Google Play, or Stitcher or listen at http://bit.ly/2omgw1D): Former CIA analyst and radio host Buck Sexton.

****** **A message from JPMorgan Chase & Co.: Investing in America** The American economy powers the world, but our tax system is holding us back. A 2017 EY report found that reforming the tax system could have brought an additional $195 billion of foreign direct investment into the United States, an increase of 14 percent. That investment can help companies expand, explore new strategies and grow. What does that mean for America? It can help jumpstart our economy, make our country stronger in an increasingly competitive world, and can mean more jobs and higher wages for the American workers. Learn more about what tax reform can mean for our country: http://politi.co/2ghszvf ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Wed 11/8/2017 3:03:09 PM
Subject: POLITICO's Morning Score: Northam wins Virginia governors race — Murphy wins in New Jersey — LoBiondo to retire from Congress

By Maggie Severns | 11/08/2017 10:00 AM EDT

With Zach Montellaro, Elena Schneider

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

ELECTION RESULTS - Ralph Northam (D) 54 percent, Ed Gillespie (R) 45 percent in Virginia's governor's race; Phil Murphy (D) 56 percent, Kim Guadagno (R) 42 percent in New Jersey's governor's race.

- "Northam beats Gillespie in Virginia governor's race," by POLITICO's Gabriel Debenedetti: "Democrat Ralph Northam was elected governor of Virginia on Tuesday in a sweeping victory that defied the conventional wisdom of a tightening race. The lieutenant governor's victory joins Democrat Phil Murphy's win in New Jersey's gubernatorial race to hand Democrats new hope in the Donald Trump era. After a bruising race against former Republican National Committee chairman Ed Gillespie, Northam outran Hillary Clinton in a state she carried by 5 points while losing the presidency in November 2016. A series of late-campaign controversies hitting Northam had Republicans cautiously optimistic that Gillespie could close the gap and pull off an upset, but Democrats rode a wave of anti-Trump backlash and satisfaction with outgoing Gov. Terry McAuliffe's administration."

- "'It was said that the eyes of the nation are now on the commonwealth,' Northam said in his victory speech. 'Today, Virginians have answered and spoken. Virginians have told us to end the divisiveness, that we will not condone hatred and bigotry, and to end the politics that have torn this country apart.' ... Gillespie sought to strike a balance between engaging moderates with talk of jobs and taxes and firing up his base by running ads on illegal immigration and sanctuary cities - which don't exist in Virginia - and cultural touchstones like Confederate monuments and NFL anthem protests. Gillespie did not initially home in on those subjects, but they became a bigger part of his campaign after he nearly lost the June Republican primary to Trump's former Virginia campaign chairman." **Full story.**

- UT-03 also elected Republican Provo Mayor John Curtis to former Rep. Jason Chaffetz's seat Tuesday night by a wide margin. Read more from the Salt Lake Tribune.

DEPARTURE LOUNGE - "LoBiondo to retire from Congress," by Campaign Pro's Elena Schneider: "New Jersey Rep. Frank LoBiondo, a senior Republican on the Armed Services Committee, will not run for reelection in 2018, according to a GOP operative familiar with the decision. The decision will open up a battleground district in southern New Jersey that LoBiondo

has held easily since 1994. New Jersey's 2nd District backed President Donald Trump with 50.6 percent of the vote to Hillary Clinton's 46 percent in 2016. But former President Barack Obama also won the seat twice with between 53 and 54 percent of the vote." **Full story.**

- "Van Drew 'seriously considering' running for LoBiondo's seat, with Norcross' support," by POLITICO New Jersey reporter Matt Friedman: "State Sen. Jeff Van Drew is 'seriously' considering running for retiring Republican Rep. Frank LoBiondo's seat, and South Jersey's most powerful Democrat is encouraging him to do so. 'I'm going to consider it very seriously. I'm going to look at all the issues and certainly talk to advisers and friends and colleagues, but it is something I'm seriously considering,' Van Drew said in a phone interview." **Full story here.**

- Other names floated: Retired judge Ray Batten as potential candidates. Democrat Tanzie Youngblood, a retired teacher, is already in the race. Republicans, meanwhile, named state Assemblyman Chris Brown and former Atlantic County Sheriff Frank Balles.

- "Poe won't seek reelection in 2018," by POLITICO's Cristiano Lima: "Seven-term Rep. Ted Poe (R-Texas) said today he will not seek reelection in 2018, the latest in a string of GOP lawmakers to announce their retirements recently. Poe, a former prosecutor and judge, won reelection in 2016 in the solidly conservative 2nd Congressional District by nearly 30 points, but said he was ready to move on." Full story here.

- KEEP AN EYE ON - More safe Republican retirements expected: Another senior Republican member, Virginia Rep. Bob Goodlatte, is also eying retirement, according to a Republican operative familiar with those conversations. (The same operative flagged Poe hours before he announced his retirement.) Goodlatte didn't immediately respond to requests for comment.

- SHAKEUP COMING IN AZ-SEN - McSally tells colleagues she's in: "Congresswoman Martha McSally is planning to enter Arizona's 2018 Senate race, giving Republican Kelli Ward new competition in the GOP primary," The Arizona Republic reports. "The lawmaker has told her Republican colleagues in Arizona's delegation that she intends to enter the Senate race, but didn't indicate when she would formally announce her bid, according to two people with knowledge of the conversations." **Full story here.**

Days until the 2018 election: 363.

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

AND YET... BRAND PROBLEMS - "Poll: Views of Democratic Party hit lowest mark in 25 years," by CNN's Ryan Struyk: "Favorable views of the Democratic Party have dropped to their lowest mark in more than a quarter century of polling, according to new numbers from a

CNN poll conducted by SSRS. Only 37% of Americans have a favorable opinion of Democrats, down from 44% in March of this year. A majority, 54%, have an unfavorable view, matching their highest mark in polls from CNN and SSRS, CNN/ORC and CNN/USA Today/Gallup stretching back to 1992." **Full story here.**

FLASHBACK - "Democratic brand still suffering despite GOP woes," by POLITICO's Elena Schneider.

AIR WARS - "Moore reserves first TV ads since Alabama primary," by POLITICO's Daniel Strauss: "Former Alabama Supreme Court judge Roy Moore has started reserving TV advertising for the special general election for Senate against Democrat Doug Jones. Moore, the Republican nominee, has reserved broadcast TV advertising time between Thursday and Dec. 11, a day before the election, according to Advertising Analytics. Advertising Analytics has seen $111,000 in reservations so far, with more spending likely. Jones had the airwaves to himself for weeks since the September primary runoff, when Moore defeated Sen. Luther Strange for the GOP nomination." Full story here.

- "Jones ad hits Moore's 'extreme views' on health care," by Strauss: Former U.S. Attorney Doug Jones, the Democratic nominee for U.S. Senate in Alabama, started running a new TV ad today warning that Republican Roy Moore would damage the American health care system if elected. 'If it's broken, fix it. Health care, it's broken. You know it, and I know it. But Roy Moore's grandstanding and extreme views will do nothing to fix it,' Jones says in the new 30-second ad. 'And his policies will take us back to the past.'" Full story here.

- "Blunt, Cassidy, Ernst listed as Moore fundraiser attendees," by Strauss: "Alabama Republican Roy Moore's recent Capitol Hill fundraiser attracted senators from across the party's ideological spectrum, yet another sign of the GOP coalescing around its controversial nominee in the state's special Senate election ahead of the Dec. 12 vote. Sens. Rand Paul and Mike Lee and former Sen. Jim DeMint, who have all been involved in past anti-establishment primary fights, headlined the event for Moore. But a briefing memo obtained by POLITICO also listed Sens. Roy Blunt, Bill Cassidy and Joni Ernst as attendees, as well as Senate Majority Whip John Cornyn, Sen. Roger Wicker (a former NRSC chairman) and Alabama's entire Republican House delegation. The memo also said that prior to the event $50,000 had already been raised. Campaign officials have not said how much the fundraiser brought in overall." **Full story.**

- Sen. Steve Daines endorsed Roy Moore for Senate, per a campaign release.

- "DeWine to air his first TV ads in Ohio governor's race," also by Strauss: "Ohio Attorney General Mike DeWine's campaign for governor has reserved its first TV advertising time, starting later this week. Advertising Analytics reported seeing $25,290 reserved on Fox News so far (the total could grow). The flight runs from Wednesday through Nov. 14, next Tuesday." **Full story here.**

NEVER TOO EARLY - "The 2020 Glossy Primary Is Underway," by National Journal's Hanna Trudo: "Less than 10 months into the new administration and a year out from the midterms, Democrats thought to be eyeing national bids have sounded off in outlets like

Cosmopolitan with striking frequency, drawing attention to steps being taken to target women voters outraged by the country's top leadership. ... 'It's the women's equivalent of what Trump does in terms of tweeting,' said Celinda Lake, a longtime Democratic pollster who focuses on framing issues to female voters. 'It's a way to have a direct communication with your base.'" **Full story.**

FIRST IN SCORE - Former Navy SEAL Robert O'Neill endorses Republican John James, candidate for U.S. Senate in Michigan. Per a forthcoming press release:"I am proud to endorse John James for Senate. John James represents the epitome of what we should all strive to be as citizens of this great nation," O'Neill said. "Whether it was defending freedom over Baghdad or creating jobs in Michigan, John has demonstrated a passion for service and commitment to excellence that makes him the best choice for Senate."...Robert O'Neill is one of the most highly decorated combat veterans in modern American history with 52 honors including two Silver Stars and four Bronze Stars with Valor."

DEEP IN THE HEART... - "GOP fears Trump slump for North Texas women ahead of 2018 races," by McClatchy's Andrea Drusch: "Texas Republicans badly need the grassroots efforts of North Texas women to win local and congressional races next year. But getting their support - and enthusiasm - could be a challenge. ... But women were not overly enthusiastic about Donald Trump in 2016, who won Texas by 9 percentage points, the smallest margin of any GOP presidential nominee in decades." **Full story.**

CODA - QUOTE OF THE DAY: "My donors are basically saying, 'Get it done or don't ever call me again,'" Rep. Chris Collins on tax reform.

To view online:
https://www.politico.com/tipsheets/morning-score/2017/11/08/northam-wins-virginia-governors-race-223242

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Subject: POLITICO Playbook, presented by Morgan Stanley: TRUMP in Bedminster: W.H. won't disclose his activities -- BARACK AND MICHELLE at Rasika -- Chris Christie in Canton for Jerry Jones -- PENCE calls NYT 2020 piece 'false' -- ROB SALITERMAN's WEDDING

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Today's POLITICO Playbook presented by Morgan Stanley
08/06/2017 11:30 AM EDT

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

Good Sunday morning. THE NEXT FEW WEEKS -- @mkraju: "On Trump's first full day of vacation, WH does not disclose any of his activities, per pool report". **THE PRESIDENT** also tweeted **at 6:36 p.m.:** "Working in Bedminster, N.J., as long planned construction is being done at the White House. This is not a vacation - meetings and calls!" But according to pictures posted on Instagram, he did play golf Saturday. http://bit.ly/2vDTw1W

SOMEONE WATCHED SESSIONS' PRESS CONFERENCE! -- @realDonaldTrump at 6:58 p.m.: "After many years of LEAKS going on in Washington, it is great to see the A.G. taking action! For National Security, the tougher the better!"

SPOTTED: GOV. CHRIS and **MARY PAT CHRISTIE** yesterday at the Pro Football Hall of Fame in Canton, Ohio, watching Cowboys owner Jerry Jones get enshrined. ***Pic via the @DallasCowboys Twitter account*** http://bit.ly/2udoNom ... **KELLYANNE CONWAY** last night at the Tropicana Hotel in Atlantic City. She was hanging with friends in the Boogie Nights nightclub after a long dinner at the Palm. ... **FORMER PRESIDENT BARACK OBAMA** and his wife Michelle celebrated his birthday Friday night at Rasika West End. The pair dined in the private dining room and stayed for a couple of hours. This is the second time the president has celebrated his birthday at the restaurant.

L.A. TIMES: "President Trump is tasked with governing, but he keeps harping on these 7 things," by Kurtis Lee http://lat.ms/2vuirVr

ARTICLE OF THE DAY - NYT A1, "Republican Shadow Campaign for 2020 Takes

Shape as Trump Doubts Grow," by Jonathan Martin and Alex Burns (print headline: "President Aside, G.O.P. Stars Move Toward 2020 Bids"): "Senators Tom Cotton and Ben Sasse have already been to Iowa this year, Gov. John Kasich is eyeing a return visit to New Hampshire, and Mike Pence's schedule is so full of political events that Republicans joke that he is acting more like a second-term vice president hoping to clear the field than a No. 2 sworn in a little over six months ago. President Trump's first term is ostensibly just warming up, but luminaries in his own party have begun what amounts to a shadow campaign for 2020 - as if the current occupant of 1600 Pennsylvania Avenue weren't involved. The would-be candidates are cultivating some of the party's most prominent donors, courting conservative interest groups and carefully enhancing their profiles. Mr. Trump has given no indication that he will decline to seek a second term.

"But the sheer disarray surrounding this presidency -- the intensifying investigation by the special counsel Robert S. Mueller III and the plain uncertainty about what Mr. Trump will do in the next week, let alone in the next election -- have prompted Republican officeholders to take political steps unheard-of so soon into a new administration. ... But in interviews with more than 75 Republicans at every level of the party, elected officials, donors and strategists expressed widespread uncertainty about whether Mr. Trump would be on the ballot in 2020 and little doubt that others in the party are engaged in barely veiled contingency planning. ... Mr. Pence has made no overt efforts to separate himself from the beleaguered president. He has kept up his relentless public praise and even in private is careful to bow to the president. Mr. Pence's aides, however, have been less restrained in private, according to two people briefed on the conversations.

"In a June meeting with Al Hubbard, an Indiana Republican who was a top economic official in Mr. Bush's White House, an aide to the vice president, Marty Obst, said that they wanted to be prepared to run in case there was an opening in 2020 and that Mr. Pence would need Mr. Hubbard's help, according to a Republican briefed on the meeting. Reached on the phone, Mr. Hubbard declined to comment. Mr. Ayers has signaled to multiple major Republican donors that Mr. Pence wants to be ready. Mr. Obst denied that he and Mr. Ayers had made any private insinuations and called suggestions that the vice president was positioning himself for 2020 'beyond ridiculous.' ...

"Nikki Haley, the ambassador to the United Nations and a former governor of South Carolina, put her longtime pollster on the payroll, has gotten better acquainted with some of New York's financiers and carved out a far more muscular foreign policy niche than Mr. Trump. 'She sounds more like me than Trump,' said Senator Lindsey Graham, a hawkish Republican from South Carolina." http://nyti.ms/2vC1ckK

VP MIKE PENCE RESPONDS -- "Today's article in the New York Times is disgraceful and offensive to me, my family, and our entire team. The allegations in this article are categorically false and represent just the latest attempt by the media to divide this Administration. Thanks to the President's leadership, we are rebuilding the military, ISIS is on the run, and we've seen more than 1 million jobs created while the stock market

hits all-time highs.

"The American people know that I could not be more honored to be working side by side with a president who is making America great again. Whatever fake news may come our way, my entire team will continue to focus all our efforts to advance the President's agenda and see him re-elected in 2020. Any suggestion otherwise is both laughable and absurd."

KELLYANNE CONWAY talking with **GEORGE STEPHANOPOULOS** on ABC's "This Week" about whether Pence is setting up a shadow campaign: "That is complete fiction. That is complete fabrication. And I know that his advisers who had comments attributed to them have pushed back strongly, as has the vice president. And as am I right now unequivocally. Vice President Pence is a very loyal, very dutiful, but also incredibly effective vice president, and active vice president, with this president. He is a peer to the president in the West Wing. ...

"But let me make very clear, people meet -- Republican consultants, as always, people trying to play the parlor game, they're not on the - they're in the I would say Trump inside -- inner circle because they did not believe in him. They totally missed what was happening in America. ... I would tell my Republican brethren: get onboard. Help us with tax reform and health reform and stop looking at 2020."

-- ALSO IN JMART and ALEX's story: "In the wider world of conservative Trump opponents, William Kristol, editor at large of The Weekly Standard, said he had begun informal conversations about creating a 'Committee Not to Renominate the President.'" Kristol told us this morning that the proposed name is a dig at Trump being like Nixon in his opinion. He also said he hasn't set up the group yet but so far only talked about doing so with "people you'd expect in GOP anti-Trump circles."

-- FROM KRISTOL's weekly newsletter, "Kristol Clear" last Monday: "Mike Murphy and I had lunch Friday at a suitably obscure Chinese restaurant in an L.A. strip mall, Hu's Szechwan Restaurant, where we ended up in a long session plotting the salvation of the GOP and conservatism from Donald Trump. We'll see whether anything comes of it."

ON THE WORLD STAGE -- "North Korea Shrugs Off Sanctions Despite China's Push to End Missile Tests," by WSJ's Ben Otto in Manila: "The U.S. praised China for backing new economic sanctions by the U.N. Security Council against Pyongyang over the regime's weapons program, but North Korea indicated to its most important economic partner that there would be no change in policy. 'The fact that the Chinese were helpful and instrumental in setting up this really sweeping set of international sanctions shows they realize that this is a huge problem they need to take on, that it's a threat to them and their region,' Susan Thornton, the U.S. State Department's acting assistant secretary for East Asian and Pacific affairs, told journalists on the sidelines of regional security meetings in the Philippines on Sunday. U.S. Secretary of State Rex Tillerson, who is attending the forum bringing together 27 nations, including China, Russia, South Korea and North Korea, described the sanctions as 'a good outcome' as

he works to curb Pyongyang's nuclear-weapons program.

"The Security Council on Saturday unanimously passed a resolution that would slash about $1 billion from North Korea's annual foreign revenue. Ms. Thornton called the sanctions the strongest against the regime in a generation. China and Russia, two permanent council members who had previously resisted fresh sanctions against Pyongyang, said the rogue nation's recent provocations were unacceptable." http://on.wsj.com/2uvMUhl

****** **A message from Morgan Stanley:** Driving Inclusive Growth: See where 20 countries stand in terms of opportunities for investing in technology that enhances inclusive economic growth. Learn more. ******

REVIVING HEALTH CARE? -- "McConnell to consider bipartisan plan to pay health insurers," by AP's Adam Beam at Fancy Farm, Ky.: "A week after an attempt to repeal the Affordable Care Act failed, Senate Majority Leader Mitch McConnell says he'd consider a bipartisan effort to continue payments to insurers to avert a costly rattling of health insurance markets. McConnell told reporters Saturday there is 'still a chance' the Senate could revive the measure to repeal and replace 'Obamacare,' but he acknowledged the window for that is rapidly closing. The Kentucky senator noted Republican Sen. Lamar Alexander of Tennessee is working on 'some kind of bipartisan approach' that would involve subsidies for insurance companies.

"Alexander recently said he will work with the committee's top Democrat, Sen. Patty Murray of Washington state, on a bill next month that would pay insurers through 2018. In exchange, Alexander wants Democrats to agree to make it easier for states to choose their own health coverage standards that insurers must provide rather than abiding by former President Barack Obama's law. 'If the Democrats are willing to support some real reforms rather than just an insurance company bailout, I would be willing to take a look at it,' McConnell said, hours before he was expected to speak at the famously raucous Fancy Farm picnic in western Kentucky." http://bit.ly/2fjCUpx

THE RESISTANCE -- "Obama's army takes on Trump," by Isaac Dovere in Chicago: "Walk into Organizing for Action's new hipster downtown hardwood space here, and there's no big picture of Barack Obama, just a deep blue wall with a giant 'OFA' painted in white. Look down the street from the front door, though, and Chicago's Trump skyscraper looms directly in the line of sight, a perpetual reminder of the group's new purpose.

"Fresh off a huge win for anti-Trump forces in the Obamacare repeal fight , the Democratic activist group is gearing up for its next showdown this fall-battling President Donald Trump's proposed budget cuts with the same state- and district-focused strategy it employed on health care. The organization inspired by Obama hasn't heard from him in months, though a person close to the former president said he's likely to lend his support later this year to OFA as well as the [DNC] and the National Democratic Redistricting Committee. That could include fundraising and other help, but not a direct

leadership role.

"In the meantime, OFA isn't sitting still. It's already looking at plans to go into 2018 with a massive voter registration drive that could become its main project ahead of the midterms. First, though, OFA will spend Congress' August recess sending organizers to town halls and district offices. It has a calendar of 'accountability' (read: protest) and 'appreciation' (read: drop-ins like the one to deliver cupcakes to Sen. Joe Manchin's West Virginia office last week) events, based on senators' votes on repealing Obamacare. They're showing up to cheer for John McCain, Susan Collins and Lisa Murkowski, and yell at people like Jeff Flake and Dean Heller." http://politi.co/2vbzfhs

-- DAN BALZ: "The future of the Democratic Party could be written in upcoming gubernatorial races": http://wapo.st/2vuq7qK

STEPHEN MILLER'S NEW GIG? -- "Trump eyes top policy aide for communications director role: official," by Reuters' Stephen Holland: "The White House may appoint a senior policy adviser with hardline views on immigration, who recently sparred with reporters in a televised briefing, as its new communications director, a senior administration official said on Saturday. Stephen Miller, a top aide and speechwriter for President Donald Trump, is a candidate to lead the White House's communications team after a series of personnel changes in the more than six months that Trump has been president." http://reut.rs/2ufFhjQ

THE TWEETER IN CHIEF -- "New Chief of Staff Reins in White House Aides-and Trump's Tweets," by Bloomberg's Jen Jacobs and Margaret Talev: "Perhaps even more important, Kelly is testing his authority to tame Trump's sometimes reckless tweeting habits. While Kelly isn't vetting every presidential tweet, Trump has shown a willingness to consult with his chief of staff before hitting 'send' on certain missives that might cause an international uproar or lead to unwelcome distractions, according to three people familiar with the interactions. Kelly has been 'offering a different way to say the same thing,' the person said." https://bloom.bg/2vbfpTg

SUNDAY BEST -- CHRIS WALLACE interviews **DEPUTY ATTORNEY GENERAL ROD ROSENSTEIN** on "Fox News Sunday," by Zach Warmbrodt: "Rosenstein said Sunday that President Donald Trump has not directed the Justice Department to investigate 'particular people,' after Trump said at a rally Thursday that prosecutors should look at Hillary Clinton's '33,000 deleted emails.' Asked on 'Fox News Sunday' if he viewed Trump's comment as an order, Rosenstein said, 'If the president wants to give orders to us ... he does that privately and then if we have any feedback we provide it to him.' 'The president has not directed us to investigate particular people,' he said. 'That wouldn't be right. That's not the way we operate.' ...

"Responding to a question about special counsel Robert Mueller expanding the investigation to Trump's finances, Rosenstein said the Justice Department doesn't engage in 'fishing expeditions.' (Mueller is answering to Rosenstein since Attorney General Jeff Sessions has recused himself from the Russia investigation.) If Mueller

finds something outside the scope of the investigation as outlined in an agreement with Rosenstein, 'he needs to come to the acting attorney general, at this time me, for permission to expand his investigation.' 'But we don't talk about that publicly,' he said." http://politi.co/2vCeDkq

-- **SEN. JEFF FLAKE (R-ARIZ.)** talks with **NBC'S CHUCK TODD** on "Meet the Press": **TODD:** And I am just curious did you think about leaving the party? **FLAKE:** "No. No. Not at all. I'm a proud Republican. Lifelong Republican. And I'm from Arizona. Arizona tends to elect independent minded people and people who stand on principles. So I'm doing what I think my voters expect of me. But I think, for example, in 2006 when the party in particular had given way to inappropriate spending, earmarked spending, a couple of our colleagues ended up in jail, if you remember, the mantra, 'Drain the swamp,' was employed very effectively by the Democrats in describing the Republican Party at that time. And I think had we stood up at that time then we wouldn't have lost those majorities in the House and the Senate. And I fear that we might do the same again."

-- CHRIS CHRISTIE talks with **CNN'S JAKE TAPPER** on "State of the Union": **TAPPER:** "You're a former U.S. attorney. You know Bob Mueller and James Comey, for that matter. Doesn't it trouble you to hear the president denigrate their integrity and the work that they're doing?" **CHRISTIE:** "Listen, I don't think he was talking about Bob Mueller and Jim Comey there. I think he was talking about the coverage that he thinks has been unfair. But let's make clear, Jake, this is a normal step taken by a careful prosecutor who is doing a thorough investigation. And I think that's exactly what Bob Mueller is doing. You can't issue subpoenas without a grand jury. It's the grand jury that actually issues the subpoenas.

"And so I think Bob Mueller wanted a grand jury that was focused on this, so he could issue subpoenas and then review the evidence. That's a typical thing to be done in any investigation. I did literally thousands of these as U.S. attorney in seven years in New Jersey. And so I thought that the coverage about how monumental this was is just a fundamental misunderstanding of the way this process works. This is what a careful prosecutor does to do a thorough review of the case. I assume that what Mr. Mueller is doing, based on my experience with him. And let him do his work."

-- ON TRUMP'S NEW JERSEY VACATION -- CHRISTIE: "The president is welcome at the gubernatorial beach house any time he wants. We would welcome him with open arms for him to come and take some time at the Jersey Shore. ... Now, I would be happy to welcome him. But we're just happy that the president has decided, of all the places he could go for some relaxation, at least a little bit, during August, that he's coming to the state of New Jersey. And we recommend that to lots of other people who are watching. Four weeks to go in the summer, come to the Jersey Shore. We're ready to take you."

Playbook Reads

[redacted]

PHOTO DU JOUR -- Russian President Vladimir Putin rests after fishing during a mini-vacation in the Siberian Tyva region, a few days ago in a photo released by the Kremlin on Saturday. | Alexei Nikolsky/Sputnik/Kremlin Pool/AP Photo

FRESH HOT MUELLER TAKES -- MAUREEN DOWD in the NYT, **"Bobby Sticks It to Trump":** "We are in for an epic clash between two septuagenarians who both came from wealthy New York families and attended Ivy League schools but couldn't be more different - the flamboyant flimflam man and the buttoned-down, buttoned-up boy scout. (And we know the president has no idea how to talk to scouts appropriately.) One has been called America's straightest arrow. One disdains self-promotion and avoids the press. One married his sweetheart from school days. One was a decorated Marine in Vietnam. One counts patience, humility and honesty as the virtues he lives by and likes to say 'You're only as good as your word.'

"And one's president. Trump biographer Michael D'Antonio says the president has been lying reflexively since he was a kid bragging about home runs he didn't hit. He gets warped satisfaction from making up stuff, like those calls from the head of the Boy Scouts and the president of Mexico that the White House just admitted never happened." http://nyti.ms/2v9amEJ

- JACK SHAFER, "Gone Fishing for Donald Trump: Robert Mueller's grand jury has a big hole to fill": "The Constitution plus decades of judicial precedent have endowed grand juries with legal superpowers. ... Think of a grand jury as an insatiable maw and you begin to understand Mueller's task and Trump's terror. Mountains of phone records, business records, emails, and all manner of paperwork are likely to be subpoenaed by Mueller. ... Like Bill Clinton before him, Trump will be compelled to give testimony. He might want to start working on that honesty thing so the special counsel doesn't nail him on that perjury thing, like independent counsel Kenneth W. Starr did Clinton." http://politi.co/2v9jOI7

TRUMP'S WASHINGTON -- "How Trump's FCC aided Sinclair's expansion," by Margaret Harding McGill and John Hendel: "Sinclair Broadcast Group is expanding its conservative-leaning television empire into nearly three-quarters of American households - but its aggressive takeover of the airwaves wouldn't have been possible without help from President Donald Trump's chief at the Federal Communications Commission. Sinclair, already the nation's largest TV broadcaster, plans to buy 42 stations from Tribune Media in cities like New York, Chicago and Los Angeles, on top of the more than 170 stations it already owns.

"It got a critical assist this spring from Republican FCC Chairman Ajit Pai, who revived a decades-old regulatory loophole that will keep Sinclair from vastly exceeding federal limits on media ownership. The change will allow Sinclair - a company known for injecting 'must run' conservative segments into its local programming - to reach 72 percent of U.S. households after buying Tribune's stations. That's nearly double the

congressionally imposed nationwide audience cap of 39 percent.

"The FCC and the company both say the agency wasn't giving Sinclair any special favors by reviving the loophole, known as the 'UHF discount,' which has long been considered technologically obsolete. But the Tribune deal would not have been viable if not for Pai's intervention: Sinclair already reaches an estimated 38 percent of U.S. households without the discount, leaving it almost no room for growth." http://politi.co/2wwXHci

ATTN PULITZER COMMITTEE -- WEST COAST WATCH -- "Rich and powerful figures will set USC course in wake of scandal, from behind closed doors," by L.A. Times' Sonali Kohli, Sarah Parvini, Matt Hamilton and Adam Elmahrek: http://lat.ms/2wwCQGh

****** **A message from Morgan Stanley:** Growing disparities in income and more are among today's greatest socio-economic challenges. Private sector capital can help create prosperous communities and reduce inequality globally. Morgan Stanley, with The Economic Intelligence Unit, created a tool to rank 20 countries in terms of finance, healthcare, education and gender disparities. Read more. ******

MEDIAWATCH -- "New Sexual Harassment Allegations Leveled Against Fox News' Eric Bolling," by Yashar Ali in HuffPost: "Three hours after Fox News announced it had suspended host Eric Bolling following allegations that he had sexually harassed female colleagues, a former Fox News guest leveled new accusations against him. Caroline Heldman, who appeared on the network frequently between 2008 and 2011, said Saturday that Bolling was one of three Fox News/Fox Business employees to subject her to sexual harassment. Fox News announced Bolling's suspension less than 24 hours after an exclusive HuffPost report revealed that the host had sent lewd text messages to female colleagues." http://bit.ly/2ufSqJx

--YASHAR ALI further notes on Twitter that "an investigation will be conducted by law firm Paul, Weiss."

--"**Top journalist sues Time magazine for 'sex and age discrimination,'"** by The Guardian's Emma Graham-Harrison: "The co-founder of the Women's Equality party, Catherine Mayer, is suing her former employer, Time magazine, for gender and age discrimination, making the weekly ... the latest major media company to be embroiled in accusations of institutional sexism. The case ... pits one of Britain's most prominent journalists, who wrote a controversial biography of Prince Charles and was shortlisted for the Orwell prize, against one of America's most famous magazines, nearly a century old and with millions of readers. ...

"Mayer's suit ... covers the final three years of her employment at the title, and her dismissal in 2015. The problems began soon after she was appointed Europe regional editor, after eight years of outstanding performance and appraisals, court documents allege. The suit alleges that Time's foreign editor appointed Matt McAllester, a younger

male colleague, as her deputy, without an open selection process and in violation of promises that she could choose her team. Mayer says McAllester began a campaign to undermine and supplant her, even though she repeatedly raised complaints. Ultimately, Mayer claims, the company took away her responsibilities as Europe editor the year after she took on the position, then forced her to relinquish the title, which the company gave to McAllester. In April 2015 she was fired." http://bit.ly/2vtLyrZ

BONUS GREAT WEEKEND READS, curated by Daniel Lippman:

--"Bill Browder's Testimony to the Senate Judiciary Committee" - The Atlantic: "'After Khodorkovsky's conviction, the other oligarchs went to Putin and asked him what they needed to do to avoid sitting in the same cage as Khodorkovsky. Putin's answer was, 'Fifty percent'. Not for the Russian government, but for Vladimir Putin personally. From that moment on, Putin became the biggest oligarch in Russia and the richest man in the world.'" http://theatln.tc/2udKKYt

--"Inside Iran's Mission To Dominate The Middle East," by BuzzFeed's Borzou Daragahi: "Iran has enlisted tens of thousands of young Shiite men into an armed network that is challenging the U.S. across the Middle East. The Trump administration is not prepared." http://bzfd.it/2hxC09u

--"Is Hungary the EU's first rogue state? Viktor Orban and the long march from freedom," by Martin Fletcher in the New Statesman: "As a student activist, Orban helped free Hungary from communism. As its prime minister, he practises 'illiberal democracy' and praises Trump and Putin." http://bit.ly/2vzwN6F

--"What Would It Take for an American Guy to Become Danish?" by Andrew Richdale in Saveur: "Saveur's resident Scandiphile eats and drinks his way through Copenhagen in search of cultural transformation." http://bit.ly/2hx2NTv (h/t Longreads.com)

-- "Why Do Republicans Want to Kill Horses? An unpalatable and indefensible initiative that cannot end well," by David Horowitz in Front Page Magazine: "It's a massive power grab by the beef lobby, which would prefer to cull wild horses and burros so public lands can be devoted to livestock-grazing. No one else will rejoice in the heartland at the prospect of being able to chow down on a horse steak or a horse-burger." http://bit.ly/2wjW4iY

--"The Greatest Person then Living," by Andrew Bacevich in the London Review of Books, reviewing "The General v. the President: MacArthur and Truman at the Brink of Nuclear War," by H.W. Brands: "[T]hough nominally subordinate, MacArthur had become Truman's near equal and aspired to succeed him. The two had never met. Having spent the previous several years presiding over the rehabilitation of occupied Japan, the five-star general was accustomed to exercising quasi-sovereign authority. 'In moments of reflection,' Brands writes, 'he asked himself if any other great country had ever owed more to one man. He could not think of an instance.' He conducted himself

accordingly." http://bit.ly/2fhc15u ... ***$15.59 on Amazon*** http://amzn.to/2vaOYNv

--"One night on the Costa del Sol: a true crime story of rape, murder and wrongful conviction," by Matthew Bremner in the New Statesman: "'All I could think of was: why? Why was I here? How had this happened to me, to an innocent person?" http://bit.ly/2wh2IGX

--"You Are the Product," by John Lanchester in the London Review of Books: "I've spent time thinking about Facebook, and the thing I keep coming back to is that its users don't realise what it is the company does. What Facebook does is watch you, and then use what it knows about you and your behaviour to sell ads. I'm not sure there has ever been a more complete disconnect between what a company says it does - 'connect', 'build communities' - and the commercial reality." http://bit.ly/2v8yiq7 (h/t TheBrowser.com)

--"'I Write on Human Skin': Catherine the Great and the Rule of Law," by Robert Zaretsky in the LA Review of Books: "Today marks the 250th anniversary of the Legislative Commission convened by the Empress Catherine the Great. ('Great,' incidentally, is a title she humbly refused when it was offered by the Commission - though her humility takes a hit upon learning that she had also instructed the Commission to offer the title.)" http://bit.ly/2v6zOKP

--"Is the world really better than ever?" by Oliver Burkeman in The Guardian: "The headlines have never been worse. But an increasingly influential group of thinkers insists that humankind has never had it so good - and only our pessimism is holding us back." http://bit.ly/2v6qBSJ (h/t ALDaily.com)

--"The ghostly radio station that no one claims to run: 'MDZhB' has been broadcasting since 1982. No one knows why," by Zaria Gorvett in the BBC: "'Twenty-four hours a day, seven days a week, for the last three-and-a-half decades, it's been broadcasting a dull, mono-tonous tone. Every few seconds it's joined by a second sound, like some ghostly ship sounding its foghorn. Then the drone continues." http://bbc.in/2vBV7VZ

--"Venezuela's Unprecedented Collapse," by Ricardo Hausmann in Project Syndicate: "Venezuela's economic catastrophe dwarfs any in the history of the U.S., Western Europe, or the rest of Latin America." http://bit.ly/2v5Sz0W

--"Picasso and Tragedy," by T.J. Clark in the London Review of Books: "What marks Guernica off from most other murals of its giant size is the fact that it registers so power-fully as a single scene. It is patched together out of fragments, episodes, spotlit silhouettes. Part of its agony is disconnectedness - the isolation that terror is meant to enforce. But this disconnectedness is drawn together into a unity: Guernica does not unwind like a scroll; it is a picture - a distinct shape of space - whose coherence is felt immediately by the viewer for all its strangeness." http://bit.ly/2v8ydCM (h/t TheBrowser.com)

--"The 'Rock Star' Activist Leading the Resistance," by Daniel Malloy in Ozy: ACLU political director Faiz Shakir "could lift the Democrats from their lowest point since 1921." ***With cameos from Adam Jentleson and Matt Canter*** http://bit.ly/2wgJ5ys

--"Trump, America's Boy King: Golf and Television Won't Make America Great Again," by Newsweek's Alexander Nazaryan: "Trump's friends say golf is important to his well-being, just as cycling and rock climbing are de rigueur for the younger titans of Silicon Valley. 'He is always working,' longtime confidant Roger J. Stone Jr. tells me, 'even while socializing, playing golf or traveling. He is constantly asking questions, taking notes and placing phone calls. A better question would be, Does he ever really relax?'" http://bit.ly/2v8jhob

--"Will Texas' Immigration Crackdown Spark the Latino Uprising Democrats Have Been Waiting For?" by Mother Jones' Tim Murphy: http://bit.ly/2utKBvi

Playbookers

POLITICO Screen grab

SPOTTED -- Stephen Miller last night holding court in the Trump Hotel lobby with Nigel Farage. Nigel posed for pictures with fans, including kicking his foot up in the air ... Jason Miller on a flight from Dulles to Miami ... Rod Rosenstein, surrounded by security, walking out of 400 North Capitol Street this morning into two waiting black Chevy Suburbans after his hit on "Fox News Sunday"

WEEKEND WEDDINGS - "Lara Crystal, Robert Saliterman" - N.Y. Times: "Ms. Crystal, 35, is a founder and a chief executive of Minibar Delivery, an online marketplace for wine, beer and spirits, with offices in New York. She graduated cum laude from Cornell and received an M.B.A. from the University of Pennsylvania. ... Mr. Saliterman, also 35, is a global advertising agency partner in New York for Snapchat, the image messaging app. He graduated from Columbia and received an M.B.A. from Harvard. ... The couple met through the League, a dating app, in July 2015." ***With pic*** http://nyti.ms/2vaXyff

--FUN COLOR from an attendee: "When Rob entered the wedding ballroom, the ensemble played a section of Bruce Springsteen's 'Jungleland.' And the parents were hoisted up in chairs after the bride and groom took part in that Jewish wedding ritual." ***Wedding pics*** http://bit.ly/2v9n9aa ... http://bit.ly/2vu0eXT ... http://bit.ly/2ue3kva ... ***The cake by Momofuku*** http://bit.ly/2wjuFOd

SPOTTED at the Pierre Hotel last night dancing the night away until the early morning: Mike Allen, Scott and Tory Sendek, Brian Danza, Anton Vuljaj, Jay and Anat Zeidman,

Blain and Caton Rethmeier, Tim and Kiki Burger, Matt Lira, Bubba Atkinson and Sam Smith, Gerrit and Christyn Lansing, Lauren Fritts, Caitlin Conant, Adam Levine, Israel Hernandez, Zeke Miller, Peter and Adrianne Watkins, Kevin Sheridan and Erika Gutierrez, Alex Skatell, Brendan Buck and Rebecca Berg, Peter Hamby, Dick Keil and Hillary DeParde, Kimball and Wendy Thomas, Sam Dealey, Tom Williams, Tom and Corinne Hare.

--"Anja Crowder, Peter Morice": "Mrs. Morice, 27, is the talent booker for political and current events guests for 'The Late Show With Stephen Colbert.' Until recently she was a producer at ABC News in New York for 'This Week With George Stephanopoulos.' She graduated cum laude from Macalester College. ... Mr. Morice, also 27, is the chief operating officer in New York at the TEG Energy Group, which specializes in automation and control systems for industrial power generation in New York. He graduated summa cum laude from Columbia. ... The couple met in seventh grade at St. Paul Academy and Summit School and began dating in high school." ***With pic*** http://nyti.ms/2vaXUCP

--"Ariel Herm, Adam Koshkin": "In September, Ms. Herm, 29, will begin working as a consultant in health education at the Permanente Medical Group in Oakland, Calif. She graduated from Haverford, and received a master's degree in public health from the University of Michigan. ... Also in September, Mr. Koshkin, 28, will begin a clerkship for United States District Court Judge Judith E. Levy of the Eastern District of Michigan, with chambers in Ann Arbor. He graduated from Swarthmore and received a law degree from the University of California, Berkeley. He worked as a research assistant for Representative Elijah E. Cummings, Democrat of Maryland, as a member of the staff of the House Oversight and Government Reform Committee. ... The couple met in Washington in 2011." ***With pic*** http://nyti.ms/2vCnoLI

--Luca Gattoni-Celli, who reports on tax reform and the IRS for Tax Analysts, and **Laura Joy Yackley,** a middle and high school orchestra teacher in Prince George's County, were married Saturday at Saint Elizabeth Ann Seton Catholic Church in Woodbridge, Virginia. "They met in January 2016 through Coffee Meets Bagel. Their first date was dim sum in the POLITICO mothership building in Rosslyn." ***Pics*** http://bit.ly/2hAjtcS ... http://bit.ly/2vE2Z9M ... http://bit.ly/2wwXA0p

SPOTTED: matron of honor Lina Delmastro Irvine, best man John Allen Gay, John Parks Alexander, Andrew Follett, Kate Peterson, and Ginger Gibson and Travis Burk.

-- Abbey Reller, legislative aide for Sen. John Barrasso (R-Wyo.), married **Reed Linsk,** legislative director for Rep. Duncan Hunter (R-Calif.), Saturday in her hometown of Indianapolis. They met four years ago in the basement of Hamilton's. ***Pic*** http://bit.ly/2uwaWJa

ENGAGED -- David Mansouri, president of SCORE, the education reform nonprofit started by Bill Frist and an alum of Fred Thompson's presidential campaign and the Tennessee Republican Party, got engaged on Saturday to **Sarah Greenberg,** who works on health policy reform for TennCare, Tennessee's Medicaid system. Mansouri,

fresh off a flight from Berlin where he was attending a Young Leaders conference held by the American Council on Germany, proposed at Arrington Vineyards right outside of Nashville where they had one of their first dates. A mutual friend set up the couple on a blind date three years ago. ***Pic*** http://bit.ly/2vubaot

OBAMA ALUMNI -- "Christiana Stephenson, Matthew Aks": "The couple met at Brown, from which they graduated, he magna cum laude. Ms. Stephenson, 27, is the communications director for the Massachusetts Union for Human Service Workers and Educators, SEIU Local 509, in Marlborough, Mass. ... Mr. Aks, 28, is studying for an M.B.A. degree at Harvard." He was previously director for international economics at the NSC and is an Obama CEA alum. ***With pic*** http://nyti.ms/2fiMTv2

BIRTHWEEK (was yesterday): Melissa Canu, senior comms associate at the Center for Health and Gender Equity (hat tip: Emily David)

BIRTHDAYS: Malika Saada Saar, Google's senior counsel on civil and human rights (h/t Autumn, filing from Maine) ... Neil Irwin, senior economic correspondent at NYT's The Upshot ... David Maraniss is 68 ... Jared Wise ... J.T. Rethmeier is 13. He celebrated on Friday on the set of the Today Show in NYC (h/t Dad, Blain) ... Tom Brandt, comms director for Sen. Moran, is 31 ... Erin Karriker ... Corey Jacobson, senior policy adviser for Rep. Ted Lieu (D-Calif.) ... Ally Freeman ... Jill Farrell, director of public affairs at Judicial Watch ... Jonathan Riskind ... Anna Sekulow (hubby tip: Jordan) ... "NewsHour" senior broadcast producer Mike Melia is 36 (h/t Nick Massella, filing from Grand Cayman) ... Michael McMahan ... Politico's Dan Diamond, Sergio Bustos and Hannah Thomas ... Michael Glennon, senior associate at Marakon, is 31 ... Lyndsey Wajert, J.D. candidate at BU School of Law ... Pat Reap ... Scott Ogden ... Ashley Carter, at-large member of the DC State Board of Education and director of coalitions for the Independent Women's Forum ... Lindsay Bembenek, senior manager of media and external comms for the Chamber (h/t Blair Latoff Holmes) ...

... Cherie Paquette, associate producer for Fox News' "America's Newsroom" (h/t fiancé Zach Gillan) ... Terry McDermott, solo artist and lead singer of Lotus Crush, runner up on Season 3 of "The Voice" who just played the Kennedy Center on July 4 (h/t Amanda Hunter) ... Jenny Mayfield, director of media relations and public affairs at Nextdoor ... Nitzan Pelman, CEO of ReUp Education ... Jeff Person is 27 ... Nicole Cohen ... USA Today alum Rem Rieder ... Liz Teitz ... Ambassador Bruce Laingen is 95 ... Adjoa Adofo, comms director for Better Medicare Alliance ... Tara Sonenshine, former Obama under secretary of state for public diplomacy and public affairs now a distinguished fellow at GWU (h/t Jon Haber) ... Ben Wieder, data reporter for McClatchy DC (h/ts Kristin Roberts and Dave Levinthal) ... Marta Dehmlow Hernandez ... Keith St. Clair ... Jeffrey Lerner of DKC Public Relations ... Andrew J. Eisenberger ... Sarah Coyle ... Marta Dehmlow ... Teresa Almanza ... Viktoria Seale ... Rick Olseen .. Melissa Beaumont ... Klon Kitchen ... Robert Wilkie ... Allyson Browning ... Doug Mataconis ... Amanda Brown ... Dr. Alan Lipman ... Cameron Lynch ... Michael Gill ... Ellen Dadisman ... David Nolte ... Mike Friedman is 27 ... Amalia Stott ... Mary Elgar, the queen of green bean casseroles ... Mia Terry (h/ts Teresa Vilmain)

****** **A message from Morgan Stanley:** The Morgan Stanley Institute for Sustainable Investing, with The Economist Intelligence Unit, created the Inclusive Growth Opportunities Index to explore technology investments that can increase access to finance, healthcare and education, and enhance gender inclusion. The report and interactive tool, which allows users to rank 20 emerging and developed countries, highlights the potential for investment opportunities that drive inclusive economic growth. See which countries indexed high on the list, and where there are opportunities to invest in inclusive growth. Read more from Morgan Stanley. ******

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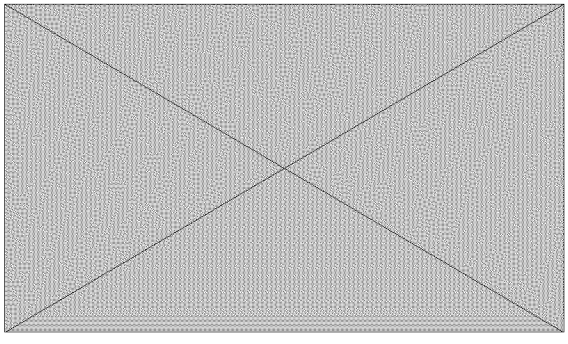
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The Korean War never ended. The 1953 Armistice merely ended the most active phase of the conflict

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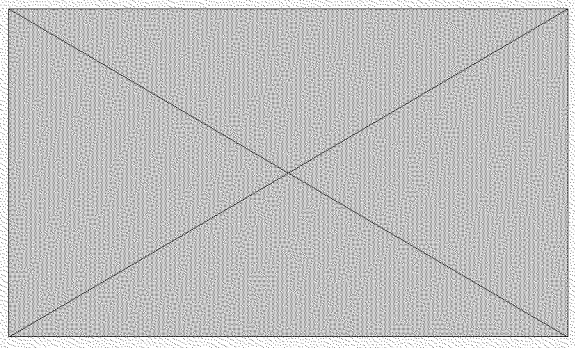


Reuters

How did we get here with North Korea?

Michael Rubin | AEIdeas

The Korean War never ended. The 1953 armistice merely ended the most active phase of the conflict, but more than a million troops still face each other across a demilitarized zone less than three miles wide. As tensions between Washington and Pyongyang escalate, Michael Rubin offers the abridged history of US diplomacy with North Korea — including how we got where we are today.

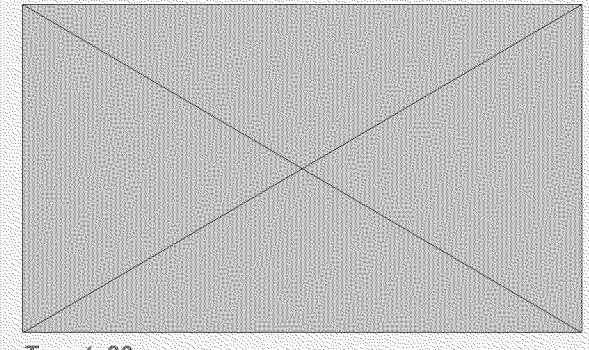


Twenty20

Our two-party system is stuck

Jonah Goldberg | National Review

In the 1990s and 2000s, Donald Trump had political ambitions. But the traditional two-party system and the media landscape served as impenetrable barriers for him. It was the breakdown of the old ways that opened a path for someone interested in breaking them down even more. Crucially, Republicans have been steadily losing market share in important suburban districts for decades now.



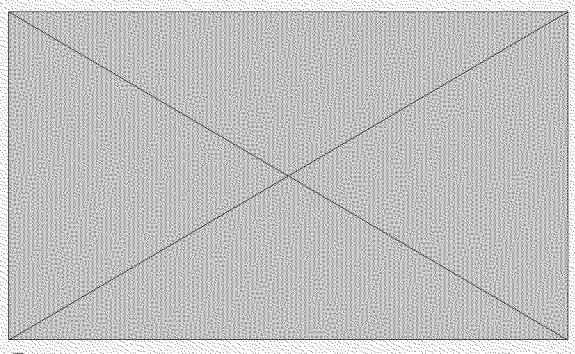
Twenty20

Miss brick-and-mortar? Internet

retailers have a big, unfair tax break

Alan D. Viard and Alex Brill | The Hill

In recent years, internet sales have grown by nearly 15 percent per year, compared to 4 percent for brick-and-mortar retail sales. Following a 1992 court decision, sellers without a physical presence in a state cannot be required to remit that state's sales tax. As a result, online sellers have an artificial advantage over local brick-and-mortar sellers, who must collect sales tax from their customers.



Reuters

What ties election meddling to Syria? Russia's Soviet nostalgia

Leon Aron | The Wall Street Journal

As the Russian hacking and "collusion" sagas consume Washington elites and the media, a more important question has gone unanswered: Why is Vladimir Putin engaging in such activity, and what should Americans expect next? By temperament and KGB training, Putin is not an easy man to read. What seems to explain his policies most is an emerging identity as an ardent Soviet patriot.

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Subject: Morning Media: Marty Baron hasn't reached 'the lying point' -- Jemele Hill speaks -- Zuckerberg regrets -- Carville's new gig

By Michael Calderone | 09/28/2017 05:38 AM EDT

THE WASHINGTON POST ISN'T #RESISTING: Executive editor Marty Baron told The Atlantic's Jeffrey Goldberg at Wednesday's Washington Ideas forum that "we don't view ourselves as part of the resistance" and instead offered what's becoming a Post newsroom mantra: "We're not at war. We're at work."

-- Hours earlier, President Trump accused the Post of being "anti-Trump" and suggested the paper joined The New York Times, TV networks, and Facebook in colluding against him. "I think he went through a process of initially condemning us," Baron said of Trump's media attacks, "and then trying to delegitimize us, and then even dehumanizing us, saying we were the lowest form of humanity, and then when that wasn't enough, saying we were the lowest form of life itself."

-- Unlike The New York Times, The Post has refrained from characterizing any of Trump's false claims as "lies" in headlines or news stories. "I think you have to actually have documentation, proof, that whoever you're saying lied actually knew that what he or she was saying was in fact false," Baron told Goldberg.

-- It's true journalists can't read minds and so are understandably hesitant to assert someone is knowingly making a false claim. And the White House, at times, has exploited this journalistic convention by resorting to the George Costanza defense: "It's not a lie if you believe it." That's how the White House handled evidence-free claims about voter fraud.

-- Goldberg pressed, "You don't believe that the president has knowingly articulated a falsehood?" Baron said he thinks "we're getting to the lying point." What could tip The Post over the edge is unclear. When I asked Baron later about reaching the "lying point," he said he did "not have a particular story in mind."

Good morning and welcome to Morning Media. Send all your newsroom memos my way at mcalderone@politico.com and follow at @mlcalderone. Morning Media is edited by Alex Weprin (@alexweprin), with contributions from Daniel Lippman (@dlippman) and Cristiano Lima (@ludacristiano). Archives. Subscribe.

RIP: HUGH HEFNER, the legendary Playboy founder, died Wednesday at his home. He was 91. The Times: "Hefner the man and Playboy the brand were inseparable. Both advertised themselves as emblems of the sexual revolution, an escape from American priggishness and wider social intolerance. Both were derided over the years - as vulgar, as adolescent, as exploitative, and finally as anachronistic. But Mr. Hefner was a stunning success from his emergence in the early 1950s. His timing was perfect.'

TUNE-IN: President Trump will appear on his favorite morning show, "Fox & Friends," for an interview with Pete Hegseth from Indiana. And at 9 p.m.: Rush Limbaugh heads to "Hannity."

IS THE MEDIA GIVING BREITBART TOO MUCH CREDIT? Washingtonian's Elaina Plott argues that factors predating Breitbart's weeks-long crusade for Roy Moore led to his victory in Alabama. They just don't make for as good copy. "By this point, every political reporter knows how to punch out a story on the so-called GOP civil war...In our perpetuation of that narrative, especially after elections that prove it's not even half the story, reporters continue to give folks like Bannon ample, if undefined, evidence of Breitbart's clout," she writes. "The result is that Breitbart, a site that touts its extra-Beltway bona fides, owes Washington for its ever-growing mythos."

JEMELE HILL OPENS UP on ESPN's "The Undefeated": "Since my tweets criticizing President Donald Trump exploded into a national story, the most difficult part for me has been watching ESPN become a punching bag and seeing a dumb narrative kept alive about the company's political leanings....But this isn't about that. It's simply indicative of just how complex things get for people in OUR position - especially if you're a woman and a person of color."

BUZZFEED WANTS COMEY, CLAPPER TESTIMONY -- POLITICO'S Josh Gerstein : "BuzzFeed is escalating its legal battle for details on how the federal government handled a dossier containing salacious allegations about President Donald Trump. Lawyers for the online news outlet are asking a federal court in Washington to force the Justice Department, the FBI and the director of national intelligence, as well as former FBI Director James Comey and former director of national intelligence James Clapper to answer a series of questions about what officials had done in connection with the dossier as of the time BuzzFeed published it Jan. 10."

CHRIS HAYES SURVIVED rumors years back that he'd lose his MSNBC primetime slot. And now he tells The Hollywood Reporter's Jeremy Barr: "I want to be No. 1. We want to be the most-watched show in our time slot. That's the goal."

SPOTTED: Melania Trump yesterday at 1 World Trade Center. But contrary to rumors, she wasn't visiting Condé Nast.

REVOLVING DOOR:

Megan Liberman, a former New York Times editor and most recently Yahoo News editor-in-chief, is joining SiriusXM as senior vice president for News, Talk & Entertainment.

James Carville is joining the faculty of LSU's Manship School of Mass Communication in January. Dean Jerry Ceppos said the veteran Democratic strategist "epitomizes the mission of the Manship School...to teach and conduct research at the intersection of media and public affairs."

Susan Glasser, the former editor of POLITICO and currently our chief international affairs columnist, will also turn domestically in a new twice-monthly column for The New Yorker's site. Editor David Remnick and NewYorker.com editor Michael Luo wrote in a memo that Glasser is "particularly interested in exploring how the villagers are responding to the disruption of the

Trump Presidency."

Erica Grieder next month is moving to Houston, where she'll be joining the Houston Chronicle as a metro columnist. She is an alum of Texas Monthly and The Economist.

Jill Jackson is moving to Seattle, where she will rejoin KUOW Public Radio as its news director. She was an intern for the station in 2003 and most recently a senior producer in the D.C. bureau.

Siddhartha Mukherjee, a physician and scientist at Columbia University, has been named "On Medicine columnist" columnist for The New York Times Magazine.

Dawn Bridges, a veteran public relations executive, has joined Fusion Media Group as executive vice president of communications.

ZUCKERBERG REGRETS: On his Facebook page, on course: "After the election, I made a comment that I thought the idea misinformation on Facebook changed the outcome of the election was a crazy idea. Calling that crazy was dismissive and I regret it. This is too important an issue to be dismissive. But the data we have has always shown that our broader impact -- from giving people a voice to enabling candidates to communicate directly to helping millions of people vote -- played a far bigger role in this election."

AND TWITTER'S ROLE? From the NYT's Daisuke Wakabayashi and Scott Shane: "There is evidence that Twitter may have been used even more extensively than Facebook in the Russian influence campaign last year. In addition to Russia-linked Twitter accounts that posed as Americans, the platform was also used for large-scale automated messaging, using "bot" accounts to spread false stories and promote news articles about emails from Democratic operatives that had been obtained by Russian hackers."

"LET TRUMP HAVE 280 CHARACTERS" -- POLITICO'S Jack Shafer: "How will the new order affect Trump? Will he continue to abide the space constraints that have served him so well, or will he stretch into the new space the way he often does during hour two of his public addresses, when the drama stalls and the throng turns restless?"

SOUND BITES:

-- "The whole concept of a paid @CNN contributor who is paid because he's pro-Trump makes no sense - journalistically. Sit com logic: yes." [Jay Rosen]

-- "I remain astonished/dumfounded as to the lack of collective anger toward Russia's clear intentions to screw with our democracy. Anyone else?' [Richard Deitsch]

EXTRAS:

-- John Legend fears a Sinclair-Tribune merger would hurt independent and local media. He cites WGN America, the Tribune-owned cable channel that Sinclair could soon acquire. WGN also

airs Legend's drama series "Underground."

-- New pro-Trump CNN contributor Ed Martin has in the past called CNN "fake news," "state-run media," and claimed the network had not "been credible for a long time," before joining the channel.

-- Breitbart tries to capitalize off of readers opposition to athletes protesting racial injustice.

-- The case against those long glamorous profiles of peddlers of "fake news."

-- Anthony Scaramucci plans to launch his new Scaramucci Post media venture... whatever it is... on Oct. 2.

-- "60 Minutes" lands the first interview with House Majority Whip Steve Scalise since he was shot in June.

KICKER:

"We are not the enemies of the people. We are the eyes and the ears of the people," *NBC News' Andrea Mitchell at IRTS Foundation's "Giants of Broadcasting" luncheon on Wednesday.*

To view online:
http://www.politico.com/tipsheets/morning-media/2017/09/28/marty-baron-hasnt-reached-the-lying-point-jemele-hill-speaks-zuckerberg-regrets-carvilles-new-gig-222518

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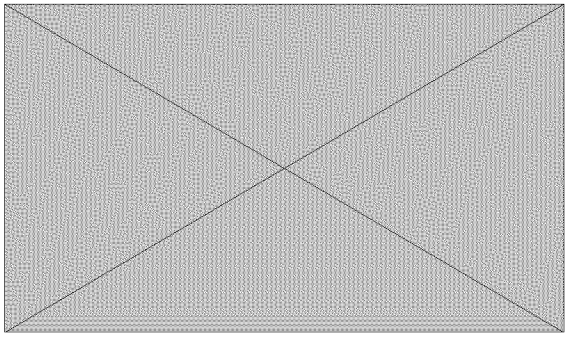
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
Sent: Wed 8/16/2017 10:02:18 AM
Subject: AEI Today: If Democrats play ball on poverty, Congress can get back on track

Congress is very unpopular right now, with a job approval rating of just 15.7% according to the RealClearPolitics average.

AEI's daily publication of independent research, insightful analysis, and scholarly debate



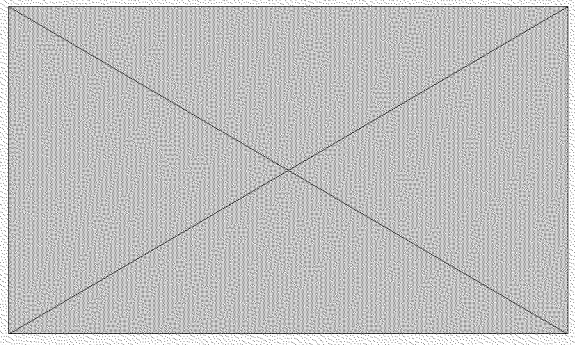
Reuters

If Democrats play ball on poverty, Congress can get back on track

Angela Rachidi | AEIdeas

To say that Congress is unpopular is the understatement of the year, with a current job approval rating of just 15.7 percent. With so little getting done in Washington in recent years, the lack of faith is unsurprising. Looming controversies over health care and the debt ceiling won't help. What could move the needle, on the other hand, is a bipartisan attack on poverty. Yet in the toxic

environment of Capitol Hill, the latest Republican effort is already a "nonstarter."



Reuters

Standing up to the president looks to be good for business

Michael R. Strain | Bloomberg View

Corporate leaders tend to be reluctant to enter public debates. Their reluctance is often appropriate. The decision to resign from a presidential commission — including giving up the ability to influence an administration from the inside — represents a real trade-off. Going on TV to criticize an administration carries with it significant potential costs. But companies want stability and virtue by association. This week, the president provided neither.

MORE FROM AEI

Reorienting the FCC's mission around economics will help create jobs

Roslyn Layton | Forbes

Watch: Shaun Harper on how to address race in education without alienating people

Frederick M. Hess | AEI Viewpoint video

Meet Germany's Green Party, the surprising new hawks in European foreign policy

Dalibor Rohac | AEIdeas

Bury the Confederacy for good: The meaning of public symbols is not a private matter

Ramesh Ponnuru | Bloomberg View

Quote of the day: Anyone accusing free traders of having too 'narrow' a morality is usually a hypocrite

Mark J. Perry | AEIdeas

AEI in the news: More CEOs follow suit in rebuking President Trump

David Gelles and Katie Thomas | The New York Times

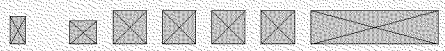
Around the web: The onerous, arbitrary, unaccountable world of occupational licensing

Matt Winesett | AEIdeas

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Subject: Checkpoint: Trump rips the NFL for disrespecting the flag. Then he jokes about a military flag ceremony.



Trump rips the NFL for disrespecting the flag. Then he jokes about a military flag ceremony.

The bugle call occurred during Trump's interview with Fox News host Sean Hannity, conducted in an airplane hangar used by the Pennsylvania Air National Guard in Harrisburg.

By Patrick Martin • Read more »

Army: Bowe Bergdahl will plead guilty in connection with his disappearance in Afghanistan

The U.S. soldier who spent five years in militant captivity after disappearing in Afghanistan faces charges of desertion and misbehavior before the enemy for walking away from his infantry platoon's base.

By Dan Lamothe • **Read more »**

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Navy sends 'unequivocal message' in firing commanders over deadly John S. McCain collision

Ten sailors died as a result of the accident.

By Andrew deGrandpre and Alex Horton • Read more »

Their families are suffering in Puerto Rico. The Army needs them in Alaska.

In Hurricane Maria's aftermath, these soldiers have felt uniquely isolated and alone.

By Matt White • Read more »

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Navy relieves two officers of their duties over USS John McCain's 'preventable' collision in August, which killed 10 sailors

The Navy blamed "poor judgment" and "poor leadership" for the incident in a statement announcing that the vessel's commanding officer and executive officer would be relieved of their duties because of a loss of confidence. This is a developing story. It will be updated.

By Washington Post Staff • Read more »

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Misty Copeland

Lumber Liquidators linked to health and safety violations

Bradley Cooper cuts loose with family in Philly

The inspiration behind "The Colbert Report" character

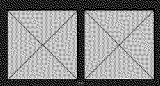
A younger Trump: No politics for me



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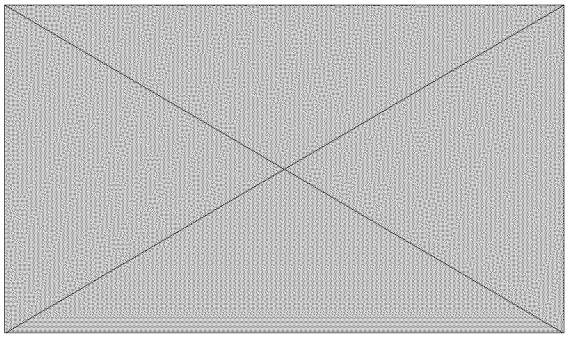
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
Sent: Mon 12/4/2017 11:05:14 AM
Subject: AEI Today: What happened to the Trump military buildup?

Donald Trump made a lot of promises when campaigning for president.

AEI's daily publication of independent research, insightful analysis, and scholarly debate

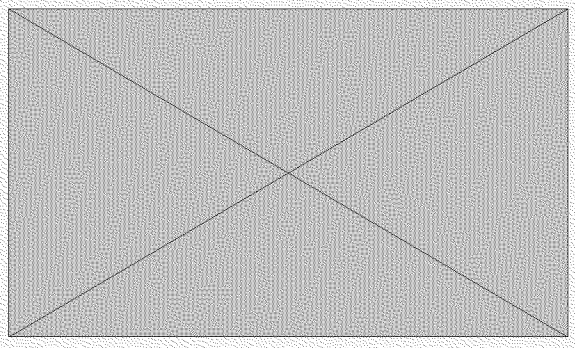


Reuters

What happened to the Trump military buildup?

Gary J. Schmitt | The Weekly Standard

Donald Trump made a lot of promises when campaigning for president. That included a promise to rebuild the American military to such a size and extent that the country's "military dominance" would "be unquestioned, and I mean unquestioned, by anybody and everybody." Yet when President Trump put forward his first budget in March for the 2018 fiscal year, that priority was not apparent.

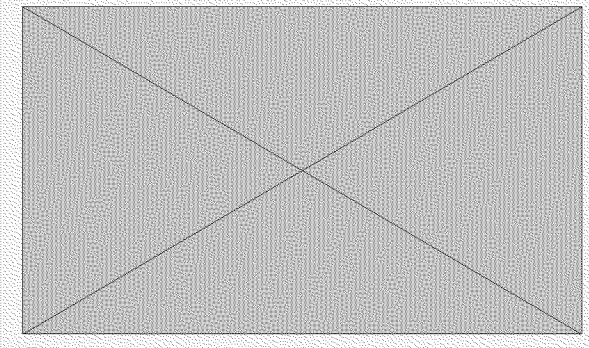


Reuters

How we can protect the future of Social Security

Ramesh Ponnuru | Bloomberg View

If Social Security checks should be adjusted each year for inflation, they ought to be adjusted by the best measure we have. That's the best argument for what Republicans are doing on taxes and what Obama suggested doing on Social Security with the Consumer Price Index. But maybe inflation is not a sufficiently generous index in either case. It might be better to let Social Security payments rise with wages instead.



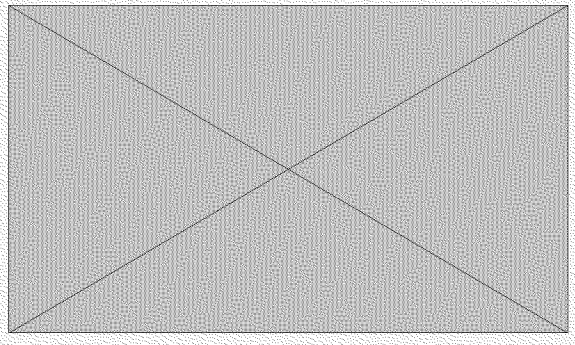
Reuters

The Anglosphere can

teach us a lot about fiscal reform

Alex Brill and Sean Speer | Real Clear Policy

Congress is deeply entrenched in an effort to reform the federal tax code. Central to this effort is a desire to lower the US corporate tax rate from 35 percent to 20 percent — a level on par with the rest of the developed world. Policymakers are keenly aware of the competitive advantages this change could bring based on similar rate changes across Europe and around the globe. But the lesson of corporate tax reform that the US has learned from its peers may be an exception rather than the rule.



Reuters

Investing in the next generation of cellular infrastructure

Shane Tews | AEIdeas

Consumers continue to “cut the cord,” replacing home cable with their mobile devices and internet-only applications to access their favorite content. However, these smartphones, smart TVs, and other devices need network access to support the delivery of video streaming and web-based content. Rising demand for faster, more efficient network connections is pushing network operators to move toward 5th generation or

"5G" mobile networks, the next generation of internet connectivity.



MORE FROM AEI

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Desmond Lachman | The Hill

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Podcast: James Pethokoukis on the captured economy
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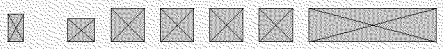
Pakistan persecutes a Muslim minority
Sadanand Dhume | The Wall Street Journal

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Katharine B. Stevens | AEI event on Tuesday at 9:30 AM EST

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EHS Federal Regulatory Alert

October 06, 2017 - Number 193

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Summaries

AIR
Alabama SIP/Cross-State Air Pollution Rule
AIR

Final rule of the EPA approves portions of revisions to the Alabama SIP that replace the Cross-State Air Pollution Rule (CSAPR) federal implementation plan with a state trading program for ozone season nitrogen oxides (NOx) emissions. The state program is integrated with the CSAPR federal trading programs and is substantively identical to the federal trading program except for provisions allocating emission allowances among state units. The revisions eliminate state units' requirements to participate in the federal allowance trading program for ozone season NOx emissions and satisfy the state's good neighbor obligation to prohibit emissions that significantly contribute to nonattainment or interfere with maintenance of the 1997 eight-hour ozone NAAQS. The revisions also partially satisfy the good neighbor obligation regarding the 2008 eight-hour ozone NAAQS. The rule is effective Nov. 6, 2017. Contact: Ashten Bailey; EPA Region 4, Air Regulatory Management Section; 404-562-9164; bailey.ashten@epa.gov. Citations: 40 CFR 52.38, 52.50

82 FR 46674 (10/06/2017)

Regulatory Update

AIR
Florida SIP/Air Permitting, Compliance Assurance Program
AIR

Final rule of the EPA approves portions of revisions to the Florida SIP that update non-Title V air permitting and compliance assurance program requirements. The revisions add 17 air general permits available to owners or operators of air emission sources as long as certain requirements are satisfied. The revisions also address new source preconstruction permitting requirements, stationary source control strategy programs, and emissions monitoring at stationary sources. In addition, the revisions add a definition of North American Industry Classification System, address public notice requirements, update test methods, and remove references to ozone

nonattainment areas and an outdated form. The rule is effective Nov. 6, 2017. Contact: Michele Notarianni; EPA Region 4, Air Planning and Implementation Branch; 404-562-9031; notarianni.michele@epa.gov. Citations: 40 CFR 52.520

82 FR 46682 (10/06/2017)

Regulatory Update

AIR
Missouri SIP/2008 Ozone NAAQS Infrastructure Requirements
AIR

Direct final rule of the EPA approves portions of revisions to the Missouri SIP regarding infrastructure requirements for the 2008 ozone NAAQS. The revisions address prevention of significant deterioration of air quality (prong 3). The agency takes no action on significant contribution to nonattainment (prong 1) or interference with maintenance of the NAAQS (prong 2) because those elements were not addressed in the SIP revision submittal. The agency will act separately on proposed revisions concerning protection of visibility (prong 4). The rule is effective Dec. 5, 2017, unless adverse comments are received by Nov. 6, 2017. Contact: Tracey Casburn; EPA Region 7, Air Planning and Development Branch; 913-551-7016; casburn.tracey@epa.gov. Citations: 40 CFR 52.1320

82 FR 46679 (10/06/2017)

Regulatory Update

AIR
Missouri SIP/2008 Ozone NAAQS Infrastructure Requirements
AIR

Proposed rule of the EPA would approve portions of revisions to the Missouri SIP regarding infrastructure requirements for the 2008 ozone NAAQS. The revisions address prevention of significant deterioration of air quality (prong 3). The agency would take no action on significant contribution to nonattainment (prong 1) or interference with maintenance of the NAAQS (prong 2) because those elements were not addressed in the SIP revision submittal. The agency would act separately on proposed revisions concerning protection of visibility (prong 4). A concurrent direct final rule adopts the changes, effective Dec. 5, 2017. Comments are due Nov. 6, 2017. Contact: Tracey Casburn; EPA Region 7, Air Planning and Development Branch; 913-551-7016; casburn.tracey@epa.gov. Citations: 40 CFR 52.1320

82 FR 46741 (10/06/2017)

Regulatory Update

AIR
Missouri SIP/2010 SO2 NAAQS Infrastructure Requirements
AIR

Direct final rule of the EPA approves portions of revisions to the Missouri SIP regarding infrastructure requirements for the 2010 sulfur dioxide (SO2) NAAQS. The rule approves revisions concerning prevention of significant deterioration of air quality (prong 3). The agency

takes no action on revisions concerning significant contribution to nonattainment (prong 1), interference with maintenance of the NAAQS (prong 2), or certain requirements for designated nonattainment areas. Revisions concerning protection of visibility (prong 4) will be addressed in a separate rulemaking. The rule is effective Dec. 5, 2017, unless adverse comments are received by Nov. 6, 2017. Contact: Tracey Casburn; EPA Region 7, Air Planning and Development Branch; 913-551-7016; casburn.tracey@epa.gov. Citations: 40 CFR 52.1320

82 FR 46672 (10/06/2017)

Regulatory Update

AIR
Missouri SIP/2010 SO2 NAAQS Infrastructure Requirements
AIR

Proposed rule of the EPA would approve portions of revisions to the Missouri SIP regarding infrastructure requirements for the 2010 sulfur dioxide (SO2) NAAQS. The rule would approve revisions concerning prevention of significant deterioration of air quality (prong 3). The agency is not proposing to take action on revisions concerning significant contribution to nonattainment (prong 1), interference with maintenance of the NAAQS (prong 2), or certain requirements for designated nonattainment areas. Revisions concerning protection of visibility (prong 4) will be addressed in a separate rulemaking. A concurrent direct final rule adopts the revisions, effective Dec. 5, 2017. Comments are due Nov. 6, 2017. Contact: Tracey Casburn; EPA Region 7, Air Planning and Development Branch; 913-551-7016; casburn.tracey@epa.gov. Citations: 40 CFR 52.1320

82 FR 46742 (10/06/2017)

Regulatory Update

AIR
New Jersey SIP/Motor Vehicle Inspection and Maintenance Program
AIR

Proposed rule of the EPA would approve revisions to the New Jersey SIP concerning the motor vehicle enhanced inspection and maintenance program. The revisions discontinue two-speed idle tests on model year 1981-1995 light duty gasoline vehicles, idle tests on pre-1981 model year light-duty gasoline vehicles, idle tests on heavy-duty gasoline vehicles, and gas cap leak testing. The revisions also require on-board diagnostics testing of heavy-duty gasoline vehicles equipped with such systems. Comments are due Nov. 6, 2017. Contact: Reema Loutan, EPA Region 2, Air Programs Branch; 212-637-3760; Loutan.Reema@epa.gov. Citations: 40 CFR 52

82 FR 46742 (10/06/2017)

Regulatory Update

AIR
North Dakota SIP/SO2 and PM-2.5 NAAQS Infrastructure Requirements
AIR

Final rule of the EPA approves portions of revisions to the North Dakota SIP to demonstrate that

the state meets infrastructure requirements for the 2010 sulfur dioxide (SO2) and 2012 fine particulate matter (PM-2.5) NAAQS. The EPA will address portions of the revisions concerning interstate transport prongs 1 and 2 in a separate action. The rule is effective Nov. 6, 2017. Contact: Kate Gregory; EPA Region 8, Air Program; 303-312-6175; gregory.kate@epa.gov. Citations: 40 CFR 52.1833

82 FR 46681 (10/06/2017)

Regulatory Update

ENDANGERED SPECIES
Florida/Endangered and Threatened Plants
ENDANGERED SPECIES

Final rule of the U.S. Fish and Wildlife Service lists the Florida prairie-clover as endangered and the Everglades bully, Florida pineland crabgrass, and pineland sandmat as threatened. The four plant species are endemic to south Florida. The listings are based on threats to the species, including habitat loss and modification through urban and agricultural development, lack of adequate fire management, the proliferation of non-native invasive plants, stochastic events, maintenance practices used on roadsides and disturbed sites, and sea level rise. The agency intends to publish a critical habitat designation for the species within one year. The rule is effective Nov. 6, 2017. Contact: Roxanna Hinzman; USFWS, South Florida Ecological Services Field Office; 772-562-3909. Citations: 50 CFR 17.12

82 FR 46691 (10/06/2017)

Regulatory Update

ENDANGERED SPECIES
Louisiana, Texas/Louisiana Pinesnake Threatened Listing
ENDANGERED SPECIES

Notice of the U.S. Fish and Wildlife Service reopens the comment period for an Oct. 6, 2016, proposed rule (81 FR 69454) that would list the Louisiana pinesnake, found in both Louisiana and Texas, as threatened. The agency also extends the final listing determination to April 6, 2018, to obtain clarifying information to resolve a significant disagreement regarding available information related to the interpretation of the available survey data used to determine the Louisiana pinesnake's status and trends. Comments now are due Nov. 6, 2017. Contact: Joseph Ranson; USFWS, Louisiana Ecological Services Office; 337-291-3101. Citations: 50 CFR 17.11

82 FR 46748 (10/06/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
California/Former Concord Naval Weapons Station
GENERAL ENVIRONMENT AND SAFETY

Notice of the Navy Department announces the availability of the record of decision regarding the proposed disposal and reuse of real property at the Naval Weapons Station Seal Beach, Detachment Concord (NWS Concord), in Concord, Calif. The agency has chosen the Navy's

preferred Alternative 1 that will provide approximately 4,972 acres of former NWS Concord property to the local community for economic redevelopment. Contact: Erica Spinelli; Navy Department; 619-524-5096; erica.spinelli@navy.mil

82 FR 46773 (10/06/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Disclosure of Confidential Business Information/EPA Enforcement Action
GENERAL ENVIRONMENT AND SAFETY

Notice of the EPA announces the disclosure of information that has been submitted to the EPA by renewal fuel producers, renewable identification number (RIN) generators, third-party engineers, obligated parties, and RIN owners that is claimed or determined to be confidential business information (CBI). The disclosure is in response to discovery requests received in United States v. NGL Crude Logistics LLC (Case No. 2:16-cv-1038-LRR), pending in the U.S. District Court for the Northern District of Iowa. A stipulated protective order has been entered between the U.S. and NGL regarding the treatment of CBI and allows interested third parties to seek additional protections for their CBI. Access to the CBI is ongoing and expected to continue during the NGL litigation. Contact: Matthew Kryman; EPA, Office of Civil Enforcement; 303-312-6272; kryman.matthew@epa.gov

82 FR 46805 (10/06/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Environmental Impact Statements
GENERAL ENVIRONMENT AND SAFETY

Notice of the EPA announces the availability of environmental impact statements filed Sept. 25-29, 2017. Contact: Kelly Knight; EPA, Office of Federal Activities; 202-564-7146; knight.kelly@epa.gov. Citations: 40 CFR 1506.9

82 FR 46808 (10/06/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
NAFTA Renegotiation
GENERAL ENVIRONMENT AND SAFETY

Notice of the Office of the U.S. Trade Representative announces a correction to Sept. 26, 2017, notice (82 FR 44868) regarding the initiation of an environmental review of the proposed renegotiation of the North American Free Trade Agreement with Canada and Mexico. Comments are requested on potential positive or negative environmental effects that might result from the trade agreement, potential implications for U.S. environmental laws and regulations, and appropriate methodologies and sources of data for conducting the review. The current action corrects the docket number (USTR-2017-0018). Contact: Sarah Stewart; USTR; 202-395-7320

82 FR 46880 (10/06/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Nevada/Gold Bar Mine Project
GENERAL ENVIRONMENT AND SAFETY

Notice of the Bureau of Land Management announces the availability of the final environmental impact statement for the Gold Bar Mine Project in Eureka County, Nev., proposed by McEwen Mining Inc., of Toronto. The project involves open pits, waste rock dump areas, heap leach pads, a process solution pond, an event pond, and associated facilities on approximately 1,127 acres, including 944 acres on public land. The final EIS addresses four alternatives, including a no action alternative. The agency will issue a record of decision no sooner that 30 days after the EPA publishes a notice of availability of the EIS. Contact: Christine Gabriel; BLM, Mount Lewis Field Office; 775-635-4000; blm_nv_bmdo_mlfo_gold_bar_project_eis@blm.gov

82 FR 46830 (10/06/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Texas/Micron and Water Resources Integration Program
GENERAL ENVIRONMENT AND SAFETY

Notice of the U.S. Fish and Wildlife Service announces the availability of a draft environmental assessment and habitat conservation plan for the San Antonio Water System's (SAWS) proposed Micron and Water Resources Integration Program in Bexar County, Texas. The program consists of the construction of two water pipelines. SAWS has applied for an incidental take permit for several cave and ground beetle species in connection with the project for a 15-year period. SAWS proposes to mitigate with the perpetual protection, management, and monitoring of 57.6 acres of the undeveloped portion of their Anderson Pump Station, which is adjacent to the proposed pipelines. Comments are due Nov. 6, 2017. Contact: Adam Zerrenner; USFWS; 512-490-0057

82 FR 46828 (10/06/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Washington State/Klickitat Hatchery Upgrades Project
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the Bonneville Power Administration to prepare an environmental impact statement for proposed upgrades to the Klickitat Hatchery located on state lands in Klickitat County, Wash. The hatchery, which is operated by the Confederated Tribes of the Yakama Nation, produces spring and fall Chinook salmon and coho salmon. It is funded by the National Marine Fisheries Service and operated by the Yakama Nation and the Washington Department of Fish and Wildlife. The proposed upgrades include improvements to surface water and groundwater intakes, discharge piping, and pumps; rebuilding of the pollution abatement system; updating sections of the hatchery building; and the addition of rearing tanks, a storage building, and staff residences. The BPA also announces the availability of a floodplain and

wetlands assessment for the project and cancellation of the environmental review for a previous proposal to update the hatchery (74 FR 45554; 07/17/2009). A meeting is scheduled for Oct. 25, 2017, in Lyle, Wash. Comments are due Nov. 27, 2017. Contact: David Kennedy; BPA; 503-230-3769; dkkennedy@bpa.gov

82 FR 46804 (10/06/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP

Zero-Valent Metallic Treatment System for PCBs/Prospective Grant of Exclusive Patent License

HAZARDOUS WASTE CLEANUP

Notice announces the intention of the National Aeronautics and Space Administration to grant to Marley Environmental Inc., of Avon, Conn., an exclusive patent license to practice inventions embodied in a U.S. patent application. The patent concerns a zero-valent metallic treatment system used to remove and remediate polychlorinated biphenyls (PCBs). Marley would receive exclusivity for all fields of use in a limited geographic area, which includes EPA Region 1, New Jersey, and New York. Comments or applications for licenses are due Oct. 23, 2017. Contact: Jonathan Leahy; NASA, Office of the Chief Counsel; 321-867-6553

82 FR 46839 (10/06/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Nationally Recognized Testing Laboratories/Curtis-Strauss

OCCUPATIONAL SAFETY AND HEALTH

Notice of OSHA announces a final decision to grant an application from Curtis-Strauss LLC, of Littleton, Mass., for expansion of its recognition as a nationally recognized testing laboratory. The expansion involves the addition of a test standard regarding safety requirements for laboratory equipment for heating of materials (UL 61010-2-010) to its scope of recognition. The decision is effective Oct. 6, 2017. Contact: Kevin Robinson; OSHA, Directorate of Technical Support and Emergency Management; 202-693-2110; robinson.kevin@dol.gov. Citations: 29 CFR 1910.7

82 FR 46837 (10/06/2017)

Regulatory Update

OIL AND GAS INDUSTRY

Detergent Gasoline Additives

OIL AND GAS INDUSTRY

Notice announces the intention of the EPA to seek OMB approval for a continuing information collection request regarding the use of detergent additives in gasoline. The collection addresses recordkeeping and reporting requirements for refiners and importers of gasoline, blenders of detergent into gasoline, gasoline retail outlets, and fleet facilities to certify their use of detergents in gasoline, except for in research, racing, and aviation gasoline. Comments are due Dec. 5, 2017.

Contact: James Caldwell; EPA, Office of Transportation and Air Quality; 202-343-9303; caldwell.jim@epa.gov. Citations: 40 CFR 80, Subpart G

82 FR 46806 (10/06/2017)

Regulatory Update

PESTICIDES
Pesticide Tolerances/Florpyrauxifen-benzyl
PESTICIDES

Final rule of the EPA establishes tolerances for residues of the pesticide florpyrauxifen-benzyl in or on rice grain at 0.30 parts per million (ppm), freshwater fish at 2.0 ppm, shellfish crustacean at 0.50 ppm, and mollusk at 20 ppm. The approved tolerances differ slightly from the petitioned tolerances based on data submitted with the petition. The rule is issued in response to a petition filed by Dow AgroSciences LLC, of Indianapolis. The rule is effective Oct. 6, 2017. Objections and hearing requests are due Dec. 5, 2017. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDFRNotices@epa.gov. Citations: 40 CFR 180.695

82 FR 46685 (10/06/2017)

Regulatory Update

RADIATION
NRC Fire Protection Compensatory Measures
RADIATION

Notice of the NRC requests comments on a petition requesting that the agency adopt regulations regarding acceptable conditions for use of compensatory measures, including fire watches and surveillance cameras, during periods when fire protection regulations are not met. The petition, submitted on behalf of the Union of Concerned Scientists and Beyond Nuclear, asserts that the NRC's 14 guidance documents regarding fire protection are inadequate because they are not enforceable, create confusion about what constitutes an acceptable substitute for compliance with fire protection regulations, and were developed without public input. Comments are due Dec. 20, 2017. Contact: Jessica Kratchman; NRC, Office of Nuclear Reactor Regulations; 301-415-5112; Jessica.Kratchman@nrc.gov. Citations: 10 CFR 50

82 FR 46717 (10/06/2017)

Regulatory Update

RADIATION
NRC Policy Statement for the Agreement State Program
RADIATION

Notice of the NRC announces revision and consolidation of two policy statements on the Agreement State Program (ASP). The policy statement on adequacy and compatibility of ASPs and the statement of principles and policy for the ASP have been consolidated into a single policy statement. The revisions add that public health and safety includes physical protection of agreement material and reflect comments received from agreement states, individuals, and the Organization of Agreement States. The statement is effective Oct. 6, 2017. Contact: Lance

Rakovan; NRC, Office of Nuclear Material Safety and Safeguards; 301-415-2589; lance.rakovan@nrc.gov

82 FR 46840 (10/06/2017)

Regulatory Update

RADIATION
Prompt Remediation of Residual Radioactivity
RADIATION

Notice of the NRC announces the discontinuation of a potential rulemaking that would have required prompt remediation of residual radioactivity during the operational phase of licensed material sites and nuclear reactors. The rulemaking is being discontinued based on operational experiences and staff recommendations. The action is effective Oct. 6, 2017. Contact: Robert MacDougall; NRC, Office of Nuclear Material Safety and Safeguards; 301-415-5175; Robert.MacDougall@nrc.gov. Citations: 10 CFR 20

82 FR 46666 (10/06/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Mon 9/4/2017 3:04:49 PM
Subject: POLITICO Playbook, presented by Hewlett Packard Enterprise: What ending DACA will mean -- CONGRESS already eyeing immigration reform, OBAMA to speak out -- AP: N. KOREA likely 'readying launch of a ballistic missile,' maybe ICBM -- B'DAY: Blake Hounshell

View online version | Add politicoplaybook@politico.com to your address book.

Today's POLITICO Playbook presented by Hewlett Packard Enterprise

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman)

Listen to the Playbook Audio Briefing

Driving the Day

Good Monday morning and happy Labor Day! **LONDON CALLING --** You may already have seen it, but the first edition of London Playbook went out early this morning. Our new London-based reporter Jack Blanchard is at the helm. London Playbook will bring you up to speed on the day ahead in Westminster. The launch edition featured a scoop on the progress of the Brexit talks, plus an interview with U.K. International Trade Secretary Liam Fox. ***Sign up for free*** http://politi.co/2txnK5S ... ***The first edition*** http://politi.co/2gEkK2p

BUZZ -- IF TRUMP ENDS DACA, which it seems like he will in some form, Republicans on Capitol Hill are already considering a push for immigration reform, according to people we've spoken to in recent hours. There is no finalized plan yet about what the GOP will do, but there are already quiet conversations in Republican ranks. There will be tremendous pressure from companies and outside groups to prevent the full repeal of DACA. Congress already has a full plate, and this is just another issue they'll have to confront.

TOP STORY -- "Trump has decided to end DACA, with 6-month delay," by Eliana Johnson: "Senior White House aides huddled Sunday afternoon to discuss the rollout of a decision likely to ignite a political firestorm -- and fulfill one of the president's core campaign promises. The administration's deliberations on the issue have been fluid and fast moving, and the president has faced strong warnings from members of his own party not to scrap the program. ... [C]onversations with Attorney General Jeff Sessions, who argued that Congress - rather than the executive branch - is responsible for writing immigration law, helped persuade the president to terminate the program and kick the issue to Congress, the two sources said.

"In a nod to reservations held by many lawmakers, the White House plans to delay the enforcement of the president's decision for six months, giving Congress a window to act, according to one White House official. But a senior White House aide said that chief of staff John Kelly, who has been running the West Wing policy process on the issue, 'thinks Congress should've gotten its act together a lot longer ago.' White House aides caution that -- as with everything in the Trump White House -- nothing is set in stone until an official announcement has been made." http://politi.co/2examFe

-- NYT's Maggie Haberman and **Glenn Thrush:** "[S]ome key details had not yet been resolved. Among them: whether beneficiaries of the program, known as Deferred Action for Childhood Arrivals, or DACA, would be allowed to renew their protected status during the six-month period. ... The temporary solution has been the subject of quiet negotiations between Mr. Trump's legislative staff and members of Mr. Ryan's staff, according to an administration official familiar with the talks. ... The president's daughter Ivanka Trump and his son-in-law, Jared Kushner, who are both advisers to the president, back extending the DACA protections." http://nyti.ms/2xIuPPZ

SCOOP -- "Obama to speak out if Trump ends DACA," by Michael Grunwald: "Obama used executive actions to launch the program in June 2012, providing assurances before his re-election that he would protect the so-called 'Dreamers.' Trump had suggested in the past that he didn't want to deport Dreamers, saying in April that they should 'rest easy,' but the immigration hawks in his administration have argued that DACA is an illegal program. Obama's current plan is to post a statement on Facebook and link to it on Twitter, where the former president has more than 94 million followers." http://politi.co/2wxBjCx

-- BuzzFeed's Zoe Tillman and Adrian Carrasquillo: "There have been some efforts from within Trump's White House to save DACA in recent days, but there has been limited support for keeping the Obama program among senior staff. White House counselor Kellyanne Conway recruited Hispanic Trump supporters to reach out to the president in a behind-the-scenes bid to get him to keep the program, according to a source. As it became clearer that Trump is leaning towards ending it, a source said Conway supports 'POTUS outcomes on this. Period.'" http://bzfd.it/2gDuY36

THE TWO ENDS OF THE HOUSE REPUBLICAN CONFERENCE -- FLORIDA REP. ILEANA ROS-LEHTINEN (@RosLehtinen), who's retiring after this term: "After teasing #Dreamers for months with talk of his 'great heart,' @POTUS slams door on them. Some 'heart'..." ... **IOWA REP. STEVE KING (@SteveKingIA):** "Ending DACA now gives chance 2 restore Rule of Law. Delaying so R Leadership can push Amnesty is Republican suicide."

PIC DU JOUR -- NPR's **@adrianflorido:** "I just spotted @CBP immigration agents outside the main flood shelter in downtown Houston. This is why immigrants don't want to come." http://bit.ly/2eUkYi6

HOUSTON CHRONICLE's SUSAN CARROLL and **LOMI KRIEL:** "Nearly four days

after Harvey's record flooding slammed a rescue boat into an Interstate 45 frontage road bridge, family members of the final, missing volunteer pulled his body from Cypress Creek in Spring. Alonso Guillen, a 31-year-old disc jockey from Lufkin ... was a recipient of the Deferred Action for Childhood Arrivals program ... His father is a lawful permanent, but his mother is still in the application process for legal status.

"Reached at her home in Piedras Negras, Mexico, across the border from Eagle Pass, Rita Ruiz de Guillen, 62, said ... she hoped U.S. Customs and Border Protection officials would take pity and grant her a humanitarian visa so that she could come to Houston and bury her son, but she was turned back at the border. 'When we are with God, there are no borders,' she said. 'Man made borders on this earth.'" http://bit.ly/2exrrPe

TRUMP'S LABOR DAY MESSAGE -- His op-ed for the Milwaukee Journal-Sentinel: **"We must fix our self-destructive tax code"** http://bit.ly/2gyIcKJ

****** **A message from Hewlett Packard Enterprise**: How are Hewlett Packard Enterprise's supercomputers helping create the future in science, medicine and national security? Learn more: hpe.com/supercomputing ******

BULLETIN at 2:17 a.m. -- "SEOUL, South Korea (AP) - S. Korea media: Seoul military says N. Korea appears to be readying launch of a ballistic missile, possibly an ICBM."

WHAT THIS MEANS -- "North Korea defies predictions - again - with early grasp of weapons milestone," by WaPo's Joby Warrick: "The device that shook the mountains over the Punggye-ri test site on Sunday represented a quantum leap for North Korea's nuclear capability, producing an explosion at least five times greater than the country's previous tests and easily powerful enough to devastate a large city. And if studies confirm that the bomb was a thermonuclear weapon -- as North Korea claims -- it would be a triumph of a different scale: a major technical milestone reached well ahead of predictions, putting the world's most destructive force in the hands of the country's 33-year-old autocrat.

"The feat instantly erased lingering skepticism about Pyongyang's technical capabilities and brought the prospect of nuclear-tipped North Korean intercontinental ballistic missiles a step closer to reality, U.S. analysts and weapons experts said. Many predicted that a miniaturized version of the presumed thermonuclear bomb would soon be in North Korea's grasp, and that it probably already exists." http://wapo.st/2iVBkvt

-- "South Korea simulates attack on North's nuke site after test," by AP's Foster Klug and Youkyung Lee in Seoul: "Following U.S. warnings to North Korea of a 'massive military response,' South Korea on Monday fired missiles into the sea to simulate an attack on the North's main nuclear test site a day after Pyongyang detonated its largest ever nuclear test explosion. South Korea's Defense Ministry also said Monday that North Korea appeared to be planning a future missile launch, possibly of an ICBM, to show off its claimed ability to target the United States with nuclear weapons, though it was unclear when this might happen." http://bit.ly/2gxs38r

-- "Seoul tries to ignore Trump's criticism: 'They worry he's kind of nuts,' one observer says," by WaPo's Anna Fifield in Tokyo: "Moon Jae-in's office said that his government would continue to work towards peaceful denuclearization after tweets and actions from Trump that have left South Koreans scratching their heads at why the American president is attacking an ally at such a sensitive time. ...

"'It's strange to see Trump going after South Korea more aggressively than he's going after China, especially since China also thinks that dialogue is central to solving this problem,' said John Delury, a professor of international relations at Yonsei University in Seoul." http://wapo.st/2eCOpsh

-- "Mattis warns of 'massive military response' to NK nuclear threat," by CNN's Angela Dewan, Taehoon Lee and Eli Watkins: http://cnn.it/2eBJFD2

TRANSLATING TRUMP -- "Trump Can't Stop Trade With North Korea. But He Does Have Options," by NYT's Paul Mozur in Shanghai: "President Trump said on Sunday that the United States could consider stopping all trade with countries doing business in North Korea, in a move that could spell economic catastrophe for the pugnacious country. One problem: It would mean economic disaster for the United States as well. Despite years of economic sanctions and international condemnation, North Korea still conducts modest trade with a host of United States allies, including Brazil, Germany and Mexico.

"But the North's biggest partner by far is China, which accounts for about four-fifths of its trade and helps the country with its fuel, food and machinery needs. China is also the largest trading partner of the United States, in a relationship worth nearly $650 billion a year in goods and services covering a range of items, like auto parts, apple juice and Apple's widely anticipated new iPhone. ...

"The United States has limited options . It could more broadly target Chinese companies that do business in North Korea. But that could prove ineffective against a Chinese government that worries that trade limits could worsen conditions in the North, making the situation there even more unpredictable." http://nyti.ms/2vYQYHE

FOR YOUR RADAR -- REUTERS/Xiamen, China -- "Russian Deputy Foreign Minister Sergei Ryabkov said on Monday that Washington's actions towards Russian diplomatic facilities in the United States could be described as 'state hooliganism'. 'I am inclined to call what is happening state hooliganism,' he told reporters at a BRICS summit in China."

-- SPEAKING OF "STATE HOOLIGANISM" -- WaPo's Josh Rogin last year: "In a series of secret memos sent back to Washington ... diplomats reported that Russian intruders had broken into their homes late at night, only to rearrange the furniture or turn

on all the lights and televisions, and then leave. One diplomat reported that an intruder had defecated on his living room carpet. ... [I]n the first term of the Obama administration, Russian intelligence personnel broke into the house of the U.S. defense attache in Moscow and killed his dog." http://wapo.st/2931Wof

ABC'S MARY BRUCE speaks to **MATT MIKA --** Mika, a lobbyist for Tyson Foods, was shot during the congressional baseball practice in June. **MIKA:** "We all yelled gun. I don't know who yelled it first and we started running. That's when I turned like this and ran that way. That might have been when I got hit or when I was over there." **BRUCE:** "You still don't know when you got hit?" **MIKA:** "All I know is when I got around to the gate I had blood all over my chest, on my pants." http://abcn.ws/2gEgNdY

COMING ATTRACTIONS -- "Russia probes kick into high gear," by Austin Wright and Ali Watkins: "The congressional Russia investigations are entering a new and more serious phase as lawmakers return from the August recess amid fresh revelations about contacts between the Trump campaign and Russia. In the coming weeks, both intelligence committees are expected to conduct closed-door interviews with high-ranking members of the Trump campaign, and potential witnesses could include Michael Cohen, Paul Manafort and Donald Trump Jr. The two panels are also looking at possibly holding public hearings this fall. In addition, Trump Jr. is set to appear before the Senate Judiciary Committee, which is conducting its own parallel investigation into President Donald Trump and his associates' alleged ties to Moscow." http://politi.co/2eCOVpS

JOIN US! -- We are heading to Georgetown University for our next "Playbook University" Thursday at 4:15 p.m. Jake and Anna, a spring 2017 fellow, will head to the Institute of Politics and Public Service at Georgetown's McCourt School of Public Policy to talk news of the day and introduce GU Politics' newly-minted fellows class to Georgetown Hoyas at their annual open house. ***The fellows*** http://bit.ly/2v384IE ... ***Event details*** http://bit.ly/2g6HHel

Playbook Reads

DAILY MAIL - "A new royal baby is on the way as thrilled Kate and William announce she is expecting their third child -- but she is suffering from severe morning sickness again" http://dailym.ai/2eUmH74

HMM -- "The Same Agency That Runs Obamacare Is Using Taxpayer Money to Undermine It," by NYT's Audrey Carlsen and Haeyoun Park: "Instead of using its outreach budget to promote the Affordable Care Act, the department made videos critical of the law. In June, the health department posted 23 video testimonials on YouTube from people who said they had been 'burdened by Obamacare,' including families, health care professionals and small business owners. ... While it's not certain where the money for the videos came from, several former health officials who worked

in the Obama administration said that they suspect it came from the budget meant to promote Affordable Care Act. ...

"In addition to the YouTube videos, the department has used Twitter and news releases to try to discredit the health law. Since being sworn in as health secretary on February 10, Tom Price has posted on Twitter 48 infographics advocating against Obamacare, all of which bear the health department's logo." http://nyti.ms/2vYe2pZ

SUSAN GLASSER in the latest "Global POLITICO" podcast interviews former **DHS SECRETARY JEH JOHNSON:** "[M]ore than a month after naming John Kelly ... Trump has yet to name a replacement as secretary of Homeland Security. Not only that, he appears nowhere close to doing so and has not even interviewed any candidates for the job. Big mistake, argues Jeh Johnson, who served as the Obama administration's DHS chief until Trump's inauguration in January.

"[J]ohnson says, 'We need to have a Senate-confirmed secretary of Homeland Security; we need to have somebody occupying that office full time, 24/7, to keep his or her eye on aviation security, border security, cybersecurity, maritime security, FEMA, the Secret Service, and all the other things that DHS covers.' In particular, he cited the Secret Service's empty coffers and Trump's failure to address America's vulnerable election infrastructure a full year after the Russian tampering with the 2016 U.S. presidential election as crises where having a permanent secretary in place really matters." http://politi.co/2eCJCah ... ***Listen to the full podcast*** http://apple.co/2kAoZfH

SPEAKING OF ELECTIONS -- "Cash-strapped states brace for Russian hacking fight," by Cory Bennett, Eric Geller, Martin Matishak, and Tim Starks: "The U.S. needs hundreds of millions of dollars to protect future elections from hackers - but neither the states nor Congress is rushing to fill the gap. Instead, a nation still squabbling over the role Russian cyberattacks played in the 2016 presidential campaign is fractured about how to pay for the steps needed to prevent repeats in 2018 and 2020, according to interviews with dozens of state election officials, federal lawmakers, current and former [DHS] staffers and leading election security experts.

"These people agree that digital meddlers threaten the public's confidence in America's democratic process. And nearly everyone believes that the danger calls for collective action - from replacing the voting equipment at tens of thousands of polling places to strengthening state voter databases, training election workers and systematically conducting post-election audits. But those steps would require major spending, and only a handful of states' legislatures are boosting their election security budgets, according to a POLITICO survey of state election agencies.

"And leaders in Congress are showing no eagerness to help them out. 'States ought to get their own money up,' said Sen. Richard Shelby (R-Ala.), who chairs the Senate Committee on Rules and Administration, which oversees federal elections. 'We're borrowing money. We got a big debt limit coming up.'" http://politi.co/2eUQJHE

BUSINESS BURST -- "Investors Hedge Their Bets Entering Choppiest Season for Markets," by WSJ's Gunjan Banerji: "U.S. stock investors have been unfazed this year by everything from North Korean missile launches to the congressional debt ceiling deadline. Now, as the most turbulent season for equities looms, hedging activity and money flows indicate that investors are starting to doubt that markets can only climb higher." http://on.wsj.com/2wxZyQV

WEST COAST WATCH -- "After Bay Area violence, California debates classifying 'antifa' as a street gang," by L.A. Times' James Queally, Ben Oreskes and Richard Winton: "As forces on the extremes of the nation's ever-widening political divide continue to battle with fists and weapons on the streets of California, law enforcement officials and politicians have started debating whether these extremist groups should be classified as street gangs. Such a designation could give law enforcement new tools to combat the groups. Numerous laws on the books give authorities the power to restrict the movements of gang members and enhance criminal charges against them. But such a move raises legal issues because unlike with traditional street gangs, the underlying motive of these extremist groups is political expression rather than criminal enterprise." http://lat.ms/2gxLwFU

CLICKER - MATT WUERKER's cartoons in August - ***8 keepers*** http://politi.co/2gxZyr7

****** **A message from Hewlett Packard Enterprise**: A nation's strength is increasingly measured by its technical prowess. As the designer and builder of more supercomputers than any other company in the world, Hewlett Packard Enterprise is proud to lead the way in one of the future's most important technologies. Visit hpe.com/supercomputing to learn more about how Hewlett Packard Enterprise's supercomputers are helping create the future in science, medicine and national security. ******

MEDIAWATCH - "Trump's EPA attacks AP reporter in personal terms," by Matt Nussbaum: "President Donald Trump's habit of singling out reporters for attacks is being adopted by his federal agencies, with the [EPA] excoriating an Associated Press reporter in unusually personal terms on Sunday after the reporter wrote a story that cast the agency in an unfavorable light. ... '[T]he Associated Press' Michael Biesecker wrote an incredibly misleading story about toxic land sites that are under water,' the statement began. 'Despite reporting from the comfort of Washington, Biesecker had the audacity to imply that agencies aren't being responsive to the devastating effects of Hurricane Harvey.' ... It then continued the attacks on Biesecker, saying he 'has a history of not letting the facts get in the way of his story' and noting that a July story he wrote inaccurately characterized an interaction between EPA Administrator Scott Pruitt and Dow Chemical CEO Andrew Liveris." http://politi.co/2eUXNUI ... ***The original AP story*** http://bit.ly/2eD7tGx

-- AP RESPONDS http://bit.ly/2gET9Ow

BONUS GREAT HOLIDAY WEEKEND READS, curated by Daniel Lippman, filing from

Great Barrington, Mass.:

--"The Exile," by Khaled Almilaji in Toronto Life: "I worked as a doctor during the Syrian Civil War, treating wounded protesters and vaccinating children. When I moved to the U.S. to get my master's, my future seemed clear. Then Trump's travel ban left me stranded in Turkey, 5,000 miles away from my pregnant wife." http://bit.ly/2wYu4VR (h/t Longreads.com)

--"Snow Fall: The Plane Went Down With His Wife, His Kid... and a Secret," by Andrew Dubbins in The Daily Beast: "Tony Mink was an experienced pilot, but as he flew his family to a Rocky Mountain Christmas vacation, he may have cut one corner too many. And then the blizzard hit." http://thebea.st/2vETTd3 (h/t Matt Brooks)

--"Dick Jokes, Drunk Takes, and Best Friends: How 'Superbad' Was Born," by Andrew Gruttadaro in The Ringer: "The 2007 teen comedy still resonates. Ten years later, the cast and crew explain how it all came together." http://bit.ly/2gzdEvY ... ***The original trailer*** http://bit.ly/2iVmMMm

--"The Once and Future Liberalism," by Walter Russell Mead in the Jan. 2012 edition of the American Interest: "The core institutions, ideas and expectations that shaped American life for the sixty years after the New Deal don't work anymore. The gaps between the social system we inhabit and the one we now need are becoming so wide that we can no longer paper over them. But even as the failures of the old system become more inescapable and more damaging, our national discourse remains stuck in a bygone age." http://bit.ly/2wvTSaW

--"The Search For Aaron Rodgers," by Mina Kimes in ESPN the Magazine: "Winning isn't everything. After Super Bowl XLV, Green Bay's hero QB has been on a journey to find out what is." http://es.pn/2gpE9QI (h/t Longform.org)

Playbookers

SPOTTED: Supreme Court Justice Ruth Bader Ginsburg at the Sunday night performance of "A Little Night Music" at the Signature Theatre ... Eric Schultz at the U.S. Open on Saturday where he saw CoCo Vandeweghe and then Rafael Nadal play

WEEKEND WEDDINGS - OBAMA ALUMNI -- Matt Lehrich and **Stephanie Beechem** "were married at sunset yesterday in Seattle's Olympic Sculpture Park, five years after meeting while working together in the Obama White House as members of the WH communications and research operations. Matt's brother Jesse officiated and the crowd danced into the night. The couple is now based in San Francisco, where the groom is a communications consultant and the bride works for the University of California." ***Pic*** http://politi.co/2wBI71A

SPOTTED: David Axelrod, Dan and Howli Pfeiffer, Amy Brundage, Rachel Racusen and Max Gleischman, Cody Keenan, Kristen Bartoloni, Bobby Whithorne, Ellen Canale, Sean Smith, Pat Cunnane, Hannah Hankins, Lauren Thorbjornsen, Marie Aberger, Andrew Nesi, Lauren Hickey, Kyle O'Connor, Tim Skoczek, Allison Kelly, Peter Velz, Ezra Mechaber, Jess Allen, Bart Jackson, Emily Cain.

-- Sameer Punyani, an associate at Booz Allen Hamilton and a former Obama appointee at the Pentagon and White House and a 2008 OFA campaign alum, and **Bhavna Changrani,** a DOJ trial attorney, were married on Sunday evening by the beach in Fort Lauderdale, Florida. "Friends and family came from as far as London, India, and Australia to celebrate with the DC couple. The couple met through a dating app in December 2015. They had their first date in mid-January 2016 right before the 'Snowpocalypse' snowstorm. The couple went on five separate dates during the storm and the rest was history." ***Pics*** http://politi.co/2wApytB ... http://politi.co/2eUBiPU

--SPOTTED: Rohit Punyani and Dipali Amin, Nick Lombardo and Rachel Goodman, Andrew and Alexandra Dawson, Dan Austell and Lynn Langton Austell, Vinisha Patel, Dan Kastner, Mike Abbate and Erica Woodward, Ursula Zeydler.

--Zach Cikanek, managing director at FP1 Strategies, and **Jolyn Lorenzetti,** government relations and PAC manager at Genworth Financial and an alum of Jeb 2016 and Romney 2012, got married on Saturday at St. Isaac Jogues in Hinsdale, Illinois, with an evening reception at Drury Lane Theatre in Oakbrook Terrace, Illinois. The couple met while working for former Rep. Judy Biggert (R-Ill.). Their honeymoon is an 11-night south Caribbean cruise. ***Pics*** http://politi.co/2gy76tN ... http://politi.co/2iWhOPf
SPOTTED: Charlie and Lisa Spies, Dave Kochel, Marisa Tank, Duane and Caroline Duncan, Keith Gardner and Jennifer Bogart-Gardner, Brian and Sarah Colgan, James and Iris Miller, James and Katie Christophersen, Uriel and Maya Dabby, Erin Kelly.

-- Caitlin Poling, national security adviser to Sen. David Perdue (R-Ga.) and **Andrew McLennand**, who works at the State Department, got married on Saturday with a ceremony and reception at the Arts Club of Washington, the former home of President James Monroe. ***Pic*** http://politi.co/2exKWHB

TRANSITIONS -- MICHAEL SHORT, who formerly worked in communications for the Trump White House, is now at the National Association of Manufacturing. ... **KAIVAN SHROFF** has joined the Institute for Education as COO and director of strategy. He most recently was a civic tech fellow at Microsoft in New York City.

BIRTHDAY OF THE DAY: Anu Rangappa, principal at Kolar Strategy Group and a DNC alum. **How the Trump presidency is going:** "Dishearteningly. I am a Democrat, but my patriotism far outweighs any sense of partisanship. My dad was the only of his siblings to learn to read and would cry himself to sleep from hunger as a child growing up in India. Within one generation, he became a celebrated professor in botany with a daughter who has flown aboard Air Force One. That kind of potential for a meteoric life-

trajectory does not exist - so consistently for millions of people - anywhere else in the world. The President's chaotic messaging and inconsistent, short-sighted policy prescriptions have dampened hopes that many more Americans, potential immigrants and citizens around the world can achieve such an unimaginable quality-of-life like the one my family has worked to have." **Read her Playbook Plus Q&A:** http://politi.co/2wy6duG

BIRTHDAYS: Blake Hounshell, Politico magazine editor-in-chief (@blakehounshell) (hat tip: Ben Chang) ... Jared Weinstein, a partner at Thrive Capital and a Bush W.H. alum ... Harold Ickes ... Anthony Weiner ... Uber's Keith Hensley, a Bush WH and Robert Gates alum ... Jocelyn Pickford ... William Hildebrandt Surgner ... Wash Examiner's Susan Ferrechio ... Sophie VandeHei is 15 (h/t Autumn) ... Brian Schweitzer, former Montana governor ... Jared Allen, senior director for media relations at the National Automobile Dealers Association ... Bernard Kerik ... Michael McAuliff ... The Economist's Alex Travelli ... Lynn Stinson ... Bob Kenney ... Politico's Jeffrey Ahn ... Laura Schlapp of Sen. Roberts' office ... Tom McInerney ... Al Fish ...

... Bernard Coleman III, global head of diversity and inclusion at Uber ... Shira Kramer ... Sean O'Hollaren, SVP of gov't and public affairs at Nike and a Bush WH alum ... Devin McBrayer ... Estephania Gongora ... Matthew Groves ... Victoria Cram ... Dana Gartzke ... Glynnis MacNicol ... Hannah Lerner ... Kali Murphy ... Brock McCleary ... Chad Horrell, director at DCI Group ... Chase Clymer ... Graham Weinschenk ... Matt Modell ... Ashley Harvard ... Jamie Moore ... Jordan Fischer ... Bernie Bennett ... Jerry Huang ... Daniel Pablo Pinto ... Tyler Jones ... Bailey Cultice ... World Golf Hall of Famer Tom Watson ... Beyonce Knowles (h/ts AP)

****** **A message from Hewlett Packard Enterprise**: To super compete, America must super compute. Supercomputing is key to future breakthroughs in medicine, science and manufacturing. As the designer and builder of more supercomputers than any other company in the world, Hewlett Packard Enterprise is helping America increase its competitive edge in not only today's economy, but tomorrow's. Visit hpe.com/supercomputing to learn more about how HPE supercomputers help America compete. ******

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Subject: Aug. 08 -- EHS State Regulatory Alert

EHS State Regulatory Alert

August 08, 2017 - Number 151

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Arkansas

HAZARDOUS WASTE MANAGEMENT
Storage Tanks
Arkansas HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Quality, Pollution Control and Ecology Commission, amends Regulation 12 regarding storage tanks. The rule removes the 1,000-foot limitation for secondary containment and monitoring for all new or replaced underground storage tanks (USTs), secondary containment, and monitoring and for all new or replaced piping connected to any UST and for under-dispenser spill containment for all new or replacement motor fuel dispenser systems. The rule also makes registration of aboveground storage tanks (ASTs) optional and allows the owner or operator of an AST containing petroleum to be potentially eligible for reimbursement under the Petroleum Storage Tank Trust Fund Act if the tank is registered and all required fees are paid. In addition, the rule incorporates by reference federal standards under 40 CFR 280 and 281 relating to airport hydrant fuel distribution systems and field construction tanks. A hearing is scheduled for Sept. 6, 2017, in North Little Rock. Comments are due Sept. 20, 2017. Contact: Kelly Robinson; DEQ; 501-682-0916; reg-comment@adeq.state.ar.us

—Arkansas Register (08/04/2017)

Regulatory Update

California

GENERAL ENVIRONMENT AND SAFETY
Automotive Repair Dealers/Electronic Documentation and Authorization
California GENERAL ENVIRONMENT AND SAFETY

Proposed rule of the Department of Consumer Affairs, Bureau of Automotive Repair, amends

regulations under 16 CCR 3303 through 3371 (nonconsecutive), adopts regulations under 16 CCR 3353.1 and 3353.2, and repeals regulations under 16 CCR 3356.1 and 3359 regarding automotive repair dealers. The rule allows the use of electronic technologies in disclosing information to and obtaining information from consumers before, during, and after repair transactions. The rule also clarifies that estimates must be provided to and authorized by customers before diagnosis or repair begins and specifies content requirements for estimates. In addition, the rule addresses requirements for recording initial authorization in the context of unusual circumstances, authorization of work that exceeds or changes what was originally estimated, and the return of replaced parts. Finally, the rule addresses sublet disclosures, updates recordkeeping requirements, and revises and adds definitions. A hearing is scheduled for Sept. 26, 2017, in Rancho Cordova. Comments are due Sept. 18, 2017. Contact: Brian Clark; DCA, Bureau of Automotive Repair; 916-403-8560; Brian.Clark@dca.ca.gov

—California Regulatory Notice Register (08/04/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Pollution Control Financing Authority/Seismic Safety Capital Access Loan Program
California GENERAL ENVIRONMENT AND SAFETY

Final rule of the Pollution Control Financing Authority adopts regulations under 4 CCR 8078.15 through 8078.21 regarding the Seismic Safety Capital Access Loan Program. The rule establishes an alternate procedure for qualified residential properties and small business owners to obtain loans to finance the costs of seismically retrofitting residences and small businesses. The rule also provides a credit enhancement to support private bank loans to qualified residential and commercial property owners to make improvements to mitigate seismic damage. The rule is effective July 26, 2017. Contact: Elena Miller; PCFA; 916-654-5951; elena.miller@treasurer.ca.gov

—California Regulatory Notice Register (08/04/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Human Health Toxicity Criteria for Cleanup
California HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Toxic Substances Control adopts regulations under 22 CCR 68400.5, 69020, 69021, and 69022 to establish a narrative cleanup performance standard and toxicity criteria for use in human health risk assessments and to set risk-based screening levels and remediation goals. The rule establishes toxicity criteria that are more protective than federal requirements and sets forth requirements for environmental justice and children's health-protection goals. The rule also defines the protective risk-based screening level as one in a million for cancer risk and a hazard quotient of one for noncancer risk for all screening level risk assessments and requires use of best available science. In addition, the rule applies toxicity criteria to risk-based cleanups at all hazardous substances release sites and requires use of the risk-based cleanup screening levels and remediation goals at federal hazardous substance cleanup sites in the state. The criteria will be used in corrective actions under the Hazardous Waste Control Law, response actions under the Hazardous Substances Account Act, and actions under the California Land Reuse and Revitalization Act. Workshops are scheduled for Aug. 28 and 31, 2017, in Sacramento and Cypress, respectively, and via webcast. A hearing is scheduled for Sept. 20, 2017, in Sacramento and via webcast. Comments are due Sept. 20, 2017. Contact:

Kevin Depies; DTSC; 916-255-6547; ToxCriteriaRule@dtsc.ca.gov

—California Regulatory Notice Register (08/04/2017)

Regulatory Update

SOLID WASTE
Electronic Waste Recovery and Recycling/Cathode Ray Tube Glass
California SOLID WASTE

Notice of the Department of Resources Recycling and Recovery announces the readoption of a Sept. 4, 2015, emergency rule that amended regulations under 14 CCR 18660.5 through 18660.24 (nonconsecutive) to revise criteria and conditions regarding the disposition of cathode ray tube (CRT) glass derived from the processing of certain covered electronic waste. The rule removes existing prohibitions on the disposal of treatment residual CRT glass and allows for all otherwise legal dispositions. The rule also revises documentation requirements and sets forth time limits on the ultimate disposition of treatment residual CRT glass. The rule is effective Aug. 21, 2017, and expires Aug. 21, 2019. Contact: Meagan Wilson; DRRR; 916-341-6077; meagan.wilson@calrecycle.ca.gov

—California Regulatory Notice Register (08/03/2017)

Regulatory Update

WATER
Contaminants in Drinking Water
California WATER

Notice of the Office of Environmental Health Hazard Assessment announces the availability of a draft technical support document and a workshop concerning updates to the public health goals for cis-1,2-dichloroethylene and trans-1,2-dichloroethylene in drinking water. An updated public health goal of 13 parts per billion (ppb) is proposed for cis-1,2-dichloroethylene, and an updated public health goal of 50 ppb is proposed for trans-1,2-dichloroethylene. After the workshop, the agency will submit a draft risk assessment for external scientific peer review, revise the technical support document to address comments, and provide an additional comment period. The workshop is scheduled for Sept. 18, 2017, in Sacramento. Comments are due Sept. 18, 2017. Contact: Hermelinda Jimenez; OEHHA; 916-324-7572; PHG.Program@oehha.ca.gov

—California Regulatory Notice Register (08/04/2017)

Regulatory Update

Pennsylvania

WATER
Delaware River Basin Commission Hearing and Meeting
Pennsylvania WATER

Notice of the Delaware River Basin Commission announces a hearing to discuss draft dockets for withdrawals, discharges, and other water-related projects. The commission also announces a business meeting to address the adoption of minutes from the commission's June 14, 2017, meeting; a report on hydrologic conditions; reports by the commission's executive director and general counsel; upcoming event and meeting announcements; and consideration of additional matters including authorization resolutions regarding the executive director. The hearing is scheduled for Aug. 16, 2017, in Washington Crossing, and the meeting is scheduled for Sept. 13, 2017, in Newtown. Comments are due Aug. 21, 2017. Contact: Carol Adamovic; DRBC; 609-883-9500

—Pennsylvania Bulletin (08/05/2017)

Regulatory Update

WATER
Susquehanna River Basin Commission/Projects Approved for Consumptive Water Uses
Pennsylvania WATER

Notice of the Susquehanna River Basin Commission announces a list of projects approved for consumptive use of water during the period June 1-30, 2017. The notice addresses 13 projects approved for consumptive use, including uses related to unconventional natural gas and other hydrocarbon development. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

—Pennsylvania Bulletin (08/05/2017)

Regulatory Update

WATER
Susquehanna River Basin Commission/Projects Rescinded for Consumptive Uses of Water
Pennsylvania WATER

Notice of the Susquehanna River Basin Commission lists the projects rescinded for the consumptive use of water during the period June 1-30, 2017. The list includes five projects in Sugarloaf Township, Lawrence Township, and Liberty Township. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

—Pennsylvania Bulletin (08/05/2017)

Regulatory Update

WATER
Water Quality Monitoring and Assessment Report
Pennsylvania WATER

Notice of the Department of Environmental Protection announces the availability of the final 2016 integrated water quality monitoring and assessment report as required by Sections 303(d) and 305(b) of the Clean Water Act. The final report, which includes a description of water quality management programs and water body-specific lists of surface waters, lists seven waters as high priority for total maximum daily load (TMDL) development and 17 waters selected to be restored through alternatives to TMDLs. The report will be submitted to the EPA for review and approval. Contact: DEP, Water Quality Division; 717-787-9637; RA-WQAssessments@pa.gov

—Pennsylvania Bulletin (08/05/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Thur 8/24/2017 8:53:22 PM
Subject: Today on Climate Beat

August 24, 2017

Today on Climate Beat . . .

. . . we walked the beat, reporting that Public Employees for Environmental Responsibility is charging that cuts to EPA staffing and enforcement begun during the Obama administration and continued by current agency Administrator Scott Pruitt have led to a major drop in criminal enforcement cases, especially against white-collar defendants.

In litigation news, environmentalists are suing EPA in a bid to force the agency to release documents detailing how it is complying with President Donald Trump's sweeping executive order (EO) on regulatory reform, testing the extent to which EPA can keep private its work deciding which rules to overhaul in order to comply with the EO.

And our daily news roundup offered an early look at the much-anticipated Energy Department grid study, which confirms that cheap natural gas is the main cause behind early coal and nuclear plant closures, while also urging federal grid regulators to devise new payments for reliability services.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Thur 9/7/2017 5:17:37 PM
Subject: Playbook Power Briefing, presented by Hewlett Packard Enterprise: What DON JR. said on the Hill about his meeting -- TRUMP floated axing debt ceiling votes -- RYAN throws cold water on POTUS' tax cut goal -- GRAYDON CARTER to step down from VANITY FAIR

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Today's Playbook Power Briefing presented by Hewlett Packard Enterprise

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman), ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

BIG N.Y.T. SCOOP -- "Graydon Carter to End 25-Year Run as Vanity Fair's Editor," by NYT's Michael M. Grynbaum: "Graydon Carter, the editor of Vanity Fair, plans to step down from the magazine in December after a 25-year tenure, leaving the role that established him as a ringmaster of the glittery spheres of Hollywood, Washington and Manhattan media. ... 'I want to leave while the magazine is on top,' Mr. Carter, 68, said in an interview on Wednesday at the kitchen table of his West Village townhouse. 'I want to leave while it's in vibrant shape, both in the digital realm and the print realm. And I wanted to have a third act -- and I thought, time is precious.'

"For now, he said, his post-Vanity Fair plans involve a six-month 'garden leave' (his phrase; Mr. Carter is fond of Britishisms) and a rented home in Provence. He has 'the rough architecture' of a future project in mind, perhaps involving new forms of storytelling, but he demurred on the details. 'I'm not a big announcer,' Mr. Carter said, tortoiseshell glasses in hand. 'Best to fail quietly at the beginning of something rather than make grand pronouncements.'" http://nyti.ms/2xdykkl

--VANITY FAIR'S DAVID KAMP -- "The Years With Graydon: 'This is the best job you're ever going to have'": "Oh, bittersweet day: the Grexit is upon us. Among those of us who have worked with Graydon Carter for a long time, the thought has lingered uncomfortably in the back of our minds that he might someday snap shut his laptop, pull on his Anderson & Sheppard overcoat, and get on with the rest of his life, leaving Vanity Fair behind." http://bit.ly/2xRdKDi

Happy Thursday afternoon. Don't forget to join us tonight at Georgetown, where Jake and Anna moderate a panel with GU's 2017 fellows class. The event starts at 4:15 p.m. http://bit.ly/2xcK5Y8

AT THIS POINT, you have to imagine that the House will have to stay in session late Friday or Saturday to pass the debt limit/Harvey/government funding bill. **PRESIDENT TRUMP** spoke to **PAUL RYAN**, **MITCH MCCONNELL, CHUCK SCHUMER** and **NANCY PELOSI.**

TRUMP TAKES TO THE PHONES -- "Upbeat Trump raves to Schumer, Pelosi about news coverage of their deal," by Josh Dawsey: "[I]n calls with Senate Minority Leader Chuck Schumer and House Minority Leader Nancy Pelosi Thursday morning, Trump raved about the positive news coverage it had received, according to people familiar with the calls, and he seemed very pleased with his decision. Trump specifically mentioned TV segments praising the deal and indicated he'd been watching in a call with Schumer, two people said. And he was jovial in a call with Pelosi and agreed to send a tweet she asked for about the Deferred Action for Childhood Arrivals program, these people said, while also mentioning the attention the deal had gotten. He indicated to both leaders he would be willing to work together again.

"'He seemed super upbeat,' one person familiar with the calls said. Another person familiar with the calls said Trump told Pelosi and Schumer their coverage was great, too. Pelosi herself bragged that she had gotten results after asking him to tweet reassurances that Dreamers shouldn't worry about being deported over the next six months while lawmakers try to secure a DACA fix. 'I was telling my colleagues, 'This is what I asked the president to do,' and boom boom boom, the tweet appeared,' she said at a news conference Thursday." http://politi.co/2xdBrca

-- @realDonaldTrump: "For all of those (DACA) that are concerned about your status during the 6 month period, you have nothing to worry about - No action!"

FOR THE RECORD -- A memo released by the Department of Homeland Security on Monday says that DHS is not accepting any new applications and that renewal requests must be received by October 5, both within the "6 month period." ***The memo*** http://bit.ly/2xduGXK

HMM... -- "Trump suggested scrapping future debt ceiling votes to congressional leaders," by Josh Dawsey and Burgess Everett: "President Donald Trump suggested to congressional leaders on Wednesday morning that votes to raise the debt ceiling could be done away with altogether, according to three people familiar with the conversation. In a meeting with GOP and Democratic leaders, in which Trump sided with the Democrats on a fiscal deal to raise the debt ceiling, the president said he believes the votes are unproductive, those people said. Many lawmakers dread the vote, particularly Republicans, some of whom disagree with attempts to raise the debt ceiling without major fiscal reforms." http://politi.co/2xdiaav

-- **WAPO: "Trump, Schumer agree to pursue plan to repeal the debt ceiling,"** by Damian Paletta and Ashley Parker: Trump and Schumer discussed the idea Wednesday during an Oval Office meeting. Schumer, Trump, and House Minority Leader Nancy Pelosi (D.-Calif.) agreed to work together over the next several months to see if they can finalize a plan, which would need to be approved by Congress. One of the people familiar described it as a 'gentlemen's agreement.' ...

"'The President encouraged Congressional leaders to find a more permanent

solution to the debt ceiling so the vote is not so frequently politicized,' said White House press secretary Sarah Huckabee Sanders." http://wapo.st/2gO6IeK

FLASHBACK: **ONE OF THE BIG PROPONENTS FOR DEBT CEILING FIGHTS:** VP -- then Congressman -- Mike Pence. ***Some examples:***

-- PENCE on 4/8/11 on Fox News' "Hannity": "I think this little battle does have implications for the major battles over the budget, over the debt ceiling, over all the dramatic reforms of federal programs that are being contemplated today and are necessary to restore fiscal sanity to Washington, D.C."

-- PENCE on 4/10/11: "I will not support an increase in the debt ceiling without real and meaningful changes in spending in the short-term and in the long-term. We've got to change the way we spend the people's money.

-- PENCE on "Morning Joe" on 6/1/11: "I voted against it, Joe. The American people are tired of this era of runaway federal spending in Washington, D.C. I was glad to see an overwhelming and bipartisan majority reject what the White House had originally called for which was a clean vote on the debt ceiling."

-- PENCE on 7/8/11: "We've got an opportunity to cut spending now in real meaningful ways, perhaps even cut taxes and cap spending going forward, and I also believe and I'm going to take a stand, that we should not increase the debt ceiling unless we make such an increase contingent on sending a Balanced Budget Amendment to the states for ratification."

-- PENCE on 7/12/11: "If President Obama wants to raise the debt ceiling, he should recognize that it's his responsibility, it's his problem and come to the Congress and ask us to step forward and help him solve that problem by cutting spending now, capping spending and sending a Balanced Budget Amendment to the states."

CANCELING THE DEBT LIMIT WOULD have to be part of a large-scale agreement. It's hard to see this passing as a standalone. **OH YEAH**: Paul Ryan is opposed to this.

ONE TAKEAWAY FROM THIS WEEK, from Republicans directly involved the debt limit negotiations ...**NOBODY SPEAKS FOR TRUMP BUT TRUMP.** This is a big problem, because dozens and dozens of conversations happen every week between leaders in both parties and the president. In the case of the debt limit, Trump's aides and Cabinet members were aware of the Hill's plan for an 18-month lift. The president did what he wanted.

FOR YOUR RADAR -- "Freedom Caucus Members Frustrated With GOP Leaders on Agenda," by Bloomberg's Billy House and Erik Wasson: https://bloom.bg/2xdEMaW

****** **A message from Hewlett Packard Enterprise**: How are Hewlett Packard Enterprise's supercomputers helping create the future in science, medicine and national

security? Learn more: hpe.com/supercomputing ******

WHAT DON JR. SAID ON THE HILL -- NYT's **MAGGIE HABERMAN** and **MATT APUZZO -- "Trump Jr. Says He Wanted Russian Dirt to Determine Clinton's 'Fitness' for Office":** "Donald Trump Jr. told Senate investigators on Thursday that he set up a June 2016 meeting with a Russian lawyer because he was intrigued that she might have damaging information about Hillary Clinton, saying it was important to learn about Mrs. Clinton's 'fitness' to be president. But nothing came of the Trump Tower meeting, he said, and he was adamant that he never colluded with the Russian government's campaign to disrupt last year's presidential election.

"In a prepared statement during an interview with Senate Judiciary Committee investigators, the younger Mr. Trump said he was initially conflicted when he heard that the lawyer, Natalia Veselnitskaya, might have damaging information about Mrs. Clinton. Despite his interest, he said, he always intended to consult with his own lawyers about the propriety of using any information that Ms. Veselnitskaya, who has ties to the Kremlin, gave him at the meeting. A copy of Mr. Trump's statement was obtained by The New York Times.

"The acknowledgment by the president's eldest son that he intended to seek legal counsel after the meeting suggests that he knew, or at least suspected, that accepting potentially damaging information about a rival campaign from a foreign country raised thorny legal issues. 'To the extent they had information concerning the fitness, character or qualifications of a presidential candidate, I believed that I should at least hear them out,' he said. 'Depending on what, if any, information they had, I could then consult with counsel to make an informed decision as to whether to give it further consideration.'" http://nyti.ms/2wLII5h

THE SPEAKER SPEAKS -- "Ryan Said Trump Wanted to Avoid Partisan Fight in Wake of Hurricanes," by NYT's Alan Rappeport: "Speaker Paul D. Ryan on Thursday said that he understood President Trump's motivation for reaching a deal with Democrats over Hurricane Harvey aid, the budget and the debt ceiling but acknowledged that he continues to think it could be risky for the economy. 'What the president didn't want to do is have some partisan fight in the middle of the response to this,' Mr. Ryan said, referring to the hurricane, during a live interview with The New York Times. 'He wanted to make sure we had a bipartisan moment.' ...

"It was not the only difference of opinion between Mr. Ryan and Mr. Trump. Mr. Ryan also suggested that Mr. Trump's proposed corporate tax rate of 15 percent was unrealistic. He said that getting the corporate tax rate to the mid to low 20 percent range was more likely and would make American businesses more competitive with those around the world. 'He obviously wants to push that as low as possible,' Mr. Ryan said. 'At the end of the day we have to make these numbers work.'" http://nyti.ms/2xdfd9R

ON COLLEGE CAMPUSES -- "DeVos to ramp Obama-era schools sexual assault policy," by Benjamin Wermund: "The Trump administration will rewrite an Obama-era

schools directive on sexual assault in an effort to balance the rights of victims and the accused, Education Secretary Betsy DeVos announced Thursday. The Obama guidance for the first time pushed school district, college and university leaders to combat sexual harassment, including sexual violence, saying they were required to do so under Title IX, a federal law that prohibits sex discrimination. ...

"The Trump administration will revamp the guidance through a rule-making process that likely will take months, DeVos said during a speech at George Mason University in which she blasted the current guidance for undermining the due process rights of those accused of sexual assault or harassment. She said the administration will give all sides a chance to deliver their opinions on how it should move forward." http://politi.co/2xe6e8v

INTERESTING DETAIL from Elise Labott's profile of **NIKKI HALEY** in CNN's State magazine: "Nikki Haley was under consideration to become Donald Trump's secretary of state when she flew to New York to meet the President-elect for the first time since his election victory. The South Carolina governor was torn. The baggage from the 2016 campaign -- she supported Marco Rubio in her state's all-important presidential primary and later backed Ted Cruz -- didn't suddenly evaporate for Trump, who never forgets a slight.

"But there was something more fundamental that bothered her: Her resume. Yes, Haley traveled abroad as governor and she was successful in bringing business into the state. But none of that could prepare her to lead American diplomacy in a world where North Korea was becoming more aggressive, the crisis in Syria was deepening, Venezuela was succumbing to a dictator and the war in Afghanistan showed no sign of easing. She told Trump no. 'I'm very aware of when things are right and when they are not,' she told me during an extensive interview recently. 'I just thought he could find someone better.'" http://cnn.it/2xdG1am

BANNON'S BIG CBS INTERVIEW -- "Bannon breaks with Trump on DACA: Conservatives 'are not happy with this'," by Louis Nelson: "Former White House chief strategist Steve Bannon said he doesn't agree with President Donald Trump's decision to end the DACA program and blasted the Catholic Church's support for undocumented immigrants because 'they need illegal aliens to fill the churches.'

"'The Catholic Church has been terrible about this. The bishops have been terrible about this. By the way, you know why. You know why. Because [they're] unable to really - to come to grips with the problems in the church, they need illegal aliens,' Bannon told CBS' Charlie Rose in an interview, excerpts of which were broadcast Thursday on 'CBS This Morning.' ... Bannon told Rose that he disagreed with Trump's decision this week to rescind the Deferred Action for Childhood Arrivals program, which grants work permits to undocumented immigrants who were brought to the U.S. as minors. But he also expressed empathy for the president, who said he struggled with what to do about the so-called Dreamers who enrolled in DACA and whom Trump had pledged to treat with 'great heart.'

"'Look what he did on DACA the other day. OK, I don't agree with that DACA decision, but I understand how he struggled with it. I understand how he's giving a possibility of a legislative thing,' Bannon said in his interview, which will be broadcast Sunday night on CBS' '60 Minutes.' 'And he said even last night in a tweet, even a tweet, he would rethink it. Trust me, the guys on the far right, the guys on the conservative side, are not happy with this.'" http://politi.co/2xe0hso ... ***Video from CBS*** http://cbsn.ws/2xd8w85

-- "Bannon to Gary Cohn: Resign if you don't like what Trump is doing," by Louis Nelson http://politi.co/2xdT5MR

GREAT QUOTE -- ROSE: "So how do you want to be perceived, you today? Because you have a media image." **BANNON:** "The media image, I think, is pretty accurate. I'm a street fighter."

AT FOGGY BOTTOM -- M.I.A. -- "Where's Rex? U.N. Ambassador Nikki Haley steps in as America's de facto diplomat-in-chief," by Foreign Policy's Robbie Gramer and Dan De Luce: "Haley's high profile on pressing international issues, including Iran and North Korea, [has] raised fresh questions about the influence and political future of the secretary of state. Tillerson has been strangely absent from the public spotlight, even amid mounting tensions with North Korea, and Haley has stepped in to fill the void." http://atfp.co/2j4yKDa

FIRST IN PLAYBOOK -- A new DACA letter from former education secretaries is getting sent to Hill leadership today. It's a bipartisan letter and has two former Bush education secretaries joining the Democrats. http://politi.co/2xduXK9

PLAYBOOK INTERVIEW: London Playbook Author Jack Blanchard

Jack Blanchard, the former political editor of the Daily Mirror, launched the newest Playbook this week -- our London edition. Blanchard gained fame at the Daily Mirror for a report investigating 25 former cabinet ministers who now worked in sectors they used to oversee. He's also a regular contributor to Sky News and the BBC -- and a Liverpool fan. "As you'd expect people working in Westminster are extremely busy, and they need a quick and digestible read in the morning that instantly brings them up to speed on the day ahead - along with some insider knowledge that only we can provide," he told us.

HOW THERESA MAY IS DOING: "Rarely has any prime minister's stock fallen so far so quickly. When May called the general election in April she did so because she was 25% ahead in the polls could do no wrong. Seven weeks and one disastrous campaign later, she had lost her majority in Parliament and now cuts a very diminished figure. Since the vote she has started to build up a new team in Downing Street which is slowly improving her position - but it's hard to find anyone who doesn't think she has been fatally weakened. Most MPs and observers think she will be gone within two years."

TRUMP AND THE U.K.: "Generally the U.K. is utterly bemused by President Trump. Clearly he is a very different type of figure to anyone we have seen as president before. His somewhat erratic nature is making diplomacy quite difficult for Downing Street and the Foreign Office, as it is hard to predict how he will react to any given situation. But there is a strong feeling that whoever is president, America is and will always remain our very closest ally. The priority for any prime minister is to maintain that positive relationship -- regardless of who is in the White House. I don't think that will change."

HOW BREXIT IS GOING: "The most interesting thing about Brexit from a domestic point of view is the way it is tearing down old political boundaries in a way we haven't seen here for a long time. Both main parties are very divided on the issue, and so new alliances are being built between politicians who previously would have been sworn enemies. The referendum has triggered something of a realignment in British politics from the old left/right division, and we don't yet know where it will end up."

HOW THE U.K.-EU RELATIONSHIP HAS CHANGED SINCE BREXIT:"Dramatically. We have gone from being close partners to adversaries around the negotiating table. Relations are definitely strained and as the Brexit talks continue there seems to be a huge chasm between how the two sides perceive the situation. One would expect that eventually the differences will be ironed out and a new relationship will emerge but right now it is not great." ***Today's edition*** http://politi.co/2gP5tvl ... ***Subscribe to London Playbook*** http://politi.co/2xfDPuK

TA-NEHISI COATES' latest in **THE ATLANTIC -- "The First White President:** The foundation of Donald Trump's presidency is the negation of Barack Obama's legacy": "To Trump, whiteness is neither notional nor symbolic but is the very core of his power. In this, Trump is not singular. But whereas his forebears carried whiteness like an ancestral talisman, Trump cracked the glowing amulet open, releasing its eldritch energies. The repercussions are striking: Trump is the first president to have served in no public capacity before ascending to his perch. But more telling, Trump is also the first president to have publicly affirmed that his daughter is a 'piece of ass.' The mind seizes trying to imagine a black man extolling the virtues of sexual assault on tape ('When you're a star, they let you do it'), fending off multiple accusations of such assaults, immersed in multiple lawsuits for allegedly fraudulent business dealings, exhorting his followers to violence, and then strolling into the White House. ... Trump truly is something new -- the first president whose entire political existence hinges on the fact of a black president. And so it will not suffice to say that Trump is a white man like all the others who rose to become president. He must be called by his rightful honorific -- America's first white president." http://theatln.tc/2xd55OJ

BUSINESS BURST -- BILL COHAN in Vanity Fair, "Jamie Dimon's $13 Billion Secret -- Revealed": "Four years ago, JPMorgan Chase reached a then-record settlement with the Department of Justice after, among other things, the bank received a copy of a U.S. attorney's draft complaint documenting its alleged role in underwriting fraudulent securities in the years leading up to the 2008 financial crisis. Following the bank's $13 billion financial agreement, the draft complaint was never filed. Then the

bank paid another settlement to prevent a separate legal case from potentially unearthing it. The contents of the draft complaint have long been a financial-crisis mystery, a Great White Whale of a document. At least until now." http://bit.ly/2wat5N7

2020 PREVIEW? -- "Emails show clash between Trump appointees and Facebook over Zuckerberg glacier visit," by WaPo's Lisa Rein: "When Facebook's communications chief approached the National Park Service to ask the agency to show company founder Mark Zuckerberg how the warming climate is melting ice sheets at Glacier National Park, scientists, park rangers and public affairs staff were giddy with excitement. ... But their eagerness to accommodate Zuckerberg on his high-profile tour quickly turned into a high-wire scramble for Park Service staffers, as political appointees at the Interior Department, the Park Service's parent agency, demanded that they walk back their generosity, according to documents The Washington Post obtained through a Freedom of Information Act request.

"The Trump administration was far less keen on Zuckerberg -- who has been increasingly vocal in his criticism of the president -- and apparently balked at giving him the red-carpet treatment that national parks often roll out for lawmakers, potential donors and dignitaries. ... Negotiations between political appointees and the Park Service and Geological Survey unfolded over weeks, with the discussions reaching senior officials at each agency. Interior officials told the Park Service to minimize its planning and moved at one point to cancel the Facebook chief executive's July 15 tour altogether, the newly released emails show." http://wapo.st/2wLrW0G

AFTERNOON READ -- "Why Jeff Sessions' Recycled Crime-Fighting Strategy Is Doomed to Fail," by Mark Obbie in POLITICO Magazine: "The Trump Justice Department has pushed a variety of strategies for reducing violent crime. But the tool that Sessions prefers, the one he calls the 'excellent model,' is to steer more gun-crime cases to federal court, where offenders face an average of six years in prison, compared with the lighter punishments that can result from state convictions -- in Missouri, for instance, gun offenders charged under state laws generally get probation. Sessions has instructed his U.S. attorneys to step up their gun-case loads, and they are heeding his mandate: In the second quarter of this year, federal firearms prosecutions jumped 23 percent over the same period in 2016. ...

"But Sessions is dramatically overselling the effectiveness of his prosecution-heavy prescription, those who study gun violence say. Researchers, in fact, long ago concluded that the long prison sentences and elevated incarceration rates that result from increasing federal prosecutions have scant influence on violent crime rates. And St. Louis is a signal example of why Sessions' strategy does not work as he promises." http://politi.co/2wLySuE

MEDIAWATCH -- EMILY CADEI to McClatchy's D.C. bureau -- Kristin Roberts to email the staff this afternoon: "Emily Cadei is our new Washington Correspondent for the Sacramento Bee. Emily comes to the Bee and McClatchy from Newsweek ... Emily [previously] worked at CQ Roll Call and has been published by CNN, Foreign Policy,

Fortune and The New Republic."

WELCOME TO THE WORLD - Mallary Tenore Tarpley, assistant director of the Knight Center for Journalism in the Americas at UT Austin and a Poynter alum, and Troy **Troy Tarpley,** a certified anesthesiologist assistant at Baylor Scott & White Hospital in Round Rock, Texas, post on Facebook: "Meet Tucker William Tarpley, born at 1:25 p.m. [Wednesday], exactly 19 months after Madelyn. He's a healthy 7 pounds, 2 ounces and 20 inches long. Troy and I are already so in love with him!" *Pics* http://politi.co/2wM9d55 ... http://politi.co/2gOBSlZ

****** **A message from Hewlett Packard Enterprise**: A nation's strength is increasingly measured by its technical prowess. As the designer and builder of more supercomputers than any other company in the world, Hewlett Packard Enterprise is proud to lead the way in one of the future's most important technologies. Visit hpe.com/supercomputing to learn more about how Hewlett Packard Enterprise's supercomputers are helping create the future in science, medicine and national security. ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Mon 8/14/2017 5:13:03 PM
Subject: Playbook Power Briefing, presented by the Coalition for Affordable Prescription Drugs (CAPD): TRUMP condemns KKK, white nationalists days later -- Pharmaceutical CEO quits presidential advisory panel over Charlottesville

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Today's Playbook Power Briefing presented by the Coalition for Affordable Prescription Drugs (CAPD)

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman), DANIEL LIPPMAN (daniel@politico.com; @dlippman) and ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

Good Monday afternoon. TRUMP SPEAKS! -- THE PRESIDENT: "To anyone who acted criminally in this weekend's racist violence, you will be held fully accountable. Justice will be delivered. As I said on Saturday, we condemn in the strongest possible terms this egregious display of hatred, bigotry and violence. It has no place in America. ... Racism is evil and those who cause violence in its name are criminals and thugs, including the KKK, neo-Nazis, white supremacists and other hate groups that are repugnant to everything we hold dear as Americans."

THE PRESIDENT tied his response to his campaign theme of law and order saying "as a candidate, I promised to restore law and order to our country, and our federal law enforcement agencies are following through on that pledge. We will spare no resource in fighting so that every American child can grow up free from violence and fear."

HE DID NOT call it terrorism.

WHAT EVERYONE IS TALKING ABOUT -- KENNETH FRAZIER, the CEO of pharmaceutical company Merck, quit Trump's advisory panel following the president's response to the violence from neo-Nazi and white supremacists in Charlottesville. Frazier, in a statement: "America's leaders must honor our fundamental values by clearly rejecting expressions of hatred, bigotry, and group supremacy, which run counter to the American ideal that all people are created equal."

-- **Less than an hour later,** the president angrily responded, tweeting "Now that Ken Frazier of Merck Pharma has resigned from President's Manufacturing Council,he will have more time to LOWER RIPOFF DRUG PRICES!" ***More from STAT's Damian Garde*** http://bit.ly/2uCIL1d ... ***Frazier's full statement*** http://bit.ly/2uCFrBO

TRUMP'S DEFENDERS -- "White House defends Trump as criticism mounts over Charlottesville response," by Louis Nelson: "Administration officials rushed to defend President Donald Trump's response to deadly violence over the weekend at a white

supremacist rally in Virginia, with his attorney general and vice president trying to deflect criticism that Trump should have been more forceful in denouncing the hate groups that marched in Charlottesville on Saturday.

"Attorney General Jeff Sessions, who appeared on all three network TV morning shows Monday, told 'CBS This Morning' that Trump's initial statement - which did not specifically mention white supremacists but blamed 'many sides' for violence - had actually 'condemned roundly' the ideology of hate groups. Vice President Mike Pence told NBC's 'Today' show that the president's remarks 'spoke into a national moment' with 'words that the American people needed to hear.'" http://politi.co/2vTPUsl

THE LATEST ON JAMES FIELDS -- "Charlottesville Suspect James Alex Fields Jr. Denied Bond at First Court Appearance," by NBC News' Marianna Sotomayor and Corky Siemaszko: "Dressed in a black and white prison jumpsuit, James Alex Fields Jr. appeared in a Charlottesville court room via video conference from the local jail and did not enter a plea in connection with the death of 32-year-old Heather Heyer at a 'Unite The Right' march Saturday.

'No sir,' Fields answered when Chief Judge Robert H. Downer Jr. asked him if he could afford a lawyer. The 20-year-old was assigned court-appointed attorney Charles Webber and given a August 25 return court date.

"Fields told the court he earns $600 a week working for a private security company in Maumee, Ohio. During the 10-minute appearance, he mostly kept his head down and avoided looking directly into the camera. 'Yes sir,' Fields answered when Downer asked him if he understood everything that was said during the proceeding. Then Fields was marched back to his cell at the Albemarle-Charlottesville Regional Jail." http://bit.ly/2uCKq5H

THIS ISN'T GOING AWAY -- "Virginia receives request for a September rally at the Robert E. Lee monument in Richmond," by the Richmond Times-Dispatch's Patrick Wilson and Michael O'Connor: "A Confederate heritage organization has asked the state for permission to gather Sept. 16 at Richmond's Robert E. Lee monument. The rally would come roughly a month after Saturday's white nationalist protest descended into violence in Charlottesville.

"The Department of General Services has received a request from Americans for Richmond Monument Preservation for a permit to hold an event at the Lee Monument on Monument Avenue, according to Dena Potter, an agency spokeswoman, who said the application is under review and has not been approved. Potter said the request was submitted by Bragdon Bowling - a former commander of the Virginia Division, Sons of Confederate Veterans." http://bit.ly/2uCPBma

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)**: If you know only one fact about rising drug costs, know this one: drug makers set prices for prescription drugs. To help manage nearly double-digit price increases, employers,

unions and government programs use PBMs to negotiate lower net prices to help curb costs for employers and patients. Learn more at affordableprescriptiondrugs.org ******

RAMPED UP SECURITY -- "Powerful Venezuelan lawmaker may have issued death order against Rubio," by the Miami Herald's Patricia Mazzei: "One of Venezuela's most powerful leaders may have put out an order to kill Florida Sen. Marco Rubio, a fervent critic of the South American country's government, according to intelligence obtained by the U.S. last month.

"Though federal authorities couldn't be sure at the time if the uncorroborated threat was real, they took it seriously enough that Rubio has been guarded by a security detail for several weeks in both Washington and Miami. Believed to be behind the order: Diosdado Cabello, the influential former military chief and lawmaker from the ruling socialist party who has publicly feuded with Rubio." http://hrld.us/2uV33Nt

-- RUBIO has been spotted with a Capitol Police detail recently.

RUSSIA UPDATE -- "Obama team was warned in 2014 about Russian interference," by Ali Watkins: "The Obama administration received multiple warnings from national security officials between 2014 and 2016 that the Kremlin was ramping up its intelligence operations and building disinformation networks it could use to disrupt the U.S. political system, according to more than half a dozen current and former officials.

"As early as 2014, the administration received a report that quoted a well-connected Russian source as saying that the Kremlin was building a disinformation arm that could be used to interfere in Western democracies. The report, according to an official familiar with it, included a quote from the Russian source telling U.S. officials in Moscow, 'You have no idea how extensive these networks are in Europe ... and in the U.S., Russia has penetrated media organizations, lobbying firms, political parties, governments and militaries in all of these places.'

"That report was circulated among the National Security Council, intelligence agencies and the State Department via secure email and cable in the spring of 2014 as part of a larger assessment of Russian intentions in Ukraine, the official said. There was no explicit warning of a threat to U.S. elections, but the official said some diplomats and national-security officials in Moscow felt the administration was too quick to dismiss the possibility that the Kremlin incursions could reach the United States." http://politi.co/2uCR9MM

SUSAN GLASSER'S LATEST -- "The GOP's Civil War Over Trump," in POLITICO Magazine: "For this week's Global Politico, we convened eight prominent Republicans to answer the rapidly proliferating questions about a GOP that seems increasingly at war with itself-and heard two starkly different stories about a party that might have won the White House and both houses of Congress but sounds at times like it's more on the verge of a nervous breakdown than a national takeover. From five top Washington

insiders like Heritage Action CEO Michael Needham, Republican Main Street Partnership chief Sarah Chamberlain, and former top advisers to 2016 candidates Marco Rubio and Jeb Bush, came increasingly pointed laments about Trump's 'lack of presidential leadership,' his bombastic party-bashing tweets, absence of a governing philosophy and political compass ruled by a 'collection of impulses' rather than a coherent strategy. ...

"It is just such thinking that infuriates Trump himself and his diehard backers, as was abundantly clear when I later interviewed for The Global Politico a second group that included strategist Roger Stone, a Trump friend and adviser of decades; Kansas Secretary of State Kris Kobach, an anti-immigration activist now heading a controversial national electoral commission for Trump; and Kentucky-based commentator Scottie Nell Hughes. Not only were they not chagrined by Trump's contentious first six months of his presidency, they urged him to get even more combative-against enemies within the GOP perhaps above all." http://politi.co/2uCx8WG

TODAY'S BEYOND THE BELTWAY -- Boston braces for Free Speech Rally -- Cuomo discusses congestion prices http://politi.co/2uCFzl0

-- "Fluor Enterprises, Lane Construction on track to design, build Texas' proposed bullet train," by The Dallas Morning News' Claire Cardona http://bit.ly/2uCrwf6

TRANSITIONS -- Meghan Rae Mitchum has joined WeWork as project manager for global security operations. She previously was a senior associate at Catalyst Partners and is an alum of the W.H. Council on Environmental Quality.

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : The high prices that drug makers set for prescription drugs can put financial strain on patients, employers, unions and others who provide health care coverage to more than 50 percent of Americans. Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers, unions and government programs. But, as list prices - the starting point for those negotiations -- continue their nearly double-digit increases, the effects ripple throughout the system. The key to ensuring greater access and affordability lies in fostering greater competition. Facilitating faster reviews of generics and biosimilars, identifying off-patent drugs with little or no generic competition, and ending anti-competitive practices that keep safe, effective alternatives out of the market are also key to abating rising drug costs for patients. Learn more at affordableprescriptiondrugs.org ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 8/3/2017 6:52:18 PM
Subject: Green groups ask court to issue Clean Power Plan ruling

By Alex Guillén

08/03/2017 02:49 PM EDT

Environmental groups today asked the D.C. Circuit Court of Appeals to issue its ruling on the Obama administration's Clean Power Plan because it remains unclear when the Trump administration will propose its repeal of that rule.

The groups cite the White House's Unified Agenda, which was released last month. The document provided no deadline for proposing or finalizing the CPP repeal, which it classified as a "long-term action," those for which the agency does not expect to act for at least 12 months.

That classification "demonstrates that even the preliminary step of a *proposed* rule may be delayed for at least another year," the green groups wrote.

"These facts further underscore that this Court should not continue to postpone a decision in this fully briefed case, which was argued en banc on September 27, 2016, for a period far longer than the Supreme Court presumed when it issued its stay pending this Court's disposition of the merits," the groups wrote. "The Court should decide the case on the merits, or terminate it by remanding the case to EPA."

WHAT'S NEXT: If the court decides to consider the request, it likely will ask EPA and the CPP's challengers to weigh in first.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/green-groups-ask-court-to-issue-clean-power-plan-ruling-091493

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From: Bloomberg BNA
Sent: Fri 9/1/2017 12:28:35 PM
Subject: Sep. 01 -- EHS State Regulatory Alert

EHS State Regulatory Alert

September 01, 2017 - Number 169

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Florida

RADIATION
Radiologic Technology/Specialty Technologists
Florida RADIATION

Proposed rule of the Department of Health, Division of Environmental Health, amends regulations under FAC 64E-3.0034 regarding specialty technologists for radiologic technology. The rule removes references to outdated American Society of Radiologic Technologists magnetic resonance practice standards. Comments are due Sept. 20, 2017. Contact: Brenda Andrews; DOH, Division of Environmental Health; 850-901-6568; brenda.andrews@flhealth.gov

—Florida Administrative Weekly (08/30/2017)

Regulatory Update

WATER
Total Maximum Daily Load Water Quality Restoration Grants
Florida WATER

Proposed rule of the Department of Environmental Protection repeals regulations under FAC 62-305.100, .200, .300, and .400 to delete obsolete provisions regarding total maximum daily load water quality restoration grants. Comments are due Sept. 20, 2017. Contact: Kate Merchant; DEP; 850-245-2952; Kathryn.Merchant@dep.state.fl.us

—Florida Administrative Weekly (08/30/2017)

Regulatory Update

Iowa

HAZARDOUS WASTE MANAGEMENT
Petroleum Underground Storage Tank Fund
Iowa HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Comprehensive Petroleum Underground Storage Tank Fund Board rescinds regulations under 591 IAC 5, 6, 10, 12, and 14 to reflect 2016 legislation that removed the authority of the board to collect or administer the environmental protection charge (EPC). The rule deletes provisions concerning determination or adjustment of the cost factor, administration of the EPC on petroleum diminution, and the guaranteed loan program. The rule also deletes provisions concerning restructuring of insurance board and transfer of assets and liabilities of insurance fund and the aboveground petroleum storage tank fund. Comments are due Sept. 29, 2017. Contact: Dale Cira; CPUSTFB; 515-225-9263; dale.cira@aon.com

—Iowa Administrative Bulletin (08/30/2017)

Regulatory Update

Maine

OIL AND GAS INDUSTRY
Compliance Assistance Loan Program
Maine OIL AND GAS INDUSTRY

Proposed rule of the Finance Authority adopts regulations under MAC Chapter 326 to establish the Compliance Assistance Loan Program. The rule establishes eligibility requirements for borrowers and projects seeking financing for certain oil storage tank and related projects and specifies the terms and conditions of a loan. The program is similar to the Oil Storage Facility or Tank Replacement Program for which funding is no longer available. Comments are due Sept. 29, 2017. Contact: Katryn Gabrielson; Finance Authority; 207-620-3515; kgabrielson@famemaine.com

—Maine Regulations (08/30/2017)

Regulatory Update

Mississippi

AIR
Petroleum Products Inspection/Temporary Waiver of RVP Standards
Mississippi AIR

Temporary rule of the Department of Agriculture and Commerce amends regulations under Title 2, Part 1, Subpart 4, Chapter 8, Section 108.01, to provide a waiver for American Society for Testing and Materials Reid vapor pressure (RVP) specifications related to gasoline and gasoline blended with 1 percent or more ethanol. The rule is in response to the EPA's waiver of RVP requirements due to Hurricane Harvey. The rule is effective Aug. 30, 2017, and expires Sept. 15,

2017. Contact: Jennifer Thompson; DAC; 601-359-1144; jennifer@mdac.ms.gov

—Mississippi Regulations (08/30/2017)

Regulatory Update

Nevada

AIR
Local Agency Motor Vehicle Pollution Control Grants
Nevada AIR

Notice of the Department of Motor Vehicles announces the withdrawal of an Aug. 23, 2017, notice of intent to repeal regulations under NAC 445B.859 through .873 to delete provisions concerning local air pollution control grants. A concurrent proposal incorporates the action into a consolidated action. Contact: DMV; 775-684-4549

—Nevada Register (08/29/2017)

Regulatory Update

AIR
Pollution Control, Inspections of Vehicles
Nevada AIR

Notice announces the intention of the Department of Motor Vehicles to amend regulations under NAC 445B.580 and .589 and rescind regulations under NAC 445B.859 through .873 concerning air pollution control and inspections of certain vehicles. The rule requires reinspection of certain motor vehicles of model year 1995 or older, certain heavy-duty vehicles of model year 1996 or newer, and certain motor vehicles powered by diesel engines that have failed an inspection for an improper gas or fuel cap. The rule also deletes provisions concerning local air pollution control grants. The current action consolidates three Aug. 23, 2017, notices of intent, two of which are withdrawn concurrently. Contact: DMV; 775-684-4549

—Nevada Register (08/29/2017)

Regulatory Update

AIR
Testing of Certain Motor Vehicles Powered by Diesel Engines
Nevada AIR

Notice of the Department of Motor Vehicles announces the withdrawal of an Aug. 23, 2017, notice of intent to amend regulations under NAC 445B.589 concerning testing of certain motor vehicles powered by diesel engines. The rule would have required reinspection of vehicles that have failed an inspection for an improper gas or fuel cap. A concurrent proposal incorporates the action into a consolidated action. Contact: DMV; 775-684-4549

—Nevada Register (08/29/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Cleanup of Discharged Petroleum/Grant Program
Nevada HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Conservation and Natural Resources, Board to Review Petroleum Claims, amends regulations under NAC 590.700 and adopts regulations under NAC 590 to establish a grant program to assist petroleum storage tank owners and operators with compliance with state and federal requirements for prevention of discharges. The rule provides for funding of the purchase and installation of release prevention equipment and establishes requirements for eligibility, applications, monitoring, records maintenance, and records inspection. The rule also authorizes the department to enter into agreements with third parties to provide technical assistance to owners and operators of storage tanks. A comment due date is not specified. Contact: DCNR, Board to Review Claims; 775-684-2700

—Nevada Register (08/29/2017)

Regulatory Update

North Carolina

WATER
Well Contractor Certification
North Carolina WATER

Proposed rule of the Department of Environmental Quality, Well Contractors Certification Commission, readopts regulations under 15A NCAC 27.0110, .0301, .0410, .0420, and .0420 without substantive changes regarding types of certification, applications, examinations, and issuance of certificates. A hearing is scheduled for Oct. 10, 2017, in Raleigh. Comments are due Oct. 31, 2017. Contact: Joanne Rutkofske; DEQ, Well Contractors Certification Commission; 919-707-5881; Joanne.Rutkofske@dhhs.nc.gov

—North Carolina Register (09/01/2017)

Regulatory Update

Texas

OIL AND GAS INDUSTRY
Pipeline Safety Regulations
Texas OIL AND GAS INDUSTRY

Proposed rule of the Railroad Commission amends regulations under 16 TAC 8.1 regarding pipeline safety standards. The rule incorporates by reference federal pipeline safety standards under 49 CFR 40, 191, 192, 193, 195, and 199 regarding annual, incident, and safety-related condition reports; minimum safety standards for natural and other gas pipelines; liquefied natural gas facilities; transporting hazardous liquids; and drug and alcohol testing, as of Oct. 30, 2017. Comments are due Sept. 27, 2017. Contact: Kari French; RRC, Oversight and Safety Division; 512-463-8559

—Texas Register (09/01/2017)

Regulatory Update

Virginia

WATER
Buchanan County/State Water Control Law Consent Order
Virginia WATER

Notice of the Department of Environmental Quality, State Water Control Board, announces a proposed consent order with the Cumberland Plateau Regional Housing Authority for alleged State Water Control Law violations associated with the unauthorized discharge of untreated sewage and domestic waters from the Hurley Heights 1 (Lots A, 1 and 2) Sewage Treatment Plant in Buchanan County and for failure to comply with conditions of its VPDES general permit for domestic sewage discharges. The order requires the settling party to pay a civil penalty of $3,828 and to comply with an incorporated schedule of compliance. Comments are due Oct. 4, 2017. Contact: Ralph Hilt; DEQ, Southwest Regional Office; 276-676-4800; ralph.hilt@deq.virginia.gov

—Virginia Register (09/04/2017)

Regulatory Update

Wyoming

OCCUPATIONAL SAFETY AND HEALTH
OSHA Commission/Information Practices
Wyoming OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Workforce Services, OSHA Commission, amends regulations under Chapter 1 to consolidate the information practices provisions into the practice and procedures introductory chapter. The rule moves information practices definitions and provisions regarding the collection, storage, and dissemination of personal information. Comments and hearing requests are due Oct. 26, 2017. Contact: Marcia Price; DWS; 307-777-6746; marcia.price@wyo.gov

—Wyoming Regulations (08/30/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Practice and Procedure/Enforcement
Wyoming OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Workforce Services, OSHA Commission, amends regulations under Chapter 3 regarding practice and procedure and enforcement. The rule increases penalty fees and incorporates by reference federal penalties. Comments and hearing requests are due Oct. 26, 2017. Contact: Marcia Price; DWS; 307-777-6746; marcia.price@wyo.gov

—Wyoming Regulations (08/29/2017)

Regulatory Update

OIL AND GAS INDUSTRY
Petroleum and Antifreeze Products Standards
Wyoming OIL AND GAS INDUSTRY

Proposed rule of the Department of Agriculture amends regulations under Chapter 52 regarding petroleum and antifreeze product standards. The rule updates applicable fuel types and requirements, adds an exemption to allow the sale of 85 octane fuel, and incorporates federal fuel labeling requirements. The rule also updates antifreeze registration standards to conform with current practice, updates definitions, and removes duplicative provisions. Comments and hearing requests are due Oct. 20, 2017. Contact: Scott McDonald; Department of Agriculture; 307-777-3502; scott.mcdonald@wyo.gov

—Wyoming Regulations (08/29/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Sat 10/21/2017 2:42:47 PM
Subject: DAVID SHULKIN for HHS? -- TRUMP to open JFK files -- FREEDOM CAUCUS' MEADOWS says group is OK with Senate budget, wants TAX REFORM by mid November -- CAPUTO on Frederica Wilson -- B'DAY: HOPE HICKS

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Today's POLITICO Playbook presented by JPMorgan Chase & Co.

By JAKE SHERMAN (sherman@politico.com; @JakeSherman) with ANNA PALMER (anna@politico.com; @apalmerdc) with DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

HOW ABOUT THAT! -- @realDonaldTrump at 8:35 a.m.: "Subject to the receipt of further information, I will be allowing, as President, the long blocked and classified JFK FILES to be opened."

Good Saturday morning. WEST WING BUZZ -- Don't be surprised if you begin hearing **VETERANS AFFAIRS SECRETARY DAVID SHULKIN** is in the mix for Health and Human Services secretary. Shulkin is a doctor.

IMPORTANT RE TAX REFORM -- UPDATE ON FREEDOM CAUCUS: The House Freedom Caucus had a conference call yesterday about supporting the Senate budget. Here's what **FREEDOM CAUCUS CHAIRMAN MARK MEADOWS (R-N.C.)** told us after the call: "No official positions but the general consensus would be to support the Senate budget without going to conference, provided we can get an accelerated timetable to pass tax reform out of the House by the middle of November."

-- AMBITIOUS TIMELINE, but it's possible.

WSJ'S RICH RUBIN: "In the frenzied days ahead, the GOP will seesaw between the political necessity of obtaining a legislative win to tout in the 2018 elections and the immense difficulty of the task they've set for themselves." http://on.wsj.com/2xaA0Hs

-- "Republicans Consider Sharp Cut in 401(k) Contribution Limits," by NYT's Jim Tankersley: http://nyti.ms/2l52r8j

SNEAK PEEK -- PRESIDENT DONALD TRUMP to **MARIA BARTIROMO** on tomorrow morning's "Sunday Morning Futures":

-- ON THE TIMING FOR TAX REFORM: "[I] will say this, I want to get it by the end of the year but I'd be very disappointed if it took that long."

-- ON THE FED: BARTIROMO: "Isn't there a way that you can get Taylor and Powell in there? Because you've got a vice chairman opening as well, you can actually put them both in there. Is that in your thinking?" **TRUMP:** "It is in my thinking. And I have a couple of other things in my thinking. But I like talent. And they are both very talented people. And it's a hard decision. It's actually a very important decision. People have no -- most people have no idea how important that position is."

BANNON ON BUSH -- "Bannon faults George W. Bush for 'destructive' presidency," by AP's Michael Blood in Anaheim, California: "Former White House adviser Steve Bannon depicted former President George W. Bush as bumbling and inept, faulting him for presiding over a 'destructive' presidency during his time in the White House. Bannon's scathing remarks on Friday night amounted to a retort to a Bush speech in New York earlier this week, in which the 43rd president denounced bigotry in Trump-era American politics and warned that the rise of 'nativism,' isolationism and conspiracy theories have clouded the nation's true identity." http://bit.ly/2xcLDOd

-- CARLA MARINUCCI and **DAVID SIDERS:** "Issuing a defiant call to arms to grassroots Republicans, former White House chief strategist Steve Bannon railed Friday against dangerous 'global elites' and the Silicon Valley 'lords of technology' whom he said are robbing U.S. citizens of jobs, wealth and opportunity. 'They want all the benefits of a free society ... all the benefits of this rules based international order,' including lucrative trade deals and capital markets, he said, while 'we the citizens of the United States...underwrite the whole thing.'" http://politi.co/2yz6wXY

ON THE WORLD STAGE -- "Trump administration considers pausing U.S. refugee family reunification program," by Reuters' Yeganeh Torbati and Mica Rosenberg: "President Trump's administration has drafted a plan to pause a program that allows family members join refugees already settled in the United States until they can undergo increased security checks, two sources with knowledge of the situation told Reuters. The measure is one of several being considered for refugees ... The administration also may expand the use of intensive security checks by multiple federal agencies, called 'security advisory opinions' (SAO) to apply to women from countries designated as high-risk by the U.S. government. Currently there are usually only mandatory SAOs, as they are called, for men from those countries." http://reut.rs/2yDP6qv

COMING ATTRACTIONS -- "Niger attack fuels new push for war vote," by Connor O'Brien: "Some lawmakers, citing the deaths of four U.S. soldiers ambushed by terrorists in Niger, called on Congress on Friday to reconsider the broad war authority it granted in 2001 - as the Pentagon telegraphed that more such missions in more places are likely in the offing. The Senate Foreign Relations Committee announced it will hear testimony next week from Secretary of Defense Jim Mattis and Secretary of State Rex Tillerson on the 16-year-old Authorization for Use of Military Force that is now being

used to justify military operations in numerous countries.

"Committee Chairman Bob Corker (R-Tenn.) said in a statement that current threats make it 'perhaps more important than ever that we have a sober national conversation about Congress' constitutional role in authorizing the use of military force.' For some on Capitol Hill, the attack in Niger highlights the need for updated legislation that takes into account the myriad operations against the Islamic State in Iraq and Syria, Al Qaeda and other terrorist groups on several continents." http://politi.co/2gypuXJ

-- "Conflicting Accounts in Niger Ambush Are Subject of Pentagon Investigation," by NYT's Dionne Searcey, Helene Cooper and Eric Schmitt: "The Pentagon is trying to determine whether American forces involved in a deadly ambush in Niger this month diverted from their routine patrol to embark on an unapproved mission, military officials said on Friday. The questions have come up because the American and Nigerien soldiers on the patrol have given conflicting accounts about whether they were simply ambushed or were attacked after trying to chase Islamic insurgents, according to military officials from both countries. The episode has engulfed the White House in crisis and prompted demands from members of Congress for answers about what the soldiers were doing before the attack on Oct. 4." http://nyti.ms/2zqtgpD

-- @realDonaldTrump at 8:07 a.m.: "I hope the Fake News Media keeps talking about Wacky Congresswoman Wilson in that she, as a representative, is killing the Democrat Party!" ... **@philiprucker:** "Trump fuels this story into its sixth straight day".

****** **A message from JPMorgan Chase & Co.: 30 Years in the Waiting** It's been more than three decades since America reformed its tax system. As the world became more competitive, our tax code remained the same, putting America at a disadvantage when it comes to creating new jobs. Learn how tax reform can jump-start our economy: http://politi.co/2gBVNBD ******

MARC CAPUTO: "'Trump is messing with the wrong woman'": "Of President Trump's many opponents in Congress, none looks or sounds remotely like Rep. Frederica Wilson, the Miami Democrat known for her bedazzled, sequined-blinged hats, her vibrant matching outfits and her reputation in Florida for never backing down from a fight. But Wilson has never had an foe like Trump or a fight this personal, which began with the president's condolence call to the widow of a young soldier the congresswoman helped steer away from Miami's mean streets - only to see him die in a mysterious ambush in sub-Saharan Niger.

"Despite tough criticism and insults from the president and his allies - a top African-American Trump surrogate, former Milwaukee County Sheriff David A. Clarke, characterized Wilson as 'a buffoon' while White House Chief of Staff John Kelly teed off on her from a White House lectern - the 74-year-old Democrat hasn't flinched, firing back with caustic responses honed by years of full-contact Miami politics.

"The president is a 'jerk' and a 'liar' who 'doesn't know how to be a president,' Wilson

said. She then mocked him for raising her profile. 'You mean to tell me that I have become so important that the White House is following me and my words? Wilson laughed. 'This is amazing. That's amazing. That is absolutely phenomenal. I'll have to tell my kids that I'm a rock star now.'" http://politi.co/2yFPNzJ

-- "Video shows Kelly made inaccurate claims about lawmaker in feud over Trump's condolence call," by WaPo's David Nakamura: http://wapo.st/2yXDcLc

-- NYT: "Ms. Wilson, in an interview on Friday, called Mr. Kelly a liar and hinted strongly that the altercation, prompted by a call from President Trump to the widow of a fallen black soldier, was racially charged. 'The White House itself is full of white supremacists,' she said. 'I feel very sorry for him because he feels such a need to lie on me and I'm not even his enemy,' Ms. Wilson said of Mr. Kelly. 'I just can't even imagine why he would fabricate something like that. That is absolutely insane. I'm just flabbergasted because it's very easy to trace.'" http://nyti.ms/2iphSam

-- @ABCPolitics: "Press Sec. Sanders: 'If you want to get into a debate with a 4-star Marine general, I think that that's something highly inappropriate.'" http://bit.ly/2zrCq5v

REALITY CHECK -- "Trump stokes hopes of Obamacare repeal - setting up Senate for another failure," by Jen Haberkorn: "President Donald Trump says the Senate has the votes to repeal Obamacare. That's news to the Senate. 'I think that's aspirational,' said Majority Whip John Cornyn, who counts votes for the GOP. 'If there were 50 votes, we'd be voting,' added John Thune (R-S.D.), another member of Republican leadership.

"Repeatedly claiming that Republicans have the votes to repeal major parts of Obamacare early next year, Trump is stoking expectations that the GOP can fulfill its seven-year pledge before the 2018 midterm elections - a promise that Republicans once again might not be able to keep. The Senate, Trump says, will have the 50 votes needed to enact the bill known as Graham-Cassidy, the last of a series of repeal bids that went down in flames this summer and fall.

"The reality is that no matter what the president says at the White House or how often he says it, nothing has changed at the other end of Pennsylvania Avenue. Not a single 'no' vote has flipped to a 'yes.' When senators talk about repeal after months of failure, they are talking about hopes and dreams - not about 50 votes to pass it. 'I think eventually, I may be speaking aspirationally, eventually we'll have 50 votes for Graham-Cassidy or something like that,' Thune said." http://politi.co/2yZ2SXR

-- "ACA enrollment schedule may lock millions into unwanted health plans," by WaPo's Amy Goldstein: "Millions of Americans with insurance through the Affordable Care Act could find themselves locked into health plans they do not want for the coming year because of the Trump administration's schedule for the enrollment season that starts in less than two weeks. The complication arises when people who already have health plans under the law are automatically re-enrolled in the same plan. In the past, a few million consumers each year have been auto-enrolled and then were sent

government notices encouraging them to check whether they could find better or more affordable coverage.

"This time, according to a federal document obtained by The Washington Post, the automatic enrollment will take place after it is too late to make any changes. Auto-enrollment will occur immediately after the last day of the ACA sign-up season, which the Trump administration has shortened, leaving the vast majority of such consumers stranded without any way to switch to a plan they might prefer." http://wapo.st/2gVgmcr

PENCE WORLD -- "Financial disclosure shows unusual campaign setup for Pence chief of staff," by Matt Nussbaum and Maggie Severns: "Vice President Mike Pence's chief of staff had a lucrative 2016 campaign season even as his high-profile work on the Trump-Pence campaign was classified as unpaid volunteer work. Nick Ayers, a senior adviser to Pence during the presidential race and now his chief of staff, joined the 2016 team as a volunteer and never took a dime in salary from the Trump-Pence campaign even as he crisscrossed the country with Pence, then the Indiana governor. He served as one of Pence's top aides and prepared him for critical events, including his debate with Sen. Tim Kaine (D-Va.), the Democratic vice presidential nominee.

"But Ayers' Georgia-based political consulting firm, C5 Creative Consulting, did receive a payment of nearly $75,000 on Aug. 25 from Pence's gubernatorial re-election campaign, 40 days after Pence had been selected as Trump's running mate and withdrawn from the governor's race. In addition to the compensation from Pence's gubernatorial campaign, Ayers received significant payments from the campaign of Eric Holcomb, Pence's lieutenant governor, who sought and won the Indiana governorship after Pence joined the national ticket. Holcomb's campaign paid Ayers' firm nearly $40,000 between August 2016 and March 2017. Ayers also received payments of more than $30,000 from Missouri Gov. Eric Greitens' campaign.

"His work for multiple campaigns raises questions whether Pence's gubernatorial re-election campaign was subsidizing, in part or in full, Ayers' work for Trump - though the arrangement may have been perfectly legal, experts told POLITICO. Any payments from different campaigns for Ayers' work on the Trump-Pence campaign would qualify as an illegal in-kind contribution, but there is no indication that this took place." http://politi.co/2iqDB1U

-- "VP Mike Pence in Brown County this weekend for wedding celebration," by Mary Shown in the Herald-Times of Bloomington, Indiana: "A white 757 airplane emblazoned with 'United States of America' across the side was parked on a tarmac at Columbus Municipal Airport at noon Friday. According to Columbus Municipal Airport officials, this is the second time Pence has landed at the airport in Air Force Two since becoming vice president. Officials also said Secret Service personnel arrived at the airport Monday and have been in the area ever since. ...

"The celebration Saturday at Brown County State Park is for Michael Pence Jr. and

his wife, Sarah. The two were married in December 2016 at the Governor's Mansion in Indianapolis just before the January inauguration of Pence and President Donald Trump." http://bit.ly/2yyq7rk

Playbook Reads

PHOTO DU JOUR: Steve Bannon spoke Friday at the California Republican Convention in Anaheim, Calf. | Ringo H.W. Chiu/AP Photo

WORTH THE CLICK - "10 Minutes. 12 Gunfire Bursts. 30 Videos. Mapping the Las Vegas Massacre," by NYT's Malachy Browne, Drew Jordan, Nicole Fineman and Chris Cirillo: "The shots began at 10:05. Twelve bursts of gunfire later, police broke down Stephen Paddock's door at the Mandalay Bay. Using forensic analysis, The Times mapped 30 videos that show a vivid picture of what happened that night." http://nyti.ms/2yErOCx

FOR YOUR RADAR -- "Spanish PM seeks Senate backing to take over Catalonia govt," by AP's Aritz Parra in Barcelona: "The Spanish government moved decisively Saturday to use a previously untapped constitutional power so it can take control of Catalonia and derail the independence movement led by separatist politicians in the prosperous industrial region. ... [T]he country ... faces its most grave institutional crisis in decades." http://bit.ly/2xVhlJO

AT THE COURTS-- "Appeals court looks for compromise on abortion for undocumented minor," by Renuka Rayasam and Josh Gerstein: "A federal appeals court is seeking to defuse a high-profile abortion standoff by giving the Trump administration until the end of the month to find a sponsor for an undocumented pregnant minor being held in a federally-funded shelter in Texas. In the decision issued late Friday, a three-judge panel split 2-1, overturning a decision from a federal judge issued earlier this week that would have allowed the 17-year old girl to have the abortion immediately.

"Instead the D.C. Circuit Court of Appeals ruling, apparently devised by Judge Brett Kavanaugh, opted to find a path that would dispose of the case without making any precedent-setting decisions. The ruling stated that once federal authorities could find a suitable sponsor for the girl, the administration would have to allow her to follow state law to receive the abortion. If the administration can't find a sponsor, a federal district court judge would again have the chance to step in and re-issue the order requiring the administration to permit the teen to leave the shelter for an abortion." http://politi.co/2gs6beS

VALLEY TALK - MAUREEN DOWD in the **NYT, "Uber's Whistle-Blower Is Developing a Movie and Having a Baby":** "In her first interview since the essay that

started a wave of sexual-harassment revelations, Susan Fowler tells her life story and looks to the future." http://nyti.ms/2I7kkn2

MEDIAWATCH -- FIRST PERSON -- "I interviewed an executive in his underwear to get the job done," by USA Today's Joanne Lipman: "In my first job, as a 22-year-old newspaper reporter, I went to interview a businessman. He ushered me into his office. He locked the door. Then he stripped to his underwear. This was in the 1980s, at a time when women didn't call behavior like his 'sexual harassment.' We called it ... going to work. So I did what other women in my place would have done. I interviewed him in his underwear. Then I got out as fast as I could." https://usat.ly/2zrs8Ck

-- "Young subscribers flock to old media," by Jason Schwartz: http://politi.co/2zrxP3a

MARK PRESTON interviews **ADMIRAL KIRBY --** Retired Rear Admiral John Kirby discussed military and political issues on Mark Preston's SiriusXM show "Full Stop with Mark Preston." The show airs Saturday at noon and Sunday at 5 p.m. on SiriusXM channel 124. **Clips for Playbookers: *Gen. John Kelly's WH briefing room appearance*** http://bit.ly/2zErPVx ... ***Trump's performance so far as commander-in-chief*** http://bit.ly/2gyfEF3... ***Morale in the military*** http://bit.ly/2yY4kKd ... ***Concern about the growing gap between the military and American society*** http://bit.ly/2gVDKGN

****** **A message from JPMorgan Chase & Co.: Keeping Jobs at Home** America is falling behind when it comes to a tax system that helps spur job growth and expand economic opportunity. A 2017 EY report found that the existing tax structure has put job creators here at home at a disadvantage: updating the outdated tax system could have kept nearly 4,700 companies in the United States. That could mean more products made here in America, more parts sourced from American companies and billions of dollars spent here at home. As JPMorgan Chase Chairman and CEO Jamie Dimon put it, "Reforming the tax code is the single most important thing that Congress could do to jump-start our economy, create jobs, and raise wages for American workers." Learn more: http://politi.co/2wSCuu0 ******

CLICKER - "The nation's cartoonists on the week in politics," edited by Matt Wuerker -- ***14 keepers*** http://politi.co/2gV8RCj

GREAT WEEKEND READS, curated by Daniel Lippman:

-- "Rigged: How Voter Suppression Threw Wisconsin to Trump," by Ari Berman in the Nov./Dec. issue of Mother Jones - per Longreads.com's description: "Berman investigates how increasingly restrictive voting laws in states like Wisconsin had an impact on the 2016 presidential election - and most likely tipped it in favor of Donald Trump." http://bit.ly/2zGSUaO

-- "The Dirty Secret of War: It Can be As Compelling As it is Ugly," by Philip Caputo (Marc Caputo's father) on Lit Hub: "Everyone accepts that war is ugly and horrible.

Civilized people, however, don't accept that it is also alarmingly attractive. This is another truth as old as war itself, and one that Homer was aware of. The phrase, 'the joy of battle' occurs frequently in his verses." http://bit.ly/2l4hOhb

-- **"The Boomtown That Shouldn't Exist,"** by Mike Grunwald in the Friday cover of POLITICO Magazine: "Cape Coral, Florida, was built on total lies. One big storm could wipe it off the map. Oh, and it's also the fastest-growing city in the United States." http://politi.co/2yXDEJo

-- **"The science of spying: how the CIA secretly recruits academics,"** by Daniel Golden in The Guardian: "In order to tempt nuclear scientists from countries such as Iran or North Korea to defect, U.S. spy agencies routinely send agents to academic conferences - or even host their own fake ones." http://bit.ly/2gW29w7

-- **"A Fire's First, Fatal Hours"** - San Francisco Chronicle: "A monster firestorm became unstoppable almost as soon as it started." http://bit.ly/2irYtpb (h/t Longform.org)

-- **"What Facebook Did to American Democracy,"** by Alexis C. Madrigal in The Atlantic: "The very roots of the electoral system - the news people see, the events they think happened, the information they digest - has been destabilized." http://theatln.tc/2l5SMyc

-- **"Going 'Instagram official' is the new way to declare your relationship status,"** by Taylor Lorenz, whose birthday is today, in Medium: "[I]n 2017, the Facebook relationship status is dead and if you really want the world to know someone has stolen your heart there's only one way to go: make it Instagram official. [That] means posting a photo of you and your significant other, generally looking casual yet cute, to your Instagram page accompanied by a somewhat ambiguous caption or series of emoji." http://bit.ly/2yxUJJm

-- **"'We Need to Develop Political Heroism,'"** by Klaus Brinkbäumer, Julia Amalia Heyer and Britta Sandberg in Der Spiegel -- French president Emmanuel Macron tells the publication in an interview: "France is a country of regicidal monarchists. It is a paradox: The French want to elect a king, but they would like to be able to overthrow him whenever they want. The office of president is not a normal office." http://bit.ly/2zrDXIz

-- **"A Catfishing With a Happy Ending,"** by Jeff Maysh in The Atlantic - per Longform.org's description: "Emma Perrier was deceived by an older man on the internet-and then she found love with the model whose photographs he had stolen." http://theatln.tc/2zFwNIc

-- **"Welcoming Our New Robot Overlords,"** by Sheelah Kolhatkar in The New Yorker: "Once, robots assisted human workers. Now it's the other way around." http://bit.ly/2yY38pV

-- **"The scientists persuading terrorists to spill their secrets,"** by Ian Leslie in The Guardian: "Expert interrogators know torture doesn't work - but until now, nobody could prove it. By analysing hundreds of top-secret interviews with terror suspects, two British scientists have revolutionised the art of extracting the truth." http://bit.ly/2xd2rF2

-- **"Everest at the Bottom of the Sea,"** by Bucky McMahon in Esquire: "When the ocean liner Andrea Doria sank south of Cape Cod, she took fifty-one with her. Since then she's taken twelve more, five in the last two summers alone. On this very day, a man is strapping on two hundred pounds of scuba gear to make the descent, to bring back a little souvenir from the boat's gift shop, to possibly never return." http://bit.ly/2l5SwiO

-- **"Thinking Like a Mountain: On Nature Writing,"** by Jedediah Purdy in n+1 magazine: "Every inhabited continent has been denuded of ecosystems and species. Most North American places have shed wolves, elk, moose, brown bears, panthers, bison, and a variety of fish and wild plants, which were all abundant four hundred years ago. Before those species were driven out, there was the slaughter of the mammoth, the ground sloth, the wild horse." http://bit.ly/2xbUPCv (h/t TheBrowser.com)

Playbookers

SPOTTED: David Letterman at Commissary yesterday at lunch. He's is in town for the Mark Twain Prize for American Humor on Sunday night at the Kennedy Center and bought our tipster lunch.

TRANSITIONS -- Josh Walker is joining Eurasia Group as the head of global strategic initiatives in the office of the President. He previously was VP of global programs in the office of the CEO at APCO Worldwide and is a State alum. ... **Mark Baker** has joined Warner Music Group as VP of public policy and government affairs. He previously spent 15 years at Diageo, most recently as director of global trade and regulatory affairs.

-- **BUSH ALUMNI: SCOTT STANZEL** joined Capital One as the managing VP of corporate comms at Capital One. He previously was director of worldwide marketplace PR at Amazon and was deputy press secretary in the Bush White House.

OUT AND ABOUT -- SPOTTED at the 49th annual Meridian Ball last night -- ***Dan Swartz's Instapic of the scene*** http://bit.ly/2yGMmsz : Commerce Secretary Wilbur Ross, Speaker Paul Ryan, Rep. Ed Royce (R-Calif.), Patrick Steel and Lee Satterfield, Matt Mowers, Lindsay Walters, Virginia Boney, Steven Law, Brian Baker, Michael Goldfarb, Susan Glasser and Peter Baker, Jeremy and Robyn Bash, Suhail Khan, Riley Brands, Howard Fineman and Amy Nathan, David Bohigian, Jamie Weinstein and Michelle Fields, Robb Watters, Dan Conston, Suzanne Kianpour, John Arundel, Chris Gindlesperger, Rebecca and Matt Haller, Ryan Williams, Ben and Ashley Chang, Stephanie Benedict, Rachel Hicks, Matt Dornic, Michelle Kosinski, Lauren Culbertson,

Michael Crowley, Lauren Pratapas, Sean Miles, Fran Holuba.

-- David Rubenstein, Roger and Vicki Sant, Michelle Smith, David and Katherine Bradley, and Tony and Beatrice Welters hosted a book party last night at the National Gallery of Art to celebrate the publication of "Leonardo da Vinci," by Walter Isaacson and "Madison Park: A Place of Hope," by Eric Motley, EVP at the Aspen Institute and a Bush 43 WH alum. Rubenstein called Isaacson "a 21st century version of a Renaissance man." ***Pic of Walter speaking to the crowd*** http://politi.co/2yysevg ... ***"Leonardo" - $20.99 on Amazon*** http://amzn.to/2xECHoa ... ***"Madison Park" -- $17.48 on Amazon*** http://amzn.to/2yHylNp

SPOTTED: Tom and Anne Friedman, David Brooks, Chris Matthews, Andrea Mitchell, Elliot Gerson, Jake and Jen Tapper, Eden Rafshoon, Sally Quinn, Steve Weisman and Elisabeth Bumiller, Steve Case, Margaret Carlson, Don Baer, Alex Isenstadt, Linda Douglas, Stephanie Benedict, Corby Kummer.

SPOTTED IN NYC at a birthday party last night for Jonathan Prince, thrown by his wife, Jennifer Swanson at Red Hook last night: Stephen Prince, John Heilemann and Diana Rhoten, Karen Avrich, Danny Strong, Brian Steel and Eileen Libutti, Mike Feldman, Jake Siewert and Christine Anderson, Evan Ryan and Tony Blinken, Jordan Tamagni and Michael Schlein, Giovanna Gray and Joe Lockhart, Nicole Elkon and Neal Wolin, Josh King and Amy Theobald.

WELCOME TO THE WORLD - MATT DAVID, senior strategist at Edelman and Huntsman, Schwarzenegger, and McCain alum, and **MAGGIE DAVID,** a public affairs consultant, email friends and family: "Magdalene (Lena) Alexandra Sue David was born [Thursday] night at 10:44 p.m. PDT. Her first name comes from her maternal grandmother; Alexandra is after her maternal great grandmother; and, Sue is after her paternal great grandmother. ... Mom and baby are healthy and resting." ***Pic*** http://politi.co/2yJ4Ri7

BIRTHDAYS: Hope Hicks is 29 (***see Sarah Sanders' birthday shout-out to Hope yesterday at the briefing:*** http://bit.ly/2hUNHE9) ... Megan Smith, former U.S. C.T.O. who recently got inducted into the National Academy of Engineering (hat tip: Hilary Rosen) ... Tina Andreadis ... Israeli Prime Minister Benjamin Netanyahu is 68 ... Vikrum Aiyer, public policy and strategic comms at Postmates and an Obama alum ... Edith Gregson (h/ts Tim and Kiki Burger) ... NYT's Mikayla Bouchard (h/t Grant Rumley) ... Cate Martel, national political reporter at the Hill ... Brian Doory ... Ron Litman ... Axios' Kim Hart ... Lindsay Curren ... Max Goetschel ... Rep. Pat Tiberi (R-Ohio) is 55 ... former Rep. Jerry Lewis (R-Calif.) is 83 ... Politico's Ben Lefebvre, Hannah Edwards, Alyssa Fields, and Rachel Jongerius ... CTV's Will Dugan ...

... Taylor Lorenz of The Hill ... FEMA chief of staff Eric Heighberger (h/t Ed Cash) ... Charlie Joughin ... Mark Glaze ... Jon Rawlson ... Steve Odland, CEO of the Committee for Economic Development ... Jason Czerwiec ... Edelman's Alex Abrahamson, Charlotte Stewart and Kia Seals ... Gyan Parida ... Alison Baker (h/t Jon Haber) ...

Stavros Drakoularakos ... Lauren Waldron ... Sam Hiersteiner ... Clare Pritchett Lorimer ... Linda Nguyen ... Whitey Ford ... Mike Fazzino ... Jamie Novogrod ... Jonathan Poe ... Lorraine Kuchmy ... Gyan Parida ... Mandy Fletcher Fraher ... Courtney Lukitsch, principal at Gotham PR ... Anna Schecter Zigler ... David Brunton (h/t Teresa Vilmain)

THE SHOWS, by @MattMackowiak, filing from Austin:

-- CBS's "Face the Nation": OMB Director Mick Mulvaney ... Sen. James Lankford (R-Okla.) ... Khizr Khan. Panel: Jamelle Bouie, Michael Duffy, Susan Glasser and Rich Lowry ... former NFL player and Green Beret Nate Boyer (U.S. Army, Ret.)

-- CNN's "State of the Union": Senate Majority Leader Mitch McConnell (R-Ky.) ... Sen. Sherrod Brown (D-Ohio). Panel: Jen Psaki, Rick Santorum, Bakari Sellers and Evan McMullin (substitute anchor: CNN's Dana Bash)

-- NBC's "Meet the Press": Interviews with female U.S. senators about sexual harassment, including Sens. Claire McCaskill (D-Mo), Mazie Hirono (D-Hawaii), Elizabeth Warren (D-Mass.) and Heidi Heitkamp (D-N.D.) ... Senate Minority Leader Chuck Schumer (D-N.Y.) ... Sen. Lindsey Graham (R-S.C.). Panel: Bob Costa, Danielle Pletka, Helene Cooper and Tom Friedman

-- ABC's "This Week": David Petraeus ... 'Long Road Home' panel with SFC Eric Bourquin (U.S. Army, Ret.), U.S. Army wife Gina Denomy and "The Long Road Home" actor Michael Kelly. Panel: Matthew Dowd, Cokie Roberts, Perry Bacon, Jr. and Eliana Johnson

-- "Fox News Sunday": White House Press Secretary Sarah Huckabee Sanders ... OMB Director Mick Mulvaney ... Attorney General Xavier Becerra (D-Calif.) ... Senate Majority Leader Mitch McConnell (R-Ky.). Panel: Jason Chaffetz, Julie Pace, Matthew Continetti and Juan Williams (substitute anchor: Fox News' Dana Perino)

-- Fox News' "Sunday Morning Futures": President Donald Trump ... Newt Gingrich. Panel: Brad Blakeman and Jon Hilsenrath

-- Fox News' "MediaBuzz": Harris Faulkner ... Kimberly Guilfoyle ... Jessica Tarlov ... Trish Regan ... Shelby Holliday ... Carley Shimkus

-- CNN's "Inside Politics" with John King: Julie Hirschfield Davis, Jeff Zeleny, Kimberly Atkins and Phil Mattingly

-- CNN's "Fareed Zakaria GPS": Panel: Norman Roule, David Sanger and Anne-Marie Slaughter ... Jiayang Fan ... Canadian Foreign Affairs Minister Chrystia Freeland

-- CNN's "Reliable Sources": Olivia Nuzzi, Brian Karem and John Kirby ... Don Shipley and Geoff Ziezulewicz ... Eve Burton ... Gretchen Carlson ... Noah Rothman

-- Univision's "Al Punto": Former U.S. Treasurer Rosario Marin Lydia Cacho ... Puerto Rico resident commissioner Jenniffer González-Colón ... Richard Spencer ... Sen. Cory Booker (D-N.J.) ... John Leguizamo ... International Commission Against Impunity in Guatemala (CICG) head Ivan Velásquez

-- C-SPAN: "The Communicators": A look at how Russia used Facebook to send political ads to Americans in the 2016 election with ProPublica's Julia Angwin and Axios' David McCabe ... **"Newsmakers":** National Counterterrorism Center director Nicholas Rasmussen, questioned by AP's Deb Reichmann and the LA Times' Brian Bennett ... **"Q&A":** Paralyzed Veterans of America executive director Sherman Gillums, Jr.

-- Washington Times' "Mack on Politics" weekly politics podcast with Matt Mackowiak (download on iTunes, Google Play, or Stitcher or listen at http://bit.ly/2omgw1D): Former CIA analyst and radio host Buck Sexton.

****** **A message from JPMorgan Chase & Co.: Investing in America** The American economy powers the world, but our tax system is holding us back. A 2017 EY report found that reforming the tax system could have brought an additional $195 billion of foreign direct investment into the United States, an increase of 14 percent. That investment can help companies expand, explore new strategies and grow. What does that mean for America? It can help jumpstart our economy, make our country stronger in an increasingly competitive world, and can mean more jobs and higher wages for the American workers. Learn more about what tax reform can mean for our country: http://politi.co/2ghszvf ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Wed 11/8/2017 3:02:43 PM
Subject: POLITICO's Morning Energy, presented by ExxonMobil: Fireworks expected as White, Wheeler head to EPW — Democrats demand EPA officials testify — Reading the leaves on FERC comments

By Anthony Adragna | 11/08/2017 09:58 AM EDT

With help from Alex Guillén, Esther Whieldon, Darius Dixon and Eric Wolff

EPW TAKES UP WHEELER, WHITE NOMS: The Senate Environment and Public Works Committee will hear from two high-profile environmental nominees today: Andrew Wheeler for deputy EPA administrator and Kathleen Hartnett White to lead the White House's Council on Environmental Quality. White has a long history of controversial statements for Democrats to pull from, including her belief that "carbon dioxide is not a pollutant," her declaration that those who believe in climate change subscribe to a "kind of paganism " for "secular elites," and her 2014 blog post arguing fossil fuels helped end slavery in America.

But White's biggest liability may prove to be her position on the Renewable Fuel Standard. As ME wrote last week, Republican Sens. Deb Fischer and Joni Ernst are wary of White, who in 2013 called for repeal of the "counterproductive and ethically dubious" RFS. A single EPW defection could tank White's nomination, and Ernst proved last month with EPA air nominee William Wehrum that she's willing to walk the walk when defending ethanol.

Ranking member Tom Carper summed up his questions for White to ME: "I just want to ask her, 'Did you really say those things?' And there's a lot of them." Ahead of the hearing, nearly 50 environmental advocates sent a letter urging the committee to oppose her nomination. "Ms. White is unfit to hold the highest environmental post in the government to advise the president on the most pressing environmental issues our nation faces," the letter, signed by groups such as 350.org, the Natural Resources Defense Council and the Sierra Club, said.

More familiar face: Wheeler, meanwhile, is a known quantity for lawmakers who have been around for a while. He worked for Sen. Jim Inhofe in various capacities until 2009, when he departed as EPW staff director. He's been an attorney and lobbyist at Faegre Baker Daniels ever since, with his most notable client being Murray Energy, whose owner has proven adept at influencing the Trump administration. ME will be watching to see whether lawmakers delve into Wheeler's work with the ethanol group Growth Energy, which was first reported by POLITICO last month.

If you go: The hearing is at 10 a.m. in Dirksen 406.

BRIDENSTINE GETS COMMITTEE VOTE: The Senate Commerce Committee votes on Oklahoma Republican Rep. Jim Bridenstine's nomination to run NASA at 9:45 a.m. along with several other nominations. He's faced sharp criticism from Democrats, including ranking member Bill Nelson who slammed him in the nomination during his confirmation hearing: "NASA is not political. The leader should not be political." The panel also votes on Neil Jacobs'

selection for another top NOAA post.

WELCOME TO WEDNESDAY! I'm your host Anthony Adragna, and the American Chemistry Council's Jonathan Corley was first to identify Sen. John Hoeven as the past president of North Dakota's state bank. For today: The father of which senator served three terms of governor of their state before corruption convictions ended their career? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

[GUIDE TO TAX REFORM] Easily understand and explain tax reform. Tax reform is complicated, to say the least. Download POLITICO Pro's Guide to Tax Reform and become an expert. Includes six tax-related infographics. GET YOUR GUIDE TO TAX REFORM.

BIG NIGHT FOR DEMOCRATS: The League of Conservation Voters' $4 million investment in Virginia races paid off handsomely as Lt. Gov. Ralph Northam trounced Republican Ed Gillespie to become the commonwealth's next governor. In New Jersey, Democrat Phil Murphy (also backed by green groups) decisively beat Lt. Gov. Kim Guadagno for the governorship. In Flint, Mich., Mayor Karen Weaver survived a recall attempt by a wide margin. And Democrat Manka Dhingra appeared poised to win a Washington state Senate seat, effectively handing control of the entire state government to her party in a special election that drew millions in outside spending.

DEMOCRATS: IT'S TIME! More than 10 months after his confirmation, Senate and House Democrats are officially fed up with EPA Administrator Scott Pruitt's absence from congressional oversight hearings. After calling the lack of agency witnesses "unacceptable" during a Tuesday hearing, Energy and Commerce ranking member Frank Pallone demanded Chairman Greg Walden hold oversight hearings on EPA's review and management of chemicals under the revised Toxic Substances Control Act. "The Committee bears a responsibility to the American public to make sure EPA is protecting human health and the environment," he wrote, joined by senior committee Democrats Paul Tonko and Diana DeGette.

Not alone: All 16 Democrats on the House Science Committee sent their own letter to Chairman Lamar Smith demanding Pruitt come testify "as soon as possible," pointing out Gina McCarthy came before the full panel just four months after confirmation. "Not only is such oversight routine, but as a public official Administrator Pruitt has an obligation to address his conduct and management of EPA," they wrote.

And Carper too: "I wonder what my friend John Barrasso would have said if Gina McCarthy had refused to come before our committee for months? I wonder what my Republican EPW colleagues would have said if our committee hadn't held a single oversight hearing after a Democratic administration had issued multiple environmental executive orders and was the subject of several ongoing investigations? I heard them push for transparency for eight years, but suddenly there's silence over the last eight months."

TELL ME HOW YOU REALLY FEEL ABOUT THE DOE RULE (AGAIN!): Reply comments were due at FERC Tuesday night, and there was no less passion in this set of filings

than in the first round two weeks ago. But ME was hard-pressed to see if anyone had really budged from their positions. FirstEnergy's comments started with a refrain that was almost poetic. "This proceeding is not about picking fuel supply winners and losers. This proceeding is not about the reliability of natural gas pipelines... This proceeding is not about the Polar Vortex...," former FERC general counsel Bill Scherman wrote on the company's behalf. Instead, the company pressed for its own resiliency tariffs that would serve as a Band-Aid until new market rules were crafted. "Simply put, the imminent closure of resilient generation presents a clear and present danger to the Nation," Scherman wrote, echoing the call of Energy Secretary Rick Perry. "If the Commission does not act now, our national security will be put at risk."

Where FirstEnergy downplayed the usefulness of the 2014 "polar vortex," Murray Energy argued the critics just don't get it. "During the Polar Vortex, the country was relying on an unacceptably high percentage of interruptible gas-fired generation," the company said. There's been too much talk as it is, Murray said, and "FERC appears to have lost its moorings." Murray's filing even refers to an article by House Science Chairman Lamar Smith to tally how the federal government has repeatedly created energy subsidies with everything from tax policy to R&D funding.

Among those who tried to find middle ground was PJM itself, a critic and central target of Perry's plan, arguing that FERC should approve an alternative proposal that instructs all the grid operators to report back with new pricing or tariff proposals within 180 days. It also suggests creating a new docket aimed at defining resilience.

SOLAR FOR PUERTO RICO: The Solar Foundation, along with a host of companies and the Clinton Foundation, is launching an industry-wide push to get the lights back on in Puerto Rico and the U.S. Virgin Islands. Initial priorities will be restoring electricity to two food markets in San Juan and 62 rural medical clinics around the island. More on the project, Solar Saves Lives, available here.

** **Presented by ExxonMobil:** We're collaborating with FuelCell Energy on a novel idea to use fuel cells to capture carbon at natural gas power plants, and in the process reduce emissions and increase electrical output. This technology could be a game changer in addressing the world's growing need for energy, while also reducing the impact on the environment. Learn more. **

HYDROPOWER BILL STREAMS ONTO FLOOR: House lawmakers are expected today to consider H.R. 3043 (115), which would revamp the licensing process for hydropower projects. Ahead of the vote, utility and labor groups sent a letter encouraging support for what they called "a moderate proposal developed with bipartisan input" and warned "the current regulatory environment is placing hydropower at risk."

MODERATE CLIMATE REPUBLICAN HEADS FOR THE EXITS: South Jersey Republican Rep. Frank LoBiondo, one of the few congressional GOPers to land environmental group endorsements in recent years, will retire from Congress. With LoBiondo and Rep. Dave Reichert departing at the end of this Congress, Reps. Chris Smith and Leonard Lance will be the two remaining House Republicans that backed cap and trade legislation in 2009.

LET'S KICK AGAIN? Chatter's already getting louder that Congress may have to consider another kick-the-can extension of government funding by Dec. 8 to keep the lights on, but top Appropriators aren't throwing in the towel yet, Pro Budget & Appropriations Jennifer Scholtes and Sarah Ferris report. "So, hopefully, if we consider one, it will be very, very short," Appropriations Chairman Rodney Frelinghuysen told them. Others say it's too early to give up. "I don't think we even need to be thinking about a CR," says Hal Rogers, who endured tough spending negotiations many times in his six years of chairing the House Appropriations panel.

TRUMP RELATIVE MOVES UP AT DOE: Kyle Yunaska, brother-in-law to Eric Trump, seems to be climbing the ladder at the Energy Department's Energy Policy and Systems Analysis office recently, adding the title of chief of staff to his resume, in addition to his senior adviser role. A DOE source told ME that Sean Cunningham, the head of EPSA, made the announcement in a staff email last week. Yunaska joined DOE early this year as a member of the "beachhead" team. His sister, Lara, married the president's son in 2014. (Greenwire first reported the move.)

ZINKE HIRES FORMER NAVY SEALS TO KEY ROLES: Interior Secretary Ryan Zinke has hired former Navy Seal Mike Argo as deputy chief of staff and former SEAL Captain Rick May to head up the agency's focus on increasing recreation opportunities on public land. Speaking at a webcast honoring veterans event in Interior's Washington headquarters, Zinke, who is himself a former SEAL, said "we're bringing recreation back."

MARKING ON UP: Nine bills are on the House Natural Resources Committee mark up agenda today, but most of the attention will be on the SECURE American Energy Act H.R. 4239 (115). Among other provisions, the bill would give more oil and gas permitting power to the states, create an offshore oil and gas revenue program for East Coast drilling and roll back Obama-era offshore drilling rules. ME hears the measure may be fast-tracked to the floor as quickly as next week. Also of note: H.R. 2907 (115) from Rep. Scott Tipton, which would require an all-of-the-above quadrennial federal onshore energy production strategy.

PANELS LOOKS AT GEOENGINEERING LATEST: Two House Science subcommittees today take a look at the latest technologies and possibilities concerning geoengineering, in which humans attempt to alter the worldwide climate system in effort to avoid human-caused climate change. The committee will hear from experts on reducing the total sunlight hitting the earth and pulling carbon from atmosphere. But ahead of the session, nearly two dozen leading proponents warn the committee in a letter that geoengineering should not be viewed as a substitute for swift action to curb greenhouse gases that are fueling climate change. "Geoengineering is not a silver bullet, and treating it as one could greatly increase already severe climate change risks," they wrote. The hearing kicks off at 10 a.m. in Rayburn 2318.

MAIL CALL! DON'T EXPAND CCS CREDITS: More than 40 environmental groups released a letter Tuesday urging lawmakers not to include an expansion and extension of the Section 45Q tax credit for carbon capture and sequestration in an emerging tax package. A second letter warned efforts to subsidize CCS technologies are "false solutions" to climate change and impose significant burdens on communities on the front lines.

CHANGE COURSE! Sixty-two members of Congress, led by Rep. Bill Foster, asked Pruitt to

reverse a policy instituted last week barring any scientists receiving agency funds from serving on scientific advisory boards. Letter here.

NOT TO BE LEFT OUT: Representatives from the hydropower, biomass power, waste-to-energy and biogas industries sent a letter to the top Republican tax writers asking them to "provide parity and a level playing field for all renewable energy technologies" as they work on the tax package. HR1 "would extend the same tax treatment to fiber-optic solar energy, fuel cells and small wind energy property that is afforded solar technology under current law," they write. "However, the bill fails to provide equal treatment for hydropower, biomass power, waste-to-energy and biogas."

COMMERCE SET TO DO ITS BIODIESEL DUTY: The Commerce Department is expected to announce a final decision on its countervailing duties and anti-dumping cases against Argentine and Indonesian imports of biodiesel. Commerce has already started collecting the duty after making a preliminary determination that both countries were undercutting U.S. biodiesel.

EPA SEEKS REMAND OF PARTS OF COAL ASH RULE AHEAD OF ARGUMENTS: EPA on Tuesday asked the D.C. Circuit Court of Appeals to remand key parts of the coal ash rule to the agency for reconsideration ahead of Nov. 20 oral arguments that could see the case put on ice. The court in September said it would not put the case on hold indefinitely while EPA reconsiders the rule, though it did order attorneys for all sides to be prepared to discuss abeyance at arguments. In a new motion, EPA asks that five specific parts of the rule be remanded without being vacated, meaning they would remain in place while EPA reworks them. Because it is reconsidering the rule, EPA argued, its attorneys "will likely be unable to represent EPA's present position on these issues at oral argument."

Four of the provisions are related to challenges brought by industry groups: rules for temporary coal ash piles; EPA's rules for inactive ponds; a lack of a risk-based compliance option; and a provision dealing with large piles of coal ash intended for "beneficial use" in products like wallboard. The fifth provision, dealing with regulation of legacy ponds, was raised by environmental groups. The industry challengers had no problem with the remand request, but greens plan to object to their provision being remanded.

APPROVED: The California State Water Resources Control Board green lighted a 10-year plan for adding new wildlife habitat and curbing toxic dust from the Salton Sea lake in Southern California, Pro's Esther Whieldon reports.

PERRY SPEAKS... ON TAX OVERHAUL: Even as he attends meetings this week in Paris, Energy Secretary Rick Perry released an op-ed in Syracuse, N.Y.'s local paper Tuesday strongly backing Republican tax overhaul efforts. "Americans deserve a low tax climate and responsible regulation to spur the economic and energy revolution we have been waiting for," the former Texas governor wrote.

NOT MINCING WORDS: Actor Alec Baldwin didn't hold back on his dislike of Pruitt during an interview with *Entertainment Weekly*. "He's done more damage to one department than anyone in American history," Baldwin, who plays Trump on SNL, said. "It's like being in a

vegetarian restaurant and the chef decides he's only gonna cook steak, to insist everyone eat a meal that's abhorrent to them."

QUICK HITS

- Severe air pollution declared public health emergency in Delhi, India. ABC News.

- France backpedals on pledge to cut reliance on nuclear power. AP.

- Fresh From Deluge, Miami Weighs Bonds to Gird for Climate Change. Bloomberg.

- Kinder Morgan Canada denied expedited appeal for oil pipeline. Reuters.

- GOP tax bill would end deduction for wildfire and earthquake victims - but not recent hurricane victims. Los Angeles Times.

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In Case You Missed It ...

EPA Administrator Scott Pruitt Visits Gold King

The Durango Herald: EPA chief tours Gold King Mine. "[Durango City Councilors Dean] Brookie told the Herald afterward that Pruitt seemed to have a good understanding of the reality and expanse of the Bonita Peak Mining District Superfund area, which spans 48 mining-related sites in the Animas watershed. Brookie said Pruitt repeatedly expressed 'total commitment' to continue to fund the cleanup and reassured the group that the area is atop his list of priorities. 'It seemed they were here to express their desire to do this comprehensively and expeditiously,' Brookie said. 'And I don't think it was a token visit for political purposes of any kind.'" (The Durango Herald, 08/04/17)

The Denver Post: Scott Pruitt says EPA "walked away" from Colorado after Gold King spill, commits to making Silverton clean-up a priority. "Environmental Protection Agency chief Scott Pruitt says his agency "walked away" from Colorado after the Gold King Mine spill under the Obama administration, vowing Friday to make a federal cleanup of the Gold King and other abandoned mines around Silverton a priority." (The Denver Post, 08/04/17)

Reuters: EPA to review previously denied claims from Colorado mine spill. "The Obama administration 'failed' the public when it rejected damages sought by local governments, businesses and others affected by the spill at the Gold King Mine, Pruitt said in a statement. 'EPA should be held to the same standard as those we regulate,' he said. 'A new review is paramount to ensure that those who have, in fact, suffered losses have a fair opportunity to have their claims heard.'" (Reuters, 08/04/17)

The Colorado Springs Gazette: EPA chief Pruitt blasts predecessor as he visits Gold King Mine spill site. "Two years after the Las Animas River was turned a bright yellow from the Gold King Mine spill, Colorado politicians remain confident the federal Environmental Protection Agency will eventually address the contamination. EPA Administrator Scott Pruitt toured the mine Friday accompanied by Colorado's U.S. Sens. Cory Gardner and Michael Bennet, Gov. John Hickenlooper and 3rd Congressional District Rep. Scott Tipton. … Durango Mayor Dick White applauded Pruitt for recognizing the Gold King Mine spill cleanup as an environmental priority and vowing to reconsider 79 claimants whose requests were rejected under his predecessor, Gina McCarthy. 'The cleanup is a long process. It won't be done tomorrow. But like the administrator said today during our tour, it is a priority,' White said." (The Colorado Springs Gazette, 08/05/17)

The Salt Lake Tribune: EPA chief to reconsider paying claims over mine waste spill in Utah, Colorado and New Mexico. "EPA Administrator Scott Pruitt, who toured Gold King Mine with Colorado lawmakers on the eve of the disaster's second anniversary, said he told people to resubmit claims rejected under the Obama administration. It's not clear if the agency could pay on its own or how much of the potential payouts would need to be approved by Congress. The spill sent 3 million

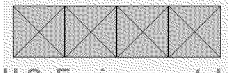
gallons of tainted wastewater from the old gold mine into rivers in Colorado, New Mexico and Utah, causing an estimated $420 million in economic damages. The EPA has designated the area a Superfund site to pay for a broad cleanup." (The Salt Lake Tribune, 08/04/17)

The Washington Examiner: EPA's Scott Pruitt scolds Obama on Gold King Mine spill's two-year anniversary. "Environmental Protection Agency Administrator Scott Pruitt marked the two-year anniversary of the Gold King Mine disaster in Colorado on Friday by pointing out how the Obama administration erred in causing the massive 3 million gallons toxic spill. 'We want to make sure things are done right,' Pruitt told local news ahead of touring the mine site. 'If anyone else would have done what the EPA had done under Obama, with respect to this spill, they would have likely been put in jail.'" (The Washington Examiner, 08/04/17)

The Daily Caller: On Gold King Mine Spill Anniversary, EPA's Pruitt Says Obama 'Failed' To Protect The Environment. "The Obama administration and Congress investigated the mine spill, but no employees or contractors have been punished or charged. In fact, The Daily Caller News Foundation's Investigative Group recently learned federal investigators were keeping information on the Gold King Mine probe secret." (The Daily Caller, 08/05/17)

Click Here To Watch EPA Administrator Scott Pruitt's Interview On FOX 31 Denver

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From: POLITICO Pro Energy
Sent: Thur 8/10/2017 9:42:20 AM
Subject: Morning Energy: Trump's 2-for-1 reg order gets day in court — A detour on the road from Montreal to Kigali — Heartland backing Pruitt's uphill climate fight

By Esther Whieldon | 08/10/2017 05:40 AM EDT

With help from Emily Holden and Alex Guillén

TRUMP'S 2-FOR-1 REG ORDER GOES TO COURT : A federal judge will hold a hearing this morning on President Donald Trump's "2-for-1" regulatory executive order that directed agencies to identify two rules for revision or repeal for every one they finalized. Three groups — the Natural Resources Defense Council, Public Citizen and the Communications Workers of America — will argue Trump's order is unlawful and endangers public welfare by threatening health and safety rules. The administration says Trump's order is a valid exercise of presidential authority and doesn't require agencies to do more than identify potential rules to cut. The White House also argues it is too early to challenge the order, and the groups must wait for an agency to act on it before going to court. The 10 a.m. hearing at the U.S. District Court will be held before Judge Randolph D. Moss, an Obama appointee.

A DETOUR ON THE ROAD FROM MONTREAL TO KIGALI: Finding ways to get the U.S. to comply with an international treaty to limit the use of a heat-trapping chemical got more difficult this week, Pro's Eric Wolff reports. The D.C. Circuit Court's decision to block EPA from using a key section of the Clean Air Act to rein in hydrofluorocarbons means there won't be a simple way for the U.S. to implement the Kigali amendment to the Montreal Protocol.

The way is long, and uncertain: Treaty backers now must not only sell the Senate on ratification, they must persuade both chambers of Congress to write implementing legislation if the treaty is affirmed. Either that or they'll have to persuade EPA Administrator Scott Pruitt to use the agency's power to regulation chemicals under the Toxic Substances Control Act. And even though the move is backed by business interests, getting Pruitt to write a new climate regulation would be no small feat. Treaty proponents must still convince a skeptical Trump administration, which has been dismissive of both multi-party treaties and climate science, on bringing the treaty to Congress.

Green groups are looking for a short cut: NRDC's David Doniger says they group is exploring an en banc appeal of Tuesday's court ruling. If that were to succeed, the rule would go back into effect, and treaty backers can go back to focusing on the Senate.

HEARTLAND BACKING PRUITT'S UPHILL CLIMATE FIGHT: The Heartland Institute, a group that rejects climate science, is voicing its support for EPA's Pruitt to challenge a finding that EPA must limit greenhouse gas emissions. The group's comments follow POLITICO's reporting that other conservative allies of the administration haven't endorsed that strategy. "A lot of resources will be expended in fighting this," H. Sterling Burnett, a Heartland research fellow, told ME. "Ultimately if you don't overturn the endangerment finding, Trump or whoever comes after him will have to impose their own carbon restrictions. ... You can't get around it."

Burnett argues climate models are often wrong and can't show with certainty that humans are causing climate change. A draft report from federal climate scientists that emerged on Tuesday contradicts that view. Burnett says Pruitt could challenge the endangerment finding on procedural or scientific grounds and should pursue both, although EPA might not finish the fight before the end of the Trump administration.

FALSE ALARM AT EPA: D.C. Police and Federal Protective Service officers responded to reports of gunshots inside EPA's Pennsylvania Ave. headquarters around 5 p.m. Wednesday, but authorities said the reports of gunshots were "unfounded," no one was injured and the building was secure."

Welcome to Thursday! I'm your guest host, Esther Whieldon. Joe McClelland of FERC was the first to answer that Abigail Fillmore was the first First Lady to keep her day job as a teacher for more than a year after she married Millard Fillmore, the future 13th U.S. president. Joe also knew that Abigail met her husband in 1819 when she was his teacher at New Hope Academy in New York. Today's trivia question: Name the first female artist to be commissioned by the U.S. government to sculpt a statue (Hint, the statue is in the Capitol). Bonus points if you can name the statue, where the artist is buried today and what sculpture marks her grave. Send me your guesses, tips, energy gossip and comments at ewhieldon@politico.com and follow us on Twitter @esthernow, @aadragna, @bjlefebvre, @Morning_Energy, and @POLITICOPro.

ONE IN FIVE MINE INSPECTORS MEDICALLY UNFIT: As many as one in five federal mine inspectors doesn't meet the physical requirements necessary to do the job, Ian Kullgren reports. The Labor Department said on Wednesday it would create individualized assessment plans for employees who do not pass routine physical exams.

CALL IT THE REVERSE CARBON TAX: West Virginia Governor and new Republican Jim Justice, who made billions as a coal magnate, says President Donald Trump is "really interested" in his plan to subsidize Appalachian coal production, according to news reports. The subsidy would involve the Department of Homeland Security paying eastern utilities $15 per ton of Appalachian coal burned, according to Bloomberg . Justice says he has discussed the plan, which analysts peg at costing more than $1.6 billion annually, with Vice President Mike Pence, Jared Kushner and Energy Secretary Rick Perry. The subsidy likely would face opposition from Western coal producers, the natural gas industry, and the wind and solar sectors.

Why DHS? Justice says a healthy reliance on coal for electricity is the best protection against terror attacks on energy infrastructure, echoing an argument made frequently by EPA Administrator Scott Pruitt. "Can you imagine what would happen if we lost the power in the east for a month, or two months, or three months?" Justice said. "It would be like a nuclear blast went off. You would lose hundreds of thousands of people. It would be just absolute chaos beyond belief.'

COMMISSION REJECTS CALL TO CLOSE SUNIVA TRADE HEARING: The US International Trade Commission on Wednesday rejected a request by the Solar Energy Industries Association and SunPower Inc. to close a portion of the agency's Aug. 15 hearing to the public.

The commission ruled it has already obtained enough confidential information from solar companies and SEIA to consider all of the group's arguments "without resorting to the extraordinary measure" of closing part of the hearing.

INTERIOR AIMS TO EXPAND HUNTING, FISHING IN WILDLIFE REFUGES: Following up on Secretary Ryan Zinke's pledge to create more opportunities for sportsmen to use public lands, the Interior Department's Fish and Wildlife Service is proposing to allow more hunting and fishing in 10 wildlife refuges in Georgia, South Carolina, Indiana, Minnesota, North Dakota, Oklahoma, Oregon and Wisconsin. The agency will accept comments on the proposed rule for 30 days after publication in the Federal Register, which is expected this morning. For the 2017-2018 season, FWS is also adding refuge-specific regulations on topics such as hunting dog use, ATV riding and minimum age requirements.

ZINKE OKS LAND DONATION NEAR ELK STOMPING GROUNDS: Zinke on Wednesday gave BLM the thumbs to accept the donation of about 4,000 acres of a former ranch that would for the first time allow public access to prime elk hunting grounds in the Sabinoso Wilderness in Northeastern New Mexico. The public has been cut off from the 16,000-acre area because it is surrounded by private land. But the Wilderness Land Trust bought a closed down ranch bordering Sabinoso and has offered to donate it. New Mexico Sens. Tom Udall, Martin Heinrich and Zinke toured the Sabinoso by horseback in late July.

CERES REPORT SAYS AUTOMAKERS NEED TO EVOLVE FASTER: A new report out today by Ceres that says that the increasing importance of operating costs and synergy between autonomous vehicles and electrification, fuel efficiency and electrification are key to automakers succeeding in the fast changing marketplace. The report argues that automakers are blaming their financial woes on fuel economy standards but that the standards are actually stimulating investment in advanced technologies "that are necessary for automakers' long-term financial health, especially given oil price volatility."

NOAA CLIMATE REPORT DUE OUT TODAY: The National Oceanic and Atmospheric Administration and American Meteorological Society are slated to release their annual check up on the state of the planet's climate this afternoon. More than 450 scientists from over 60 countries contributed to the report, which will highlight such indicators as greenhouse gases, temperature, sea level rise and glacier sizes. The report comes just days after the controversy over an earlier report that US scientists feared could be altered by the Trump administration.

QUICK HITS:

—The Sea Level Did, in Fact, Rise Faster in the Southeast U.S., NYT

—Exclusive: Tesla developing self-driving tech for semi-truck, wants to test in Nevada, Reuters

—Power Hungry: The States That Use The Most And Least Energy Per Capita, Forbes

—U.S. oil industry pushes back on sanctions against Venezuela, Washington Post

—Sunoco Reaches Settlement on Natural Gas Pipeline, AP

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Stories from POLITICO Pro

Court ruling leaves HFC future in hands of EPA, Congress Back

By Eric Wolff | 08/09/2017 05:09 PM EDT

The effort to get the U.S. to comply with a treaty eliminating a heat-trapping chemical now faces a grueling path after a major courtroom setback this week — and it may depend on EPA using its power to regulate chemicals.

The D.C. Circuit Court's ruling Tuesday forced EPA to abandon its plan to use the Clean Air Act to limit use of hydrofluorocarbons, a refrigerant that would be phased down under recent changes to the Montreal Protocol. Proponents of the effort, including environmentalists and the air conditioning industry, will now need the Senate to approve the treaty and Congress to pass a new law authorizing EPA to implement it, or they will have to persuade EPA Administrator Scott Pruitt to act — no small feat considering the EPA chief's disdain for both climate change initiatives and regulations.

The changes to the Montreal Protocol agreed to in Kigali, Rwanda, last year would curtail global use of HFCs, a move that scientists say could prevent up to 0.5 degrees Celsius — 0.9 degrees Fahrenheit — of warming by the end of the century. U.S. industry groups have supported the Kigali agreement and had backed EPA's plan to implement it under the Clean Air Act's Section 612. That section, put in place nearly 30 years ago as authorizing language to implement the initial Montreal Protocol, established a market mechanism that was designed to reduce ozone-damaging chemicals.

But the court's rejection of using Section 612 may require new legal authority to empower EPA to act if the U.S. eventually ratifies the Kigali amendment.

"You'll have a treaty and have Congress look at it and pass implementing legislation," said Stephen Yurek, CEO of the Air Conditioning, Heating, and Refrigeration Institute, whose members are the world's biggest makers of HFCs — and will produce most of the next generation chemicals.

In its ruling, the D.C. court suggested a slew of laws EPA could use to regulate HFCs: The Toxic Substances Control Act, the National Ambient Air Quality Standards, regulating as a hazardous air pollutant, and regulating HFCs in cars and trucks. But several lawyers said TSCA was the only credible alternative.

"There's a lot of authority under TSCA to regulate chemicals and chemical uses," said Jane Montgomery, a partner with Schiff Hardin who works with power companies. "It's not as straightforward as what they intended to under 612, but there's an environmental harm portion of TSCA. ... For managing the sale and manufacturing and use, TSCA is the most appropriate statute we have."

Yurek said AHRI was still reviewing TSCA as an option, but he feared that it would be a blunt instrument, requiring EPA to issue a rule that immediately limited or banned HFCs, in contrast to the phase-down approach created under Section 612 of the Clean Air Act.

"I'm concerned that it's much more of a command-and-control-type regime, you have different categories, and potentially banning," he said.

Under the TSCA update Congress passed last year, EPA must assess HFCs before regulating them, and then issue a rule, a process that could take about five years, legal experts said. The agency would ultimately have the authority to limit or even prohibit them, Montgomery said. And in its ruling, the D.C. Circuit upheld several of EPA's tools used to assess the global warming impact of HFCs, bolstering the case for a potential TSCA rule.

AHRI and environmental attorneys largely dismissed the court's other suggestions for EPA to comply with the Kigali goals. The NAAQS program focuses on just six pollutants, none of which are HFCs, they said. Congress similarly created a fixed list of pollutants under the hazardous air pollutants rules, limiting that program's broader application, attorneys said. And refrigerants used in car and truck air conditioners make up only a small part of the refrigerants market.

"These authorities are even less congruent with the authority the EPA invoked in this rulemaking to regulate ozone-depleting chemicals and their substitutes down the road," said Brendan Collins, a partner with law firm Ballard Spahr who represents power companies and oil and gas companies.

EPA says it is still reviewing the court decision, but it's not clear whether Pruitt would advance another rule to govern HFCs, even though it is backed by business interests. Proponents of the Kigali treaty could draw a skeptical reception from the Trump administration, which has been dismissive of both multi-party treaties and climate science — though the administration did defend the rule in court in February. The White House would need to submit the treaty amendment to the Senate for ratification.

Kigali advocates have long aimed to keep a low profile and quietly persuade staffers to support the effort as the administration got up to speed. AHRI is now trying to determine whether the court decision will require a change in its strategy, or if it can apply the same pro-U.S. business approach to the more conservative House.

"We have to decide [if] we do a more public push or keep the schedule," Yurek said. "Right now, the plan is that we continue to wait until the end of this year, and continue to educate both House

and Senate."

Green groups who back the ban on HFCs may try a more direct route by appealing to the D.C. Circuit for en banc review. There are seven D.C. Circuit judges appointed by Democrats, versus four appointed by Republicans, potentially giving the appeal an edge — though that advantage flips at the Supreme Court, should the case go that far.

"We are exploring the options," said David Doniger, director of climate programs for the Natural Resources Defense Council. "Including rehearing based on the dissent."

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Pruitt climate science challenge splits conservative allies Back

By Emily Holden | 08/09/2017 05:38 AM EDT

EPA chief Scott Pruitt's attacks on mainstream climate science are causing discomfort in a surprising corner — among many of the conservative and industry groups that have cheered his efforts to dismantle Barack Obama's environmental regulations.

The U.S. Chamber of Commerce, political groups backed by the Koch brothers and the top lobbying organizations for the coal, oil, natural gas and power industries are among those so far declining to back Pruitt's efforts to undermine the scientific consensus on human-caused climate change, according to more than a dozen interviews by POLITICO. Some advocates privately worry that the debate would politically harm moderate Republicans, while wasting time and effort that's better spent on the Environmental Protection Agency's regulatory rollback.

Nevertheless, the former Oklahoma attorney general is persisting — a stance that could enhance his future political prospects in his deep-red home state.

As with immigration, trade and health care, climate change is one of numerous issues on which President Donald Trump's administration must decide how aggressively to attack the established consensus. And some of Pruitt's allies worry about the dangers of going too far.

"Policy risks could arise from playing politics," said Chrissy Harbin, vice president of external affairs for Americans for Prosperity, a major conservative group backed by the industrialist brothers Charles and David Koch. "If done incorrectly, efforts that are more politically motivated than policy-focused could unintentionally undermine conservatives' ability to roll back overreaching Obama-era regulations."

Pruitt drew widespread criticism in late June after EPA revealed that he was pushing for government-chosen experts to hold a public "red team, blue team" debate about climate science — a move that environmentalists say would place fringe views on an even playing field with

established, peer-reviewed research.

He also hasn't ruled out trying to overturn EPA's science-based conclusion that climate change threatens human health and welfare, a 2009 decision that legally requires the agency to take action to limit greenhouse gas emissions.

Pruitt is also weighing a crucial policy decision in which science could play a major role — whether EPA should craft a replacement for Obama's landmark 2015 greenhouse gas regulations for power plants, which Pruitt and Trump have vowed to repeal. Most power companies want the agency to replace Obama's climate standards with a far laxer regulation that would require few changes for coal plants, but doing that would mean acknowledging EPA's legal authority on climate change.

A riskier alternative would be for EPA to revoke its 2009 scientific conclusions in hopes of forgoing climate regulations altogether.

Pruitt's decision could be influenced by people like West Virginia Attorney General Patrick Morrisey, who is challenging Sen. Joe Manchin (D-W.Va.) in 2018 and was involved in lawsuits against Obama's regulations. Morrisey recently pitched options to "permanently kill the Obama Power Plan" to his state's coal lobby, and he plans to talk to through those possibilities with other Republican attorneys general soon.

Pruitt has publicly scoffed at the idea that carbon dioxide is a "primary contributor" to global warming — not too unlike Trump himself, who has dismissed human-caused climate change as a "hoax."

But not all Republicans support reopening that debate. And the top fossil-fuel trade groups have not asked the agency to reexamine its 2009 conclusion about climate science, commonly known as the "endangerment finding."

"We have neither taken a position on it nor have we been terribly interested in that debate," said Luke Popovich, a spokesman for the National Mining Association, which has preferred to attack Obama-era regulations as government overreach and threats to jobs and the economy. "We're not debating the 'accept or deny climate science.' We approach it as a policy issue: how do we deal with this issue, what is the most prudent and rational course for that ... we have much more pressing issues, as you can imagine."

AFP and the Chamber also have not asked Pruitt to dispute climate science or the legal finding, and neither have the Koch-backed American Legislative Exchange Council, the American Petroleum Institute, the American Coalition for Clean Coal Electricity, the Edison Electric Institute or the National Rural Electric Cooperative Association, a major political donor whose members include coal-burning power utilities in rural states. Most of those groups haven't taken a public stance, but others have privately argued against the effort.

On the other hand, some conservative groups do want Pruitt to contest the endangerment finding — among them, the Heritage Foundation, the Cato Institute, the American Energy Alliance, the

Competitive Enterprise Institute and the Heartland Institute. Bob Murray, CEO of the coal company Murray Energy CEO, has also argued that his industry needs Pruitt to rescind the finding, although other coal producers have disagreed with him. Other coal companies are still discussing their positions.

Steve Milloy, a well-known climate change critic who is a fellow for the conservative E&E Legal Institute, maintained that "all of the climate skeptics are in favor of this whole thing." But he added that he thinks the idea for challenging climate science "all came from Scott Pruitt himself."

"Industry guys are all over the map," Milloy said. "They're all very confused and don't know what's good for them."

Disputing the endangerment finding would be tough, triggering a legal fight from environmental groups that EPA could easily lose given the vast amount of evidence from scientists that shows man-made greenhouse gas emissions harm the environment. And it could last through the end of the Trump administration.

"The downsides are considerable," said David Bookbinder, chief counsel for the libertarian Niskanen Center, which believes Pruitt has a legal duty to regulate greenhouse gases. "It would take an enormous amount of work to do it, and then [Pruitt] would get laughed out of court."

Bookbinder argues Pruitt's climate debate is a "a political exercise entirely."

"This is nothing more than to give people a show," Bookbinder said. "The man's running for Senate next year. Everything he says is calculated toward securing the Republican nomination in Oklahoma and then winning the general election there."

Pruitt has not disclosed any plans for a Senate run, although Sen. Jim Inhofe's term is up in 2020. Democrats and watchdog groups have similarly accused Pruitt of using his EPA post and the climate debate to launch a campaign for Congress. Pruitt has helped fuel those accusations by making frequent trips home — based on a review of travel records, Reuters reported that Pruitt spent almost half his days in Oklahoma this past spring.

Pruitt recently told The Oklahoman that he was not interested in jumping into the state's open gubernatorial race next year. But he declined to speculate on a possible run for Senate if Inhofe retires before Election Day in 2020, at which point Inhofe would be 85.

EPA did not comment for this story.

Climate change typically doesn't drive voters to the polls. Still, Oklahomans are more skeptical of the science than most Americans, according to the Yale Program on Climate Change Communication. Inhofe has repeatedly won reelection as one of the chamber's most vocal critics of climate science, including writing a book on the topic called "The Greatest Hoax."

Republicans who accept that humans cause climate change but have questions about the best

policy response say Pruitt's enterprise could be helpful but risks becoming overly politicized.

Eli Lehrer, president of the R Street Institute, a free-market think tank that has argued for a congressionally mandated carbon price, said a debate "could be very helpful in clarifying what conservatives should be doing and how conservatives should and should not worry about it."

"If Republicans, on the other hand, end up going down the rabbit hole of saying that an overwhelming scientific consensus is a hoax or a fraud, then it becomes a problem," he added.

GOP politicians in swing districts would be forced to defend or denounce the administration, he said.

But that's inevitable, some of the people pushing for a review of the science say.

"The whole, 'I'm not a scientist' thing went over like a lead balloon,'" said one conservative familiar with polling on the issue — alluding to one recent GOP talking point on climate change. "You're not a doctor either, but you vote on health care. [Addressing] the science in unavoidable."

In addition to potentially stressing moderate Republicans, Pruitt's plans put industry in a tough spot.

Power companies in particular are against debating the science or reviewing the endangerment finding, but they don't want to fight Pruitt publicly.

"In the utility world, I couldn't name anyone who is advocating for that right now," said one power-sector source who spoke anonymously because he didn't want to draw attention to his company.

Some want the finding intact because they are continuing to lower their carbon emissions by shutting down coal plants and building more natural gas-fired and renewable electricity. They assume they will face carbon limits in the future, regardless of the Trump administration's plans. Others don't think the fight is worth the time and money, the source said.

The source added that most aren't making their position known because it's "not worth the risk of being out in front of something like this like this," including because they might come under pressure from shareholders for any public comments.

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DOL: 20 percent of mine inspectors could be medically unfit Back

By Ian Kullgren | 08/09/2017 06:31 PM EDT

As many as one in five federal mine inspectors doesn't meet the physical requirements necessary to do the job, the Labor Department said today.

A recent review of Mine Safety and Health Administration records found that between 15 percent and 20 percent of inspectors did not pass routine physical examinations, "and that the problem had been growing over the past several years," DOL said in a statement.

DOL said it would create individualized assessment plans for employees who don't meet medical standards. "The process will incorporate requirements for reasonable accommodation, resolve issues efficiently and effectively, and be conducted in a consistent and fair manner," DOL said.

Inspectors are required to have periodic exams, including vision and hearing tests, to ensure they meet Office of Personnel Management physical standards.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
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Subject: Report: Pruitt spent $14K on private flight in Oklahoma

By POLITICO Pro Staff

09/27/2017 08:02 PM EDT

EPA Administrator Scott Pruitt spent more than $14,000 on a previously undisclosed flight in Oklahoma, CBS News reported tonight.

Pruitt took the eight-seat LearJet from Tusla to Guymon, Okla., because commercial flights were not available and it would have otherwise been a five-hour drive, an EPA spokesman told CBS. He then flew to Oklahoma City after an event on water policy in Guymon. The plane was chartered by the Interior Department.

Pruitt also flew on an Air Force plane from Cincinnati to New York and onto Andrews Air Force Base to catch a connecting flight to Italy for a G-7 meeting. The total price tag for those flights was $36,069.50, according to CBS. And he took a charter flight between Denver and Durango, Colo., in August, at a cost of more than $5,700, according to CBS.

Pruitt has spent $58,219.19 on non-commercial flights, CBS reported, citing information EPA shared with Sen. Sheldon Whitehouse (D-R.I.).

In addition, Pruitt flew on a North Dakota state government plane for an Aug. 9 event at the University of North Dakota's Environmental Research Center, at a cost to taxpayers of $2,144.40, according to CBS.

"Administrator Pruitt took one charter flight and three government flights," said spokesperson Liz Bowman.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/09/report-pruitt-spent-14k-on-private-flight-in-oklahoma-093588

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Wed 8/16/2017 9:44:26 AM
Subject: Morning Energy: Trump launches new salvo to speed project permitting — Another twist in Sumner nuclear saga — LCV campaign targets monument review

By Anthony Adragna | 08/16/2017 05:41 AM EDT

With help from Alex Guillén, Darius Dixon, Doug Palmer and Emily Holden

ANOTHER ENVIRONMENTAL REVIEW PUSH THUDS: Before he veered off-message by arguing there were "very fine" people among the neo-Nazis and KKK members in Charlottesville, President Donald Trump actually signed an executive order Tuesday that aims to hit a two-year goal for completing federal environmental permitting for infrastructure projects by designating a lead federal agency for each major project. "It's going to be a very streamlined process," he said at a Trump Tower press conference. "And, by the way, if it doesn't meet environmental safeguards, we're not going to approve it." The order tasks the White House Council on Environmental Quality (still without a nominee to lead it) with developing a government-wide action plan to speed environmental permitting reviews and with sorting out any disputes between agencies.

Most controversial among the order's provisions was the revocation of an Obama-era flood standard requiring new federally funded projects be built to withstand the stronger storms likely fueled by climate change — a move that earned broad condemnation. R.J. Lehmann, a senior fellow with the conservative R St. Institute, called the revocation "shortsighted and ill-considered." Republican Rep. Carlos Curbelo , whose South Florida district sees frequent flooding, called Trump's decision "irresponsible and it will lead to taxpayer dollars being wasted on projects that may not be built to endure the flooding we are already seeing and know is only going to get worse." And Sierra Club Executive Director Michael Brune said axing the standard was "actively wasting taxpayer dollars, endangering schools and hospitals, and threatening the lives of people around the country for no other reason than his apparent contempt for the public."

Supporters of Trump's reversal of the Obama-era initiative were limited mainly to home builders and some Republicans in Congress. "President Trump made the correct decision to repeal this onerous regulation that was written to make a political statement on climate change rather than for practicality," Louisiana Rep. Ralph Abraham , whose state has been ravaged by more frequent flooding, said in a statement. And National Association of Home Builders Chairman Granger MacDonald praised Trump's action to kill the standard that would "needlessly hurt housing affordability" and said it would "provide much-needed regulatory relief for the housing community and help American home buyers."

What about infrastructure? Trump attempted to call attention to his $1 trillion initiative to rebuild the nation's roads, tunnels and bridges — but provided hardly any detail about what that forthcoming proposal may actually contain, Pro Transportation's Lauren Gardner reports. National Economic Council Chairman Gary Cohn said the White House continued to hope action on infrastructure would come this year but told reporters it would "come on the heels of taxes," another complex issue without a firm proposal ready for congressional consideration.

WELCOME TO WEDNESDAY! I'm your host Anthony Adragna, and the American Chemistry Council's Andrew Fasoli was first to name Liechtenstein as the country Snoop Dogg tried to rent out. For today: What iconic rock n' roller died 40 years ago today? (No Googling, as always; h/t reader Craig Meyers.) Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @A nthonyAdragna, @Morning_Energy and @POLITICOPro.

SCANA PULLS ABANDONMENT APP FOR SUMMER (FOR THE MOMENT): After markets closed on Tuesday, SCANA announced that it is yanking the paperwork it filed with regulators to abandon the V.C. Summer nuclear project. Nuclear supporters shouldn't get too excited just yet. Since it decided to pull out of the project two weeks ago, the company brass have met with state lawmakers concerned about the political and financial fallout of Summer's undoing—and the billions of dollars SCANA intends to pass onto its customers. "The purpose of these ongoing meetings is to discuss their concerns and to explain the path that led us to the abandonment decision," SCANA CEO Kevin Marsh said in a statement. Terminating the project, he reiterated, was their "least desired option" but still "the prudent decision."

South Carolina's 2007 Base Load Review Act established a six-month clock for regulators to review the abandonment plan, while the state's governor and legislators are scrambling for options to minimize the impact on consumers or rescue the project. Marsh is holding a conference call with analysts at 8:30 a.m. today.

ME FIRST — GREENS LAUNCH 'FINAL PUSH' AGAINST MONUMENT REVIEW: The League of Conservation Voters is launching a final $100,000 push today across multiple platforms against the Trump administration's review of nearly two dozen previously-designated national monuments. The campaign will urge people to urge Interior Secretary Ryan Zinke against making changes to the designations and promote videos highlighting support of public lands. LCV also plans to use Facebook and Instagram to push Reps. Paul Gosar, Steve Pearce, Doug LaMalfa and Doug Lamborn to stop their support of the review.

BRING ON THE LOBBYING MUSCLE: Five European natural gas companies hoping to build a controversial pipeline to deliver Russian gas to Germany hired a U.S. lobbying firm this month, Pro's Ben Lefebvre reports, citing disclosure forms. The five European companies — Shell International, Engie, Uniper SE, OMV Aktiengesellschaft and Wintershall Nederland — will be represented by McLarty Inbound lobbyists including Richard Burt, a former ambassador to Germany. Edward Chow, a senior fellow at the Center for Strategic and International Studies' Energy and National Security Program, said the companies could be reacting to the combination of a more aggressive U.S. energy policy under Trump and Congress' tougher line on Russia.

COAL VERSUS THE WORLD: The coal lobby has taken some offense to an initial draft of the Department of Energy's upcoming grid study. The American Coalition for Clean Coal Electricity wants the report to pin losses in coal and nuclear generation on natural gas and Obama-era regulations on fossil fuels, not renewable power. The group wants DOE to look at how increasing reliance on natural gas might cause grid reliability problems when gas is not available, according to a new paper . ACCCE also counters the draft study's findings that EPA

regulations played only a minor role in coal retirements and that coal has been one of "the largest energy subsidy beneficiaries."

COURT STOPS MONTANA COAL MINE EXPANSION: A U.S. District Court judge in Montana this week tossed out the Interior Department's 2015 approval of a coal mine's expansion in the state, ruling that the agency failed to study the climate change-related effects of transporting and burning that coal. Environmental groups argued that Interior had calculated the economic benefits of expanding Signal Peak Energy's Bull Mountain mine (including local employment and state tax revenue) without also considering the costs of burning that coal. Judge Donald W. Molloy ag reed, and was especially critical of Interior for concluding that the effect of the expansion's emissions would be "too uncertain to predict" while also concluding that the expansion would have no effect "because other coal would be burned in its stead."

"This conclusion is illogical, and places the Enforcement Office's thumb on the scale by inflating the benefits of the action while minimizing its impacts," he wrote in his Monday ruling. Molloy, a Clinton appointee, vacated Interior's previous environmental assessment, ordered a halt to any mining in that area. Interior must revisit these issues and likely conduct a full environmental impact statement if mining is to resume. Environmentalists quickly cheered the ruling. "The company and a government agency tried to cut corners once again. Thankfully the court didn't let that happen," said Anne Hedges of the Montana Environmental Information Center.

ITC HEARS SOLAR TRADE TESTIMONY: Industry groups led by the Solar Energy Industries Association, state government officials and representatives of foreign governments all urged the International Trade Commission at a hearing Tuesday not to grant petitions from U.S. solar manufacturers Suniva and SolarWorld Americas for steep tariffs on imported solar cells and modules, Pro Trade's Luis Sanchez reports . Some like Sibylle Zitko, a representative for the European Commission, argued "'inefficiencies" and "bad investments" were more to blame for the U.S. manufacturers' struggles rather than cheap solar imports. ITC has until Sept. 22 to make an injury determination and if the commission sides with Suniva and SolarWorld then Trump would have until Jan. 12, 2018, to make a decision on a remedy and present his plan to Congress.

WHAT A CRAZY STORY: Did you know EPA has a fugitive website? ME neither, but it now boasts a new member thanks to a case involving radioactive waste and a prison escape. James Kenneth Ward illegally dumped radioactive waste at several spots throughout North Dakota but then escaped while on prison transport in Wyoming. He's considered violent and dangerous. More here.

OIL SECTOR: ISDS MUST STAY IN NAFTA: The American Petroleum Institute is insisting that access to investor-state dispute settlements remain a part of NAFTA, which is the subject of trade talks happening this week. "ISDS is a neutral, international arbitration procedure," the group said in a new brief on its website. "ISDS is necessary to ensure that, when US oil and natural companies invest abroad, they can seek protection for their investments if they do not have access to developed and independent court systems."

On the other side, Sen. Sherrod Brown came out hard against the provision, writing in an op-ed that the new NAFTA must "do away with special courts that allow multinational corporations to

undermine U.S. laws and take advantage of American workers. These corporate courts are called investor-state dispute settlement and they've got to go."

NEW EFFORT TO BOOST CORPORATE SUSTAINABILITY: The Harvard Business Review, along with top corporate leaders, is today launching a new effort called the Future Economy Project to help companies lay out blueprints for improving their sustainability efforts. Partners in the effort include: Virgin's Richard Branson; Instagram COO Marne Levine; Dow Chemical's Andrew Liveris; PepsiCo's Indra Nooyi; former Treasury Secretary Hank Paulson; Unilever's Paul Polman and Alphabet's Eric Schmidt. The effort will result in a list of principles.

PENCE CONFIDENT ABOUT VENEZUELA SOLUTION: Vice President Mike Pence expressed confidence economic and diplomatic pressure would resolve Venezuela's ongoing woes during a Tuesday speech in Buenos Aires, Argentina. "We will continue to act until the Maduro regime restores democracy, holds free and fair elections, releases all of its political prisoners, and ends the repression of the Venezuelan people," he said.

REPORT: HFC DECISION COULD BOOST POLLUTION: A new research note from Energy Innovation concludes a federal appeals court ruling striking down an effort from EPA to ban hydrofluorocarbons could lead to the equivalent of between 3.6 billion and 9.5 billion metric tons of carbon dioxide in the atmosphere in 2050, compared to emissions that would have been avoided with the rule in place. It also warns the court's decision, which is likely to be appealed, could hamper U.S. options for upholding its international commitments made last year to reduce HFC emissions.

ANOTHER AD HITS VIRGINIA PIPELINE: The Natural Resources Defense Council released an ad Tuesday opposing construction of Dominion Energy's Atlantic Coast natural gas pipeline and urging Virginia to conduct a far more thorough environmental review of the proposed project. The ad argues that the company has a history of water pollution violations associated with their pipelines and asks "how can we trust them to build an unnecessary 600-mile pipeline?" It's backed with a six-figure ad buy and encourages Virginians to weigh in during the public comment period.

NEW CLIMATE TOOL FOR CITIES UNVEILED: Quantified Ventures and Neighborly, backed with financial support from the Rockefeller Foundation, are unveiling a challenge today to have two U.S. cities issue the first publicly marketed environmental impact bonds. Proceeds from the bonds will go toward green infrastructure projects like stormwater management or other resilience efforts aimed at protecting vulnerable or low-income communities.

MOVER, SHAKER: Connecticut's John Betkoski III has assumed the role of president of the National Association of Regulatory Utility Commissioners; he replaces Robert Powelson, who recently became a FERC commissioner.

TWEETED: Former New Jersey GOP Gov. and EPA Administrator Christine Todd Whitman on Tuesday in response to a retweet of a train running over someone with a CNN logo for a head. "Have you no shame @realDonaldTrump? Retweeting a Trump train running over a reporter isn't even acting like an adult, much less a president."

QUICK HITS

— The Energy Market's Facts Of Life. Bloomberg Businessweek.

— Trump Has Broad Power to Block Climate Change Report. ProPublica.

— Testimony: Group that tampered with northern Minnesota pipeline valve to claim 'necessity' defense. Inforum.

— How Ohio is trying to keep Asian Carp out of Lake Erie. Cleveland.com.

— China imposes import bans on North Korean iron, coal and seafood. BBC.

— US: 'Zero' chance of Colorado River water shortage in 2018. AP.

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Stories from POLITICO Pro

Trump to roll back climate-focused flood standard Back

By Annie Snider | 08/15/2017 12:41 PM EDT

President Donald Trump will roll back a flood standard designed to protect federal investments from stronger storms as part of an executive order set to be signed this afternoon, according to a White House source.

The Federal Flood Risk Management Standard was established under an executive order issued by President Barack Obama in 2015. It requires that new federally funded projects — from government buildings like Veterans Administrations hospitals to bridges and schools funded by federal grants — be built to withstand the stronger storms and additional flooding projected to occur as the climate changes. It does not apply to the National Flood Insurance Program.

The Obama administration's standard offers multiple options for achieving greater flood protection, but generally requires construction to withstand a 500-year storm. The previous standard, on the books for more than four decades, required construction to take place outside of the 100-year floodplain. The new standard has not actually taken effect yet; each federal agency

is tasked with developing its own regulation for implementing the standard, and none have yet been finalized.

Industry groups objected to the standard, arguing it was developed behind closed doors and could greatly increase costs.

Environmental groups have objected to efforts to repeal the standard.

"Ninety percent of all natural disasters in the United States involve flooding. These events claim lives and strain the capacity of government agencies and local communities to adequately respond and provide relief," Laura Lightbody with the Pew Charitable Trusts said in a statement.

WHAT'S NEXT: Trump is slated to sign an executive order on infrastructure containing the roll back of the Federal Flood Risk Management standard at 3 p.m. today.

To view online click here.

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Trump talks infrastructure, but $1 trillion plan is as elusive as ever Back

By Lauren Gardner | 08/15/2017 05:59 PM EDT

President Donald Trump on Tuesday rolled out yet another executive order aimed at speeding up approvals for infrastructure projects — the latest in a string of efforts to call attention to his languishing proposal for a $1 trillion initiative to rebuild the nation's roads, tunnels and bridges.

Tuesday's order aims to shrink the environmental permitting process to as little as two years, down from an average of seven years for "complex" highway projects, and ensure that just one federal agency serves as the point of contact for each project's paperwork. It also nixes an Obama-era flood standard that would have required federally funded projects to be built to withstand the stronger storms projected to occur as the planet warms.

"My administration is working every day to deliver the world-class infrastructure that our people deserve and, frankly, that our country deserves," the president said in the lobby of Trump Tower. He was flanked by Transportation Secretary Elaine Chao, National Economic Council Director Gary Cohn and Treasury Secretary Steven Mnuchin.

The executive order is another drip in the trickle of actions Trump has taken to highlight his interest in bolstering the nation's infrastructure, relying on existing authorities granted by Congress in its 2015 surface transportation law. He made a similar announcement in June at DOT headquarters, when he dropped thick binders full of permit paperwork on stage and vowed to end the "painfully slow, costly and time-consuming" review process.

But Tuesday's announcement did little to flesh out exactly how his administration plans to boost

public and private investment in those projects. The most detail the White House has provided to date was a six-page fact sheet released with little fanfare along with Trump's fiscal 2018 budget proposal in May.

While infrastructure boosters have largely cheered the administration's posture on speeding up permit approvals, they're also eager to see the president put some substance into a policy priority that they hope can notch a rare bipartisan win for Trump's first year in the West Wing.

Even so, administration officials and their allies said Trump's latest order is a significant step toward smoothing out what they've decried as a long, confusing federal permitting process that allows a multitude of agencies to approve or reject projects.

"We're pleased that the Trump administration is continuing its effort to slice through burdensome, duplicative processes across government," said Christine Harbin, Americans for Prosperity's vice president of external affairs, in a statement. "Particularly in the federal infrastructure space, permitting holdups can add years to projects that would otherwise be improving our infrastructure and contributing to our economy."

Just days into his presidency, Trump signed an executive order directing federal officials to expedite environmental reviews for infrastructure projects deemed "high priority." And he visited DOT headquarters in June at the end of the White House's "infrastructure week" to announce he was standing up a council previously created by Congress to guide project sponsors through the federal permitting process. He also said in June that he would revamp an Obama-era online "dashboard" to allow the public to track projects and see when deadlines are blown.

"The over-regulated permitting process is a massive, self-inflicted wound on our country. It's disgraceful," Trump said Tuesday.

But Trump is just the most recent president eager to hasten the federal permit process. President Barack Obama signed orders of his own to speed up those environmental review proceedings, and President George W. Bush before him formed a task force with the goal of "modernizing" the National Environmental Policy Act, the 1970 law that requires federal agencies to evaluate the environmental impacts of proposals affecting anything from construction to land management before endorsing them.

Environmental groups blasted the administration's latest permitting order, calling it a giveaway to big business that skirts long-standing safeguards for communities.

"Arbitrary decisions and artificial deadlines can lead to costly mistakes we'll all pay for down the line," said Rhea Suh, president of the Natural Resources Defense Council.

Trump's news conference following his meeting with administration officials on infrastructure quickly devolved into a back-and-forth with reporters about the statements he'd made after last weekend's deadly protests in Charlottesville, Va.

Before he left the lobby, though, he maintained that he still expects Democrats "will go along

with" an infrastructure bill that his administration hopes lawmakers will consider later this year.

To view online click here.

Back

Russian pipeline backers add U.S. lobbyists Back

By Ben Lefebvre | 08/15/2017 06:32 PM EDT

Companies hoping to build a controversial pipeline to deliver Russian gas to Germany are adding new lobbyists in the U.S., according to recently released disclosure forms.

Five European natural gas companies with ties to the Russian-led Nord Stream 2 pipeline project hired a U.S. lobbying firm earlier this month. And a subsidiary of Russian gas company Gazprom hired two lobbying firms in July, according to the records.

The pipeline became enmeshed in the debate earlier this summer over strengthening sanctions against Russia, after German and Austrian leaders warned they could hurt European companies involved in building the pipeline. President Donald Trump signed the sanctions bill into law on Aug. 2. Trump has also cheered U.S. LNG exports into Europe as a way for countries there to wean themselves off of Russian gas.

Shell International, Engie, Uniper SE, OMV Aktiengesellschaft and Wintershall Nederland hired McLarty Inbound as of Aug. 1 to push an agenda "to protect and further" their "interests in the debate over natural gas as an element of European energy security," according to language included in each of their lobbying disclosures.

Neither the companies nor the lobbying firms replied to questions. But the companies could be reacting to the combination of a more aggressive U.S. energy policy under Trump and Congress' tougher line on Russia, according to Edward Chow, a senior fellow at the Center for Strategic and International Studies' Energy and National Security Program.

"I suspect the combination of 'energy dominance' talk plus the strong sanctions vote in Congress made investor/partners more sensitized to the real and potential impacts on their investments with Russian partners," Chow wrote in an email. "It's ironic that after years of asking the U.S. government for help with gas exports to help Europe diversify their gas supply, the reaction to the various iterations of the sanctions bills was to ascribe the sanctions motives to forcing U.S. gas into their system."

The five companies are partners in Nord Stream 2, which Gazprom hopes will deliver natural gas to northeast Germany starting in 2019.

A month earlier, Nord Stream 2 AG, the Gazprom subsidiary, hired lobbyists with Capitol Counsel and Roberti Global to represent the company in issues related to Russian sanctions

legislation. Among the hires was Lydia Strunk, a former top aide to House Republican leaders.

The five European companies will be represented by McLarty lobbyists including Richard Burt, a former ambassador to Germany.

Engie has also been represented since October by Mike McKenna of MWR Strategies, according to disclosure forms. McKenna briefly led the Trump administration's transition team for the Energy Department. Shell International has not had registered lobbyists since 2008, and the other three companies have never had formal representation, according to disclosure records.

Former German Chancellor Gerhard Schröder last year joined the board of Nord Stream 2 AG. Earlier this month, he was also nominated to the board of Rosneft, Russia's largest oil company.

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States, foreign governments press ITC to reject solar petition Back

By Luis Sanchez | 08/15/2017 05:48 PM EDT

Several industry leaders, state government officials and representatives of foreign governments pressed the U.S. International Trade Commission at a hearing Tuesday to reject a petition from two domestic solar manufacturers asking for steep tariffs on imported solar cells and modules.

U.S. solar manufacturer Suniva and SolarWorld Americas have asked the commission to declare that solar cell and module imports from predominantly Asian nations have caused "significant injury" to their domestic business.

"U.S. module manufacturers suffered net losses exceeding a billion dollars over a five-year period," Matthew J. McConkey, a spokesperson for Suniva, said at Tuesday's hearing. "As U.S. demand for solar products increased from 2005 to 2016, foreign suppliers, including those from China, Korea, Canada and Malaysia, began capturing an even larger share of the U.S. market."

If the ITC agrees with the two companies that a "deluge" of solar imports had distorted the U.S. market, it could have huge impact on the renewable energy source that has grown rapidly over the past decade as costs for the panels that turn sunlight into electricity have plunged.

Chinese companies dominate the global production of solar cells and modules, and they have built extensive supply chains and manufacturing operations across Asia. President Donald Trump had often criticized China for its trade practices, and on Monday he issued an executive memorandum calling for U.S. trade officials to "consider all available options" to get China to stop coercing U.S. companies to hand over valuable technology.

Suniva, which is based in Georgia and is majority-owned by China's Shunfeng International,

filed its section 201 petition with the ITC in April, just eight days after it filed for Chapter 11 bankruptcy protection. SolarWorld later joined the petition.

The commission has until Sept. 22 to make an injury determination and would submit its report on a proposed remedy to the president by Nov. 13. Trump then has until Jan. 12, 2018, to make a decision on a remedy and present his plan to Congress.

Suniva and SolarWorld are seeking an initial tariff of 40 cents per watt of capacity on all imported solar cells and a 78 cents per watt minimum price for modules, roughly twice the current domestic price for solar modules. Suniva alleges that wages for industry workers dropped by 27 percent and 1,200 U.S. manufacturing jobs were lost between 2012 and 2016 because of imports.

The two companies, the two largest surviving domestic manufacturers of solar cells and modules, are seeking the protections to keep cheaper solar modules from being sold on the U.S. market and further hurting the U.S. industry.

However, opponents of the petition said that manufacturing the equipment is only a small part of the U.S. solar industry. Out of the 260,000 people working in the U.S. solar industry, only about 38,000 people work in manufacturing.

The Solar Energy Industries Association argues that tariffs and price floors would damage the whole solar industry, eliminating 88,000 jobs.

"One out of every 50 new jobs created last year in the U.S. was a solar job. Solar is an American success story whose future remains bright," said Matthew Nicely, a spokesperson for SEIA. "Its continued success could be destroyed by the misguided actions of the two petitioners and their small group of supporters whose workers represent less than one percent of all those that work for this dynamic American industry."

Government officials from several U.S. states also expressed their opposition to the petition at Tuesday's hearing, citing potential job and investment losses.

"If this petition is granted, it may save a few hundred cell or module manufacturing jobs, but there are many thousands of good manufacturing installation jobs that will be lost," Jason Saine, a North Carolina state representative said. "A remedy will do more harm than good here with the only benefit going to a small number of companies that frankly don't deserve it."

Al Christopher, director of the Virginia Department of Mines, Minerals and Energy, said that solar projects were not just helping the economy in his state; they also act as "a vital marketing tool in attracting the growing number of companies seeking renewable energy options when deciding where to make investments."

Several representatives of foreign governments also argued the tariffs weren't justified and they urged the commission to exclude their nations from possible tariffs.

"The value of imports from Korea was quite low for most of the period investigated," Korean Minister Counsellor for Trade, Industry and Energy Chang K. Kim said. When the shipments from his country increased in 2016, the imports went to the "utility segment of the market and were part of the share the domestic industry could not supply."

Sibylle Zitko, a representative for the European Commission, went a step further, contending "'inefficiencies" and "bad investments" were more to blame for Suniva and SolarWorld's woes rather than imports.

"The criteria for the inquisition for safeguard measures are clearly not met in this case and thus the investigation should be terminated," Zitko said.

McConkey said the argument that Suniva and SolarWorld brought their financial problems on themselves was both false and offensive, and the petitioners only needed to show at Tuesday's hearing that they had suffered because of the imports. "We'll get to remedy later this fall," he said,

To view online click here.

Back

Court strikes down EPA limits on HFCs Back

By Eric Wolff | 08/08/2017 11:35 AM EDT

A federal court today struck down EPA's attempt to ban a powerful heat-trapping gas under its authority to regulate substances that deplete the ozone layer.

The D.C. Circuit said EPA could not force manufacturers that had replaced ozone-depleting chemicals with hydrofluorocarbons to stop producing them. The Obama administration in 2015 said the high global warming potential of HFCs justified removing them from a list of acceptable replacements for chlorofluorocarbons, which are being phased out to protect the ozone layer in conjunction with the 1992 Montreal Protocol.

The court, in a 2-1 decision, said EPA too broadly interpreted its authority under the Clean Air Act in trying to ban HFC production altogether. However, Judges Janice Rogers Brown and Brett Kavanaugh said EPA could still bar the use of HFCs by companies that had not yet replaced their ozone-destroying coolants and that EPA could still potentially regulate HFCs under the Toxic Substances Control Act.

Judge Robert Wilkins, an Obama appointee, dissented from the decision, saying EPA's interpretation of its authority was reasonable.

The decision is a victory for French chemical manufacturer Arkema and Mexico-based Mexichem, both of whom make HFCs. It's a blow to U.S. manufacturers of coolants who

dominate the market in next-generation chemicals that have much lower global heating potential. It also raises questions about the U.S. ability to implement an amendment to the Montreal Protocol that would curtail worldwide use of HFCs.

WHAT'S NEXT: The court remanded the rule back to EPA for reconsideration.

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WHAT'S NEXT: The court remanded the rule back to EPA for reconsideration.

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Trump retweets then deletes post calling him a fascist Back

By Louis Nelson | 08/15/2017 07:39 AM EDT

President Donald Trump on Tuesday shared a Twitter post with his followers that called him a "fascist."

The Twitter exchange began Tuesday morning when Trump retweeted a post from the account of Fox News' morning show "Fox & Friends" linking to a story about the possibility of the president pardoning former Maricopa County, Arizona, Sheriff Joe Arpaio, who was recently convicted of criminal contempt by a judge in Arizona. Arpaio, a controversial figure for, among other practices, his aggressive enforcement of immigration law, was a vocal Trump supporter during last year's election.

A Twitter user named Mike Holden responded to the "Fox & Friends" post by writing "he's a fascist, so not unusual," which Trump then retweeted from his own account. Holden later clarified that his "fascist" label had been directed at Trump.

Minutes later, the president undid his retweet without explanation.

> I'm announcing my retirement from Twitter. I'll never top this RT.
> pic.twitter.com/HuGHkiPoyR
>
> — Mike Holden (@MikeHolden42) August 15, 2017

The president also retweeted a post from another user featuring a cartoon depicting a train with "Trump" written on the side running over an individual with a CNN logo for its head. The post was similar to one that landed Trump in hot water earlier this summer, when the president posted an animated image of himself from a professional wrestling appearance tackling an individual with a CNN logo for a head. Trump's Tuesday morning CNN cartoon was quickly removed from Trump's feed.

One retweet that remained on the president's feed came Monday night from alt-right figure Jack Posobiec, who complained online that violent crime in Chicago had not received the same media attention as a deadly white supremacist rally in Charlottesville, Virginia. Posobiec is active in alt-right social media circles and has posted tweets promoting baseless conspiracy theories alleging that prominent Democrats had run a child sex ring out of a Washington, D.C., pizzeria.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Sat 8/19/2017 1:07:53 PM
Subject: POLITICO Playbook, presented by the Coalition for Affordable Prescription Drugs (CAPD): What BANNON'S DEPARTURE means for D.C. – BANNON returns to Breitbart: 'I've got my hands back on my weapons' -- BOSTON BRACES for protests -- B'DAY: BILL CLINTON is 71

View online version | Add politicoplaybook@politico.com to your address book.

Today's POLITICO Playbook presented by the Coalition for Affordable Prescription Drugs (CAPD)
08/19/2017 09:02 AM EDT

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

BREAKING -- PRESIDENT DONALD TRUMP and **MELANIA TRUMP** are skipping the Kennedy Center honors this year. Statement from the White House: "The President and First Lady have decided not to participate in this year's activities to allow the honorees to celebrate without any political distraction." ***The Kennedy Center honors take place in December.***

-- THREE OF THE FIVE honorees said they would not attend the White House reception that goes along with the honors. http://wapo.st/2vMreBg

TEXT MESSAGE from a House Republican lawmaker Friday night, reacting to Steve Bannon's departure: "Now the real circus begins. ... This is the tea party coming full circle."

Good Saturday morning. WHAT BANNON'S DEPARTURE MEANS FOR TRUMP AND WASHINGTON ...

-- HOUSE CONSERVATIVES NEED A NEW WHITE HOUSE ALLY ... It was an open secret that Steve Bannon was close with House Freedom Caucus leaders like Jim Jordan of Ohio and Mark Meadows of North Carolina. They shared some of the same off-brand conservative ideals and all saw Trump as a vessel to move those ideals into law. They chatted in the White House, and swapped text messages and phone calls. Part of the Freedom Caucus's strength in the Trump era was that no matter what happened between Reince Priebus, Donald Trump and Paul Ryan, Meadows always had a sounding board in the White House who could relay a message to the president. That's gone -- for now. They still have Trump's ear, but no backchannel to get their

message into the White House.

-- THE WHITE HOUSE NEEDS SOMEONE WHO CAN LIAISE WITH THE RIGHT ... The Freedom Caucus has just enough juice to be a pain to Republican leaders and Trump. It was Bannon who could keep them from going too far. There is no other principal in Trump's administration who speaks their language. Mick Mulvaney and Mike Pence are loyal Trump soldiers who are looking to bend the Hill to Trump's will, not the other way around. They don't know John Kelly. So the White House needs to tap someone with power and clout who can deal with conservatives.

-- REPUBLICAN LEADERS ARE NOT BREATHING EASIER. The secret about Steve Bannon is he's actually pretty pleasant in personal interactions. He's solicitous and gracious in one-on-one interactions. Republican leaders were surprised when they learned that. GOP leaders never had a real blow up with Bannon. In fact, on many occasions, they found themselves talking the same language. The fear that is now rippling through Republican leadership is that Steve Bannon's departure actually meant very little for Trump's day-to-day style of governing. He's still going to be impulsive. He's still going to want to pick fights. Plus, Bannon's outside role now means that Paul Ryan and Mitch McConnell are squarely in the crosshairs. That means that conservative Republicans in red districts are now incentivized to oppose GOP leadership.

-- NEW CONCERNS ABOUT DEBT CEILING, GOVERNMENT FUNDING. The debt ceiling needs to be lifted this fall, and government funding runs dry at the end of September. In his interview with the Weekly Standard, Bannon was more publicly clear-eyed about White House-Capitol Hill dynamics than anyone who works in the Trump administration. He said Trump will "sign a clean debt ceiling" and will do a "very standard Republican version of taxes" -- the "standard marginal tax cut." Bannon is voicing what many Republicans tell us behind the scenes. Needless to say, Bannon thinks this is a cop out. And it seems painfully obvious Breitbart will rally against this, causing serious headaches for Republican leaders with a lot on the line.

JUST TO BE CLEAR ... -- Breitbart truly is a powerful voice on Capitol Hill. Not because lawmakers pay attention -- most say they don't -- but many of their constituents do. We hear it all the time. The primary political hurdle for most Hill Republicans is a primary, and Breitbart drags the conversation and rank-and-file thinking to the right.

-- DON'T EXPECT Bannon's departure to create a radical shift in how the White House operates. The chaos that has enveloped Trump's administration comes from the top. John Kelly and others are trying to limit that, but unless Trump makes a strategic decision to change his modus operandi, nothing is going to change. Bannon being on the outside could have more influence than ever. We've seen Trump time and again react to conservative news coverage, something Bannon will have a lot more direct influence over at Breitbart.

TRUMP ON BANNON: @realDonaldTrump at 7:33 a.m.: "I want to thank Steve Bannon for his service. He came to the campaign during my run against Crooked Hillary

Clinton - it was great! Thanks S".

THE BEST OF BANNON ...

THE PIECE EVERYONE IS TALKING ABOUT -- "Bannon: 'The Trump Presidency That We Fought For, and Won, Is Over,'" by The Weekly Standard's Peter J. Boyer: "With the departure from the White House of strategist Stephen K. Bannon, who helped shape the so-called nationalist-populist program embraced by Donald Trump in his unlikely path to election, a new phase of the Trump presidency begins. Given Trump's nature, what comes next will hardly be conventional, but it may well be less willfully disruptive-which, to Bannon, had been the point of winning the White House. 'The Trump presidency that we fought for, and won, is over,' Bannon said Friday, shortly after confirming his departure. 'We still have a huge movement, and we will make something of this Trump presidency. But that presidency is over. It'll be something else. And there'll be all kinds of fights, and there'll be good days and bad days, but that presidency is over.' ...

"'I feel jacked up,' he says. 'Now I'm free. I've got my hands back on my weapons. Someone said, 'it's Bannon the Barbarian.' I am definitely going to crush the opposition. There's no doubt. I built a f***ing machine at Breitbart. And now I'm about to go back, knowing what I know, and we're about to rev that machine up. And rev it up we will do.' Bannon tells The Weekly Standard that he can be more effective without the constraints of the White House. 'I can fight better on the outside. I can't fight too many Democrats on the inside like I can on the outside.' And, he says, Trump encouraged him to take on the Republican establishment. 'I said, "look, I'll focus on going after the establishment." He said, "good, I need that." I said, "look, I'll always be here covering for you.'" http://tws.io/2vaCmo0 ... ***22 pix of Bannon's White House tenure*** http://politi.co/2wq88Sg

-- NYT A1: "Steve Bannon, Back on the Outside, Prepares His Enemies List," by Jeremy Peters and Mike Grynbaum: "'In many ways, I think I can be more effective fighting from the outside for the agenda President Trump ran on,' he said Friday. 'And anyone who stands in our way, we will go to war with.' Among those already in Mr. Bannon's sights: Speaker Paul D. Ryan; Senator Mitch McConnell, the majority leader; the president's daughter Ivanka Trump and son-in-law, Jared Kushner; and Gary D. Cohn, the former president of Goldman Sachs who now directs the White House's National Economic Council. ...

"Most immediately, he has told associates that he wants to ensure that any spending resolution approved next month by Congress includes money to begin construction on the wall that Mr. Trump has promised to build on the southern border. If Congress balks, Mr. Bannon has advised the president to issue a veto, which would trigger a government shutdown." http://nyti.ms/2xdC4OS

-- BLOOMBERG: "Bannon Says He's 'Going to War for Trump' After White House Exit," by Josh Green, Justin Sink, and Margaret Talev: "'If there's any confusion out

there, let me clear it up: I'm leaving the White House and going to war for Trump against his opponents -- on Capitol Hill, in the media, and in corporate America,' Bannon told Bloomberg News Friday in his first public comments after his departure was announced." https://bloom.bg/2uRNURR

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)**: If you know only one fact about rising drug costs, know this one: drug makers set prices for prescription drugs. To help manage nearly double-digit price increases, employers, unions and government programs use PBMs to negotiate lower net prices to help curb costs for employers and patients. Learn more at affordableprescriptiondrugs.org ******

TICK TOCK -- "Inside the rise and fall of Steve Bannon: Trump's chief strategist had become increasingly isolated in the West Wing," by Josh Dawsey, Annie Karni, and Matt Nussbaum: "Kelly didn't understand what Bannon did, why he had a PR portfolio, why he seemed to cause so much trouble with colleagues and why he was so widely disliked. He asked many questions about Bannon in his early days at the White House and found widespread disdain. ... He has told colleagues he is looking forward to not having to wear a blazer and long pants." http://politi.co/2vMXtk0

FROM BREITBART -- "'Populist Hero' Stephen K. Bannon Returns Home to Breitbart": "Former White House Chief Strategist Stephen K. Bannon returned as Executive Chairman of Breitbart News Friday afternoon and chaired the company's evening editorial meeting. ... 'The populist-nationalist movement got a lot stronger today,' said Breitbart News Editor-in-Chief Alex Marlow. 'Breitbart gained an executive chairman with his finger on the pulse of the Trump agenda.' Breitbart News CEO and President Larry Solov agreed. 'Breitbart's pace of global expansion will only accelerate with Steve back,' said Solov. 'The sky's the limit.'" http://bit.ly/2uQQxn3

-- MATTHEW CONTINETTI in the NYT: **"Steve Bannon Is Overrated":** "Mr. Bannon is the latest in a long line of political advisers whose reputations are inflated after an election victory. Mr. Bannon may have given much thought to traditionalism and populism, may have publicized its themes as chairman of Breitbart.com, may be able to name drop René Guénon, Julius Evola, Jean Raspail, Neil Howe and William Strauss. But President Trump's inflammatory response to the clashes and killing last week in Charlottesville, Va., made it clear that it is he, and not Mr. Bannon, who maintains a gut connection with his most die-hard supporters. The most important culture warrior in this administration sits at the Resolute Desk. Mr. Bannon's reputation is overrated. Yes, he transformed Breitbart from an irreverent blog into the iconoclastic tribune of nation-state populism, the anti-elitist ideology of border walls, travel bans and political incorrectness." http://nyti.ms/2uRHzpG

JOSH GREEN , who wrote the book on Steve Bannon, emails us: "I thought Bannon might last a little longer because he's been the rare White House official willing to publicly defend a president engulfed in crisis in the wake of his Charlottesville response (#1 and #3, more than #2). But getting rubbed out suddenly like he did is an occupational hazard for senior Trump advisers: It's a job with a high mortality rate.

Bannon will do the same outside the White House that he was trying to do from the inside, and that's to lead a nationalist movement."

MEANWHILE -- "Sources: Pence, McMaster team up to push more troops in Afghanistan," by Nahal Toosi and Eliana Johnson: "Top administration officials in favor of sending more troops to Afghanistan teamed up ahead of a high-level meeting on Friday to persuade President Donald Trump to step up American military involvement in the 16-year-old war, two sources told POLITICO. Vice President Mike Pence and national security adviser H.R. McMaster rehearsed their pitch heading into the Camp David strategy session in an effort to persuade Trump to accept commanders' proposals to beef up the 8,400 American troops in the country, the sources said.

"But as of Friday evening, the president had not announced a decision on his plans for Afghanistan, where the Taliban have grown in strength and Al Qaeda and the Islamic State terrorist groups have a foothold. And no announcement appeared imminent. The two sources - an administration official and a senior White House aide - also confirmed that Erik Prince, founder of the former Blackwater private security firm, had been scheduled to attend the session but that he was blocked at the last minute. The administration official said McMaster was the one who blocked Prince." http://politi.co/2wqaVLI

MICHAEL CROWLEY -- "Hawks soaring after Bannon's departure": http://politi.co/2uRoaVX

CHOOSE YOUR NEWS -- @realDonaldTrump at 7:47 a.m.: "Important day spent at Camp David with our very talented Generals and military leaders. Many decisions made, including on Afghanistan."

--"Trump makes no decision on Afghanistan strategy," by Reuters' Steve Holland and Jonathan Landay: http://reut.rs/2igMLh1

THE LATEST IN SPAIN -- "Spain, France press manhunt for ringleader in dual attacks," by AP's Alex Oller, Joseph Wilson and Lori Hinnant in Barcelona: "Authorities in Spain and France pressed the search Saturday for the supposed ringleader of an Islamic extremist cell that carried out vehicle attacks in Barcelona and a seaside resort, as the investigation focused on links among the Moroccan members and the house where they plotted the carnage. Early Saturday, police searched two buses in northwest Catalonia in the hunt for any remaining members of the cell. Nothing was found in the searches in Girona and Garrigas, police tweeted.

"Across the Pyrenees, French police carried out extra border checks on people coming from Spain - a routine beefing-up of patrols anytime a neighboring country flags a potential risk, a French security official said, speaking on condition of anonymity. No arrests were made. Police also announced a series of controlled explosions Saturday in the town of Alcanar, south of Barcelona, where the attacks were planned in a rental house destroyed Wednesday by an apparently accidental blast. Authorities had initially

written off the incident as a household gas accident, but took another look on Friday and returned on Saturday." http://bit.ly/2wqW5UJ

NOT TAKING ANY CHANCES -- "After Charlottesville, Boston aims to avert violence at 'Free Speech' rally," by Reuters' Scott Malone and Nate Raymond: "Hundreds of police officers will hit the streets of Boston on Saturday to deter violence at a 'Free Speech' rally with right-wing speakers a week after a woman was killed at a Virginia white-supremacist protest. At least 500 police officers, many on bicycles, aim to keep the expected crowd of a few hundred people at the 'Free Speech' rally separate from thousands attending a counter-protest by people who believe the event could become a platform for racist propaganda.

"Authorities will close streets to avert car attacks like the deadly one carried out in Charlottesville, Virginia, by a man said to have neo-Nazi sympathies against counter-protesters and a similar spate of attacks by Islamist extremists in Europe, most recently Barcelona. After Charlottesville's bloody street battles, Boston outlawed weapons of any kind -- including sticks used to hold signs -- in the protest area and ordered food vendors out of Boston Common, the nation's oldest park." http://reut.rs/2x01aBr

-- "Lawmakers urge removal of Robert E. Lee statue at Antietam," by Austin Wright: "Amid the national firestorm over Civil War monuments, Maryland lawmakers are pressing the National Park Service to remove a statue of Robert E. Lee that some view as an egregious attempt to sanitize Confederate history. And key House Democrats are threatening legislation if the Park Service won't act on its own to take down the statue at Antietam National Battlefield, site of the bloodiest single-day battle in U.S. history." http://politi.co/2vaSfe8

MOOCH UPDATE -- "Scaramucci hires 'Fifteen Minutes,' Hollywood PR firm," by Isaac Dovere: "Anthony Scaramucci ... has signed with Hollywood publicist Howard Bragman ... [whose] company is ... called Fifteen Minutes. One of his specialties is crisis communications for celebrities. His client list includes Barry Manilow and the JetBlue flight attendant who took two beers and jumped down an exit chute slide. He also handled Monica Lewinsky. Scaramucci ... is said to be looking for more media appearances." http://politi.co/2wpWcjj

Playbook Reads

PHOTO DU JOUR: President Donald Trump walks across the tarmac before boarding Air Force One at Hagerstown Regional Airport in Maryland on Aug. 18. | Pablo Martinez Monsivais/AP Photo

WILLIAM COHAN in Vanity Fair, **"Please, God, Save Gary Cohn from Himself":** "He should resign for his own dignity and so that the reputation he worked so hard to build

on Wall Street during the last 30 years doesn't get further destroyed by the monster that is Donald Trump. ... I am told Cohn 'is dying' inside the Trump lunatic asylum, and that 'this is a real inflection point for him.' ... The right thing for Cohn to do is resign. He has no business any longer in a Trump administration. By staying, he is allowing Trump 'to borrow his credibility,' in the words of Thomas Ricks, the Pulitzer Prize-winning journalist, and ruin it.

"Can he put aside his personal ambition to be Fed chair in order to save his dignity and do what is clearly the right thing? No doubt this is what Cohn and his family are discussing during his respite in the Hamptons. 'Do you want to have a boss like Donald Trump?' [Larry] Summers said on Bloomberg, after being asked whether Cohn should resign. 'How do you face your children?' It's the right question, Gary." http://bit.ly/2uZZSol

THE ROADSHOW -- "Vice President Mike Pence is heading to California to raise money with Kevin McCarthy," by the L.A. Times' Seema Mehta: "Pence and McCarthy will headline a reception and dinner in Beverly Hills on Sept. 14. The following day, the pair will raise money at a breakfast in Bakersfield, a luncheon in Newport Beach and a reception and dinner in Sacramento. ... The fundraisers benefit California Victory 2018, a joint fundraising committee that benefits Pence's and McCarthy's political action committees, the [NRCC] and the congressional campaign accounts of McCarthy, Darrell Issa of Vista, Dana Rohrabacher of Costa Mesa, Mimi Walters of Irvine, Ed Royce of Fullerton, Steve Knight of Palmdale, David Valadao of Hanford, [and] Jeff Denham of Turlock." http://lat.ms/2xdEPQd

DEEP DIVE -- PATRICK RADDEN KEEFE in The New Yorker, **"Carl Icahn's Failed Raid on Washington:** Was President Trump's richest adviser focused on helping the country-or his own bottom line?": Keefe "profiles the financier Carl Icahn, and investigates his controversial (and potentially illegal) role as special adviser to President Trump-up until Icahn publicly stepped down from his position, on August 18th, as this piece was going to press. Icahn and Trump have known each other for decades. Keefe writes, 'Among Trump's panoply of wealthy boosters, Icahn is distinctive, if not unique, because of the President's willingness to play the beta role and genu???ect before him.' During the 2016 Presidential campaign, Icahn repeatedly raised the issue of renewable-fuel credits, speaking of the 'insane' per???dy of the E.P.A., which administers the credits system, and the plight of his re???ner, CVR Energy.

"He believed that Trump would slash regulation and would make the change that Icahn wanted on biofuel credits-shifting the so-called 'point of obligation' so that other parties would be compelled to purchase the credits, instead of merchant re???ners like CVR. Several weeks after Trump's victory, Icahn tweeted, 'I've agreed to serve as a special advisor to the president on issues relating to regulatory reform.' Keefe writes, 'Icahn's role was novel. He would be an adviser with a formal title, but he would not receive a salary, and he would not be required to divest himself of any of his holdings, or to make any disclosures about potential con???icts of interest.' In the months after the election, the stock price of CVR, Icahn's re???ner, nearly doubled. The rally meant a

personal bene???t for Icahn, at least on paper, of half a billion dollars." http://bit.ly/2wZt6p6

TRUMP INC. -- "5 more charities drop Mar-a-Lago fundraisers," by Cristiano Lima: "Five more charities announced Friday they were dropping plans for fundraising events at President Donald Trump's Mar-a-Lago resort in Florida, as the administration continues to feel the backlash from business groups after the president's handling of the violent clashes in Charlottesville, Virginia, last weekend. Susan G. Komen, a multimillion-dollar nonprofit that raises money for breast cancer research; the International Red Cross; The Salvation Army; the Autism Association of Palm Beach County; and Big Dog Ranch Rescue in Loxahatchee Groves, Florida, all said they were pulling events from Mar-a-Lago's upcoming winter fundraising schedule, according to local reports." http://politi.co/2uZUlyk

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers and other health care purchasers; however, the list price - the important starting point for those negotiations -- continues to rise, at a rate of nearly ten percent in 2016 alone. Increased competition, faster reviews of generics and biosimilars and ending anti-competitive practices can also bring down the cost of medications for patients. Learn more at affordableprescriptiondrugs.org ******

CLIMATE WATCH -- "More GOP lawmakers bucking their party on climate change," by David Siders in Los Angeles: "While President Donald Trump continues to dismantle Obama-era climate policies, an unlikely surge of Republican lawmakers has begun taking steps to distance themselves from the GOP's hard line on climate change. The House Climate Solutions Caucus, a bipartisan backwater when it formed early last year, has more than tripled in size since January, driven in part by Trump's decision in June to withdraw the United States from the Paris climate accord.

"And last month, 46 Republicans joined Democrats to defeat an amendment to the annual defense authorization bill that would have deleted a requirement that the Defense Department prepare for the effects of climate change. The willingness of some Republicans to buck their party on climate change could help burnish their moderate credentials ahead of the 2018 elections. Of the 26 Republican caucus members, all but five represent districts targeted by the [DCC] next year." http://politi.co/2uS6SYt

SCOOP -- "Trans Surgical Care in Military Is on Hold, Leaked Emails Say," by Vice's Diana Tourjee and Lindsay Schrupp: "A transgender member of the U.S. military ... was scheduled to undergo a surgical procedure next week. However, according to the service member, the transition-related surgery-which they had been planning for several months-was abruptly canceled on Tuesday. A recent email sent to medical officials in the US military, a photograph of which was obtained by Broadly, explains why: 'Surgery related to gender transition is to be held at this time, effective now, pending further guidance.' In addition to the hold on new surgeries, the email mandates that 'any planned surgeries for gender transition must be cancelled at this time.'"

http://bit.ly/2waUNxr

-- STEWART MCLAURIN interviews former White House Social Secretaries Ann Stock and Amy Zantzinger for "The 1600 Sessions" podcast about what it's like to plan events in the Executive Mansion. http://bit.ly/2va8k3T

FLAGGING FOR THE PRESIDENT -- There is a horse in the 5th race at Saratoga today named "Tweeter in Chief" owned by Marylou Whitney, with 15-1 odds of winning. (h/t Michael Longo).

CLICKER - "The nation's cartoonists on the week in politics," edited by Matt Wuerker -- ***16 keepers*** http://politi.co/2wavxr8

GREAT WEEKEND READS, curated by Daniel Lippman, filing from Nantucket:

--"Our Minds Have Been Hijacked by Our Phones. Tristan Harris Wants to Rescue Them," by Wired's Nicholas Thompson: "Sometimes our smart phones are our friends, sometimes they seem like our lovers, and sometimes they're our dope dealers. And no one, in the past 12 months at least, has done more than Tristan Harris to explain the complexity of this relationship. Harris is a former product manager at Google who has gone viral repeatedly by critiquing the way that the big platforms-Apple, Facebook, Google, YouTube, Snapchat, Twitter, Instagram-suck us into their products and take time that, in retrospect, we may wish we did not give." http://bit.ly/2w5uFUC

--"'We Just Feel Like We Don't Belong Here Anymore,'" by Becca Andrews in Mother Jones: "Think it's hard for the white working class in rural America? Try being a person of color." http://bit.ly/2i7ZLFt (h/t Longreads.com)

--"The Body Language of Power," by Andreas Kluth in Handelsblatt: "In a world of bullies and machos, Angela Merkel keeps ending up on top. Andreas Kluth, our editor-in-chief, deconstructs how." http://bit.ly/2vFPTr8

--"What Science Tells Us About Good and Evil," by Yudhijit Bhattacharjee in NatGeo: "After a killing and a violent neo-Nazi rally in Charlottesville, the nation wrestles with why we commit such unspeakable acts." http://on.natgeo.com/2waz6xF

--"Kennedy's Forgotten Coalition: Working Class Catholics," by Charles F. McElwee III in the American Conservative: "After decades of Democratic fealty, JFK's 'tribal benediction' went Trump." http://bit.ly/2wZlra0

--"How a Journalist Uncovered the True Identity of Jihadi John," by Souad Mekhennet on Longreads in an excerpt of "I Was Told to Come Alone: My Journey Behind the Lines of Jihad": "Mekhennet's thrilling tale of late-night rendezvous, burner phones, and secret codes - and her quest to reveal the man in black." http://bit.ly/2w5lC6i ... ***$17.81 on Amazon*** http://amzn.to/2wdi5mP

--"Children of Catholic priests live with secrets and sorrow," by Boston Globe's Michael Rezendes: "If a life can have a crystallizing moment, for Jim Graham that 1993 meeting was it, discovering that his father might have been a Catholic priest, rather than John Graham, the distant man who raised him with scarcely a kind or comforting word." http://bit.ly/2w5bLNU (h/t Longform.org)

--"How SB Nation Profits Off An Army Of Exploited Workers," by Deadspin's Laura Wagner: "Deadspin spoke to more than a dozen current and former site managers ... and found that SB Nation appears to be a system that, despite claims to being driven by passion, is driven by business imperatives; that offers little daily editorial guidance beyond deleting and apologizing for the racist, misogynistic, homophobic, or otherwise unacceptable posts that occasionally appear; that potentially exists in a legal gray area; and that is run by executives willing to go to great lengths to justify a business model that exploits thousands of poorly paid men and women." http://bit.ly/2uT8qxC (h/t Longform.org)

--"The World Is Running Out of Sand," by The New Yorker's David Owen: "It's one of our most widely used natural resources, but it's scarcer than you think." http://bit.ly/2uT65CR

--"Hostile Terrain: Tank Traps, Fake Towns & Secret Tunnels of the Korean Borderlands," by Kurt Kohlstedt on 99 Percent Invisible: "Strange structures start to appear all around as one drives toward the Korean Demilitarized Zone from either side of the border. There are overhead signs and what appear to be bridges connecting nothing at either end, roadside concrete blocks stacked like Brutalist totem poles, beach ball-sized steel orbs rusting on stumpy pedestals and other odd varieties. While the forms vary, these odd assemblies share a common purpose: in case of war, explosives can quickly turn them into defensive rubble." http://bit.ly/2fOhf8W

--"Letter From Abuja: The Fading Sheen of Nigeria's Capital City," by Mathias Agbo, Jr. in Common Edge - per The Browser's description: "Portrait of Nigeria's capital city, purpose-built in the 1980s and now home to five million people, who have flocked there because Abuja is safer and better-run than other big cities, and in the hope of government jobs. But outside the core, Abuja has grown without planning or infrastructure. There is no city-wide public transport system. Most residential neighborhoods lack roads and streetlights. Only the older districts have mains water. Residents of newer neighborhoods must drill boreholes." http://bit.ly/2fNRg1w

Playbookers

SPOTTED: Mike Allen hustling to make his Southwest Airlines flight to Nashville out of DCA this morning, as gate agents paged him overhead. "Mike made it, with just seconds to spare; they shut the doors after him," per our tipster.

WELCOME TO THE WORLD - Kristen Hinman, articles editor at Washingtonian, and **Tim Embree,** a congressional relations officer for the VA, post on Facebook: "Overjoyed to welcome Dorothy Louise Hinman Embree to our family! She was born late Wednesday afternoon, 7 lbs 10 oz and a monster 20.5 inches, and is named for two of her late great grandmothers. We bet she'll turn out to be as spunky, fierce, and independent as they both were!" ***Pic*** http://bit.ly/2vRwiTr

POOL REPORT from Hoover's "Outside the Beltway" media roundtable on Friday in Palo Alto: We heard from five speakers on issues like taxes and the economy, pensions, and entitlements. Economic historian Niall Ferguson started off his talk by positing that "social networks are highly in-egalitarian. Most social networks are characterized by extreme inequality." He said that social networks "amplify existing inequality and not reduce it." He also disputed the notion held by some that President Donald Trump is a tyrant. "The president looks like the weakest in recent memory, not like a tyrant." Attendees included The Economist's Ryan Avent, Sinclair's David Bernknopf, CNNMoney's Matt Egan, Fox Business' Francesca Conti, WaPo's James Hohmann and Catherine Rampell, RealClearMarkets' John Tamny, NYT's Nelson Schwartz and Vox's Jim Tankersley. ***Pic of Lanhee Chen and James Hohmann (making a funny face) at the opening dinner at Il Fornaio on Thursday night -- photo credit: Marlon Bateman*** http://politi.co/2wiMksF

BIRTHWEEK (**was yesterday**): Vanity Fair's Maya Kosoff turned 25 (hat tip: Jeremy Barr) ... **(was Thursday):** Bloomberg's Ben Brody turned 3-0 and celebrated at DC9 on Friday night with friends (h/t Daniel Strauss)

BIRTHDAYS: President Bill Clinton is 71 ... Mary Matalin ... Tipper Gore (h/t Hilary Rosen) ... former FCC chair Julius Genachowski, now managing director in the U.S. buyout team of the global telecom, media and technology at the Carlyle Group, is 55 ... Sara Durkin, celebrating with her boys and dear family friends on Kiawah Island (hubby tip: James Rosen) ... WSJ's Brody Mullins ... Tom Rogers, former president and CEO of TiVo and founder of CNBC ... Scott Milburn ... Tabitha Soren is 5-0 ... Politico's Michelle Bloom and Rebecca McAlexander ... Haley Leonard ... Mohamed El-Erian, chief economic adviser at Allianz, and an avid Playbooker ... Rep. Will Hurd (R-Texas) is 4-0 ... Rep. James Comer (R-Ky.) is 45 ... Neil Grace, senior comms adviser at the FCC, and his twin bro Danny (h/ts Nikki Schwab and Olivia Petersen) ... NYT tech columnist Farhad Manjoo ... Nebraska Gov. Pete Ricketts is 54 (h/t Blake Waggoner) ... Emily Goodin, managing editor at Real Clear Politics ... Daily Caller publisher and CEO Neil Patel, also co-founder and managing director of Bluebird Asset Management, is 48 ... Adam Conner, senior account executive at Slack and a Facebook alum (h/t Jon Haber) ... WSJ video journalist Madeline Marshall ... Jamie Glick is 31 ... Adam Tomlinson ... Daniel Nassar, research analyst at Glenview Capital ...

... Mark Seibel, BuzzFeed national security editor ... Targeted Victory managing director Ryan Meerstein (h/t Zac Moffatt, who's a birthday boy tomorrow) ... Shannon Campagna, senior policy adviser at Alston & Bird LLP and a Mars alum (h/t Paul Braithwaite) ... Tish Wells ... Steve Owen is 61 ... Elizabeth Bibi, deputy director of

media relations for Gov. Cuomo ... Rebecca Ayer ... Kari Smith Gibson ... Andrew Vlasaty ... Missy Kurek ... Facebook's Eva Guidarini is 25 ... Kate Pomeroy ... former Rhode Island attorney general Arlene Violet ... Alan Pyke ... Chris Choi ... Reid Rosenberg ... Leon Saffelle ... Colin Kavanaugh ... Trevor Foughty, director of gov't relations and comms at Indiana University ... Maggie Cleary ... Jack Livingston, senior manager of gov't relations at Raytheon ... Carol Waller ... Jenna Matthis ... Will Craft ... Will McPherson ... Trevor Daley ... Shelby Knox ... Matthew Beck ... photojournalist Ralph Alswang ... Scott Hogenson ... Jillian Bandes ... Chandreyee Chakraborty ... Shomik Dutta ... Linda Chappetto ... John Sasso ... Lisa Guide, spending her day exercising to prepare to win the Empire Cross Country Ski race in 2018 (h/ts Teresa Vilmain)

THE SHOWS, by @MattMackowiak, filing from Austin:

-- CBS's "Face the Nation": Sen. Tim Scott (R-S.C.) ... Sen. Tim Kaine (D-Va.) ... NAACP Legal Defense and Educational Fund president and director-counsel Sherrilyn Ifill, Life After Hate co-founder Christian Picciolini and VICE News' Elle Reeve. Panel: Jamelle Bouie, Jeffrey Goldberg, Julie Pace and Reihan Salam

-- CNN's "State of the Union": Ohio Gov. John Kasich ... Rep. Adam Schiff (D-Calif.). Panel: Bakari Sellers, Rick Santorum, Nina Turner and Rep. Scott Taylor (R-Va.)

-- "Fox News Sunday": Sen. Ben Cardin (D-Md.). Panel: Charles Hurt, Bob Woodward, Gillian Turner and Juan Williams (substitute host: Fox News' Bill Hemmer)

-- NBC's "Meet the Press": Former Mayor of Atlanta Andrew Young, Jr. ... new NBC News/Marist poll results from Michigan, Pennsylvania and Wisconsin ... author Mark Bray and Southern Poverty Law Center president Richard Cohen. Panel: Donna Edwards, Stephen Hayes, Peggy Noonan and Eugene Robinson

-- ABC's "This Week": Guests to be announced

-- CNN's "Inside Politics": Julie Pace, Michael Bender, Michael Warren and Jackie Calmes (substitute host: CNN's Nia-Malika Henderson)

-- CNN's "Reliable Sources": Josh Green and Jonathan Lemire ... Carl Bernstein, Douglas Brinkley and Alice Stewart ... Tanzina Vega and Nikole Hannah-Jones

-- Fox News' "Sunday Morning Futures": Mike Huckabee ... American Center for Law and Justice president Jordan Sekulow ... AHA Foundation founder and human rights activist Ayaan Hirsi Ali ... Rep. Pete King (R-N.Y.). Panel: Ed Rollins and Mary Kissel

-- Fox News' "MediaBuzz": Erin McPike ... Gayle Trotter ... Simon Rosenberg ... Larry Sabato ... The Washington Times' Cheryl Chumley ... Leslie Marshall ... Shelby Holliday

-- Univision's "Al Punto": Pablo Monsalvo ... Rep. Carlos Curbelo (R-Fla.) ... Al

Cardenas ... Chelsea Alvarado ... Ilia Calderón ... white supremacy movement follower Jared Taylor ... Sheriff Joe Arpaio ... Griselda Triana

-- C-SPAN: "The Communicators": FCC Commissioner Michael O'Rielly, questioned by Event Driven News' Lydia Beyoud ... **"Newsmakers":** Senate Majority PAC president J.B. Poersch, questioned by The Washington Post's Sean Sullivan and McClatchy's Alex Roarty ... **"Q&A":** Author and Real Clear Politics Washington Bureau Chief Carl Cannon

-- Washington Times' "Mack on Politics" weekly politics podcast with Matt Mackowiak (download on iTunes, Google Play, or Stitcher or listen at http://bit.ly/2r37J6h): Americans for Tax Reform president Grover Norquist.

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : The high prices that drug makers set for prescription drugs can put financial strain on patients, employers, unions and others who provide health care coverage to more than 50 percent of Americans. Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers, unions and government programs. But, as list prices - the starting point for those negotiations -- continue their nearly double-digit increases, the effects ripple throughout the system. The key to ensuring greater access and affordability lies in fostering greater competition. Facilitating faster reviews of generics and biosimilars, identifying off-patent drugs with little or no generic competition, and ending anti-competitive practices that keep safe, effective alternatives out of the market are also key to abating rising drug costs for patients. Learn more at affordableprescriptiondrugs.org ******

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The Washington Free Beacon

Scientific Integrity Committee Clears Pruitt Against Sierra Club's 'Climate Denier' Charge

Scientific Integrity Committee Clears Pruitt Against Sierra Club's 'Climate Denier' Charge
August 1, 2017
Elizabeth Harrington
http://freebeacon.com/issues/scientific-integrity-committee-clears-pruitt-against-sierra-clubs-climate-denier-charge/

The Sierra Club has failed in its attempt to label Scott Pruitt a violator of the Environmental Protection Agency's Scientific Integrity Policy.

Pruitt is off the hook for expressing an opinion about global warming, as a scientific review panel ruled that it is within EPA policy to call for rigorous debate on the issue, according to a letter obtained by the Washington Free Beacon.

"The freedom to express one's opinion about science is fundamental to EPA's Scientific Integrity Policy even (and especially) when that point of view might be controversial," wrote Dr. Thomas Sinks, the director of the EPA's Office of the Science Advisor.

The Sierra Club filed a complaint to the inspector general against Pruitt in March, alleging Pruitt violated the Scientific Integrity Policy by saying during an interview that there is disagreement among scientists about whether CO2 is the primary driver of global warming.

The inspector general referred the allegation to Dr. Francesca Grifo, the EPA's Scientific Integrity Official, who then passed along the Sierra Club's complaint to the EPA Scientific Integrity Committee.

The committee cleared Pruitt of the charge, and, in fact, defended the EPA administrator for expressing his opinion and encouraging "vigorous debate."

"In his response, the Administrator expressed his opinion regarding contributions to global warming and called for more debate, review, and analysis as a precursor to any future EPA policy decision on the matter," the Scientific Integrity Review Panel said. "This expression of opinion, which was not made in a decisional context, is fully within the protections of EPA's Scientific Integrity Policy and does not violate that Policy. We also note that, in his remarks, the Administrator did not suppress or alter Agency scientific findings."

The EPA panel went further in refuting the Sierra Club's interpretation of the Scientific Integrity Policy. The liberal environmentalist group had branded Pruitt a "climate denier" in its complaint.

"Expressing an opinion about science is not a violation of the EPA Scientific Integrity Policy," the EPA panel said. "Indeed, the Scientific Integrity Policy—in the spirit of promoting vigorous debate and inquiry—specifically encourages employees to express their opinion should the employee disagree with scientific data, scientific interpretations, or scientific conclusions."

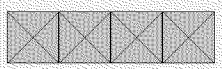
The Sierra Club did not immediately respond to a request for comment.

The group's complaint was spurred by an interview Pruitt gave to CNBC, where he was asked, "Do you believe that it's been proven that carbon dioxide is the primary control knob for climate?"

Pruitt responded: "No. I think that measuring with precision human activity on the climate is something very challenging to do and there's tremendous disagreement about the degree of impact. So no, I would not agree that it's a primary contributor to the global warming that we see. But we don't know that yet… We need to continue the debate and continue the review and the analysis."

The letter was signed by Dr. Sinks, and sent to Elena Saxonhouse, a senior attorney for the Sierra Club, and Joanne Spalding, the group's chief climate counsel.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Mon 12/4/2017 10:42:16 AM
Subject: Morning Energy: Trump visits Utah for monument announcement today — Energy world reacts to Senate tax bill passage — EPA axes mining cleanup rule

By Anthony Adragna | 12/04/2017 05:40 AM EDT

With help from Alex Guillén

TRUMP'S MONUMENTAL DECISION: The news spotlight will shift to Salt Lake City today, where President Donald Trump is expected to unveil his decision to drastically trim Utah's Bears Ears and Grand Staircase-Escalante national monuments after deciding the designations under the Antiquities Act were overreach. The moment marks a huge victory for the state's congressional delegation, which fought hard to undo the designation. "Every elected official from the mayors to the commissioners, every single elected representative, got engaged in it. It was the real, Utah cumulative, everybody-pull-together kind of thing," Boyd Matheson, president of the Sutherland Institute, told the Salt Lake Tribune. Look for a whole bunch of VIPs, including Interior Secretary Ryan Zinke, Sen. Orrin Hatch and House Natural Resources Chairman Rob Bishop, to be on hand for the Trump's announcement.

But expect the pushback to be instantaneous and lengthy legal battles to follow. Some 5,000 people protested the anticipated decision outside the Utah State Capitol over the weekend (picture via League of Conservation Voters here). Look for Native American, public lands and environmental groups to lodge lawsuits arguing the Antiquities Act doesn't provide the president authority to change a prior designation. Representatives from the Navajo, Ute, and Hopi Tribes will hold a telephone press conference tomorrow at 5 p.m. EST responding to announcement.

Trump is due to speak at 2:40 p.m. EST in Salt Lake City. One thing to watch for is whether his comments touch on the other national monument designations that Zinke recommended shrinking such as Cascade-Siskiyou, Organ Mountain-Desert Peaks, Rio Grande del Norte and Katahdin Woods and Waters.

Also, look for Trump to use the trappings of a presidential trip — and a roundtrip flight on Air Force One — to heap praise on Hatch as he tries to persuade the seven-term Utahn to seek reelection and block Mitt Romney's path to the Senate, POLITICO's Alex Isenstadt reports.

ANWR IN AS HOUSE-SENATE MOVE TO TAX CONFERENCE: House lawmakers vote today on whether to go to conference on their tax plans H.R. 1 (115) after senators voted 51 to 49 early Saturday morning to pass their massive tax overhaul. Sen. Maria Cantwell 's push to block language opening ANWR to oil and gas drilling fell short on largely party lines 48 to 52 during the debate. Here's what the energy and environment world had to say following the vote:

—**Clean energy groups:** "We applaud the reduction in the corporate tax rate and preserving frameworks that support the clean energy sector. However, we are concerned about provisions that will have a negative impact on clean energy investments, including Base Erosion Anti-Abuse Tax (BEAT) provision and the impact of the corporate Alternative Minimum Tax (AMT)

on investment tools that have been critical to the growth of the clean energy sector," a statement, signed by six groups including American Wind Energy Association and Citizens for Responsible Energy Solutions, reads.

—**Oil, gas and utility industry groups liked what they saw** and encouraged the chambers to iron out their differences ASAP. "We are encouraged that both the House and Senate agree that reducing the corporate tax rate is vital to modernizing the tax code, and urge Congress to quickly finalize legislation for the President to sign into law," American Fuel & Petrochemical Manufacturers said in a statement.

—**Environmental groups warned the bill** would undermine public health and environment: "The bill would threaten the climate by leaving billions of dollars of fossil fuel subsidies intact while changing the tax code in ways that would jeopardize the financing of numerous clean energy projects under construction and discourage future clean energy investments in wind and solar," Ken Kimmell, president of the Union of Concerned Scientists, said in one such statement.

Someone's not happy: Coal magnate Bob Murray bashed the Senate's plan as a "mockery" of the tax reform process and warned it might put him out of business, according to the Wall Street Journal. "This is not job creation. This is not stimulating income. This is driving a whole sector of our community into nonexistence," he said.

Speaking of ANWR, two-thirds of voters (including 43 percent of Republicans) don't think Congress should make ANWR drilling a major priority, according to a new poll conducted by Harvard T.H. Chan School of Public Health and POLITICO, Pro's Ben Lefebvre reports.

What's next on taxes? Pro Tax's Brian Faler has an excellent rundown.

WELCOME TO MONDAY! I'm your host Anthony Adragna, and Squire Patton Boggs' James Eklund was first to identify Michael Bennet as the senator who once led the public schools of his state's largest city. For today: Which current senator was once roommates (briefly) with former Sen. Trent Lott? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

Legislative Compass - Preferred Pricing for 2017: Test out POLITICO Pro's powerful, easy-to-use tool that simplifies federal and state legislative tracking. Get started.

THE PLAYBOOK POWER LIST: 18 TO WATCH IN 2018: The final Playbook Power List of the year highlights 18 politicians, activists and operatives across the country who are poised to make waves in 2018. From the anti-Trump "Resistance" on the left to the far right Bannonite wing trying to remake the GOP, keep an eye on these people over the next 12 months. Click HERE to find out who made the list.

Please welcome to the stage: The Pro Energy team's Darius Dixon and his wife recently expanded their family. Marcus Inali Dixon was born at 3:06 a.m. Friday at a healthy 8lbs. 10oz. All is well with the Dixon clan but it's not yet clear whether Marcus will share Dad's interest in FERC and nuclear waste. Here's a pic!

EPA SAYS NEVERMIND ON MINE BONDING RULE: EPA on Friday evening backtracked on the Obama administration's proposal to require hardrock miners to prove they have the money to clean up their mines, saying that it's actually "not appropriate" to regulate. The issue has been brewing for years following an environmentalist lawsuit that said EPA had never fulfilled part of the Superfund law requiring it to write financial assurance regulations for industries that could leave behind toxic messes. The Obama administration's proposed rule required hardrock miners to obtain some type of bonding or collateral would have cost $171 million annually and was projected to save taxpayers $527 million in Superfund clean-ups over 34 years. It was strongly opposed by industry and Republicans.

On Friday, at the court-ordered deadline to finalize a rule, EPA said no regulation was necessary . "EPA is confident that modern industry practices, along with existing state and federal requirements address risks from operating hardrock mining facilities," Administrator Scott Pruitt said in a statement. "Additional financial assurance requirements are unnecessary and would impose an undue burden on this important sector of the American economy and rural America, where most of these mining jobs are based." The final rule noted especially that the savings for taxpayers would have been "relatively small" and that miners would have faced costs "an order of magnitude greater" than the government's savings.

Industry, Republicans celebrate: Supportive statements flooded in Friday night from the National Mining Association, Senate Energy and Natural Resources Chairwoman Lisa Murkowski, Senate Environment and Public Works Chairman John Barrasso, and Bishop. EPA's own release included praise from three Republican governors and Sen. Steve Daines , who chairs the Senate Western Caucus. Earthjustice, which represented a coalition of green groups in the lawsuit, vowed to sue over the decision in a statement over the weekend.

Two more points: 1) The Obama administration's plans to write similar rules for chemical makers, electric utilities and petroleum and coal products manufacturers are looking unlikely to happen following this decision. 2) Coal mines are regulated differently and are required to obtain financial assurance, a practice regulated by the states. Hardrock mining covers a variety of non-fuel resources, including gold, copper, silver, iron, gypsum and sulfur.

TAKE A PASS? Ahead of a Thursday meeting between Trump, Sen. Ted Cruz and other senior officials about biofuels policy, Texas Gov. Greg Abbott formally asked for a Renewable Fuel Standard waiver from Pruitt. "The time is ripe for EPA to grant substantive relief from the unique, adverse impacts the RFS program is having on the state of Texas," he wrote in a Friday letter . "The extreme, detrimental impacts on large portions of the refining sector have now placed unacceptable burdens on the Texas economy and the economy and security of the nation as a whole." Abbott, in particular, cited high RIN prices as causing hardship to refiners across the state.

SHUTDOWN? WHAT SHUTDOWN? Senior Republicans projected strong confidence Sunday they'd be able to avoid a government shutdown by passing a short-term funding package before the Friday deadline, POLITICO's Kevin Robillard reports. "There's not going to be a government shutdown," Majority Leader Mitch McConnell said on ABC's "This Week." "It's just

not going to happen." House Appropriations Chairman Rodney Frelinghuysen on Friday released a two-week CR that would keep the lights on through Dec. 22.

But disaster aid will wait: House Republicans are tentatively planning to package the next installment of disaster aid with the Dec. 22 stopgap funding bill, Pro Budget & Appropriations Brief reports. "There's working agreement to that model," Texas Rep. Pete Sessions said Friday. "I think some of these things all collide together." No word yet on how much bigger that package will be compared to the White House's $44 billion request.

WHITEFISH HIRES MORE LOBBYISTS: Whitefish Energy, the tiny Montana-based company that drew controversy for its now-canceled $300 million grid repair contract in Puerto Rico, hired the Tallahassee office of Foley & Lardner to lobby on its behalf, POLITICO's Matt Dixon reports. Lead lobbyists will be Robert Hosay, a former Gov. Jeb Bush administration official, and Jason Allison, who once led the Scott administration's Agency for State Technology. The hiring comes as the company filed a lawsuit Friday alleging a subcontractor interfered with tens of millions in payments, the Associated Press reports.

Speaking of which, Senate Homeland Security ranking member Claire McCaskill sent a letter Friday seeking additional information about a $200 million contract inked by Puerto Rico's utility with Cobra Acquisitions LLC, another newly-formed company, for grid restoration work. Link here.

OBAMA LAMENTS CLIMATE LEADERSHIP PAUSE: Speaking in France on Sunday, former President Barack Obama said U.S. states and cities were making up for what he called "a temporary absence of American leadership" on climate action, Reuters reports. Obama also met with French President Emmanuel Macron, his predecessor Francois Hollande and Paris Mayor Anne Hidalgo.

CALLING ALL COMMENTERS! EPA convenes a public hearing this morning at 10 a.m. at agency headquarters on its plan to repeal the Obama-era Phase 2 emissions rule for heavy-duty trucks that classified "glider kits" as new vehicles or engines that are subject to more stringent requirements. More information here.

PERRY'S IN THE MIDDLE EAST: Energy Secretary Rick Perry continues his Middle East swing this week. Among this weekend highlights: Meeting with His Royal Highness Crown Prince Mohammed bin Salman in Saudi Arabia and touring Aramco's facilities in Dhahran. ME readers will of course remember that Trump asked the oil giant to make its hugely anticipated stock offering on the New York Stock Exchange.

GETTING IN THE FAST LANE: Zinke used a trip to Louisiana over the weekend to pledge to remove regulatory barriers slowing down coastal restoration projects, The Advocate reports. "Louisiana and the coastline are important, and we're losing too much of it. ... There's a lot of things that Interior can do," Zinke said. Photos from his visit here and here.

CLARIFYING: ME wrote last week that coal magnate Robert Murray said at a conservative energy conference that he had met with Pruitt seven times. A spokesman clarified that Murray

was referring to all meetings with anyone from the Trump administration, not just Pruitt, including "before and after the election." It was previously reported Murray has met several times this year with President Trump himself to discuss strategies to boost the coal industry, including his ultimately unsuccessful proposal to use the Energy Department's emergency authority to keep coal plants operating.

QUICK HITS

— VW Bosses Coached Me to Lie, Jailed Manager Tells U.S. Judge. Bloomberg.

— Anchorage's climate change conundrum. The Week.

— A county in Utah wants to suck 77 million gallons a day out of Lake Powell, threatening the Colorado River. Los Angeles Times.

— Builders Said Their Homes Were Out of a Flood Zone. Then Harvey Came. New York Times.

— Blankenship has told courts that Las Vegas is his 'home'. Charleston Gazette-Mail.

— Study aims to determine feasibility of underground carbon storage. Bismarck Tribune.

HAPPENING THIS WEEK

MONDAY

10:00 a.m. — EPA holds hearings on proposed repeal of emission requirements for glider vehicles, glider engines, and glider kits, 1201 Constitution Avenue NW

5:00 p.m. — Representatives from the Navajo, Ute, and Hopi Tribes will hold a telephone press conference tomorrow on national monuments, RSVP: BearsEars@fenton.com

TUESDAY

9:30 a.m. — U.S. International Trade Commission holds meeting and vote on "Biodiesel from Argentina and Indonesia," 500 E Street SW

10:00 a.m. — Senate Energy and Natural Resources Committee holds a hearing on nominations, Dirksen 366

2:30 p.m. — Senate Energy and Natural Resources Energy Subcommittee holds a hearing on a series of bills, Dirksen 366

5:30 p.m. — "Subnational Climate Diplomacy: New Roles Post-Paris," German Marshall Fund, 1744 R Street NW

WEDNESDAY

9:30 a.m. — USTR hearing on crystalline silicon photovoltaic cells, 1724 F Street NW, Rooms 1 and 2

10:00 a.m. — Hearing on "Endangered Fish Recovery Programs Extension Act of 2017," House Natural Resources Water Subcommittee, Longworth 1324

10:00 a.m. — Senate Environment and Public Works holds a hearing on the nomination of R.D. James to be assistant secretary of the Army for civil works, Dirksen 406

12:00 p.m. — "The Role of Natural Gas in the US Economy," Women's Council on Energy and the Environment, Denton's, 1900 K Street NW

12:30 p.m. — "Agriculture and the environment in 2018: Conservation programs, the waters of the United States, and the Renewable Fuel Standard," American Enterprise Institute, 1789 Massachusetts Avenue NW

1:00 p.m. — "Fleeing Change: Relocating the Village of Newtok, Alaska," Wilson Center, Ronald Reagan Building and International Trade Center, 1300 Pennsylvania Ave. NW

2:30 p.m. — "Challenges Facing Superfund and Waste Cleanup Efforts Following Natural Disasters," Senate Environment and Public Works Superfund and Waste Management Subcommittee, Dirksen 406

2:45 p.m. — Senate Indian Affairs Committee hearing on water rights, Dirksen 628

THURSDAY

9:00 a.m. — The Washington International Trade Association holds an event as part of its NAFTA series: "Energy and the NAFTA," Ronald Reagan Building and International Trade Center, 1300 Pennsylvania Ave. NW

10:00 a.m. — EPA Administrator Scott Pruitt appears before the House Energy and Commerce Environment Subcommittee, Rayburn 2123

10:00 a.m. — "Transforming the Department of the Interior for the 21st Century," House Natural Resources Oversight and Investigations Subcommittee, Longworth 1324

11:00 a.m. — The World Bank conference call briefing on the One Planet Summit, RSVP: himtiaz@worldbankgroup.org

12:00 p.m. — "The Business Case for Tax Incentives Promoting Energy Efficiency," Alliance to Save Energy, Rayburn 2203

2:00 p.m. — The House Natural Resources Federal Lands Subcommittee holds a hearing on

various bills, Longworth 1324

2:00 p.m. — "OPEC's World Oil Outlook 2017," Center for Strategic and International Studies, 1616 Rhode Island Avenue, NW

FRIDAY

9:00 a.m. — "Examining the Role of the Department of Energy in Energy Sector Cybersecurity," House Energy and Commerce Energy Subcommittee, Rayburn 2123

THAT'S ALL FOR ME!

To view online:
https://www.politicopro.com/newsletters/morning-energy/2017/12/trump-visits-utah-for-monument-announcement-today-038971

Stories from POLITICO Pro

Trump moves to block Romney from the Senate Back

By Alex Isenstadt | 12/03/2017 08:23 PM EDT

Donald Trump is going all out to persuade seven-term Utah Sen. Orrin Hatch to seek reelection — a push aimed in no small part at keeping the president's longtime nemesis, Mitt Romney, out of the Senate.

Romney has been preparing to run for Hatch's seat on the long-held assumption that the 83-year-old would retire. Yet Hatch, the longest-serving Republican senator in history, is now refusing to rule out another campaign — a circumstance Romney's infuriated inner circle blames squarely on the president. Their suspicions are warranted: Trump has sounded off to friends about how he doesn't like the idea of a Senator Romney.

The president's mostly behind-the-scenes campaign to sway Hatch will burst into public view on Monday, when he arrives in Salt Lake City to hold a well-choreographed event designed to showcase his affection for the powerful Senate Finance Committee chairman.

Trump's appearance is ostensibly official in purpose: He will announce his decision to reduce the size of Utah's Bears Ears and Grand-Staircase Escalante national monuments, a cause that Hatch has championed. But it's also undeniably political: To use the trappings of presidential power to get a veteran lawmaker to rethink his long anticipated plans to leave the Senate.

Trump is slated to ride with Hatch both ways on Air Force One — a total of roughly nine hours round-trip. After descending from the plane together, the two will meet with Mormon leaders and then head to the state capitol for the signing of the executive order, according to three White House officials. Hatch will introduce Trump, who in turn is expected to lavish praise on the senator. After the order is signed, Hatch is expected to receive the president's pen.

The public display of affection isn't just about blocking Romney, senior administration officials say. Trump has felt loyal to Hatch since the senator defended him in the wake of the "Access Hollywood" tape episode late in the 2016 campaign. Hatch stuck by Trump even as other members of Utah's Republican delegation withdrew their support.

More recently, Hatch has played a key role in moving Trump's prized tax reform bill through the Senate.

Trump aides say the president's bond with Hatch began long before Romney emerged as a potential successor. Hatch visited Trump in the Oval Office during the first week of his presidency for a lengthy discussion about the then-vacant Supreme Court seat and Utah's national monuments.

Yet people close to Romney are convinced that Trump's main motivation is to keep the 2012 GOP presidential nominee out of the Senate. Romney himself has expressed frustration with the ongoing uncertainty about Hatch's plans, said three Republicans who've spoken with him recently. The former Massachusetts governor has pointed out that it was Hatch who urged him to consider running in the first place, but now appears to be wavering on whether to step aside.

"Hatch is a known entity for Trump and has been really good for the president for the most part," said Kirk Jowers, a friend of Romney who formerly served as the chairman and general counsel of his political action committee. "He knows for a fact he's not going to get that with Romney. I don't know that he knows what he's going to get with Romney, but it's not going to be what he's got with Hatch."

Indeed, there's widespread concern within the White House that Romney in the Senate could make Trump's life difficult. During the 2016 campaign, the former Massachusetts governor emerged as the de-facto leader of the GOP establishment's "Never Trump" campaign, delivering a nationally-watched speech in which he blasted candidate Trump as a "phony, a fraud" and implored the party to stop him.

Hatch, by contrast, went all-in for Trump in Utah, where Trump received just 46 percent of the vote but still carried the state because of a third-party candidate. Before the election, the senator also campaigned for Trump in four states, hitting the trail with the candidate's son, Donald Trump Jr. While many Republicans air their issues with Trump publicly, Hatch has usually chosen to telegraph his concerns in private discussions with the president.

"I'll just put it this way. Sen. Hatch was one of the leading voices for the president during the entire campaign," said Don Peay, a Trump family friend who led his Utah campaign. "Hatch clearly was a strong supporter of Trump from the beginning," said Peay, who helped to organize Monday's event.

Trump's push to get Hatch to run for an eighth term has taken place in furtive phone calls and West Wing visits. In early October, the senator called the president to invite him to Utah to announce his monument plan, said one person briefed on the discussion.

Near the end of the call, the president conveyed a request. "Orrin," he said, "I really hope you will consider running again."

Hatch told Trump he hadn't made up his mind.

Their mutual endearment has at time been public. When Hatch was asked last week by reporters about Trump's decision to retweet several anti-Muslim videos, the senator said he wasn't "aware" of the firestorm — and then praised Trump.

"I'll say this for ya.' He's been one of the best presidents I've served under, and the reason is he's not afraid to make decisions. He's not afraid to take on the big boss around here," Hatch said.

Trump responded by tweeting out a video of the remark. "Thank you @SenOrrinHatch," he added. "Let's continue MAKING AMERICA GREAT AGAIN!"

Romney's post-election relationship with Trump has been far more ... complicated.

During the transition, Trump considered appointing Romney as secretary of state. Trump was expecting not to like Romney but was surprised by how well they gelled during the interview process, something he told aides repeatedly at the time. Trump ultimately decided against Romney.

As the year wore on, the former governor praised the new president for some of his personnel choices. But he also made his differences known.

During an appearance in Park City, Utah, in June, Romney told a group of prominent Republican donors that Trump's White House was too consumed by palace intrigue. He also offered an implicit critique of the president's "America First" approach to foreign policy, growing emotional as he outlined the country's humanitarian responsibilities overseas.

Then, in August, Romney struck again — this time to implore the president to apologize for equating white supremacists who sowed violence in Charlottesville, Va. with their counter-protesters.

"Mr. President," Romney wrote in a Facebook message, "act now for the good of the country."

Romney has been making the rounds in Utah amid speculation that Hatch is nearing retirement, huddling with an array of Republican figures including state House Speaker Greg Hughes. Romney has told people that while he wouldn't be reflexively anti-Trump as a senator, he would be more than willing to let his criticisms be known.

Some Trump allies contend that Utah would be better served by having a presidential loyalist in the seat.

"I think he could be a great ally of the president but, as you well know, they're very different

people and have very different personalities," said Hughes, who recently met with Romney in his office in the state capitol. "Sen. Hatch," he added, "understands the president very well."

Asked who the president would rather have in the seat, Hughes, who was once mentioned as a candidate for a position in the Trump administration, said he had little doubt: "I think the president enjoys having a strong ally."

Romney, for his part, won't be at Monday event. He was invited but, several people close to him said, will be out of town.

Over the weekend, Romney wrote a tweet that underscored his respect for Hatch but also, perhaps, hinted at a belief that the senator had now accomplished what he needed to before moving on.

"A very big week for Utah's own Senator @OrrinHatch," he wrote, "with tax reform, Bears Ears reversion, and a presidential visit."

To view online click here.

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Trump to meet with Cruz over biofuel policy Back

By Ben Lefebvre and Andrew Restuccia | 12/01/2017 04:04 PM EDT

President Donald Trump will meet with Sen. Ted Cruz (R-Texas) and several Cabinet members next week to discuss U.S. biofuel policy and fuel efficiency standards, an administration official told POLITICO on Friday.

The Thursday meeting is an attempt by the White House to reach a compromise between Cruz, who has held up a Trump nominee to the Agriculture Department nominee over the administration's support for the Renewable Fuel Standard, and the farm-state lawmakers who pressured EPA to back down from potential changes to the regulations for biofuels.

The White House had until now ignored Cruz's requests for a meeting. Cruz and eight other senators sent a letter in October requesting changes to the program overseen by EPA, which sets the minimum volumes of ethanol and biodiesel to be used in the fuel market. Refiners must either purchase the biofuels to blend with their gasoline or diesel fuel, or buy credits to show their compliance — credits the refiners say are too expensive and threaten to push some refiners out of business.

Cruz retains a hold on Trump's nomination of Bill Northey to a senior USDA post, a move seen as payback after EPA backed down from considering changes in how the biofuels program is implemented amid an outcry from farm-state lawmakers.

"The key here is they need to get Cruz something to get rid of that hold," said one industry representative familiar with the meeting.

The meeting will include Agriculture Secretary Sonny Perdue, Energy Secretary Rick Perry, EPA Administrator Scott Pruitt and National Economic Council Director Gary Cohn, the administration official said, though the person added that the attendee list could change. No industry representatives are expected to attend.

While biofuels will most likely be the first topic discussed, attendees will also delve into the higher CAFE standards the Obama administration put into place, as well as octane requirements. The Trump administration has delayed implementing an increase in civil fines for automakers who violate the fuel economy standards, a move that triggered a lawsuit from environmentalists.

Cruz and Trump have had a rocky relationship in the past, including after Trump linked Cruz's father to the assassination of President John F. Kennedy during the 2016 campaign, though they have been on better terms in in recent months.

Cruz's office did not reply to a request for comment, and the White House declined to comment.

To view online click here.

Back

McConnell: 'There's not going to be a government shutdown' Back

By Kevin Robillard | 12/03/2017 10:16 AM EDT

Senate Majority Leader Mitch McConnell said Sunday he was confident there wouldn't be a government shutdown when funding runs out at the end of the week.

"There's not going to be a government shutdown," he said on ABC's "This Week" when asked whether the Republican-controlled Congress could keep the government running. "It's just not going to happen."

Democrats have threatened to withhold their votes for government funding unless Congress acts to provide legal relief to tens of thousands of children of undocumented immigrants who are protected by an Obama-era program that is set to end in March.

McConnell argued there is no "crisis" that would justify tying saving the so-called Dreamers to government funding.

"That's a ridiculous position. There is no crisis," McConnell said. "There's no emergency. The president has given us until March to address it. I don't think the Democrats would be very smart to say they want to shut down the government over a non-emergency."

Government funding is expected to run out on Friday.

OMB Director Mick Mulvaney, appearing on CBS' "Face The Nation," was slightly less confident, but predicted Republicans would be able to avoid a shutdown despite a "broken' system of government spending.

"I think there's a group of right-wingers in the House who say they want to shut the government down," he said. "There's a group of Democrats who want to shut the government down over DACA. And there's a group of lawmakers from some of the hurricane states who want to shut the government down until they get what they want. This just sheds light on the fact that the appropriations, the spending system is broken when any little group can sort of hold the government hostage. We need to get beyond that. I think that we will, I don't think you'll see a government shutdown."

When host John Dickerson noted Mulvaney was once a fiscal hardliner in the House, the OMB director replied: "All the more reason the system should be fixed. We don't spend money properly in Washington, D.C."

To view online click here.

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EPA proposes repealing 'glider kit' part of truck rule Back

By Alex Guillén | 11/09/2017 12:48 PM EDT

EPA today proposed repealing part of the Obama-era Phase 2 emissions rule for heavy-duty trucks that classified "glider kits" as new vehicles or engines that are subject to more stringent requirements.

Glider kits are new truck chassis with rebuilt engines and can cost significantly less than a new truck with a new engine. The proposal argues that EPA does not have the authority to regulate glider kits under the Clean Air Act.

In a statement, EPA Administrator Scott Pruitt said the Obama administration unlawfully tried to expand the Clean Air Act's reach. "Gliders not only provide a more affordable option for smaller owners and operators, but also serve as a key economic driver to numerous rural communities," he said.

Pruitt announced plans to revisit that part of the rule in August following a May meeting with and a July petition from Fitzgerald Truck Sales, the biggest U.S. manufacturer of glider kits.

WHAT'S NEXT: EPA will take public comment through Jan. 5 and hold a hearing on Dec. 4 at EPA headquarters in Washington.

To view online click here.

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Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Trump Climate Confusion Is the New Brexit, Top UN Official Says

Posted September 22, 2017, 8:38 A.M. ET

By Jessica Shankleman and Brian Eckhouse

When U.K. Prime Minister Theresa May criticized President Donald Trump for taking the U.S. out of the landmark Paris climate change deal this week, she might as well have been talking about another kind of exit closer to home.

The similarities and between Brexit and Trump leaving the Paris Agreement are stark, says Rachel Kyte, a special representative of the United Nations secretary-general for the Sustainable Energy for All program, of which she is chief executive officer.

Both involve inconsistencies, questions over whether it will ever actually happen and prominent dissenters trying to resist leaving or find a back door to nullify the effects of leaving.

"The U.K.: we're leaving, details to be worked out," Kyte said in an interview in New York Sept. 21. "Trump: we're leaving, details to be worked out. The U.K. is in the club, but not in the club. The U.S. is in the club, but not in the club."

The U.S. remains in the Paris deal for now because it can't legally exit until 2020. Entrance to the club was voluntary, as were the pollution targets it wrote and accepted in 2015. Similarly, the U.K. can't formally quit the European Union for two years after it officially gave notice to leave.

In her veiled rebuke to Trump at the U.N. General Assembly this week, May said the climate change agreement is a sign of "the fundamental values that we share, values of fairness, justice and human rights, that have created the common cause between nations to act together."

Those opposed to Brexit could perhaps use the same description for the EU to make their case.

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California Sets Demands for Talking Emissions Targets with Trump

Posted September 22, 2017, 12:51 P.M. ET

By John Lippert and Ryan Beene

California could be willing to re-open discussions on its greenhouse gas limits for cars and trucks for 2025—so long as automakers and the Trump administration embrace the significantly tougher targets it's contemplating for later years.

Automakers have "a whole laundry list of things they've asked for" to ease the state's standards leading up to 2025, and California is willing to at least discuss reviving talks, Mary Nichols, chair of the California Air Resources Board, said in a Sept. 22 interview at Bloomberg headquarters in New York. Michael Catanzaro, a Trump special assistant, called her recently to get conversations with the administration started, she said.

"The price of getting us to the table is talking about post-2025," she said. "California remains convinced that there was no need to initiate this new review of the review and that the technical work was fully adequate to justify going ahead with the existing program, but we're willing to talk about specific areas if there were legitimate concerns the companies raised—in the context of a bigger discussion about where we're going post-2025."

Talk of a possible three-way negotiation between California, carmakers and the federal government comes after President Trump's administration reinstated in March a review of national greenhouse-gas rules that run through 2025, which he said "would have destroyed" the auto industry. California could choose to keep its rules unchanged even if the federal targets are loosened. But doing so would create headaches for carmakers dealing with a patchwork of legislation, and it would risk raising the ire of Trump and the industry as California tries to push through tougher targets for 2030.

Federal Backpedaling

So far, Trump hasn't launched what could be his most potent weapon—a court challenge to California's special authority to write its own pollution rules, which dates back to the 1970 Clean Air Act. A compromise today could help prevent a court showdown later.

"If there's a way they can keep us all united without having to roll over California, they'd like that," Nichols said of her impressions of the White House's position.

The federal government in 2011 originally agreed to greenhouse gas targets that mirror California's, boosting fuel economy to an average of more than 50 miles per gallon by 2025. When Trump overturned an Obama EPA decision to uphold the standards on the books earlier this year, automakers praised Trump's move.

But carmakers don't want changes at the federal level to create a rift with California and the handful of states who've adopted the same targets, fearing costly discrepancies if emissions standards diverge. Pressure for a compromise is also building because, even in California, zero-emission vehicle sales have been stuck at about three percent since 2014.

"I really feel like if the industry folks are as ready as I think they are to talk about future standards, it shouldn't be all that hard," Nichols said. "But there are differences in the kind of relief they want."

Nichols said that while the state is willing to at least discuss compromise in the short term, California has no intention of retreating from its legislative mandate to cut carbon dioxide emissions to 40 percent below 1990 levels by 2030. California Governor Jerry Brown and the state's Air Resources Board have vowed to remain a bulwark against the president's push for environmental deregulation,

and Nichols said long-term goals haven't changed.

Automakers can't abandon the cleaner-car goals entirely either, since major car markets China and the European Union are now contemplating their own zero-emission vehicle mandates modeled after California's. China said this month it will set a deadline for automakers to end sales of fossil-fuel-powered vehicles, becoming the biggest market to do so and driving global demand for battery-operated autos.

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California, Quebec, Ontario Ink Deal to Join Carbon Markets

Posted September 22, 2017, 03:45 P.M. ET

By Carolyn Whetzel

California, Quebec, and Ontario cemented plans to launch North America's largest carbon allowance market next year, under a pact signed Sept. 22.

The agreement officially links three individual cap-and-trade programs, creating "an expanded and dynamic carbon market, which will drive down greenhouse gas emissions," California Gov. Jerry Brown (D) said in a written statement.

Ontario's integration with the existing California-Quebec market has been planned for some time. The agreement establishes the framework and terms for the new larger market.

"The linkage expands the allowance market significantly," California Air Resources Board spokesman Stanley Young told Bloomberg BNA in an email. "Ontario's market is roughly 40 percent to 50 percent the size of California's carbon market. Quebec's is 15 percent of California's."

Are Hurricanes Winds of Change for Insurers' Climate Risk?

Posted September 22, 2017, 7:45 A.M. ET

By Abby Smith

The insurance industry faces a dilemma when it comes to climate change: fundamentally, companies understand the risk natural disasters intensified by climate change can pose, but they see relatively little risk to their business in the near future.

However, the industry faces a long-term challenge to maintain market share in areas that could become increasingly harder to insure as climate change makes natural disasters more severe and more frequent. And the Trump administration's push to ax some of the tools insurers need to prepare for disasters could force companies to take a more public position on climate change.

"We look at it from all those perspectives, what a changing climate and environment does to either increase the frequency and severity of those kinds of events or decrease them ... and then putting that into our models to make sure we're delivering products that are priced appropriately," David Robinson, general counsel for the major property and casualty insurer the Hartford Group, told Bloomberg BNA.

Insurance companies are rooted in actuarial science research and analytics. Their job is to assess and comprehend risk, and that includes a scientific understanding of the effects of climate change. The federal research President Donald Trump has proposed ending is vital for insurance companies and underpins adaptation policies such as federal flood risk standards that help to mitigate risk in areas that could become uninsurable.

If Congress were to consider adopting the Trump administration's proposed cuts to climate science research, "my organization would be very vocal in terms of talking with appropriators about the value that these programs bring," Frank Nutter, president of the Reinsurance Association of America, which represents major reinsurance companies such as Munich Re America and QBE Reinsurance Corp., told Bloomberg BNA.

But in the short-term, insurance companies can ultimately recoup any losses by re-pricing their policies annually—meaning it is not as urgent that they take a proactive stance on climate. And while the recent storms in Texas, Louisiana, and Florida will cost billions in total economic losses, they may not be big events for the insurance industry.

Insurance Industry Insulated from Harvey

Take Hurricane Harvey, for example.

Total economic losses from the Category 5 storm that ravaged the coastline of Texas and Louisiana late last month are estimated to range from $200 billion to $300 billion. But insured losses are expected to come in around $20 billion to $30 billion, according to estimates from AIR Worldwide—a modeling firm that specializes in catastrophic events and works closely with insurance companies.

The insurance industry is "really not going to play a big role in terms of financing the rebuilding of Harvey," Cynthia McHale, director of insurance for the business sustainability group Ceres, told Bloomberg BNA.

But, she added, the losses are "real. They get picked up by federal, state, and municipal coffers or individuals who have homes and businesses that are damaged."

Advocates such as McHale say many insurance companies have been "sitting on the sidelines," rather than proactively addressing climate change. The recent hurricanes may not shift the dynamic, she said.

An uptick in public conversation on climate change from the insurance industry followed Hurricane Sandy in 2012, but "it didn't stick," McHale said.

"I'd love to say that it will, that at this point the switch will flip and everyone will understand climate risk needs a really concerted effort … but I'm not sure that it will at the end of the day," she said.

For the insurance companies that are out in front on this issue, these storms don't change the game.

"We are the same company after these two storms," Louis Gritzo, vice president and manager of research for mutual insurer FM Global, told Bloomberg BNA. "We'll continue to do the things we've been doing, to work with [our clients] to reduce their risk."

Storms Could Blow Away Coverage

But the insurance industry faces risk from climate change on both sides of its balance sheet.

On the underwriting side—where insurers evaluate risk and offer coverage—the industry is seeing a "widening protection gap," Tom Herbstein, program coordinator for ClimateWise, told Bloomberg BNA. That means economic losses attributed to climate change are increasing, but insurers' coverage of those losses is declining.

Herbstein said his group—facilitated by the University of Cambridge Institute for Sustainability Leadership—consists of nearly 30 global insurance companies that are pushing a proactive approach to climate change that would close that protection gap.

If the gap continues to widen, areas across the country will become uninsurable, meaning companies will pull out of those markets. McHale pointed to the mid-2000s, when several major insurance companies, including State Farm and Allstate, pulled out of the Florida market following Hurricanes Wilma and Rita.

"Companies can do that, but only so much. The strategy of retreat is not a winning business model," McHale said.

But Herbstein said the widening protection gap is a medium- to long-term risk for the industry. "If the industry continues to focus on the short term … they will eventually price themselves out of the market. That's akin to burying your head in the sand."

Insurers Investments Under Microsope

Insurance companies are also big investors, meaning they face the risk of stranded assets as the world transitions to lower-carbon energy. According to a June 2016 report from Ceres, the top 40 U.S. insurance groups owned nearly half a trillion dollars of investments in oil and gas, coal, and electric utilities at the end of 2014.

McHale said a "bright light" is insurers are increasing investments in low-carbon infrastructure. Previewing a new Ceres survey of 16 of the largest U.S. insurers to be released in January, McHale said 70 percent of that group increased investments in infrastructure and 85 percent were considering more clean energy investments.

Over half of those surveyed by Ceres also suggested investments in renewable energy could help mitigate transition risks they face from fossil fuel investments.

While insurers rely on the scientific research the Trump administration wants to halt, some in the industry are also cheering efforts to roll back requirements that they disclose investments in fossil fuel companies. However, in California, which licenses 77 percent of the U.S. insurance market, Insurance Commissioner Dave Jones required just those sorts of disclosures, despite threats of lawsuits from a dozen attorneys general.

Jones' Climate Risk Carbon Initiative, established in early 2016, required insurance companies licensed in California to divest from thermal coal and to disclose investments in coal, oil, and natural gas companies and utilities that generate electricity from more than 50 percent fossil fuels.

While the Trump administration may want to "stick their head in the sand," California will continue to play a leadership role, Jones told Bloomberg BNA. "Most other industrialized nations and their

financial regulators are working on this issue," Jones said.

Disclosure Could Drive Policy

Despite some pushback, the initiative has seen 100 percent compliance. By the numbers, that means the fossil fuel investments of around 1,300 insurance companies are now publicly available, Jones said.

For advocates such as Ceres and ClimateWise, a proactive approach from insurers is two-fold: sharing risk management expertise with the public and investing in climate resilience. And insurers such as the Hartford and FM Global that are leading on this issue are already heading in that direction.

"The key message, in addition to just making sure we understand and are tracking how hazards are changing, is there's a lot of progress that can be made to reduce risk and build resilience to the climate that we face today," Gritzo said. "We need to make sure that we're really focusing on reducing that hazard and not dismissing it."

"We face a resilience challenge in this country, a challenge we need to step up and address."

SolarCity to Pay $29.5M After Inflating Recovery Act Claims

Posted September 22, 2017, 03:38 P.M. ET

By Vishal Persaud (Bloomberg News)

SolarCity will pay $29.5 million to resolve allegations that it submitted inflated claims for itself and affiliated investment funds for grants under the Obama administration's stimulus plan, the Justice Department said Sept. 22

The settlement payment represents about 5 percent of the cash grants that the government gave the company under Section 1603 of the American Recovery and Reinvestment Act of 2009, which subsidized renewable energy projects, according to a spokesperson for SolarCity. Tesla Motors Inc. bought SolarCity in November 2016.

"This program expired, but this settlement demonstrates that the government will still hold accountable those who sought to take improper advantage of government programs at the expense of American taxpayers," Chad A. Readler, acting assistant attorney general of the Justice Department's Civil Division said in a statement.

The government alleged that SolarCity overstated the cost bases of its solar energy properties and as a result the company and its affiliated investment funds received inflated grant payments from the Treasury.

The Section 1603 program provided for cash grants equal to 30 percent of the eligible cost basis to construct or acquire qualified renewable solar energy systems placed in service before Dec. 31, 2016.

SolarCity "accurately valued the solar energy systems in the applications it submitted for cash grants under the Treasury's program, and it was entitled to the full amounts that Treasury ultimately approved and paid to the company after reviewing its applications," the company spokesperson told

Bloomberg BNA by email.

As part of the agreement, SolarCity is to release all pending and future claims against the U.S. for additional payments under Section 1603 of the American Recovery and Reinvestment Act of 2009.

The company also agreed to dismiss a lawsuit filed by two investment funds alleging the Treasury underpaid some Recovery Act grants.

—With assistance from Renee Schoof (Bloomberg BNA).

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Twice-Rejected LNG Exporter Gives Project Another Shot

Posted September 22, 2017, 10:38 A.M. ET

By Ryan Collins

The developer of a liquefied natural gas export terminal in Oregon that has already twice been denied permits by U.S. regulators is giving it another shot.

Veresen Inc. said late Sept. 21 that it filed another application with the Federal Energy Regulatory Commission for the $10 billion Jordan Cove LNG project that would ship gas to Asia. The agency denied the Calgary-based company approval last year, saying it failed to prove the terminal was needed. As part of its latest request, the company proposed route changes for a pipeline that would feed the terminal and eliminated plans for a power plant.

Veresen is making a third attempt just as the Trump administration promotes LNG exports as a means of establishing America's dominance in global energy markets and creating jobs. Gary Cohn, the director of the White House's National Economic Council, referenced the Northwest terminal during a talk in April, saying the government would step up approvals for such projects. It's among the dozens proposed along the coasts of the U.S. to send shale gas overseas.

Veresen said the project would create more than 200 permanent jobs and has said it would lower the U.S. current account deficit with Japan, one that President Donald Trump has complained about. In February, the company said it was in "advanced" negotiations with a third LNG buyer in Japan and that preliminary agreements with Jera Co., a joint venture between Tokyo Electric Power Co. Holdings Inc. and Chubu Electric Power Co., and Itochu Corp. were being finalized.

The application for Jordan Cove comes just weeks after Trump filled seats on the Federal Energy Regulatory Commission, restoring the quorum the agency needs to approve LNG projects and major natural gas pipelines.

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A $21 Billion Failed Nuclear Project is Still Haunting Scana

Posted September 22, 2017, 9:55 A.M. ET

By Mark Chediak

Scana Corp. may have dropped a $21 billion plan to build a nuclear power plant in South Carolina, but washing its hands of the project altogether won't be so easy.

On Thursday, the utility disclosed that it received a federal subpoena for documents related to the canceled reactors. Earlier this month, South Carolina's governor made public a report suggesting Scana was aware of challenges plaguing the project since early last year. And the state legislature is carrying out a probe of how plans for the two reactors at the V.C. Summer plant fell apart.

The backlash does not bode well for Scana as the utility owner seeks to recoup billions of dollars it spent on the project from South Carolina's utility customers. The company's battle to recover costs may become a flash point in the debate over who should pay for nuclear power projects that have failed to be built across the U.S. in the past decade.

"It's become an endless supply of negative headlines," said Shahriar Pourreza, a power analyst for Guggenheim Securities who has rated Scana's stock a "sell". He warned that the outcry could make it harder for Scana to recover costs and hurt its earnings growth.

Scana spokesman Eric Boomhower said by email Thursday that there are legislative and regulatory review processes that the company must go through regarding the project.

"We will not speculate on the outcomes of those processes," he said.

While South Carolina Governor Henry McMaster is still pushing to get the V.C. Summer plant finished, state legislators are already grilling Scana and project partner Santee Cooper executives in special hearings about how plans for the reactors unraveled. They've asked South Carolina's attorney general to look into whether the law that would allow Scana to recoup costs is constitutional.

"Political fallout from the V.C. Summer new nuclear construction termination has opened Pandora's box," Christopher Ellinghaus, a utilities analyst for the Williams Capital Group, in a research note Monday.

Even if regulators allow Scana to recover the reactors' costs, Pourreza said, they could end up clawing back the money in other ways, such as denying the company's future requests to recoup the expenses of other projects.

Last Project Standing

Scana's decision to halt construction has rattled both the state and the entire U.S. nuclear industry. The company called it quits after lead project contractor Westinghouse Electric Co. filed for bankruptcy and Santee Cooper pulled out. That left Southern Co. in Georgia as the only utility building a nuclear power plant in the U.S.

U.S. utility customers have ended up on the hook for more than $2.5 billion for nuclear power plants proposed and never built -- excluding the costs of Scana's V.C. Summer plant. Duke Energy Corp. and Dominion Energy Inc. are among the companies that have faced backlash for charging customers for yet-to-be-built reactors. Under state law, Scana may be allowed to recover $4.9 billion in expenses for its abandoned reactors so long as the spending is deemed prudent. But the report made public by McMaster's office this month could undermine its case.

'Significant Issues'

The February 2016 study drafted by contractor Bechtel found "significant issues" with the project's construction, including unrealistic schedules and a lack of project management. Regulators could use it to block Scana from recovering costs, Scott Elliott, special counsel for the state House committee investigating the project, told legislators last week.

The U.S. Attorney's office in South Carolina asked for a copy of the report from McMaster after it was made public, said Brian Symmes, a spokesman for the governor. Scana said the subpoena from the U.S. Attorney required the company to "produce a broad range of documents related to the project" and that it would cooperate with the investigation.

South Carolina Attorney General Alan Wilson is meanwhile expected to issue an opinion next week on the law that would allow Scana to recoup costs.

At stake is Scana's balance sheet, said Kit Konolige, a utility analyst for Bloomberg Intelligence. "They are dependent on having a smooth recovery of the capital they've invested in the project," he said.

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How Electric Cars Can Create the Biggest Disruption Since iPhone

Posted September 22, 2017, 8:02 A.M. ET

By Jessica Shankleman

It's 10 years since Apple Inc. unleashed a surge of innovation that upended the mobile phone industry. Electric cars, with a little help from ride-hailing and self-driving technology, could be about to pull the same trick on Big Oil.

The rise of Tesla Inc. and its rivals could be turbo charged by complementary services from Uber Technologies Inc. and Alphabet Inc.'s Waymo unit, just as the iPhone rode the app economy and fast mobile internet to decimate mobile phone giants like Nokia Oyj.

The culmination of these technologies—autonomous electric cars available on demand—could transform how people travel and confound predictions that battery-powered vehicles will have a limited impact on oil demand in the coming decades.

"Electric cars on their own may not add up to much," David Eyton, head of technology at London-based oil giant BP Plc, said in an interview. "But when you add in car sharing, ride pooling, the numbers can get significantly greater."

Most forecasters see the shift away from oil in transport as an incremental process guided by slow improvements in the cost and capacity of batteries and progressive tightening of emissions standards. But big economic shifts are rarely that straightforward, said Tim Harford, the economist behind a book and BBC radio series on historic innovations that disrupted the economy.

Systemic Change

"These things are a lot more complicated," he said. Rather than electric motors gradually replacing internal combustion engines within the existing model, there's probably going to be "some degree of

systemic change."

That's what happened 10 years ago. The iPhone didn't just offer people a new way to make phone calls; it created an entirely new economy for multibillion-dollar companies like Angry Birds maker Rovio Entertainment Oy or WhatsApp Inc. The fundamental nature of the mobile phone business changed and incumbents like Nokia and BlackBerry Ltd. were replaced by Apple and makers of Android handsets like Samsung Electronics Co. Ltd.

Today, as Elon Musk's Tesla and established automakers like General Motors Co. are striving to make their electric cars desirable consumer products, companies like Uber and Lyft Inc. are turning transport into an on-demand service and Waymo is testing fully autonomous vehicles on the streets of California and Arizona.

Combine all three, for example through an Alphabet investment in Lyft, and you have a new model of transport as a service that would be a cheap compelling alternative to traditional car ownership, according to RethinkX, a think tank that analyzes technology-driven disruption.

One key advantage of electric cars is the lack of mechanical complexity, which makes them more suitable for the heavy use allowed by driverless technology, Francesco Starace, chief executive officer of Enel SpA, Italy's largest utility, said in an interview.

After disassembling General Motors' Chevrolet Bolt, UBS Group AG concluded it required almost no maintenance, with the electric motor having just three moving parts compared with 133 in a four-cylinder internal combustion engine.

"Competitiveness very much depends on the utilization of the car," Laszlo Varro, chief economist at the International Energy Agency, said in an interview. The average Uber vehicle covers a third more distance than the typical middle-class family car in Europe, amplifying the benefit of lower running costs to the point that "the oil price at which it makes sense to switch to electric is $30 per barrel lower," he said.

Uber on Steroids

The total cost of ownership of electric and oil-fueled vehicles will reach parity in 2020 for shared-mobility fleets, five years earlier than for individually-owned vehicles, according to Bloomberg New Energy Finance.

Already in London, Uber plans for its UberX service to be hybrid or fully electric by the end of 2019. Its rival Lyft aims to provide at least 1 billion rides a year in autonomous electric vehicles by 2025, saying they can be used much more efficiently than gasoline-powered cars.

This combination would be "the Uber model on steroids," Steven Martin, chief digital officer and vice president of General Electric Co.'s Energy Connections unit, said in an interview. "Once you have complete autonomous operation of a vehicle, then my desire to own one is going to go down and I'll be more willing to sign up to a subscription service."

Autonomous Hurdles

The transition to fully autonomous fleets may not match the speed of the smartphone revolution because of the many regulatory, legal, ethical and behavioral hurdles. Self-driving technology should become available in the 2020s, but won't be widely adopted until 2030, BNEF says.

Even so, the shift to electric cars could displace about 8 million barrels a day of oil demand by 2040, more than the 7 million barrels a day Saudi Arabia exports today, the London-based researcher says. That could have a significant impact on oil prices—a drop of 1.7 million barrels a day in global consumption during the 2008-2009 financial crisis caused prices to slump from $146 a barrel to $36.

That doesn't mean oil giants like BP or Exxon Mobil Corp. are heading for an inevitable Nokia-style downfall. While transport fuels account for the majority of their sales, they also have huge businesses turning crude into chemicals used for everything from plastics to fertilizer. They also pump large volumes of natural gas and generate renewable energy, both of which could benefit from increased electricity demand.

Even if electric vehicles do grow as rapidly as BNEF forecasts, the world currently consumes 95 million barrels a day and other sources of demand will keep growing, said Spencer Dale, BP's chief economist. The London-based energy giant expects battery-powered cars to reduce oil demand by just 1 million barrels a day by 2035, while also acknowledging the potential for a much larger impact if the industry has an iPhone moment.

The sheer breadth of the potential disruption makes it hard to predict what will happen. When Steve Jobs unveiled the iPhone, few people anticipated that it meant trouble for makers of everything from cameras to chewing gum.

"The smartphone and its apps made new business models possible," said Tony Seba, a Stanford University economist and one of the founders of RethinkX. "The mix of sharing, electric and driverless cars could disrupt everything from parking to insurance, oil demand and retail."

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The Most Expensive Teslas and the Policy 'Paradox' Behind Them

Posted September 22, 2017, 10:46 A.M. ET

By Nick Rigillo

Fun fact: A poster child of green energy policies has cemented its place in Europe as the most expensive place to own a Tesla.

The ruling bloc in Denmark, home of wind-power giant Vestas Wind Systems A/S, has just agreed to cut car registration taxes. But even after the adjustment, Tesla's Model S will still cost more than $115,000. The same car costs $81,200 in Germany and $69,500 in the U.S.

The Danish Electric Car Alliance, an industry association, calls the tax cut "paradoxical," because it makes polluting diesel and petrol cars cheaper, in relative terms.

"This increases the divide between fossil-fueled and electric cars," said its head, Laerke Flader. The association estimates an Audi A6 will cost as much as $9,700 less, compared with a $1,700 saving for people buying the Tesla Model S.

Denmark, where car taxes were recently as high as 180 percent, has already decided to phase out electric-vehicle subsidies such as those offered in Norway and Germany. The fallout for Tesla and its peers has been severe.

According to latest figures from the European Automobile Manufacturers Association, sales in Denmark of battery electric vehicles were down 33 percent in the second quarter of this year from a year earlier.

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Italy's Enel Group Starts Latin America's Two Largest Solar Parks

Posted September 22, 2017, 11:17 A.M. ET

By Michael Kepp

Latin America's two largest solar parks, which can provide enough power to meet the annual demand of more than half a million homes, are now online in Brazil.

The projects, operated by Italy's Enel Green Power, are the $300 million, 292-megawatt (MW) Nova Olinda park, in Piaui state and the $400 million, 254-MW Ituverava park in Bahia state.

Enel, the biggest solar photovoltaic producer in Brazil, announced Sept. 18 that the farms were operating. An Enel official touted their launch as a big development for Brazil, as well as the company's long-term goal to eliminate its carbon dioxide emissions.

"The start of operations of Nova Olinda and Ituverava marks an important step forward for large-scale solar energy generation in Brazil, tapping into the great potential that the country can harness with this technology thanks to the high level of solar irradiation and land availability," Carlo Zorzoli, Enel's country manager in Brazil, said. "These two new solar parks, which together will avoid the emission of 668,000 metric tons of carbon dioxide each year, will contribute to making Brazil's energy generation more green and to Enel's commitment to become CO2-free by 2050."

Brazil's government projects that solar power will account for 4.5 percent of the nation's electricity matrix in 2026.

The Nova Olinda park has the capacity to generate 600 gigawatt hours (GWh) of solar power per year, enough to meet the annual consumption needs of 300,000 households, while the Ituverava park can generate 550 GWh per year, enough to supply the annual needs of 268,000 households.

Land of the Sun

EGP sold the parks' future energy to distributors via 20-year contracts at Brazil's first and second solar auctions, in October 2014 and August 2015, respectively.

In Brazil, EGP, through its local subsidiary, has 2,276 MW of installed renewable capacity, of which 716 MW comes from solar power, 670 MW from wind power, and 890 MW from hydropower. The company has 275 MW of renewable capacity under construction in Brazil, of which 172 MW from wind and 103 MW from solar power.

The government's latest 10-year energy expansion plan, announced in July, projects that large-scale (non-rooftop) solar power, which accounted for just 0.01 percent of the electricity matrix in 2016 would account for 4.5 percent of the matrix in 2026, about 9,660 MW of generating capacity.

Rodrigo Lopes Sauaia, the CEO of the Brazilian Photovoltaic Solar Energy Association (Absolar), called the government's projections "conservative", telling Bloomberg BNA that large-scale solar power should have an installed capacity of 14,000 MW by 2026.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Fri 10/6/2017 12:39:04 PM
Subject: BREAKING NEWS: Economy lost 33,000 jobs in September

The economy lost 33,000 jobs in September, the Labor Department reported Friday, a significant decline from 169,000 jobs added in August.

Average hourly private-sector earnings were up 2.9 percent over the previous year. In August, they were up 2.7 percent. The unemployment rate was 4.2 percent, down from August.

Analysts surveyed by Bloomberg had predicted the creation of 100,000 jobs, an increase in over-the-year hourly earnings of 2.6 percent, and an unemployment rate of 4.4 percent.

Read more: http://www.politico.com/story/2017/10/06/economy-lost-jobs-in-september-2017-243532

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Thur 8/17/2017 8:50:25 PM
Subject: EPA will review parts of Phase 2 truck emissions rule

By Alex Guillén

08/17/2017 04:47 PM EDT

EPA will revisit certain parts of the Obama administration's 2016 Phase 2 emissions rule for heavy-duty trucks, the agency announced today.

The rule set new standards for model years 2021-2027 of tractor-trailers, school buses, delivery vans and other large workhorse vehicles. The Truck Trailer Manufacturers Association sued to block EPA's novel aerodynamic requirements for trailers, arguing the agency cannot set vehicle standards for a product without an actual engine.

The Trump administration is considering revisions to the trailer standards, but it will leave in place separate requirements for tractor engines.

The final 2027 trailer standards by themselves would have secured as much as a 9 percent drop in carbon dioxide emissions and fuel consumption compared to a 2017 trailer, and the separate standards for tractor engines would achieve up to 25 percent emissions reductions by 2027, according to Obama administration estimates.

EPA said it will also reconsider part of the rule that classifies gliders — refurbished engines installed into a new tractor chassis — as a new motor vehicle. House appropriators last month voted to have EPA report to Congress on the glider issue, although that language may not survive the ultimate spending package that clears Congress.

"We intend to initiate a rulemaking process that incorporates the latest technical data and is wholly consistent with our authority under the Clean Air Act," EPA Administrator Scott Pruitt said in a statement.

WHAT'S NEXT: EPA will begin a rulemaking process to revise or completely rescind those parts of the rule. The earliest compliance deadlines are in 2018. The trailer association unsuccessfully sought relief in court, but EPA may now offer administrative delays in light of its new rulemaking.

To view online:
https://www.politicopro.com/transportation/whiteboard/2017/08/epa-will-review-parts-of-phase-2-truck-emissions-rule-091920

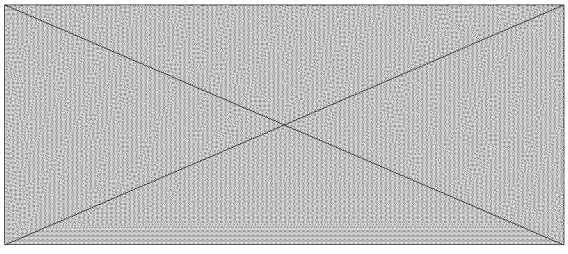
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From: American Enterprise Institute
Sent: Tue 8/8/2017 11:32:47 AM
Subject: AEI Today: The grand bargain we need on health care

AEI's daily publication of independent research, insightful analysis, and scholarly debate



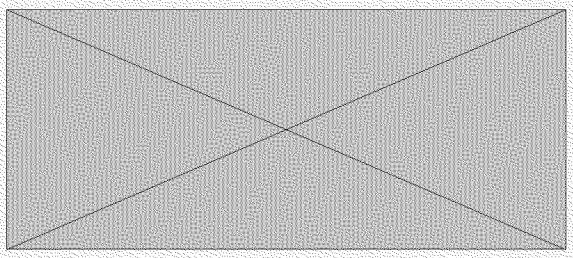
Twenty20

The grand bargain we need on health care

Michael R. Strain | Bloomberg View

President Obama's health care legacy is that he won the fight over whether universal coverage is the right goal for America. Obama was correct that it is, and conservatives should agree. But that's just where the debate begins. A major problem with the Affordable Care Act is the way it was passed: a party-line vote without support from a single Republican. Both conservatives and progressives are going to have to give ideological ground this time.

Full Story

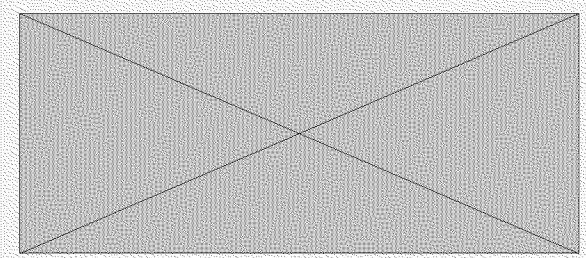


Twenty20

It's OK charter leaders are making big bucks

Frederick M. Hess | US News & World Report

Last week, The Boston Globe ran a front-page story on the pay of Boston's 16 charter-school leaders. It reported that most of these leaders earned total compensation of $150,000 to $200,000, with three topping $200,000. The Globe pointedly noted that Boston's superintendent earned $272,000 last year for leading an entire 55,000-student district. So are Boston's charter leaders wildly overpaid? Hardly. Perhaps something else is going on.



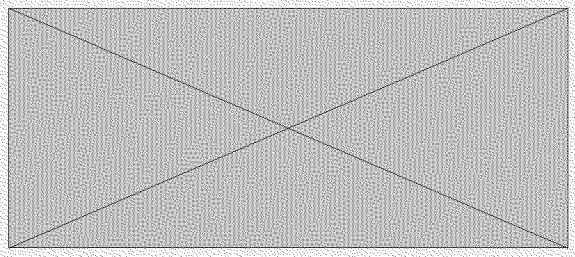
AEI

60-second take: Does it pay for leaders to be nice?

Arthur C. Brooks | AEI video

We aren't exactly living in the age of politeness. According to a July poll from NPR, "PBS NewsHour," and Marist College,

70 percent of Americans say civility in Washington has gotten worse during the past six months. (Cheer up: 6 percent say things are getting better.) While popular culture might tell us otherwise, AEI President Arthur Brooks thinks that niceness makes for more effective leaders — and he has the data to back it up.



Reuters

The world must bring democracy back to Venezuela

Roger F. Noriega | US News & World Report

This week in Venezuela, the corrupt regime of Nicolas Maduro is unveiling a "constituent assembly" of 545 of the leader's fanatical followers, which will dissolve all the country's institutions and write a constitution establishing one-party rule. President Trump has promised "strong and swift economic actions" to counter Maduro's antidemocratic measures. But sanctions are only a tactic. It's time for the international community to send a message.

MORE FROM AEI

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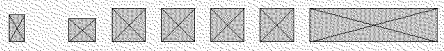
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Tue 10/17/2017 2:05:19 PM
Subject: POLITICO's Morning Energy, presented by the National Biodiesel Board: Tensions elevated as Pruitt meets corn-state senators on biofuels — BLM clears way for controversial Cadiz project — Carper bashes inadequate responses from EPA nominees

By Anthony Adragna | 10/17/2017 10:00 AM EDT

With help from Eric Wolff, Tim Starks and Esther Whieldon

BIOFUEL FIGHT HEATS UP TODAY: Iowa Sen. Chuck Grassley, joined by home-state colleague Joni Ernst, Nebraska's Deb Fischer and possibly others, will meet with EPA Administrator Scott Pruitt today amid growing concern that President Donald Trump is reneging on a campaign promise and undermining the biofuels industry, Pro's Eric Wolff reports . EPA's recent proposal to cut biomass-based biodiesel quotas for 2018 and 2019, as well as recent reports the agency was considering allowing the use of credits from ethanol shipped overseas, has drawn multiple Senate letters in recent weeks, including a bipartisan letter from 38 senators and another with 29 signatures.

The recent moves have proven a huge financial boon for the oil refiners and rattled the market for biofuel credits known as RINs. Pruitt, who had immensely close ties to the oil industry as Oklahoma attorney general, is looking for ways to help them out, according to an administration official and oil industry sources who have spoken with EPA. "The administrator wants to drive down RIN prices," said one oil refining source who recently spoke to multiple EPA career and political officials. "The reason he wants to do that, he's going to screw them on point of obligation. He's willing to [push] any crazy idea that accomplishes that goal in the short term. It doesn't matter what the litigation risk is."

Remember Trump made his support for the Renewable Fuel Standard a rare policy-heavy portion of his campaign in Iowa, and Grassley, in particular, took Pruitt's proposed changes personally. He recently called them a "bait and switch" from what the administrator had told him before his nomination. Separately, four Republican governors - Kim Reynolds (Iowa), Sam Brownback (Kan.), Eric Greitens (Mo.) and Dennis Daugaard (S.D.) - sent a letter to Trump Monday voicing concern over EPA's recent RFS moves. "Cutting the biomass-based diesel volume set a year ago is not only unnecessary, it's highly disruptive, unprecedented and potentially catastrophic," they wrote.

Another refining industry source sums up the administration's dilemma to Eric: "The administration faces a conundrum on this issue. On the one hand guys are really leaning on them and talking about how they made a promise to rural America. On the other hand, the president made a promise to protect manufacturing jobs.... Politically what they're facing is a lot of heat."

WELCOME TO TUESDAY! I'm your host Anthony Adragna, and NEI's Robert Powers was first out of the gate to identify Mark Neumann as the previous holder of Speaker Paul Ryan's House seat. For today: Who defeated a sitting party leader to win the Senate seat they currently hold? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on

Twitter @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

BRINGING INDUSTRY TO THE TABLE: In his Monday move to end what he terms EPA's sue and settle practice, Pruitt vowed to seek the consent of the companies the agency regulates before agreeing to any deadlines for environmental action, Pro's Alex Guillén reports. "EPA shall seek to receive the concurrence of any affected states and/or regulated entities before entering into a consent decree or settlement agreement," he said. EPA noted the directive does not outright require industry consent on any agreement, while adding it applied to lawsuits from both environmental and industry groups.

But critics argue his action targets a non-existent problem that will empower the entities Pruitt is supposed to be regulating. "His targeting of legal settlements, especially where EPA has no defense to breaking the law, will just allow violations to persist, along with harms to Americans," NRDC's John Walke said. During the Obama administration, EPA frequently entered into settlements with environmental groups after missing statutory deadlines. But the subsequent regulations still went through the lengthy rulemaking process, and a 2014 GAO study concluded the "effect of settlements in deadline suits on EPA's rulemaking priorities is limited."

BLM CLEARS WAY FOR CONTROVERSIAL CALIFORNIA WATER PROJECT: Regulators cleared the biggest remaining federal obstacle for Cadiz Inc. water pipeline in California's Mojave Desert when ruled the project can move forward without additional BLM approval, Pro's Esther Whieldon reports, citing a letter released Monday. Acting Director Mike Nedd axed an Obama-era 2015 finding that the project could not use an existing railroad right of way and would need to apply for its own. Cadiz in a statement said it will begin working on final engineering designs, contracts and obtaining a conveyance agreement with the Metropolitan Water District of Southern California.

Opponents slammed the move: Sen. Dianne Feinstein, a longtime opponent of the project, said Cadiz's pipeline would draw more water than the aquifer can recharge naturally and expose residents to potentially harmful levels of chemicals. "The Trump administration might be willing to let Cadiz profit by harming our public lands but California shouldn't give up," she said in a statement. "Our state can still require a stronger review of Cadiz's plans. The fight to protect our desert isn't over."

The Bernhardt question: A spokeswoman said Interior Deputy Secretary David Bernhardt "has absolutely no role in anything related to Cadiz." The agency's number two did legal work for Cadiz before joining the agency, and his former firm stands to benefit if it's completed.

CARPER BASHES EPA NOMINEE RESPONSES: Sen. Tom Carper, top Democrat on the Environment and Public Works Committee, released responses to questions from four nominees to senior EPA roles that he told ME were "shocking" in their lack of substance. He was in particular critical of the responses of the agency's chemicals pick, Michael Dourson, who didn't provide specific answers on a host of questions related to the agency's implementation of the Toxic Substances Control Act and air chief, Bill Wehrum, who provided vague answers on topics like the Paris Climate Accord and how he would approach various air regulations. But ME didn't get a sense from Carper or aides that committee Democrats were likely to boycott a

Wednesday vote on the nominations of Dourson and Wehrum, as well the picks of David Ross to head the water office, Matthew Leopold to be general counsel and Jeff Baran's re-nomination to the NRC.

Read the responses to Carper's questions for the record here.

EPA OFFICIAL LANDS IN PUERTO RICO : Newly sworn in EPA Region 2 Administrator Peter Lopez landed in Puerto Rico Monday to meet with local officials "to make sure my team at the EPA continues to help lift these communities up." Army Lt. Gen. Jeffrey Buchanan, leading the administration's response to the disaster, said in a statement it would be "months" before the electric grid could be rebuilt: "FEMA asked the Army Corps of Engineers to take the lead in that, not necessarily with military power guys, but with contracts with local workers," he said. A short-term priority is getting water treatment plants back up and running through generators followed by the longer-term goal of getting other critical infrastructure back on the electric grid.

Sign of the times: NBC News correspondent Gabe Gutierrez tweeted a picture of a drinking water well on a Superfund site with protective fencing ripped off. "People are desperate," Lopez told Gutierrez, adding people are breaking into sealed-off wells.

Trump critical of island again: Once again casting the island's struggles as partially self-inflicted, Trump said the military "shouldn't have to be" distributing food and water on the island, POLITICO's Cristiano Lima reports. Meanwhile, the Senate is likely to take up a House-passed relief package H.R. 2266 (115) once it passes its budget.

ALASKAN PICKED FOR INTERIOR ROLE: Trump late Monday announced his intent to nominate Tara Sweeney, executive vice president of external affairs for Arctic Slope Regional Corporation, as assistant Interior secretary of for Indian Affairs. She chaired the Arctic Economic Council from 2015 to 2017. "Secretary Zinke could not have chosen a better leader to help him fulfill the federal government's trust responsibility," Senate Energy Chairman Lisa Murkowski said in a statement.

** **Presented by the National Biodiesel Board:** More than 64,000 jobs are supported by clean-burning biodiesel. But the EPA is threatening to reduce biodiesel use and weaken the Renewable Fuel Standard (RFS). We must protect those biodiesel jobs with a strong RFS program. Watch the president promise to protect the RFS here: http://bit.ly/2xn5Sgm **

HOLD YOUR HORSES: Senate Majority Leader Mitch McConnell used a lunch with the president Monday to stress that Steve Bannon was going after some staunch supporters of Trump's agenda, such as John Barrasso and Deb Fischer, with his pledge to recruit primary challengers for sitting Republican senators, POLITICO's Matthew Nussbaum and Cristiano Lima report . That point apparently resonated with Trump, who later told reporters: "Some of the people he may be looking at, I'm going to see if we talk him out of that."

UNITED WE STAND? Even as Trump and McConnell projected a united front Monday, White House officials behind-the-scenes are increasingly wondering what's going on in the Senate and afraid the chamber won't be able to pass Republican tax overhaul, POLITICO's Burgess Everett

and Josh Dawsey report. "You ask me if the Republican-controlled Senate is an impediment to the administration's agenda: All I can tell you is so far, the answer's yes," OMB Director Mick Mulvaney, a former member of the House Freedom Caucus, said.

RALLYING AGAINST ANWR LANGUAGE: Six Senate Democrats - Ed Markey, Michael Bennet, Tom Udall, Maria Cantwell, Al Franken and Jeff Merkley - are joining environmental groups at 11:15 a.m. in the Senate swamp to urge the removal of language opening ANWR to drilling from the fiscal 2018 budget resolution.

DOE WATCHDOG: CLOSE, BUT NOT QUITE: The Department of Energy needs to improve control over who can access systems, the security of its web applications and mitigation of vulnerabilities, according to a recently released inspector general report. The IG had pointed out those flaws and others in a prior report. "The weaknesses identified occurred, in part, because department officials had not fully developed and/or implemented policies and procedures related to the issues identified in our report," the IG concluded. "Without improvements to its cybersecurity program in areas such as enhanced controls over vulnerability management and access controls, the department's systems and information may be at a higher-than-necessary risk of compromise, loss, and/or modification." Overall, however, DOE had addressed 13 of the 16 weaknesses the IG previously identified.

TAKE A GLANCE! NUTRIENT CREDIT PROGRAM USE LIMITED: Despite 11 states having 19 nutrient credit trading programs meant to help hit discharge limits, use has been limited, according to a report released by GAO Monday. Programs in Connecticut, Pennsylvania and Virginia saw the bulk of credit trading.

GTM: HIGHER TARIFFS MEAN LESS SOLAR: A 40 cents per watt tariff would cut solar demand in half, GTM Research says in a study out today. The research group found that lower tariffs had less of an impact: For example, adding 10 cents per watt would drive down sales 9 percent. The study also found that utility scale solar would be hardest hit, as utilities are more sensitive to cost than the residential market.

REPORT: LET'S COMMISSION A COASTAL COMMISSION: The Regional Plan Association released a report Monday calling for New York, New Jersey and Connecticut to form a new coastal commission as the region prepares for the impacts of climate change over the next decades.

HOT DOC: The Environmental Defense Fund released a new document called "Pruitt's Playbook" chronicling what it says is Pruitt's assault on EPA's mission.

WINTER IS COMING: The American Gas Association today predicts cooler temperatures this winter will mean a five percent increase, on average, on heating bills as consumers are likely to use three percent more natural gas.

MAIL CALL! MORE CRITICISM OF MONUMENT REVIEW: More than 350 National Park Service employees sent Zinke a letter today saying they are "extremely disappointed" in his review of national monuments designated under the Antiquities Act.

- Separately, more than 350 companies largely from the outdoor recreation retail industry in a Monday letter to Trump urged the president to "embrace the conservation ethic of your predecessors and keep current protections in place for our public lands and waters." The letter also asks Trump not to roll back protections on monuments. The Commerce Department has until Oct. 25 to send the White House a report on marine monuments and Trump is mulling Interior Secretary Ryan Zinke's recommendations to shrink and/or allow mining, commercial fishing and logging in 10 existing monuments.

MOVER, SHAKER: Bryan Rice, an Interior veteran and member of the Cherokee Nation of Oklahoma, started as director of the Bureau of Indian Affairs on Monday. He most recently led the agency's Office of Wildland Fire as the latest stop on a federal career spanning more than 20 years.

QUICK HITS

- Joe Manchin backs Rick Perry's plan to subsidize coal, nuclear plants. Washington Examiner.

- EPA Says Higher Radiation Levels Pose 'No Harmful Health Effect'. Bloomberg.

- Get ready to see a plan for billions of dollars in parks and water improvements on California's 2018 ballot. Los Angeles Times.

- Officials ID person missing after Lake Pontchartrain oil platform explosion. Times-Picayune.

- Iraq's Kurdistan shuts 350,000 bpd of oil output due to security: sources. Reuters.

- World petrol demand 'likely to peak by 2030 as electric car sales rise'. The Guardian.

THAT'S ALL FOR ME!

** **Presented by the National Biodiesel Board:** Made from an increasingly diverse mix of resources such as recycled cooking oil, soybean oil and animal fats, biodiesel is a renewable, clean-burning diesel replacement that can be used in existing diesel engines without modification. EPA wants to reduce biodiesel volumes in the Renewable Fuel Standard (RFS), which would kill jobs, thwart economic growth and potentially bankrupt farmers. We must support U.S. workers and grow the economy with more biodiesel in a growing RFS. Make your voice heard with the EPA: http://bit.ly/2ghDLo3 **

To view online:
http://www.politico.com/tipsheets/morning-energy/2017/10/17/tensions-elevated-as-pruitt-meets-grassley-on-biofuels-222837

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Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Trump Coal Push May Be Disaster Insurance the Grid Doesn't Need

Posted August 24, 2017, 11:42 A.M. ET

By Tim Loh and Mark Chediak

If all hell breaks loose on the U.S. power grid—a terrorist blows up a key natural gas pipeline, say, in the midst of a frigid winter—how will Americans keep the lights on?

The answer is coal, according to a growing collection of the industry's leaders and lobbyists. Their pitch conveys an image of a nation plunged into darkness as solar farms, wind turbines and plants fueled by gas fail to make up for the loss of coal-fired generation. Though it's a view at least partly supported by a Department of Energy study released late Wednesday, the reality isn't so dire.

Coal companies' pleas for protection come as President Donald Trump vows to make good on campaign promises to support an industry hit by low-cost renewable energy and abundant gas from shale reservoirs. Energy Secretary Rick Perry called in April for his department to investigate whether rising supplies of wind and solar energy are threatening the grid's reliability. The resulting report recommends less stringent environmental rules for coal plants; changes in electricity trading; and easier permitting for coal, nuclear, and hydropower.

Coal plants "play an important role," said David Sandalow, inaugural fellow at Columbia University's Center on Global Energy Policy and a former Energy Department official. "But it would be costly in many ways to get locked into old notions of operating the grid when new technologies are out there."

Grid operators have already been coping with a decline in power from coal-fired plants—most of which are designed to operate around the clock to meet electricity demand—without any major mishaps. Since 2005, 14 percent of America's coal-burning capacity has closed, and 5 percent of the remaining 294 gigawatts is scheduled to shut, according to Bloomberg New Energy Finance. In May, coal generated just 29 percent of America's electricity, about half the share it had when George W. Bush was president.

The Aug. 21 solar eclipse in the U.S. was a litmus test for grid operators. Though the California Independent System Operator said 3,400 megawatts of large-scale solar came off the state's system during the event, that was less than forecast, and there were no significant disruptions to electricity service.

As more wind and solar energy is added to the power mix, new tools including battery storage are helping to smooth the transition. In March, there were 21 states with at least 20 megawatts each of storage projects in service, under construction or proposed, according to GTM Research.

Another approach is "demand response," in which customers are compensated for altering their power use at various times to bolster a region's grid reliability. California, which generated 24 percent of its power from wind and solar in May on a net basis, had no major blackouts last year during the shutdown of the Aliso Canyon gas storage field following a leak.

Better Technology

Improved technology, including more sophisticated weather models that can help grid operators predict how much wind and solar supply will be available, also has aided the growth in renewables. And new gas-fired plants that can be ramped up or down quickly to respond to demand changes are being added to the nation's electricity network. The result is an emerging fleet of smaller power sources that can actually make the grid more stable by reducing the chance of a single massive plant failing, Sandalow said.

"You're putting all your eggs in one basket," Sandalow said of relying on a few big generators.

Coal supporters, meanwhile, said America's growing use of gas and renewables is putting the electricity grid in peril. Gas plants can't store enough of the fuel on site to guarantee power if trouble strikes, while coal-fired plants can stockpile months of supply, they argued. Coal and nuclear should be "properly compensated to recognize the value they provide to the system," said Neil Chatterjee, the new chairman of the Federal Energy Regulatory Commission, which helps monitor the nation's electricity supply.

"Where we're going with natural gas right now and coal retirements is clearly unprecedented," said Paul Bailey, chief executive officer of lobby group American Coalition for Clean Coal Electricity. "Solar and wind, we like them, but they're not going to help maintain a resilient grid right now."

Coal isn't immune to supply snags, however. Stockpiles can freeze together in extreme cold, and rail delays can prevent the fuel from reaching plants at all.

While existing technology may allow renewables to account for as much as 50 percent of U.S. power generation, changes to regulation and policy are still needed to make that happen, said Prajit Ghosh, head of Americas power and renewables research at Wood Mackenzie Ltd. in Houston.

Coal's Push

Coal lobbyists said it's impossible to predict when the country will be ready to accommodate that much wind and solar energy and, in the meantime, it's vital to preserve coal-fired power plants. That's part of the industry's push to market coal plants as the energy source of last resort, a grid-scale equivalent to the candles people pull out of their closets when the power fails at home.

"The U.S. ought not to mortgage itself up to the hilt by making rash decisions that could very well harm the economy of the U.S. in 10 years," said Luke Popovich, spokesman for the National Mining Association.

Still, developments in technology and policy are paving the way for wind and solar to gain a larger

share of U.S. power generation in the coming years, Wood Mackenzie's Ghosh said.

"There should be concerns about reliability, how renewables can impact reliability, but it's an optimistic concern," he said. "There are enough solutions which are being currently tested and which in all likelihood could pan out perfectly."

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U.S. Lays Groundwork for Rescuing Coal Plants With Grid Report

Posted August 24, 2017, 7:24 A.M. ET

By Catherine Traywick and Jim Polson

The Energy Department, in a long-anticipated report on the security of the U.S. electric grid, makes the case for rescuing the nation's coal industry from widespread plant shutdowns, but stops short of an assault on renewable power that environmentalists had feared.

The study, commissioned by Energy Secretary Rick Perry who has warned that policies favoring solar and wind may be forcing shut plants and threatening the grid, recommends that the Environmental Protection Agency ease rules on coal plants. It also calls for changes to how wholesale electricity is traded and easier permitting for resources such as coal, nuclear, and hydropower.

The report hands President Donald Trump a plan for fulfilling his campaign promise to revive America's ailing coal industry and put miners back to work. It paints a somewhat grimmer picture of grid security than an earlier draft that concluded the nation's power system is more reliable than ever, in spite of coal plant shutdowns. By contrast, the final report cautions that "market designs may be inadequate" to keep "traditional" power generation online.

"It is apparent that in today's competitive markets certain regulations and subsidies are having a large impact on the functioning of markets, and thereby challenging our power generation mix," Perry said in a statement. "Customers should know that a resilient electric grid does come with a price."

The U.S. power industry has been waiting for the Energy Department to release the study for months. Power generator FirstEnergy Corp. said in April that it wanted to see the results before pressing ahead with a plan to divest money-losing coal and nuclear plants. Rival Exelon Corp., the largest operator of reactors in the U.S., told investors this month that it expected the report to highlight the "critical role" that nuclear plays.

Cheap Gas

The sweeping 181-page report concludes that coal-fired and nuclear power plants are being forced out of business primarily because they can't compete against cheap and abundant natural gas, which is flowing out of U.S. shale formations at a record pace. Policies favoring solar and wind energy also have played a role, the study shows.

It stresses the critical need to preserve coal, nuclear and other baseload plants that continue to produce power when the wind isn't blowing and sun isn't shining. The report argued that even natural gas-fired generators, which rely on pipelines to receive fuel, may be less resilient.

"The more we rely on natural gas, the more we're relying on fuel that arrives just in time" at a power plant, said Joseph Dominguez, Exelon's vice president of governmental and regulatory affairs and public policy.

'Warped View'

Federal regulators are "going to have to value these resilience attributes" of dependable resources, especially coal plants that can store enough fuel on-site to last months, said Paul Bailey, chief executive officer of American Coalition for Clean Coal Electricity. "Coal stacks up really well. Natural gas does OK. Nuclear does pretty well. Renewables don't do well in some respects and do OK in others.

"You need a coal fleet in order to have a resilient and reliable grid," Bailey said.

John Shelk, president of the Washington-based Electric Power Supply Association, said ensuring the resilience of the U.S. power grid doesn't simply mean handing out subsidies for coal and nuclear plants.

"Coal and nuclear want resilience to be a code word to subsidize them when they can't compete," said Shelk, whose group represents power generators such as NRG Energy Inc. and Dynegy Inc. that sell their supplies into wholesale markets. "That's a warped view of resilience. All fuels, technologies and attributes should be considered together."

Advanced Energy Economy, a group that promotes solar and wind, said the report "seriously overstates" the challenges associated with new energy resources. The American Petroleum Institute meanwhile noted that natural gas is now the source of more electricity in the U.S. than any other fuel and has cut consumers' energy costs "without government mandates and subsidies."

One way that the federal government can assist uneconomic coal plants is to compensate baseload plants for the resilience they offer the power grid, according to the report. The authors recommend that the Federal Energy Regulatory Commission, which oversees power markets, study ways in which those reliability attributes can be appropriately valued. That could include the creation of new pricing mechanisms or changing the agency's approach to energy price formation, the report says.

That recommendation echoes comments recently made by Neil Chatterjee, who was tapped by Trump to temporarily lead the energy commission. Chatterjee said coal-fired plants are a crucial part of America's energy mix that needed to be "properly compensated to recognize the value they provide."

The commission is already weighing whether it should redesign market rules to better account for state policies encouraging the use of zero-emissions power. New York and Illinois recently established subsidies for nuclear power and others are considering doing the same.

The "study reaffirms our view that nuclear energy is a key and necessary contributor to a clean, reliable and resilient electric grid, which now is more important than ever," Nuclear Energy Institute Chief Executive Officer Maria Korsnick said in a statement.

One regulation cited by the report requires coal plant operators to apply for a permit before making substantial upgrades. That requirement "creates an unnecessary burden that discourages rather than encourages" investments, the report says.

Since ordering the study in April, Perry has taken a deliberately hands-off approach and was only briefed on its findings on the morning of Aug. 22, agency officials said. The report was overseen by Travis Fisher, a senior adviser at the department, and Brian McCormack, Perry's chief of staff.

—With assistance from Tim Loh, Jennifer A. Dlouhy and Mark Chediak.

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Trump Helps Spark Biofuel Trade Wars as U.S., Brazil Slap Duties

Posted August 24, 2017, 7:55 A.M. ET

By Mario Parker

A trade war has erupted in the global biofuels market, threatening to send shockwaves through commodity markets from petroleum to soybean oil.

The latest salvo came from Brazil on August 23 when it decided to institute a 20 percent tax on ethanol imports that exceed an annual cap of 600 million liters (159 million gallons), according to two cabinet members who asked not to be named before the decision was made public. The move came a day after the U.S. Commerce Department proposed duties on biodiesel producers from Indonesia and Argentina, saying they benefit from domestic subsidies.

Shots are being fired amid escalating protectionism from President Donald Trump. The U.S. Commerce Department's action on Argentinian and Indonesian biodiesel may have given Brazil cover to take action on U.S. ethanol, said Jerrod Kitt, an analyst at Linn Associates in Chicago.

Even as the U.S. is trying to act to benefit its own industry, American producers could end up as victims since they ship a significant portion of their product overseas, including to Brazil, their No. 1 customer. China already slapped tariffs on U.S.-made ethanol and an animal feed byproduct earlier this year.

"It could get ugly," Scott Irwin, an agricultural economist at the University of Illinois in Urbana, said in a phone interview. "Everybody intervenes heavily in biofuels."

Crop Markets

The rising tensions are likely to spark a ripple effect in the agriculture markets that underpin biofuels. The U.S. is the world's biggest producer of corn and soybeans, the primary feedstocks for ethanol and biodiesel. Brazil is the largest grower of sugarcane and uses the sweetener to make ethanol. Argentina is the No. 1 soybean oil exporter.

Soybean oil futures traded in Chicago jumped to the highest in more than three weeks on Aug. 23 on speculation the duties on Argentinian biofuel shipments will squeeze domestic supplies. Biofuel credits, used for compliance in a U.S. renewable-fuel quota system, also surged following the Commerce Department's decision.

Brazil's move to tax ethanol imports will probably fall hard on U.S. producers, who sold 255 million gallons to the South American nation this year through May, according to U.S. Energy Information Administration data. That is equal to 42 percent of total exports.

The Renewable Fuels Association, Growth Energy and the U.S. Grains Council—Washington-based trade groups—expressed disappointment on the Brazilian action in an Aug. 23 joint statement.

'Politics Prevailed'

"Given the tremendous volume of information we provided to Brazil that demonstrated how misguided a tariff would be, it seemed politics prevailed today and Brazilian consumers lost," the groups said.

Tensions may escalate further from here. Trump has repeatedly scrutinized trade pacts. In an Aug. 22 speech in Phoenix, the president said he thinks the U.S. will pull out of the North American Free Trade Agreement. The U.S. biofuel industry is heavily concentrated in the Midwest, an area Trump has touted as helping to propel him to the White House.

"If this was a normal administration that didn't focus on" trade as much, it wouldn't be as impactful, Kitt of Linn Associates said. "I can see him playing to that base."

--With assistance from Fabiana Batista and Rachel Gamarski.

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Green Power's Need for Copper Boosts New Mines in Australia

Posted August 24, 2017, 8:42 A.M. ET

By David Stringer and Rishaad Salamat

Copper is shifting to an era of technology-fueled demand growth, according to OZ Minerals Ltd., which will begin work next month on a A$916 million ($724 million) mine development in Australia.

The Adelaide-based producer, announced board approval Aug. 24 for the Carrapateena underground mine in South Australia, sees renewable energy, including batteries and solar power projects, overtaking capital equipment and building as the key engine for global demand.

"I like the fact that demand is shifting," Chief Executive Officer Andrew Cole said in an Aug. 24 Bloomberg Television interview. "It's being driven as much now by technology as basic infrastructure, and the barrier to entry on new copper mines is very high—it's just hard to find them."

Copper markets are poised to benefit as demand expands from renewable power and electric vehicles from the mid-2020s, according to BHP Billiton Ltd., which controls the world's biggest mine. The electric vehicle market alone could require about 8.5 million metric tons of copper through 2035, the company said in October 2016.

Carrapateena, about 160 kilometers (99 miles) north of Port Augusta, will begin commissioning in the final quarter of 2019, and the site has significant potential for expansion, OZ Minerals said. It will have average annual output of about 65,000 metric tons of copper and 67,000 ounces of gold over about two decades.

Copper faces a persistent deficit from late 2018 to early 2019 on a lack of new projects and depletion of existing mines, according to Jefferies LLC, and miner Antofagasta Plc said this month that the metal's outlook is being boosted by rising demand, including for electric vehicles. Prices are headed for a second annual gain and this week rallied to the highest level in London since late 2014.

"The technological age that we are moving into, the ramp up of batteries, energy storage, electric vehicles, green energy production through solar and wind—all of those things will drive copper pricing," Cole said in the interview.

The producer, which forecasts 2017 copper output of as much as 115,000 tons at its Prominent Hill mine, plans to fund Carrapateena's development from cash, Cole told analysts earlier on a conference call. It previously reported underlying profit rose to A$80.6 million in the six months to June 30, from A$55 million a year earlier.

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Philippines Inaugurates 800-Megawatt Solar Manufacturing Plant

Posted August 24, 2017, 8:28 A.M. ET

By Bloomberg News

Filipino President Rodrigo Duterte inaugurated a manufacturing plant with enough capacity to produce 800 megawatts of solar panels a year.

The factory, expected to reach full production next year, will create 50,000 jobs, its owner, Solar Philippines, said in an Aug. 23 emailed statement.

"The establishment of this state-of-the-art facility in Sto. Tomas, Batangas, is timely and relevant as we address increasing demand for renewable energy," Duterte said in his speech. "It is high time that we begin to establish local solar power."

Although a relative newcomer to solar, the Philippines is getting more serious about the technology. Total installed capacity in the country surged more than fivefold in 2016 from a year earlier and is expected to grow by 14 percent this year, Bloomberg New Energy Finance estimates.

The Batangas factory came online in March with an initial capacity of 200 megawatts, Leandro Leviste, chief executive officer of the company, said by phone Aug. 24.

Solar Philippines entered solar manufacturing after SunPower Corp. shut down two of its factories in the Philippines. The company is partnering with Chinese companies to make solar panels for export to the U.S. and Europe and has begun selling panels to local distributors, it said.

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Today's POLITICO Playbook presented by BP
07/29/2017 10:58 AM EDT

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

Visit the online home of Playbook

Driving the Day

Good Saturday morning from Los Angeles! Jake and Anna are going to Politicon today in Pasadena, where we're hosting a panel called Trump and the media. We'll be chatting with Bill Kristol, Jason Miller, Symone Sanders and Jon Lovett.

MILWAUKEE JOURNAL SENTINEL FRONT-PAGE BANNER HEADLINE -- "PRIEBUS IS OUT" http://bit.ly/2uHH5QZ

THE END -- THE REINCE POST-MORTEMS...

-- POLITICO: "Inside the end of the Priebus era: Trump's chief of staff struggled to assert his authority starting on his first day in the West Wing," by Josh Dawsey and Eliana Johnson: "The unpredictable nature of the information flow in the White House made him uneasy, several administration officials say. He lost his cool when other West Wing staffers knew things that he didn't, and he would call people who had spoken to the president to ask them what Trump had told them. He would run from meeting to meeting trying not to miss anything. He would corner people who criticized him publicly and ask them to stop - but admit the criticisms were close to accurate. ... Trump never seemed to fully trust Priebus ... And he never fully empowered him, softly undermining him by calling him 'Reince-y' and making strange asides, officials said.

"At one point, he told associates that Priebus would make a good car salesman. At another, he mocked him for expressing excitement when he spotted his house from Air Force One, flying over Wisconsin. Trump exacerbated Priebus' status by frequently complaining about him to other staffers and outside advisers ... His press shop was criticized for fighting for protecting Priebus in the press over other staffers and the

president. For some, defending him was just an old habit. One senior administration official even called the communications office's fixation with defending Priebus an 'inappropriate use of government funds.'" http://politi.co/2uGDjaA

-- WASHINGTON POST: Phil Rucker, Abby Phillip, Bob Costa and Ashley Parker: "Trump first tried to offer the chief of staff job to Kelly in mid-May, according to two people familiar with their discussions. Kelly told the president that he was flattered, but declined, saying he still had more to accomplish beefing up national security and improving immigration enforcement. ...

"Allies to Priebus said he told them he had resigned because the internal chaos had become 'unsustainable,' and that he felt demeaned by the president's treatment of him. One friend said Priebus told him he was frustrated that he could not assert control over basic White House functions, such as policy development, communications and even formal announcements ... His exit was described by one Republican strategist as 'the red wedding,' a reference to a mass-murder blood bath episode of HBO's 'Game of Thrones.' ...

"'It reached a fever pitch of the president complaining about Reince to all of us,' said one senior White House official ... 'If we heard it once, we heard it 20 times in the last week -- this erosion of confidence. The word was 'weak' -- 'weak,' 'weak,' 'weak.' 'Can't get it done.' ... Trump's demeaning of Priebus came through in other ways, too. At one point, during a meeting in the Oval Office, a fly began buzzing overhead, distracting the president. As the fly continued to circle, Trump summoned his chief of staff and tasked him with killing the insect, according to someone familiar with the incident. (The West Wing has a regular fly problem.) ...

"Inside the White House, Priebus' rivals tried to sow doubts about Priebus' loyalty. Any negative mention of Priebus in a news story -- even a single sentence or mere clause -- would often elicit frantic phone calls from more junior staffers, the sort of vigorous defense in the media the president came to believe was not afforded to him. The impression within the White House -- that Priebus was most concerned with defending his own image -- further undercut his standing with Trump and the president's family." http://wapo.st/2tLf7Bi

TOP TWEETS -- @JohnJHarwood: "Ryan-Priebus ally tells me Trump is moving toward 'an independent WH' untethered from the Republican Party" ...**@codykeenan:** "'Hello, Reince? Hey, it's Bob Mueller.'" ... **@maggieNYT:**"Metaphor - Priebus does exit interview w Hannity, who attended dinner w Potus where Priebus was savaged a few nights ago".

NEW SHERIFF IN TOWN -- JOSH DAWSEY and **BEN WHITE, "West Wing waits to see if real change is coming":** "After months of chaos, President Donald Trump's aides wonder whether Priebus' replacement, Gen. John Kelly, can calm the famously mercurial president and defuse the rivalries among staff": "Senior West Wing officials said they believe Kelly would be far better at imposing some discipline on Trump, who

never much listened to Priebus and even mocked him as 'not a five-star general' to the New York Times. ... Officials said late Friday they hoped Kelly would also have more respect from Trump because of his military background. And they say Trump behaves differently when he's around people he trusts. But they also feared that Kelly possesses limited political instincts-but 'he's now in a very political job,' one White House official said. ...

"White House aides are trying to decide to resuscitate the health care fight later this year, senior officials said. ... What is most frustrating, West Wing officials and advisers say, is that there never seems to be a week that goes without major hiccups or controversies. Hill aides say it is perplexing how much drama the White House can create. 'So much drama every day,' one person said. 'Can you even imagine them having an on-topic press conference and making the headlines they wanted?'" http://politi.co/2eULgnq

-- "John Kelly, New Chief of Staff, Is Seen as Beacon of Discipline," by NYT's Ron Nixon and Mike Shear: "President Trump frequently referred to John F. Kelly as one of 'my generals,' the three senior military leaders he recruited for his team. On Friday, Mr. Trump decided to see whether Mr. Kelly, a retired four-star Marine Corps general, could impose a new sense of discipline on an unruly and chaotic West Wing. Mr. Kelly, who became a star in Mr. Trump's eyes for overseeing immigration policy as secretary of homeland security, will become the president's second chief of staff. ... The square-jawed Mr. Kelly, the first general to hold the chief of staff position since Alexander M. Haig during the Nixon administration, will be an imposing and strait-laced figure in a West Wing filled with constantly warring aides and advisers, most of whom came to Washington with virtually no experience in federal government before Mr. Trump's victory last year." http://nyti.ms/2uLYWog

****** **A message from BP: We sell enough natural gas to meet the daily needs of every home in the U.S.** *Check out what else we're doing across the country.* ******

THE BIG QUESTION -- Will Trump give Kelly the authority to impose discipline on the West Wing, or is this just a rearranging of the deck chairs? Typically, the chief of staff is the sole gatekeeper to the president. So far, Trump has chosen a very different leadership style. Anthony Scaramucci's recent comments that he answers directly to Trump undercut the argument that Kelly will be able to bring order and a chain of command to the administration. Is Kelly really going to be able to put limits on Ivanka Trump and Jared Kushner's interactions with or limit their influence on the president? Will "walk in privileges" to President Trump's office go away?

-- ALSO many members of Congress had Priebus as their chief contact in the administration. If they needed something, they went to Reince. At DHS, Kelly was a principal. Now he's an aide. It will be interesting to see how he adapts to that -- and how the Hill adapts to him.

****** **A message from BP: Over the past 10 years, no energy company has**

invested more in the U.S. than BP - $90 billion in total. *Take 60 seconds to see what we're doing to help keep America moving forward.* ******

MUSICAL CHAIRS -- "Who will replace Kelly at Homeland Security?" by Ted Hesson and Andrew Restuccia with Daniel Lippman: "Several White House and former DHS officials proffered a slate of names of possible replacements for Kelly, with Texas Rep. Michael McCaul, the Republican chairman of the House Homeland Security Committee, emerging as a leading candidate. Other potential picks include Thomas Homan, acting director of U.S. Immigration and Customs Enforcement, who accompanied Trump on Air Force One on Friday, and Kansas Secretary of State Kris Kobach ... Separately, rumors have been circulating that Trump could nominate Attorney General Jeff Sessions for the Homeland Security role." http://politi.co/2tR59Cv

TRUMP FUMES -- at 7:20 a.m.: "Republican Senate must get rid of 60 vote NOW! It is killing the R Party, allows 8 Dems to control country. 200 Bills sit in Senate. A JOKE!" ... **at 7:28 a.m.:** "The very outdated filibuster rule must go. Budget reconciliation is killing R's in Senate. Mitch M, go to 51 Votes NOW and WIN. IT'S TIME!" ... **at 7:32:** "Republicans in the Senate will NEVER win if they don't go to a 51 vote majority NOW. They look like fools and are just wasting time....." ... **7:39 a.m.:** "....8 Dems totally control the U.S. Senate. Many great Republican bills will never pass, like Kate's Law and complete Healthcare. Get smart!" ... **at 7:47 a.m.:** "If the Senate Democrats ever got the chance, they would switch to a 51 majority vote in first minute. They are laughing at R's. MAKE CHANGE!"

-- SENATE MAJORITY LEADER MITCH MCCONNELL and about a dozen other Senate Republicans have been pretty clear that they aren't going to kill the filibuster for bills (***Read Seung Min Kim in April*** http://politi.co/2eWvJ6m). It's unclear why he's hammering this now -- the House health care bill, skinny repeal and clean repeal failed but only needed 51 votes. McConnell -- and other Hill leaders -- never appreciate this kind of advice from the White House. **ALSO**: Democrats have controlled the Senate for much of the last decade and never did this.

-- HuffPost banner, "THE WILDEST WEEK" ... **Drudge banner,** "WH SHAKEUP -- PRIEBUS OUT -- GENERAL IN".

THE BIG TIMES TICK TOCK, A1 -- "Behind Legislative Collapse: An Angry Vow Fizzles for Lack of a Viable Plan," by Matt Flegenheimer, Jonathan Martin and Jennifer Steinhauer. http://nyti.ms/2v9rY3t

BOSTON GLOBE'S MATT VISER -- "Congressional Republicans promised action. By the numbers, they haven't delivered": "The Republican-controlled Congress is in a tailspin of unproductivity, and that's even before the Senate GOP's failure last week to pass a long-promised repeal of the Affordable Care Act. By almost every objective measure -- especially compared with 2009, the last time one party had control of the

White House and both congressional chambers -- it is off to a dismal start.

"Not only have lawmakers been unable to notch major accomplishments on health care or tax reform, but there are also fewer votes, fewer nominees confirmed, and fewer bills passed, according to a Globe review of congressional records of previous eras when the same party controlled the House, Senate, and White House.

"Today's members of Congress are generally just not as active as their predecessors, according to another key measure. Through June, there were 9,247 pages of proceedings, which are the recordings of the daily business of Congress. That was almost 40 percent less than it was in 2009 and lower than any comparable period in recent history." http://bit.ly/2w9hmPD

BRUTAL -- PEGGY NOONAN in the **WSJ: "Trump Is Woody Allen Without the Humor:** Half his tweets show utter weakness. They are plaintive, shrill little cries, usually just after dawn":"The president's primary problem as a leader is not that he is impetuous, brash or naive. It's not that he is inexperienced, crude, an outsider. It is that he is weak and sniveling. It is that he undermines himself almost daily by ignoring traditional norms and forms of American masculinity, skinny.

"He's not strong and self-controlled, not cool and tough, not low-key and determined; he's whiny, weepy and self-pitying. He throws himself, sobbing, on the body politic. He's a drama queen. It was once said, sarcastically, of George H.W. Bush that he reminded everyone of her first husband. Trump must remind people of their first wife. Actually his wife, Melania, is tougher than he is with her stoicism and grace, her self-discipline and desire to show the world respect by presenting herself with dignity." http://on.wsj.com/2v6FiGh

FOR YOUR RADAR -- "Trump swallows a bitter pill on Russia," by Michael Crowley: "President Donald Trump plans to sign a ... law restricting his ability to lift sanctions on Russia, the White House said Friday night, in a severe blow to his budding relationship with Russian President Vladimir Putin." http://politi.co/2u6I2in

-- "North Korea says 2nd ICBM test puts 'entire' U.S. in range," by AP's Eric Talmadge in Pyongyang and Mari Yamaguchi in Tokyo: "North Korean leader Kim Jong Un said Saturday the second flight test of an intercontinental ballistic missile demonstrated his country can hit the U.S. mainland, hours after the launch left analysts concluding that a wide swath of the United States, including Los Angeles and Chicago, is now in range of North Korean weapons. ... Immediately after the launch, U.S. and South Korean forces conducted live-fire exercises." http://bit.ly/2uLgMrO ... ***Instapic*** *of POTUS on a conference call about North Korea yesterday afternoon with Gen. Joseph Dunford, Rex Tillerson and Jim Mattis (H.R. McMaster, Dina Powell and Matt Pottinger were with him in the Indian Treaty Room and are in the pic)* http://bit.ly/2hb1E3H

Playbook Reads

TODD PURDUM on **"Why Priebus was destined to fail":** "On paper, Reince Priebus was a logical chief of staff for Donald Trump, an experienced inside player who could help the biggest outsider who ever won the presidency navigate the complex byways of Washington, Congress and national politics. But their teaming only made sense if the new president was willing to listen - and learn. ...

"It is a truism of White House management that presidents get the chiefs of staff they want, at least as often as the ones they need. Early in his first term, Bill Clinton chose his boyhood friend Thomas 'Mack' McLarty, a pliable figurehead, because he wanted to function as his own chief of staff. Richard Nixon chose the crew-cut enforcer H.R. Haldeman to instill fear and deliver the bad news that Nixon himself often shrank from imparting.

"In Priebus, Trump first tried the kind of low-key, steady hand that what's left of the GOP establishment thought he needed as a novice politician. Surely the longest-serving national chairman in the Republican Party's history, who had held the Republican Party together through fractious years and helped it reclaim the presidency, could be a calming, rational manager in the White House." http://politi.co/2tM6LsP

VALLEY WATCH -- "Tesla's Model 3 rolls down the red carpet as new details revealed," by the San Jose Mercury News' Louis Hansen in Fremont: "The Tesla Model 3 -- fast, electric and available in the dreams and budgets of more common car owners -- left the Fremont factory lot for the California streets Friday evening.

"CEO Elon Musk drove on stage in a red Model 3 and handed over 30 new electric vehicles to employees at a factory gala, while offering new details about the lower-cost sedan and rallying his troops for challenges ahead. ... 'The final step in the master plan,' Musk said as he stood on stage then, before an image of a curtain-draped Model 3. 'A mass-market, affordable car.' Reservations opened and swelled quickly to almost 400,000 customers." http://bayareane.ws/2tSe1l0

BUSINESS BURST -- "Sprint Proposes Merger With Charter Communications," by WSJ's Ryan Knutson and Dana Cimilluca: "Sprint Corp. has proposed a merger with Charter Communications Inc. that would create a media and communications giant, upending industries that are already in the throes of dramatic change. Since the end of May, Charter and Comcast Corp.had been in exclusive talks with Sprint over possible deals, including one that would allow the cable companies to resell wireless service under their own brands. Though the exclusivity window ended this week, Sprint Chairman Masayoshi Son continues to pursue a much larger deal with Charter, according to people familiar with the matter: a full-blown merger of the two companies." http://on.wsj.com/2uKLbGp

CLIP AND SAVE -- ED ROGERS in WaPo, "The quest to prove collusion is crumbling": "As the date of the Kushner testimony approached, the media thought it

was going to advance and refresh the story. But Kushner's clear, precise and convincing account of what really occurred during the campaign and after the election has left many of President Trump's loudest enemies trying to quietly back out of the room unnoticed. Cable news airtime and in-print word count dedicated to the nonexistent collusion story appear to be dwindling. Democrats and their allies in the media seem less eager to talk about it, and when they do, they say something to the effect of 'but, but, but ... Kushner didn't answer every question ... He wasn't under oath ... There are still more witnesses ... What about this or that new gadfly?' They are stammering. And it hasn't taken long for news producers and editors to realize that the story is fading." http://wapo.st/2vg1Vsj

MEDIA WATCH -- KATIE COURIC leaving Yahoo - AP: "A representative for Couric said Friday she turned down an opportunity for a short-term contract extension at Oath [formerly Yahoo]. Couric is working with National Geographic on a documentary to follow up her project on gender revolution with the network. She's producing a scripted series for Netflix, hosts a podcast where she interviews figures in news and pop culture, and produces 'Scraps' a cooking and travel series for the FYI network." http://bit.ly/2w7Xc8y

-- "Choire Sicha Wins Times Styles Section Bake-Off," by Vanity Fair's Joe Pompeo: "The appointment [as editor] caps months of speculation about who would succeed Stuart Emmrich in the high-profile gig, a post that involves lording over one of the Times's more lucrative sections in terms of advertising. ... Sicha ... is an executive at Vox Media, co-founder of The Awl, and former writer and editor at Gawker, Radar, and The New York Observer." http://bit.ly/2vSbqv0

CLICKER - "The nation's cartoonists on the week in politics," edited by Matt Wuerker - ***16 keepers:*** http://politi.co/2hadL11

GREAT WEEKEND READS, curated by Daniel Lippman, filing from Munich, where he's attending the American Council of Germany's American-German Young Leaders Conference:

--"The Hijacking of the Brillante Virtuoso: A mysterious assault, an unsolved murder, and a ship that hasn't given up all its secrets," by Kit Chellel and Matthew Campbell in Bloomberg Businessweek: "The events of July 6, 2011, set in motion a tangle of lawsuits and criminal investigations that are still nowhere near conclusion. The Brillante Virtuoso reveals the shipping industry's capacity for lawlessness, financial complexity, and violence. Everyone at sea that night survived. But the danger was just getting started." https://bloom.bg/2vNX9j0 (h/t TheBrowser.com)

--"How the Democrats Lost Their Way on Immigration," by Peter Beinart in the July/Aug. issue of The Atlantic: "Liberals must take seriously Americans' yearning for social cohesion. To promote both mass immigration and greater economic redistribution, they must convince more native-born white Americans that immigrants will not weaken the bonds of national identity. This means dusting off a concept many on the left currently hate: assimilation. Promoting assimilation need not mean expecting

immigrants to abandon their culture. But it does mean breaking down the barriers that segregate them from the native-born. And it means celebrating America's diversity less, and its unity more." http://theatln.tc/2u2KxlK

--"Charlie Dent's War," by Ben Wofford in POLITICO Magazine: "A Republican moderate is stealing the strategy of Tea Party purists. Can it work?" http://politi.co/2w80U1Y

--"The Art of the Hostage Deal," by TIME's Elizabeth Dias in Riverton, Utah: "At any given moment, a handful of innocent Americans are detained in grisly conditions by hostile governments. Others are held by terrorist groups. ... Many of the families of these captives are united by a faith that President Trump will do what it takes to win their loved ones' release. As a candidate, Trump promised that his dealmaking skills would free innocent Americans held abroad." http://ti.me/2uKNxVW

--"The Little College That Couldn't: The debate over Jane Sanders's legacy in Burlington," by The Weekly Standard's Alice B. Lloyd: "[H]ere in Burlington, 'People are doing everything they can to protect Bernie,' one former professor told me. Even those who recognize Jane Sanders's wrongdoing-trustees who witnessed weak leadership and faculty members she fired-remain wary of Brady Toensing, the lawyer and Vermont Republican party vice chairman who alerted the state's U.S. attorney in early 2016 to the possible bank fraud underlying Sanders's deal." http://tws.io/2v5ZpEF

--"Evan McMullin Tweets Like a President," by Washingtonian's Elaina Plott: "McMullin's newfound celebrity has been fruitful: he's quoted often by reporters who need the conservative-but-anti-Trump perspective and has earned hundreds of thousands of Twitter followers, an esteemed feat in the eyes of the political-media class." http://bit.ly/2uGPVhT

--"Justin Trudeau: The North Star," by Stephen Rodrick on the cover of Rolling Stone: "He was raised in jet-set privilege but overcame tragedy to become Canada's prime minister. Is he the free world's best hope?" http://rol.st/2h6M1KN

-- "Jane Austen, on the money," by Ian Sansom in the Times Literary Supplement: "The metaphorical quilts and blankets of the squierarchy and the clergy have now become the films, the television series, the fine uniform and collector's editions, the appalling paperback editions, the fan fiction, the mugs, the ornaments, and indeed the actual quilts, blankets, fleeces, snugglies, slippers, dressing gowns and pillow cases that are all part of the academic-entertainment complex devoted to the perpetuation of the memory of our dear Jane (or in Henry James's formulation, "their 'dear', our dear, everybody's, dear Jane")." http://bit.ly/2uCVcr6

--"History of the high five," by Jon Mooallem in ESPN The Magazine's Aug. 8, 2011 issue - per Longform.org's description: "The origin story of a now-ubiquitous celebration." http://es.pn/2w44XMz

--**"'The Weasel, Twelve Monkeys and the Shrub,'"** by David Foster Wallace in the April 13, 2000 issue of Rolling Stone: "Seven days in the life of the late, great John McCain." http://rol.st/2tHs6DL

-- **"He Spent Almost 20 Years Funding The Racist Right. It Finally Paid Off,"** by BuzzFeed's Aram Roston: "William Regnery II, a man who inherited millions but struggled in business, tried for 15 years to ignite a racist political movement - and failed. Then an unforeseen phenomenon named Donald Trump gave legitimacy to what Regnery had seeded long before: the alt-right. Now, the press-shy white separatist breaks his silence." http://bzfd.it/2uCktkR

Playbookers

SPOTTED: Tucker Carlson on an early morning Saturday flight from Fort Lauderdale to DCA ... New Pence chief of staff Nick Ayers and his wife sitting in the window having dinner last night at Warehouse Bar and Grille on King Street in Old Town ... Chuck Todd (wearing a T-shirt and jeans) at H St. Country Club last night enjoying a drink and some chips with three friends ... Sen. Cory Booker (D-N.J.) boarding Friday's 2 p.m. Acela out of D.C. ... former first lady Michelle Obama at the Spotify-sponsored "Beating the Odds" Summit yesterday at Dunbar High School in D.C. ***Pic*** http://bit.ly/2vSKDyq

PELOSI DEPARTURE LOUNGE -- Caroline Behringer, a senior spokesman for House Minority Leader Nancy Pelosi, is leaving the California Democrat's leadership office to join her fiancé, Colin Bortner, a director of public policy for Netflix, in Amsterdam. Pelosi toasted Behringer with chocolate cake at a going away reception Friday afternoon at the Capitol thanking her for her work on health care. **SPOTTED** at the subsequent "Team Pelosi Hawk 'n' Dove" going away soirée last night: Taylor Griffin, Dylan Gibson, Robert Edmonson, Stephanie Cherry, Patti Ross, Shana Mansbach, Elena Kuhn, Michael Long, Julius West, Christina Wilkes, Sarah Jackson and tipster Drew Hammill.

WELCOME TO THE WORLD -- Rep. Trey Hollingsworth (R-Ind.) and his wife**Kelly** , who works in fashion, welcomed their first child, Joseph, on Thursday at 1:38 a.m. "Both Kelly and Joseph are doing well, and Trey is adjusting to fatherhood like a pro, already having taken hundreds of photos and videos of his new son." ***Pic*** http://bit.ly/2haD96I

BIRTHDAY OF THE DAY: Peter Alexander, national correspondent at NBC News. **How he's celebrating:** "We've got a big party planned - not mine, my four-year-old daughter, Ava's - with my three favorite ladies: Ava, Emma and Alison (featuring cameos by Belle and Elsa)." Read his Playbook Plus Q&A: http://politi.co/2v9fhpr

BIRTHDAYS: David Westin, anchor of "Bloomberg Daybreak Americas" and former ABC News president ... Caitria Mahoney, segment producer for MSNBC and an Obama WH alum ... Obama and Biden alum Herbie Ziskend, who graduated in May from

Harvard Kennedy School (bag tip: Lesser) ... POLITICO's Carol Eisenberg and Danny Vinik ... documentarian Ken Burns is 64 ... Marilyn Quayle is 68 ... former Sen. Elizabeth Dole (R-N.C.), now founder of Hidden Heroes, is 81 (h/t Arjun Mody) ... former Sen. Nancy Kassebaum-Baker (R-Kans.) is 85 ... Ellie Titus of Bloomberg Politics ... Rep. Diana DeGette (D-Colo.) is 6-0 ... Rep. Jeff Denham (R-Calif.) is 5-0 ... Rep. Denny Heck (D-Wash.) is 65 ... Peter S. Goodman ... John Raffetto ... Politico Europe's Joanna Plucinska and Jacopo Barigazzi ... Chris Carr ...

... Garance Franke-Ruta, Washington editor at Yahoo News ... Nate Rawlings is 36 ... Karl Douglass, principal with Ohio River South (h/t Jon Haber) ... Tampa Mayor Bob Buckhorn is 59 ... Denver Mayor Michael Hancock is 48 ... Mark Laichena ... Jim Hake, founder and CEO of Spirit of America, an Arlington-based non-profit that provides private support for U.S. missions abroad (h/t Isaac Egan) ... Vox's Laura McGann ... Grant Bosse ... Rob Hennings ... former Rep. Deborah Pryce (R-Ohio) is 66 ... Caitlin McBride ... Bill Pascoe ... Melissa Steffan ... Lise Clavel ... Katherine Lugar, CEO of the American Hotel Lodging Association ... CNN's Aaron Kessler ... Dave Barr ... Charles Hoskinson ... Doug Hill ... Allison Jaslow ... Medal of Honor recipient Sgt. 1st Class Leroy Petry ... Jeff Patch ... Kristin Fisher Forehand ... Kris Purcell ... Caitlin Callahan ... Tom Kimbis ... Jay Heine ... Carrie Hyun ... Brad Marshall ... Laura Nichols (h/ts Teresa Vilmain)

THE SHOWS by @MattMackowiak filing from Austin:

--**CNN's "State of the Union":** Sen. Susan Collins (R-Maine) ... Sen. Bernie Sanders (I-Vt.). Panel: Michael Caputo, Rep. Barbara Lee (D-Calif.), Mike Murphy and Rep. Ted Lieu (D-Calif.)

-- CBS's "Face the Nation": Sen. Jeff Flake (R-Ariz.) ... Sen. Dianne Feinstein (D-Calif.) ... new CBS News Nation tracker poll with CBS News' Anthony Salvanto. Panel: Nancy Cordes, Ben Domenech, Ruth Marcus, David Nakamura and Ed O'Keefe

-- "Fox News Sunday": House Minority Leader Nancy Pelosi (D-Calif.) ... Gov. John Kasich (R-Ohio). Panel: Brit Hume, former Rep. Jane Harman (D-Calif.), Karl Rove and Mo Elleithee

-- NBC's "Meet the Press": Sen. Susan Collins (R-Maine) ... Sen. Amy Klobuchar (D-Minn.) ... Sen. Bill Cassidy (R-La.). Panel: Cornell Belcher, Helene Cooper, Hugh Hewitt and Eliana Johnson

-- ABC's "This Week": Guests to be announced

-- CNN's "Inside Politics" with John King: Michael Bender, Michael Warren, Margaret Talev and Sara Murray

-- CNN's "Reliable Sources": April Ryan, Douglas Brinkley and Richard Wolffe ... Jennifer Rubin and John Phillips ... Mark Hertling ... David Zurawik ... Alisyn Camerota

-- Fox News' "Sunday Morning Futures": Speaker Paul Ryan (R-Wisc.) ... Rep. Kevin Brady (R-Texas) ... Sen. Mike Rounds (R-S.D.) ... Mike Huckabee. Panel: Michael Goodwin and Jon Hilsenrath

-- Fox News' "MediaBuzz": Shannon Pettypiece ... Katie Pavlich ... Joe Trippi

-- CNN's "Fareed Zakaria GPS": Peter Beinart, Richard Haass, Margaret Hoover and Dan Senor ... Joshua Green ... Gideon Rachman

-- Univision's "Al Punto": Father of San Antonio smuggling victim Jose de Jesus Martinez and Alex Galvez ... Rep. Henry Cuellar (D-Texas) ... California Attorney General Xavier Becerra ... Republican political analyst Alfonso Aguilar and ACLU director of immigration policy and campaigns Lorella Praeli ... National Assembly-appointed Justice for Venezuela's Supreme Court Alejandro Rebolledo

-- C-SPAN: "The Communicators": Steve Case ... **"Newsmakers":** Rep. John Yarmuth (D-Ky.), questioned by The New York Times' Alan Rappeport and The Washington Post's David Weigel ... **"Q&A":** Mark Bowden

-- Washington Times' "Mack on Politics" weekly politics podcast with MattMackowiak (download on iTunes, Google Play, or Stitcher or listen at http://bit.ly/2r37J6h): The Federalist senior editor and Fox News contributor Mollie Hemingway.

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President Donald Trump on Monday forcefully condemned a violent white supremacist rally that occurred over the weekend, singling out hate groups and declaring racism "evil" after previously failing to do so in his initial response.

"Racism is evil," Trump said in a statement from the White House. "And those who cause violence in its name are criminal and thugs, including the KKK, neo-Nazis, white supremacists and other hate groups that are repugnant to everything we hold dear as Americans."

The president's new rhetoric comes days after violence occurred in Charlottesville, Virginia, where a group of white supremacists gathered to protest the removal of a statue of Confederate Gen. Robert E. Lee and clashed with counter-protesters. At least one person died when a car plowed through a crowd Saturday, injuring more than a dozen others. Two Virginia state troopers were also killed in a helicopter crash Saturday that was responding to the protest.

Read more: http://politi.co/2vTPUsI

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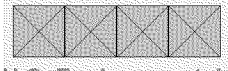
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EHS State Regulatory Alert

November 08, 2017 - Number 215

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

California Regions

AIR
Operational Development Fee/CEQA Air Quality Handbook
California Regions AIR

Proposed rule of the Imperial County Air Pollution Control District amends regulations under Rule 310 and the CEQA Air Quality Handbook. The rule revises the operational development fee, which is intended to mitigate emissions produced from the operation of new commercial and residential development projects. The rule establishes three mitigation alternatives for project proponents and sets fees for level 1 and 2 projects. The rule also removes provisions concerning review committees for proposed mitigation projects and specifies that the district will evaluate and recommend proposed mitigation projects based on the cost effectiveness of each project. In addition, the rule revises the CEQA handbook by increasing the significance threshold for nitrogen oxide and reactive organic gases, increasing the screening criteria project size thresholds, and revising the emissions evaluation model. A hearing is scheduled for Dec. 12, 2017, in El Centro. Comments are due Dec. 6, 2017. Contact: Reyes Romero; Imperial County APCD; 442-265-1800

—California RegionsRegulations (11/07/2017)

Regulatory Update

WATER
Emergency Disposal of Disaster-Related Wastes/Conditional Waiver of Waste Discharge Requirements
California Regions WATER

Notice of the San Francisco Bay Regional Water Quality Control Board announces a tentative resolution to adopt a conditional waiver of waste discharge requirements for discharges of certain disaster-related wastes from emergency-declared disaster areas. Requirements for coverage under the waiver are established for disaster-related wastes generally, temporary waste piles and regulated and nonregulated facilities, temporary surface impoundments, and discharges of mass animal mortality wastes to emergency landfills. A hearing is scheduled for

Dec. 13, 2017, in Oakland. Comments are due Dec. 12, 2017. Contact: Keith Roberson; San Francisco Bay RWQCB; 510-622-2404; Keith.Roberson@waterboards.ca.gov

—California RegionsRegulations (11/03/2017)

Regulatory Update

Connecticut

OCCUPATIONAL SAFETY AND HEALTH
Elevator and Escalator Safety Code
Connecticut OCCUPATIONAL SAFETY AND HEALTH

Notice of the Department of Administrative Services announces an additional change to a Nov. 28, 2016, proposed rule to adopt regulations under RCSA 29-192-1e through -6e regarding safety standards for the installation, construction, operation, maintenance, inspection, repair, and use of elevators and escalators. The rule incorporates updated editions of American Society of Mechanical Engineers and American National Standards Institute model codes and standards to be consistent with new technology concerning usage, products, materials, and methods of construction for elevators and escalators in commercial and residential occupancies. The change makes a technical revision. Contact: Jenna Padula; DAS; 860-713-5868; Jenna.Padula@ct.gov

—Connecticut Law Journal (11/06/2017)

Regulatory Update

Illinois

AIR
Air Quality Standards
Illinois AIR

Final rule of the Pollution Control Board amends regulations under 35 IAC 243.101, .105, .108, and .120 and repeals regulations under 35 IAC 243, Table A, to incorporate national ambient air quality standards (NAAQS) under 40 CFR 50, as of June 16, 2017. The rule implements the 2012 primary annual NAAQS for particulate matter (PM-2.5) and revises requirements for handling monitoring data influenced by exceptional events. The rule also incorporates an updated equation used for calculating compliance with the PM-2.5 NAAQS. In addition, the rule incorporates the updated list of designated reference and equivalent methods, which includes a designated federal equivalent method for nitrogen dioxide in ambient air. Finally, the rule deletes the schedule for submission of data influenced by exceptional events for use in initial area designations. The rule is effective Oct. 23, 2017. Contact: Michael McCambridge; PCB; 312-814-6924; michael.mccambridge@illinois.gov

—Illinois Register (11/03/2017)

Regulatory Update

AIR
Control of Emissions from Large Combustion Sources/Coal-Fired Electric Generating Units
Illinois AIR

Proposed rule of the Pollution Control Board amends regulations under 35 IAC 225.233 to update multipollutant standards for coal-fired electric generating units (EGUs). The rule modifies and adds exemptions to annual and seasonal nitrogen oxide and sulfur dioxide emission standards for certain Dynegy Inc. facilities in central and southern Illinois. The rule also clarifies notification requirements for the transfer of EGUs to different owners and updates recordkeeping and reporting requirements. Comments are due Dec. 18, 2017. Contact: Mark Powell; PCB; 312-814-6887; mark.powell@illinois.gov

—Illinois Register (11/03/2017)

Regulatory Update

AIR
Definitions and General Provisions/Volatile Organic Material and Compounds
Illinois AIR

Final rule of the Pollution Control Board amends regulations under 35 IAC 211.7150 to align provisions with the federal exemption of hydrofluoroether compound from the definition of "volatile organic compound" under 40 CFR 51.100. The rule is effective Oct. 23, 2017. Contact: Michael McCambridge; PCB; 312-814-6924; michael.mccambridge@illinois.gov

—Illinois Register (11/03/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Carriage by Public Highway
Illinois HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Department of Transportation announces a correction to an Oct. 20, 2017, proposed rule to amend regulations under 92 IAC 177.2000 regarding carriage by public highways. The rule incorporates by reference federal standards under 49 CFR 177, as of Oct. 1, 2017. The correction updates the agency description of the rule. Contact: Greg Stucka; DOT, Office of Chief Counsel; 217-782-7820

—Illinois Register (11/03/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Continuing Qualification and Maintenance of Packaging
Illinois HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Department of Transportation announces a correction to an Oct. 20, 2017, proposed

rule to amend regulations under 92 IAC 180.2000 regarding continuing qualification and maintenance of packaging to incorporate by reference federal standards under 49 CFR 180, as of Oct. 1, 2017. The rule updates shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements to conform with international standards. The correction updates the agency description of the rule. Contact: Greg Stucka; DOT, Office of Chief Counsel; 217-782-7820

—Illinois Register (11/03/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Hazardous Materials Tables and Communications
Illinois HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Department of Transportation announces a correction to an Oct. 20, 2017, proposed rule to amend regulations under 92 IAC 172.2000 regarding the hazardous materials table and communications to incorporate by reference federal standards under 49 CFR 172, as of Oct. 1, 2017. The rule updates shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements to conform with international standards. The rule also reclassifies small arms ammunition as an other regulated material to conform with federal standards. The correction updates the agency description of the rule. Contact: Greg Stucka; DOT, Office of Chief Counsel; 217-782-7820

—Illinois Register (11/03/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Hazardous Materials Transportation
Illinois HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Department of Transportation announces a correction to an Oct. 20, 2017, proposed rule to amend regulations under 92 IAC 171.13, .17, .22, and .1000 and repeal regulations under 92 IAC 171.3 regarding hazardous materials transportation standards to incorporate by reference federal standards under 49 CFR 171, as of Oct. 1, 2017. The rule updates shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements to conform with international standards. The rule also updates fines for federal violations and replaces references to "imminent danger" with "imminent hazard" and to "exemption and exemptions" with "special permit or permits." In addition, the rule removes redundant provisions regarding hazardous waste. The correction updates the agency description of the rule. Contact: Greg Stucka; DOT, Office of Chief Counsel; 217-782-7820

—Illinois Register (11/03/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Shipments and Packaging/General Requirements
Illinois HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Department of Transportation announces a correction to an Oct. 20, 2017, proposed rule to amend regulations under 92 IAC 173.3000 regarding general requirements for shipments and packagings to incorporate by reference federal standards under 49 CFR 173, as of Oct. 1, 2017. The rule updates shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements to conform with international standards. The rule also reclassifies small arms ammunition as an other regulated material to conform with federal standards. The correction updates the agency description of the rule. Contact: Greg Stucka; DOT, Office of Chief Counsel; 217-782-7820

—Illinois Register (11/03/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Specifications for Packagings
Illinois HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Department of Transportation announces a correction to an Oct. 20, 2017, proposed rule to amend regulations under 92 IAC 178.100 and .200 regarding specifications for packagings. The rule incorporates by reference federal standards under 49 CFR 178, as of Oct. 1, 2017. The correction updates the agency description of the rule. Contact: Greg Stucka; DOT, Office of Chief Counsel; 217-782-7820

—Illinois Register (11/03/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Specifications for Tank Cars
Illinois HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Department of Transportation announces a correction to an Oct. 20, 2017, proposed rule to amend regulations under 92 IAC 179.2000 regarding specifications for tank cars. The rule incorporates by reference federal standards under 49 CFR 179, as of Oct. 1, 2017, including specifications for cryogenic liquid tank car tanks and seamless steel tanks. The correction updates the agency description of the rule. Contact: Greg Stucka; DOT, Office of Chief Counsel; 217-782-7820

—Illinois Register (11/03/2017)

Regulatory Update

Minnesota

GENERAL ENVIRONMENT AND SAFETY
Environmental Review Program
Minnesota GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the Environmental Quality Board to amend regulations under MNR 4410.0200, .2550, and .2600 regarding the Environmental Review Program. The rule addresses procedures for preparing, reviewing, and modifying draft environmental impact statements and updates definitions. Comments are due Dec. 7, 2017. Contact: Erik Dahl; EQB; 651-757-2364; erik.dahl@state.mn.us

—Minnesota State Register (11/06/2017)

Regulatory Update

New Jersey

AIR
Air Pollution Control/Particulate Matter and Sulfur
New Jersey AIR

Final rule of the Department of Environmental Protection, Division of Air Quality, amends regulations under NJAC 7:27-7.2 through -22.8 (nonconsecutive) and Appendix Table A concerning air pollution control and emission offset. The rule incorporates national ambient air quality standards for new source review for fine particulate matter (PM-2.5) and makes related changes to preconstruction and operating permit requirements. The rule also removes an exemption from sulfur requirements for emergency releases from pressure-relieving stacks and requires the reporting of PM-2.5 and ammonia emissions at the source level as opposed to the facilitywide level to comply with federal requirements. In addition, the rule eliminates the option for permittees to submit emission statements via e-mail and requires submissions through an internet portal. The rule will be submitted to the EPA as a revision to the state implementation plan. The rule is effective Nov. 6, 2017. Contact: Alice Previte; DEP; 609-292-9398

—New Jersey Register (11/06/2017)

Regulatory Update

AIR
Fuel Dispensing Facilities with Phase I Vapor Recovery Control Systems General Permit
New Jersey AIR

Notice of the Department of Environmental Protection, Division of Air Quality, announces a proposed general permit (GP-004B) for fuel dispensing facilities equipped with Phase I vapor recovery control systems at minor air facilities. The permit would allow for the construction, installation, reconstruction, modification, and operation of marina gasoline storage tanks; airport gasoline storage tanks used for refueling of aircraft; fuel service station gasoline storage tanks with an annual facility throughput less than 15 million gallons; and fuel service station gasoline storage tanks with an annual facility throughput greater than or equal to 15 million gallons and less than or equal to 20 million gallons, with a minimum stack height of 12 feet. The permit does not require Phase II vapor recovery control for new gasoline stations. Comments are due Dec. 6, 2017. Contact: Michael Adhanom; DEP; 609-633-8242; mike.adhanom@dep.nj.gov

—New Jersey Register (11/06/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
Settlement Agreement/Roxbury Auto Wreckers Site
New Jersey HAZARDOUS WASTE CLEANUP

Notice of the Department of Environmental Protection announces a proposed settlement agreement RAW Inc. regarding the recovery of unreimbursed cleanup and removal costs at the Roxbury Auto Wreckers site in Morris County. The agreement requires RAW to pay the department $7,196 in return for the department's removal of the lien on the property and a covenant not to sue. Comments are due Jan. 5, 2018. Contact: Kevin Kratina; DEP, Site Remediation and Waste Management Program; 609-633-1480; Kevin.Kratina@dep.nj.gov

—New Jersey Register (11/06/2017)

Regulatory Update

WATER
Drinking Water/Certification of Laboratories and Environmental Measurements
New Jersey WATER

Final rule of the Department of Environmental Protection, Division of Water Supply and Geoscience, amends regulations under NJAC 7:9E-2.1 through :10-11.10 (nonconsecutive), :18-4.6, and :18-5.6 and adopts regulations under NJAC 7:10-5.8 concerning drinking water standards and certification of laboratories and environmental measurements. The rule establishes state-specific requirements for total coliform, including a microbiological monitoring schedule, start-up procedures for seasonal water systems, level 1 and 2 assessments, parties approved to perform level 2 assessments, and the extension of the 24-hour limit for the collection of repeat samples on a case-by-case basis. The rule also removes obsolete references to fecal coliform and updates certified laboratory requirements for notification of water systems, local health authorities, and the department concerning E. coli water and nitrate/nitrite water sample results. The rule is effective Nov. 6, 2017. Contact: Ryan Knapick; DEP; 609-292-5550

—New Jersey Register (11/06/2017)

Regulatory Update

Rhode Island

WATER
Project Priority List for Water Pollution Abatement Projects
Rhode Island WATER

Proposed direct final rule of the Department of Environmental Management, Office of Water Resources, repeals regulations to remove provisions concerning the fiscal year 2016 project priority list. The rule is effective Dec. 4, 2017, if no formal objections are received by that date. Comments are due Dec. 4, 2017. Contact: Jay Manning; DEM, Office of Water Resources; 401-222-4700; jay.manning@dem.ri.gov

—Rhode Island Regulations (11/05/2017)

Regulatory Update

WATER
Wastewater Treatment Facility Operator Certification
Rhode Island WATER

Proposed direct final rule of the Department of Environmental Management amends regulations under 250-RICR-150-10-5 to clarify certification requirements for wastewater treatment facility operators. The rule removes language concerning revocation of certification, addresses the statutory expiration of a license at the end of a renewal period, and extends the grace period for late renewals by two weeks. The rule also addresses the approval of wastewater training courses. The rule is effective Dec. 4, 2017, if no formal objections are received by that date. Comments are due Dec. 4, 2017. Contact: William Patenaude; DEM, Board of Certification of Operators of Wastewater Treatment Facilities; 401-222-4700; bill.patenaude@dem

—Rhode Island Regulations (11/05/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Sat 8/5/2017 1:53:29 PM
Subject: POLITICO Playbook, presented by Morgan Stanley: MUELLER seeking info from the W.H. on Flynn -- SESSIONS' media attack just for Trump -- KELLY's new strict West Wing rules -- RYAN critiques Trump's immigration plan -- JOSH and BLAIR HOLMES welcome a son

View online version | Add politicoplaybook@politico.com to your address book.

Today's POLITICO Playbook presented by Morgan Stanley
08/05/2017 09:49 AM EDT

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

Visit the online home of Playbook

Driving the Day

Good Saturday morning. **WELCOME TO THE LULL,** hopefully. Congress is gone. The president is in Bedminster. The sleepy D.C. August is in full swing. Enjoy.

BREAKING - AP at 8:56 a.m.: "OKINAWA, Japan (AP) - U.S. Marine officials say a search is underway for service members after the 'mishap' of an aircraft off Australia coast."

INCOMING! -- NYT A1, "Mueller Seeks White House Documents on Flynn," by Matt Rosenberg, Matt Apuzzo and Mike Schmidt: "Investigators working for the special counsel, Robert S. Mueller III, recently asked the White House for documents related to the former national security adviser Michael T. Flynn, and have questioned witnesses about whether he was secretly paid by the Turkish government during the final months of the presidential campaign, according to people close to the investigation. Though not a formal subpoena, the document request is the first known instance of Mr. Mueller's team asking the White House to hand over records. In interviews with potential witnesses in recent weeks, prosecutors and F.B.I. agents have spent hours poring over the details of Mr. Flynn's business dealings with a Turkish-American businessman who worked last year with Mr. Flynn and his consulting business, the Flynn Intel Group.

"The company was paid $530,000 to run a campaign to discredit an opponent of the Turkish government who has been accused of orchestrating last year's failed coup in the country. Investigators want to know if the Turkish government was behind those payments - and if the Flynn Intel Group made kickbacks to the businessman, Ekim Alptekin, for helping conceal the source of the money. The line of questioning shows that Mr. Mueller's inquiry has expanded into a full-fledged examination of Mr. Flynn's

financial dealings, beyond the relatively narrow question of whether he failed to register as a foreign agent or lied about his conversations and business arrangements with Russian officials." http://nyti.ms/2ubct7K

JOSH GERSTEIN with a **REALITY CHECK -- "Sessions' broad attack on leaks aimed at an audience of one: Trump":** "Dozens of reporters and a horde of photographers turned out for Attorney General Jeff Sessions' news conference Friday to announce a crackdown on leaks, but the most important target for his message wasn't in the room: President Donald Trump. Sessions' eight-minute broadside against leaks and his stern warning to leakers seemed to be aimed at trying to repair his badly frayed relationship with Trump, who has expressed regret for selecting Sessions and who has specifically complained that he was doing too little to fight the tidal wave of leaks that have swamped the Trump White House. ...

"Friday's event at Justice Department headquarters was carefully structured to ensure that Sessions' message reached Trump with the fewest distractions possible. If reporters had the chance to question the attorney general about the Russia investigation, he might have demurred because he has recused from the probe. But with the recusal at the core of Trump's complaints about Sessions, any televised scene of the attorney general broaching the subject could send the president into a blue rage. So, Sessions filed out after he spoke. Cameras were then shut off at Justice officials' insistence before Deputy Attorney General Rod Rosenstein returned to take reporters' questions about the nitty-gritty of the leak crackdown." http://politi.co/2wuqqys

-- "Leak Investigations Triple Under Trump, Sessions Says," by NYT's Charlie Savage and Eileen Sullivan: "[T]he Justice Department is pursuing about three times as many leak investigations as were open at the end of the Obama era, a significant devotion of resources to hunt down disclosures that have plagued the Trump administration." http://nyti.ms/2utCMpc

-- @chucktodd: "If DoJ media source threat is real (I assume it's not; just a show presser to please WH) then I look forward to ignoring that subpoena".

SHORING UP MCMASTER -- PETER BAKER in the **NYT, "Trump Defends McMaster as Conservatives Seek His Dismissal":** "President Trump defended Lt. Gen. H. R. McMaster, his embattled national security adviser, on Friday in the face of a full-bore campaign by the nationalist wing of his political coalition accusing him of undermining the president's agenda and calling for his dismissal. General McMaster has angered the political right by pushing out several conservatives on the national security staff and cautioning against ripping up the nuclear agreement with Iran negotiated by President Barack Obama without a strategy for what comes next. ... [A]fter two days of unrelenting attacks on General McMaster by conservative activists and news sites, complete with the Twitter hashtag #FireMcMaster, the president weighed in to quash such talk. 'General McMaster and I are working very well together,' he said in a statement emailed to The New York Times. 'He is a good man and very pro-Israel. I am grateful for the work he continues to do serving our country.' ...

"At one point on Friday, Breitbart News ... had close to a dozen headlines on its home page about General McMaster, like 'McMaster "Deeply Hostile to Israel and to Trump."' The #FireMcMaster hashtag was tweeted more than 50,000 times since Wednesday." http://nyti.ms/2vBxtsV

BELOW THE SURFACE -- "National security adviser attempts to reconcile Trump's competing impulses on Afghanistan," by WaPo's Greg Jaffe and Phil Rucker: "In a disorderly West Wing in which decisions are evaluated not by ideology but by their impact on the Trump brand and their fealty to the president's campaign-trail promises, McMaster has struggled to become a dominant foreign policy force. ... Among his biggest challenges was holding the attention of the president. ... Trump had little time for in-depth briefings on Afghanistan's history, its complicated politics or its seemingly endless civil war.

"Even a single page of bullet points on the country seemed to tax the president's attention span on the subject, said senior White House officials. 'I call the president the two-minute man,' said one Trump confidant. 'The president has patience for a half-page.' ... The fight over the Afghanistan strategy points to a larger problem with the relationship between McMaster's NSC and the West Wing." http://wapo.st/2vBY88O

--REVEALING NUGGET: "A Pentagon strategy aimed at defeating the Islamic State was completed in early March but still has not been approved by the president, officials said."

****** **A message from Morgan Stanley:** The Path After Paris: President Trump moved to pull the U.S. out of the Paris Agreement. Now what? Read more. *******

THE NEW REGIME -- "Kelly's Rules for Trump's West Wing: Stop Bickering, Get in Early, Make an Appointment," by WSJ's Mike Bender and Rebecca Ballhaus: "Staffers no longer loiter outside an open Oval Office door, hoping to catch the president's eye to be waved in for a chat or the chance to pitch a new idea. That door is now closed. Aides can't linger outside the chief of staff's office, either. White House staff waiting to see Mr. Kelly -- or other senior advisers in nearby suites -- are asked to remain in the lobby, where White House visitors sit on couches and can read a selection of daily newspapers. ... 'The problem here is that he won't have anyone to talk to, and he'll get frustrated,' said one person who regularly speaks with Mr. Trump. 'I give General Kelly four months.' ...

"Mr. Trump was impressed by Mr. Kelly's presentations at DHS, at times describing him as 'a killer.' He is also taken, said one official, by the 'presence' of his chief of staff, who stands about 6-foot-2 and tends to dominate the room. ... Mr. Trump kept Mr. Priebus on a shorter leash, expressing his irritation when his former chief of staff would hover in Oval Office meetings. At times, Mr. Trump charged him with menial tasks such as organizing small groups of reporters to glimpse the first few moments of a meeting with the president. ... People who have known Mr. Kelly for years describe his style as

no-nonsense. He introduces himself on phone calls and in emails to people he knows simply as 'Kelly.' 'If you're in a 10-minute meeting with him, he'll be quiet for the first nine minutes,' listening before making a decision or a pronouncement, said one person close to him. ...

"Running one of his first senior staff meetings, Mr. Kelly laid down clear lines of authority and ordered aides to stick to their assigned areas. Discussions with senators, U.S. House members or others on Capitol Hill must be reported to the White House's legislative affairs director, Marc Short. Secretary of State Rex Tillerson, Mr. Kelly said, must know about meetings with foreign diplomats. ... Mr. Kelly moved senior staff meetings to 8 a.m., instead of 8:45, and holds them around the long mahogany table of the Roosevelt Room. His predecessor, Mr. Priebus, held the meetings in his office, where the television was often turned on and where staff could often redirect the discussion away from the agenda." http://on.wsj.com/2wurimF

-- JOSH DAWSEY, "John Kelly's big challenge: Controlling the tweeter in chief": "[K]elly has said he would like to know what Trump is planning to tweet before he does so and would prefer that big decisions not be announced on Twitter -- but has privately conceded there will be late-night or early-morning missives he cannot review. Kelly is trying to put together a system in which top aides don't learn of decisions on Twitter, one where policy and personnel decisions are not first tweeted without having procedures in place to make them happen. ... Ironically, the announcement of Kelly's new role foreshadowed the challenges he faces. Kelly knew he was going to be named chief of staff, officials said. But he didn't know that Trump, sitting on the tarmac aboard Air Force One on July 28, would announce it on Twitter. Other senior administration officials first learned of the news through a buzzing phone, several officials said." http://politi.co/2uaX47H

-- STEP BACK AND THINK ABOUT THIS: The White House chief of staff has to develop a system to try to ensure his own senior White House aides don't learn about decisions through Twitter.

DELAYED -- "Trump's attack on Chinese trade gets sidelined over North Korea," by Andrew Restuccia, Eliana Johnson, Josh Dawsey and Nahal Toosi: "The White House had been preparing for a Friday announcement in which Trump planned to urge his administration to open a trade investigation into China's alleged violations of U.S. intellectual property rights and forced technology transfers, three administration officials said. But on Thursday afternoon, senior administration aides postponed the announcement at the urging of United Nations and State Department officials, who are in the sensitive final stages of convincing China to sign on to a U.N. resolution that would impose new sanctions on North Korea. U.N. and State Department officials warned that the trade announcement could kill their chances of winning Beijing's buy-in." http://politi.co/2vzJCxz

COMING ATTRACTIONS -- "Trump may host visiting leaders at his N.J. golf club during upcoming U.N. gathering," by WaPo's Anne Gearan: "President Trump is

planning to host foreign leaders at his New Jersey golf club when he attends the annual U.N. General Assembly session next month, breaking decades of precedent for U.S. presidents, said people familiar with preparations for the gathering. The State Department is getting ready for an unspecified number of foreign meetings at the Bedminster, N.J., golf club over several days during the week of Sept. 18. ... Trump is expected to make his first presidential address to the General Assembly on Tuesday, Sept. 19. He is also likely to meet U.N. Secretary General António Guterres at the U.N. headquarters." http://wapo.st/2v8qhBu

-- "Trump's trip to Bedminster prompts protesters to get creative," by Jake Lahut: "One idea is to go beyond the golf course, town to town, with vehicles blasting sound from speakers, such as former FBI director James Comey's Senate testimony or Trump's recent Boy Scout speech. 'There are literally too many soundbites to choose from,' said Dominae Leveille, an organizer with We the People." http://politi.co/2utXCVp

RYAN AGAINST TRUMP'S IMMIGRATION PLAN ... -- "House Speaker Paul Ryan casts doubt on President Donald Trump's plan to cut legal immigration," by the Milwaukee Journal Sentinel's Mary Spicuzza and Jason Stein: "'I just think arbitrary cuts to legal immigration don't take into effect the economy's needs as the boomers are retiring,' Ryan said in an interview with the Milwaukee Journal Sentinel. 'With baby boomers leaving the workforce, we're still going to have labor shortages in certain areas and that is where a well-reformed legal immigration system should be able to make up the difference.'

"Ryan cautioned he has yet to fully review the proposal and said he does want to overhaul the immigration system to focus on economic needs like dairy farms and research and engineering work. But he questioned the wisdom of actually cutting the number of immigrants entering the United States. 'I think legal immigration is good for our country. I'm a supporter of legal immigration,' Ryan said." http://bit.ly/2uaCULb

FLAGGING FOR STEPHEN MILLER -- Craig Romney, one of Mitt's sons, posted on Instagram yesterday (he has the handle @crackyenmor): "Grateful to the immigrants who spoke many languages, worshipped many ways, and made this country great. #ellisisland". ***Instapic*** http://bit.ly/2utDVNq

RNC DEPARTURE LOUNGE -- "Three more RNC staffers set to exit," by Alex Isenstadt: "Less than a year into the midterm campaign season, the [RNC] is experiencing a wave of staff-level departures. Over the next several weeks, three RNC aides -- deputy chief data officer Liam O'Rourke, director of political data support Ashley Burns, and director of business intelligence Patrick Stewart -- are expected to leave. The exits, confirmed by three RNC officials, have surprised the tight-knit world of Republican operatives and signaled a broader upheaval within the committee's data department." http://politi.co/2vrBPSR

CLINTON WORLD -- "Hillary Clinton Hires Two Former Campaign Aides For 'Resistance' PAC," by BuzzFeed's Ruby Cramer: "Hillary Clinton has hired two political

operatives from her 2016 presidential campaign to help manage Onward Together, the project she founded this spring with former governor Howard Dean to fund and support a coalition of Democratic groups led by activists and organizers. The new additions, Emmy Ruiz and Adam Parkhomenko, held central roles on Clinton's campaign ... Clinton's new group, registered in May as a 501c4 organization with an affiliated super PAC, is working to establish a small but diverse cooperative of about 10 to 12 grassroots efforts, each one focused on a different area of the energy and activism set off by Donald Trump's election and presidency." http://bzfd.it/2wuyPlz

CNN'S BRIAN STELTER: "Other presidents paused to meet the press before going on vacation -- not Trump": "Trump will reach the 200-day mark in his presidency on Monday. He has held just one solo press conference, back on February 16, when he was less than one month into his presidency. ... At this point in 2009, President Obama had held 9 solo pressers, many of them about the country's economic recovery. At the same point in their respective presidencies, George W. Bush had held 3 solo pressers; Bill Clinton had held 8; George H.W. Bush had held 18; Ronald Reagan had held 3; and Jimmy Carter had held 12." http://cnnmon.ie/2v8jGH7

HOLLYWOODLAND - "Norman Lear plans to boycott Kennedy Center Honors reception hosted by Trump," by LATimes' Greg Braxton: "Legendary producer Norman Lear, one of the honorees of the upcoming Kennedy Center Honors, said he will not attend the pre-awards reception hosted by President Donald Trump and First Lady Melania Trump in protest of some of the president's policies. Lear said he will attend the award ceremony at the Kennedy Center on Dec. 3 but won't go to the reception beforehand." http://lat.ms/2hwUkzN

Playbook Reads

PHOTO DU JOUR -- President Donald Trump reacts on seeing visitors to the White House before boarding Marine One en route to Bedminster, N.J., for vacation Aug. 4, 2017, in Washington, D.C. | Jacquelyn Martin/AP Photo.

SHOVEL READY HOLD UP -- "Why are these billions in pipeline projects stalled?," by Eric Wolff and Darius Dixon: "Billions of dollars' worth of shovel-ready infrastructure projects have been held up by a bureaucratic morass that President Donald Trump helped to create. Trump's slowness to fill vacancies at the Federal Energy Regulatory Commission is one reason for a growing backlog of natural gas pipelines and a gas export terminal awaiting approval from the agency, which has been unable to conduct major business since February. The waiting list has grown to at least $13 billion worth of projects expected to generate more than 23,000 construction jobs, according to a POLITICO analysis - largely in states Trump won in November."

http://politi.co/2utBOcB

FOR YOUR RADAR -- "Martin Shkreli Found Guilty on Three Counts in Securities-Fraud Trial: Jury acquits 34-year-old former pharmaceutical executive on five counts, including conspiracy to commit wire fraud," by WSJ's Rebecca Davis O'Brien: "The 34-year-old Mr. Shkreli -- dubbed the Pharma Bro after his brash defense of the 2015 drug-price increase -- had taunted prosecutors during the trial as 'junior varsity' in comments to reporters and on his social-media accounts. As the verdict was read, Mr. Shkreli, dressed in a black polo shirt and khaki pants, twisted in his chair with his arms crossed. Mr. Shrkeli was convicted of three counts related to securities fraud but acquitted of five other charges." http://on.wsj.com/2vrAiMF

HIGH TIMES -- "Huff, puff, pass? AG's pot fury not echoed by task force," by AP's Sadie Gurman: "The betting was that law-and-order Attorney General Jeff Sessions would come out against the legalized marijuana industry with guns blazing. But the task force Sessions assembled to find the best legal strategy is giving him no ammunition, according to documents obtained by The Associated Press. The Task Force on Crime Reduction and Public Safety, a group of prosecutors and federal law enforcement officials, has come up with no new policy recommendations to advance the attorney general's aggressively anti-marijuana views. The group's report largely reiterates the current Justice Department policy on marijuana." http://bit.ly/2ub5GuP

FUTURE OF MEDIA - "Google Is Developing Technology for Snapchat-Like Media Content," by WSJ's Amol Sharma and Jack Marshall: "Google is developing technology to let publishers create visual-oriented media content along the lines of Snapchat's 'Discover,' according to people familiar with the situation, upping the ante in a race among tech giants to dominate news dissemination on smartphones. Alphabet Inc.'s Google has been in discussions with several publishers, including Vox Media, CNN, Mic, the Washington Post and Time Inc., to participate in the project, which is dubbed 'Stamp' ... It could be announced as early as next week, one of the people said. Google is building the service around its 'AMP' mobile webpages, which are designed to load faster than regular webpages. The 'St' in Stamp stands for 'stories.'" http://on.wsj.com/2v6mvu0

MEDIAWATCH - "Fox News Host Sent Unsolicited Lewd Text Messages To Colleagues, Sources Say," by Yashar Ali in HuffPost: "Eric Bolling, a longtime Fox News host, sent an unsolicited photo of male genitalia via text message to at least two colleagues at Fox Business and one colleague at Fox News, a dozen sources told HuffPost. ... The women, who are Bolling's current and former Fox colleagues, concluded the message was from him because they recognized his number from previous work-related and informal interactions. The messages were sent several years ago, on separate occasions. The women did not solicit the messages, which they told colleagues were deeply upsetting and offensive. One of the recipients said that when she replied to Bolling via text, telling him never to send her such photos again, he did not respond.

"Reached Friday by HuffPost about the accusations against Bolling, a Fox spokesperson said, 'We were just informed of this and plan to investigate the matter.' When asked whether Bolling at any point had sent unsolicited lewd or inappropriate text messages or emails (including an image of a man's genitalia) to Fox News or Fox Business colleagues, his attorney Michael J. Bowe responded, 'Mr. Bolling recalls no such inappropriate communications, does not believe he sent any such communications, and will vigorously pursue his legal remedies for any false and defamatory accusations that are made.'" http://bit.ly/2wuE4St

--"AT&T Mulling Sell-Off Of Major Assets Under Turner After Time Warner Merger," by Deadline's Anita Busch and David Lieberman: "There are rumblings at the highest executive levels that AT&T's top executives are considering divesting some Time Warner assets -- including news organization CNN and celebrity gossip site TMZ -- after they merge. AT&T expects the Justice Department to approve its $85 billion acquisition of Time Warner, and for the deal to close, by year end. ... CBS has long had its eye on CNN. The broadcast company's CEO, Les Moonves, said at Herb Allen's Sun Valley retreat last month that he would be interested if the cable news network became available. ... For TMZ, Deadline was told that AT&T is considering a sale to a private equity company." http://bit.ly/2v8yAgy

****** **A message from Morgan Stanley:** Now that President Trump has announced his intention to withdraw the U.S. from the 2015 Paris Agreement, what does it mean for the stated goals of the accord, and what might be the impact on markets and investors? Read more from Morgan Stanley. *******

CLICKER - "The nation's cartoonists on the week in politics," edited by Matt Wuerker -- ***12 keepers*** http://politi.co/2vzK7HV

GREAT WEEKEND READS, curated by Daniel Lippman:

-- "The New Yuppies: How the aspirational class expresses its status in an age of inequality," by J.C. Pan in TNR: "This new elite is typified by the brownstone-dweller traipsing through Whole Foods with a yoga mat peeping from the top of her NPR tote; the new Prospect Heights mother who stops in at the lactation consultant before her Y7 class; the tech startup employee with the neatly trimmed beard and Everlane button-down who announces on Facebook that he's 'bumping the new Kendrick.'" http://bit.ly/2vzL3Mw (h/t ALDaily.com)

-- "Have Smartphones Destroyed a Generation?" by Jean Twenge in the September issue of The Atlantic: "More comfortable online than out partying, post-Millennials are safer, physically, than adolescents have ever been. But they're on the brink of a mental-health crisis." http://theatln.tc/2v6O9Hd

"'The Big Sick,' South Asian Identity and Me," by NYT's Sopan Deb: "I never told my Bengali parents about my first kiss. ... They never knew about my high school crushes, my dates at Applebee's, or my first couple of girlfriends. I hid all this because I knew my

parents wouldn't approve. They had an arranged marriage. In India, where they grew up, choosing your life partner was uncommon." http://nyti.ms/2v8shcK
... ***Trailer*** http://bit.ly/2vC36lX

-- "The Secret Life of the City Banana," by NYT's Annie Correal: "Millions of bananas arrive every week in New York City. It takes a lot to get them from the boat to the bodega." http://nyti.ms/2vrDCaB

-- "The Secret Economic Lives of Animals," by Ben Crair in Bloomberg Businessweek: "If Adam Smith had strapped on a bee suit - or a safari jacket, or a scuba mask - he could have discovered that the animal kingdom is, in fact, a chamber of commerce." https://bloom.bg/2wuiOfi

-- "She Was Convicted of Killing Her Mother. Prosecutors Withheld the Evidence That Would Have Freed Her," by Emily Bazelon in the N.Y. Times Magazine: "By the time Noura Jackson's conviction was overturned, she had spent nine years in prison. This type of prosecutorial error is almost never punished." http://nyti.ms/2v8tj8X

-- "A Baccarat Binge Helped Launder the World's Biggest Cyberheist," by Alan Katz and Wenxin Fan in Bloomberg Businessweek: "How do you make $81 million stolen from the Bangladesh central bank disappear? Run it through an Asian laundromat." https://bloom.bg/2v8l4bT

-- "Notes from a Baby-Names Obsessive: My son was almost due. What would I call him?" by Lauren Collins in The New Yorker: "[W]e were going to call him Louis, but Louis turned out to be the tenth most popular boys' name in France, and the seventh most popular in Paris, where we live, and, even in this age of nominative nonconformity, we worried that he might enter school and find it crawling with more Louises than a chart of Bourbon monarchs." http://bit.ly/2vrzKpZ

-- "After the Shooting: A year in the life of Gwen Woods," by Jaeah Lee in California Sunday Magazine: "Mario Woods was the 906th person in the United States to be shot and killed by police in 2015 - 228 of whom were black men - according to a count maintained by The Washington Post." http://bit.ly/2hw5q7U (h/t Longform.org)

-- "Finding Darko," by Sam Borden in ESPN The Magazine - per Longform.org's description: "The NBA's greatest draft bust. Darko Milicic is now an enthusiastic farmer of cherries in his native Serbia." http://es.pn/2ud7tDH

-- "All the Greedy Young Abigail Fishers and Me," by Jia Tolentino in Jezebel: "This job-writing college essays for Abigail Fishers-was the only job I have ever been truly ashamed of, and I am so ashamed of it now that it hurts." http://bit.ly/29i2vdy

-- "Losing It in the Anti-Dieting Age," by Taffy Brodesser-Akner on the cover of the NYT Magazine: "The agonies of being overweight - or running a diet company - in a culture that likes to pretend it only cares about health, not size." http://nyti.ms/2vrzeJ1 ...

The cover http://politi.co/2hlUV78

-- "How Two Brothers Turned Seven Lines of Code Into a $9.2 Billion Startup," by Bloomberg Businessweek's Ashlee Vance: "Now, Stripe's Patrick and John Collison are teaming with Amazon to grab even more control over the global flow of commerce." https://bloom.bg/2fhQGcd

-- "When Should a Child Be Taken from His Parents?" by The New Yorker's Larissa MacFarquhar: "In family court, judges must decide whether the risks at home outweigh the risks of separating a family." http://bit.ly/2wutCtW

-- "Shot in the Dark," by Patrick Blanchfield in Esquire: "Spending six days in a cave without any light means hallucinations, hypothermia, and the potential for fatal falls. Why would anyone volunteer for one of the most extreme reality shows ever?" http://bit.ly/2vCaHB3 (h/t Longreads.com)

Playbookers

SPOTTED: Marc Lotter at the bar at Fiola Mare last night. Sally Quinn was also seen with son Quinn Bradlee eating lobster and oysters on the outside deck of the restaurant (her favorite in D.C.) ... Sen. Roy Blunt (R-Mo.) dining at Millie's yesterday in Spring Valley.

BUSH ALUMNI -- JOEL KAPLAN has been named to the board of directors of the George W. Bush Presidential Center. **Henry Hager,** Jenna Bush Hager's husband, also joined the board.

ENGAGED -- Amanda Gonzalez, communications director for Rep. Trey Gowdy (R-S.C.) and House Oversight and Government Reform, got engaged Friday afternoon to **William Thompson** , policy analyst at the Charles Group, a small boutique firm. "We met through mutual friends in D.C. He proposed at Ambar where we had our first date." She posts on Instagram: "Completely overwhelmed with love and joy. We're engaged!" ***Instapic*** http://bit.ly/2v6MvWg

WELCOME TO THE WORLD -- Blair Latoff Holmes, VP of media and external comms at the U.S. Chamber, and **Josh Holmes,** president and founding partner of Cavalry and longtime aide and adviser to Senate Majority Leader Mitch McConnell, posts on Facebook: "We are overjoyed to announce the birth of our son, William Wade Holmes. He was born [Thursday morning] at 9:42 weighing in at a healthy 8 lbs 3 oz. and a rangy 21 inches. P.S. In case anyone wondered whether the grandchild of William S. Latoff had a full head of hair, as you suspected, he does." ***Pics*** http://politi.co/2urxPNI ... http://politi.co/2uqRugG

OUT AND ABOUT -- IRAQI AMBASSADOR FAREED YASSEEN hosted a cocktail

party on Thursday night to honor Amb. Stuart Jones who retires at the end of August. Canapés and mostly Iraqi-inspired finger food, including slices of Mosul kibbeh, were served. **SPOTTED:** Robin Wright, Kim Dozier, Ben Kesling, Ken Pollack and Andrea Koppel, Oman Amb. Hunaina al-Mughairy, Yemen Amb. Ahmed Bin Mubarak, Palestinian Amb. Dr. Husam Zomlot, Brig. Gen. Joseph Rank, Will Bohlen, Nahal Toosi, Trudy Rubin, Laura Rozen, Glen Howard, Caryle Murphy, Dr. Zuhair Humadi, Gina Chon, Margaret Warner, Dr. Mike Bell, Tony Pfaff, Joel Rayburn, Derek Harvey, Brett McGurk, Doug Ollivant, Ken and Elizabeth Close, Yael Lempert, Terry Wolff, Timothy Lenderking, Richard Albright, Jonathan Cohen, Rochdi Younsi, Alison Hills, Karan Bhatia and cellist Karim Wasfi, head of the Iraqi symphony orchestra.

BIRTHWEEK (was yesterday): Sean Cox, aspiring political pundit and eventual CA politician someday, turned 18 (hat tip: Joe Brettell)

BIRTHDAYS: Ryan Wrasse, comms director for Sen. Thune ... Taylor Griffin ... Blackstone spokesman Matt Anderson ... Sharon Weber, DSCC Midwest finance director and a Duckworth and Durbin alum ... Jeremy Flantzer ... Matt Mandel ... Heidi Nel, principal at the Raben Group and partner at the Truman Project (h/t Jen Nedeau) ... Rufus Gifford, former U.S. Ambassador to Denmark, is 43 ... Bloomberg congressional reporter James Rowley ... Kris Eisenla ... Nicolas Boullet, founder and managing director of First Growth Capital Management ... Nev. Gov. Brian Sandoval is 54 ... Rep. Mike Doyle (D-Pa.) is 64 ... POLITICO alum Lila Cohn, now getting her masters at UPenn ... CBS News' Alicia Amling ... Cary Gibson, VP at Farragut Square Group ... RNC national deputy political director Molly Donlin O'Driscoll ...

... Pete Snyder is 45 ... Cicely Simpson ... Colleen Fisher ... WaPo's Michael Chandler ... Donte Donald ... James Franklin Blue III ... Christine Forester ... LATimes' Jim Puzzanghera ... Jenniffer González is 41 ... Ashley Pitts ... Kathy Rust ... Obama WH alum Monique Dorsainvil ... Monica Thompson ... Dana Ferreira ... Nicholas Rodman ... Steven Leraris ... Scott Vance ... Kristy Huxhold ... Jeff Kupfer ... Mary Beth Bakke ... POLITICO alum Abby Milberg ... ABC News' Luis Martinez ... Patrick Ewing ... Julie Hughes ... Corey Johnson ... Katie Vlietstra Wonnenberg ... Jason Pollock is 36 ... Ron Bouchard is 51 ... Topf Wells ... Dennis Lonergan ... Tom Healy ... Miguel and Alejandro Balkin (h/ts Teresa Vilmain)

THE SHOWS, by @MattMackowiak, filing from Austin:

-- NBC's "Meet the Press": Sen. Jeff Flake (R-Ariz.) ... Gov. Jerry Brown. Panel: Dan Balz, David French, Heather McGhee and Andrea Mitchell

-- ABC's "This Week": HHS Secretary Tom Price ... John Podesta ... Sergei Ryabkov. Panel: Mary Bruce, Alex Castellanos, Matthew Dowd and Julie Pace

-- CBS's "Face the Nation": Sen. Tom Cotton (R-Ark.) ... Gov. John Kasich and Gov. John Hickenlooper... Jeh Johnson. Panel: Jamelle Bouie, Jennifer Jacobs, Susan Page and Reihan Salam

-- "Fox News Sunday": Sen. Thom Tillis (R-N.C.). Panel: Jason Riley, Rachel Bade, Rich Lowry and Charles Lane

-- Fox News' "Sunday Morning Futures": Leon Panetta ... Ayaan Hirsi Ali ... Sen. Orrin Hatch (R-Utah). Panel: Brad Blakeman and Democratic strategist Jessica Tarlov

-- Fox News' "MediaBuzz": Ellison Barber ... Mollie Hemingway ... Joe Trippi

-- CNN's "Inside Politics": Perry Bacon, Karoun Demirjian, Julie Hirschfeld Davis and Michael Shear (substitute anchor: CNN's Dana Bash)

-- CNN's "State of the Union": Rep. Adam Schiff (D-Calif.) ... Sen. Ron Johnson (R-Wisc) ... Gov. Chris Christie (R-N.J.). Panel: Nina Turner, Rick Santorum, Amanda Carpenter and Rep. Ro Khanna (D-Calif.)

-- CNN's "Fareed Zakaria GPS": Al Gore. Panel: Julia Ioffe, Gideon Rose and Dan Senor

-- CNN's "Reliable Sources": Richard Tofel, Jeff Greenfield and Kathleen Hall Jamieson ... Matt Schlapp and Trevor Timm ... Margaret Talev ... Oliver Darcy

--Univision's "Al Punto": Carlos Diaz-Rosillo ... Antonio Ledezma's daughter Oriette Ledezma ... Al Gore ... actor Cristián de la Fuente

-- C-SPAN: "The Communicators": Jeff Moulton ... **"Newsmakers":** Rep. Richard Neal (D-Mass.), questioned by Richard Rubin and Rachel Bade ... **"Q&A":** Cate Lineberry

-- Hearst / Sony's "Matter of Fact" with Soledad O'Brien: Rep. Jim Himes (D-Conn.) and Rep. Charlie Dent (R-Pa.) ... former HUD Assistant Secretary and the Urban Institute's Erika Poethig ... Silver State Health Insurance Exchange's Heather Korbulic ... report on the Presidential Commission on Election Integrity ... a reflection from Justice Ruth Bader Ginsburg on her friendship with the late Justice Antonin Scalia

-- Washington Times' "Mack on Politics" weekly politics podcast with Matt Mackowiak (download on iTunes, Google Play, or Stitcher or listen at http://bit.ly/2r37J6h): Reagan Legacy Foundation president Michael Reagan

****** **A message from Morgan Stanley:** What's the real impact of President Trump's move to pull the U.S. out of the global accords to combat climate change? Current country commitments are insufficient to hold global warming to under 2° Celsius from preindustrial levels, the stated goal of the accords, so little changes in the immediate future. Meanwhile, countries abroad in Europe and China have doubled down on their investments to combat climate change. Trump's decision diverges from what many companies and investors have been signaling lately, and Morgan Stanley's view is that

most sectors are currently driven by economics and technology rather than policy. Read more from Morgan Stanley. *******

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Environment & Energy
Monday, October 30, 2017

Highlights

Leading the News

Brexit Could Send U.K. Carbon Allowances Up in Smoke

By *Stephen Gardner*

The U.K. will abandon the European Union just before the deadline for companies to show compliance with the world's largest greenhouse gas trading system, leaving many businesses in doubt about their obligations.

Interior Aims for Fewer and Quicker Steps for Land Decisions

By *Alan Kovski*

How long should it take, and how many layers of bureaucracy should be involved, to get to a yes or a no on a proposed oil exploration plan or a natural gas pipeline right-of-way on federal land?

Practitioner Insights

Practitioner Insights: What California Could Learn From Its Peers About Groundwater Management

California is often considered a leader in progressive environmental regulation. However, compared to some of its peers, such as Colorado and Texas, its groundwater management has lagged and is only now catching up. As California

prepares for uncertain climate conditions and growing populations, the effects of water shortages on farming, land subsidence, and the economy will become an unavoidable concern. Spencer Williams, Samantha Fox, and Mark Ziman, of the web-based mapping and research platform Water Sage, look at what Colorado and Texas are doing and some of the ideas that might be useful in California.

Today's News

UN Calls for Global Action to Curb Fishing Bycatch

By *Adam Allington*

A United Nation's wildlife summit is calling for steps to reduce on a global scale the incidental capture of sea birds, sea turtles, sharks and other nontarget species that get caught in fishing gear, often killing them.

Deaths Spur South Korea to Offer Chemical Registration Help

By *Elaine Ramirez*

Small- and medium-sized companies in South Korea will get government help registering the chemicals they import or produce as part of a response to the more than 100 deaths linked to an unsafe humidifier disinfectant.

Carbon Pollution Touched 800,000-Year Record in 2016, WMO Says

By *Jessica Shankleman*

Carbon dioxide levels surged to their highest level in at least 800,000 years because of pollution caused by humans and a strong El Nino event, according to the World Meteorological Organization.

Coal Mining Near Streams Would Be No Panacea, Analysts Say

By *Amena H. Saiyid*

Allowing for coal mining activities in and around streams as suggested by the Trump administration won't be enough to boost the industry amid an overabundance of cheap natural gas, analysts said.

RCA Employees in Taiwan Awarded $23.8M for Chemical Exposure

By *Yu-Tzu Chiu*

Additional compensation has become an issue in a case that's been described as one of Taiwan's worst-ever work-related health incidents.

World's Tiniest Power Market to Leverage Big Data for Solar

By *Christopher Martin*

It will be the world's smallest electricity market. In mid-December, National Grid Plc will flip the switch on an automated trading system that pays hospitals and research facilities at the Buffalo Niagara Medical Campus to sell electricity from

their onsite solar panels, batteries or other generators to doctors' offices and businesses.

Daimler Steps Up Electric-Truck Rollout as Tesla Rivalry Looms

By *Joao Lima*

Daimler AG is stepping up plans to roll out electric-powered trucks as the world's

largest maker of commercial vehicles seeks to fend off newcomers like Tesla Inc. and Deutsche Post AG.

Mallinckrodt Wins Dismissal of Radioactive Nuisance Claims

By *Peter Hayes*

Mallinckrodt Pharmaceuticals won dismissal of state law nuisance claims brought by St. Louis home owners alleging radioactive material migrated to their property from a landfill.

Exxon's Not Afraid of Tesla: Trucks, Chemicals to Carry Demand

By Joe Carroll

Exxon Mobil Corp. says the existential threat to oil producers from electric cars is overblown.

Russia Signs Agreement with Nigeria to Build Nuclear Power Plant

By Paul Burkhardt

Russia has signed agreements with Nigeria to build and operate a nuclear power plant in the oil-rich West African nation that has a deficit of reliable power and faces security challenges by Islamist militants in the far northeast.

Friday Night Wrapup

Argentina Strides to Cut Costs in Emerging Clean Power Industry

By *Jonathan Gilbert*

Argentina took strides on Oct. 27 to lower costs in its incipient renewable energy sector.

Exxon Mobil Is Said Set to Settle Air Pollution Violations

By *Jennifer A. Dlouhy* and *David McLaughlin*

The U.S. government is close to resolving air pollution allegations against Exxon Mobil Corp. and may announce an agreement in coming days, according to people familiar with the situation.

Enbridge Hid Pipeline Sealant Issues, Michigan Regulators Say

By *Alex Ebert*

Enbridge Energy Partners concealed information for three years about damage to a pipeline's protective coating, Michigan regulators charge, but an official with the Canadian energy giant said the company did not intentionally mislead regulators.

Trump Appears Set to Scale Back Size of Two National Monuments

By *Alan Kovski*

President Donald Trump apparently will revise—and possibly downsize—at least two national monuments, the Bears Ears and Grand Staircase-Escalante monuments in Utah.

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Daily Environment Report

August 10, 2017 - Number 153

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Leading the News

Climate Science
Climate Reports May Slow Trump's Push to Undo Obama-Era Rules
A pair of highly anticipated government studies, one of them due to be released this week, could complicate President Donald Trump's effort to roll back federal climate regulations, according to people on both sides of the debate over global warming.

Mining
Samarco Executives' Homicide Charges Suspended in Brazil Spill
A Brazilian judge suspended and could potentially dismiss homicide charges against 21 officials of Samarco mining company, Vale SA and BHP Billiton Ltd., in connection with the rupture of an iron-ore tailings dam two years ago that killed 19 people.

Regulatory Policy
Wisconsin Enacts First-in-Nation Regulatory Revamp Law
Wisconsin became the first state to enact a regulatory overhaul process touted by corporate interests frustrated with the cost and scope of environmental and workplace safety rules.

News

Biodiversity
Pearl-Diving Licenses Introduced in Bahrain to Protect Heritage
Bahrain introduced a new licensing system for pearl diving beginning Aug. 9 in the oyster-rich waters of the Gulf archipelago.

Enforcement
Poor Erosion Control Costs San Diego $3.2 Million

San Diego will spend $3.2 million to restore waterways and fund other water pollution control programs under a settlement with regional regulators.

Motor Vehicles

BMW, Nissan Dangle Electric Car Rebates for San Diego Sales

Automakers are willing to foot a chunk of the bill to get more San Diego-area consumers interested in battery-powered vehicles.

Motor Vehicles

Tesla Talks Autonomous Truck Testing With California, Nevada

Tesla Inc. has met with California and Nevada agencies about testing an autonomous semi truck ahead of Chief Executive Officer Elon Musk's unveiling of the next addition to the electric-car maker's lineup.

Motor Vehicles

VW, Mercedes Diesel Trade-Ins May Lure 1.3 Million Germans

Germany's effort to clean up diesel's dirty image by getting older, more polluting models off the road is likely to spur a rush for trade-in deals from the country's automakers.

Natural Gas

In Eclipse, Natural Gas Sees Its Future as Solar's Backstop

Natural gas is about to get a glimpse of its future role in the U.S. power mix as solar energy's backup.

Natural Gas

Shale Drillers Spend Less, Produce More in Glut-Gorging Push

Shale drillers are greeting the fourth year of a historic oil-market slump in a curious fashion, promising to generate even more price-killing production as 2017 progresses.

Oil & Gas

Gas Sellers Warn Hard-Bargaining Buyers: Market Is Turning

A worldwide glut of natural gas has buyers of the fuel driving hard bargains and pushing for shorter supply contracts. The only problem with that, according to their sellers: The market's about to turn against them.

Radioactive Materials

Mallinckrodt, Cotter Can't Shake Widows' Radioactive Waste Claims

Mallinckrodt Inc. and Cotter Corp. can't shake wrongful death claims filed by the spouses of men allegedly exposed to radioactive waste stored at St. Louis sites, the Eastern District of Missouri ruled (McClurg v. MI Holdings, Inc., E.D. Mo., No. 12-cv-00361, 8/8/17).

Toxic Chemicals

BNSF Sidetracked in Bid for Early Proof in Toxics Case

BNSF Railway Co. isn't entitled to an extraordinary court order requiring pre-discovery proof that a worker's toxic exposure claims are credible, the District of Colorado ruled Aug. 8 (Marquez v. BNSF Ry., 2017 BL 275828, D. Colo., No. 17-cv-01153, 8/8/17).

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Subject: Playbook Power Briefing, presented by Chevron: MCCONNELL aligned super PAC slams 'Chemtrail Kelli' -- NIKKI HALEY said she had 'personal talk' with TRUMP after Charlottesville -- FIRST IN PLAYBOOK: KEVIN BRADY on tax reform

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Today's Playbook Power Briefing presented by Chevron

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman), ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

Good Tuesday afternoon. THE SENATE LEADERSHIP FUND has cut a video branding Kelli Ward as "not conservative, just crazy ideas." **REMEMBER:** This is the Mitch McConnell aligned super PAC going after the candidate boosted by President Donald Trump. http://bit.ly/2wv6VKb

TALKER -- TONY FABRIZIO (@TonyFabrizioGOP) -- who did polling work for Donald Trump, tweets: "For all the D.C. beltway types wringing their hands about @POTUS and the GOP base. Republicans in Congress are the ones losing the base." ***Poll image*** http://bit.ly/2w0gVbk

-- @akarl_smith: "Hmmm. The DNC is going after Trump for his 'empty promises on border wall.'" http://bit.ly/2inq5eZ

THE SMARTEST MAN IN WASHINGTON -- "Abbe Lowell faces his toughest challenge yet in Menendez trial: The veteran defense attorney, who successfully defended John Edwards on campaign finance violations, is looking to help a sitting U.S. senator beat a slew of federal bribery charges," by Josh Gerstein: "Defense attorney Abbe Lowell, who has emerged as a fixture in criminal cases involving high-profile Washington politicians, is staring down one of his toughest challenges yet: helping a sitting United States senator beat a slew of federal bribery charges.

"The veteran white-collar Washington lawyer will travel to a Newark courtroom this week to helm the defense of New Jersey Sen. Robert Menendez. The 63-year-old Democrat faces corruption charges over his repeated interventions with the federal government on behalf of a Florida donor. It's familiar terrain for Lowell, who has successfully represented a roster of clients including Republican lobbyist Jack Abramoff, former Nevada Republican Sen. John Ensign, and New York state Senate Majority Leader Joe Bruno, and recently took on President Donald Trump's son-in-law and adviser Jared Kushner as a client in the ongoing Russia probe." http://politi.co/2vVtJl6

WHAT KEVIN BRADY, PAUL RYAN AND STEVEN MNUCHIN DON'T WANT TO

READ -- @RepPeteKing: "I agree with @newtgingrich that GOP must go first with tax cuts and not get bogged down in tax reform."

WHAT KEVIN BRADY WANTS YOU TO WATCH INSTEAD -- http://bit.ly/2vaRFy1

PREVIEWING TONIGHT'S RALLY -- "Trump to tout border wall -- well, fence -- in Yuma visit," by Ted Hesson: "President Donald Trump will travel Tuesday afternoon to Yuma, Ariz., which he'll say demonstrates the benefits of a border wall -- or, at least, border fencing. The visit could set the table for a legislative battle next month over whether to include border wall money in a spending bill that Congress must pass by Sept. 30 to keep the federal government funded. ... Trump will visit a Marine base in Yuma, where he'll get a tour of U.S. Customs and Border Protection equipment, including a Predator drone and a Border Patrol boat and surveillance truck. The president will then head into a closed-door briefing and later meet with Marines, according to an administration official." http://nyti.ms/2vl5Dwz

BEHIND THE SCENES -- "Nikki Haley says she had 'personal' talk with Trump about Charlottesville," by Diamond Naga Siu: "Nikki Haley, the U.S. ambassador to the United Nations, said Tuesday that she had a 'personal conversation' with President Donald Trump about his response to the violent clashes at a white supremacist rally in Charlottesville, stating matter-of-factly that she would 'leave it at that.' 'Well, I had a personal conversation with the president about Charlottesville, and I will leave it at that,' Haley said on CNN. 'But I will tell you that there is no hate in this country. I know the pain that hate can cause, and we need to isolate haters, and we need to make sure that they know there is no place for them.'" http://politi.co/2vlPVBe

ANNIE KARNI SCOOP -- "Kushner in Middle East for peace talks": "While everyone was busy gazing into the solar eclipse on Monday, White House adviser Jared Kushner quietly snuck away to the Middle East for a trip that will take him to the Persian Gulf and Israel. Accompanying Kushner on Monday in the Gulf states were deputy National Security Adviser Dina Powell, and Middle East envoy Jason Greenblatt, a White House official said. ...

"[A] White House aide and an outside adviser familiar with the trip planning said Kushner departed on Sunday and is set to arrive in Israel Wednesday night for meetings on Thursday. The traveling American delegation was meeting with leaders from the United Arab Emirates, Jordan, Qatar and Saudi Arabia in the days before." http://politi.co/2wkuo09

****** **A message from Chevron**: When an endangered butterfly was found near a Chevron refinery, we protected the habitat and still plant the only thing they eat- buckwheat. Watch the video: http://politi.co/2ie5v0A ******

TRUMP V. WASHINGTON -- **"Is Anybody Home at HUD?:** A long-harbored conservative dream - the 'dismantling of the administrative state' - is taking place under Secretary Ben Carson," by Alec MacGillis in New York Magazine: "To the extent that the

new leadership was providing any guidance at all, it was often actively discouraging initiative on the part of employees. Shortly after the inauguration, a directive came down requiring employees to get tenth-floor approval for any contacts outside the building - professional conferences, or even just meetings with other departments. Ann Marie Oliva, a highly regarded HUD veteran who'd been hired during the George W. Bush administration and was in charge of homeless and HIV programs, was barred from attending a big annual conference on housing and homelessness in Ohio because, she inferred, some of the other speakers there leaned left.

"The department leadership was also actively slowing down new initiatives simply by taking a very long time to give the necessary supervisory approvals for the development of surveys or program guidance. In some cases, this appeared to be the result of mere negligence and delay. In other cases, it appeared more willful. For one thing, there was the leadership's strong hang-up about all matters transgender-related. ...

"More upsetting for many ambitious civil servants than the scattered nays coming from the tenth floor, though, was the lack of direction, period. Virtually all the top political jobs below Carson remained vacant. Carson himself was barely to be seen - he never made the walk-through of the building customary of past new secretaries. 'It was just nothing,' said one career employee. 'I've never been so bored in my life. No agenda, nothing to move forward or push back against. Just nothing.'" http://nym.ag/2vlnmE7

-- "'You're Fired' may be harder than Trump thinks when it comes to federal workers," by WaPo's Lisa Rein: "[T]he new political leadership in Washington is meeting resistance from powerful federal employee unions and finding that maneuvering around long-guaranteed civil service protections is not easy. This month an administrative board ordered a stay of the firing of the former director of the VA Medical Center in Washington, who had been removed from his post to an administrative job in April. An inspector general's probe found that patient health was endangered by managerial dysfunction. ...

"A case now playing out at the Patent and Trademark Office shows the complexities of carrying out Trump's mandate. After a three-year investigation, the office has moved recently to fire or suspend 18 of about two dozen employees in a clerical support unit that dockets trademark applications, according to current and former agency staff and other government officials familiar with the case. One worker has been fired." http://wapo.st/2vlJY78

AFTER CHARLOTTESVILLE -- "Growing Up in the Shadow of the Confederacy," by The Atlantic's Vann Newkirk II: "Indeed, as the legends behind the statues revealed themselves to me, so another truth was revealed: that I lived in occupied territory. I did not belong in the society represented by the statues, even though my ancestors had tilled the land for centuries. I was at once, somehow, a thrall and an invader. It occurred to me that it is not possible to both worship at the altar of the Confederacy and fight for the liberation of people like me. That fact may seem obvious now, but for my white classmates who wore Confederate flag shirts to class, even as they assured me that 'I'm

not racist,' the idea that one could celebrate the heritage without the hate held currency. And I believe that even today, many of those old friends tell themselves just that." http://theatln.tc/2vIzaWB

BOB KRAFT WATCH -- USA TODAY: "Patriots gave President Trump Super Bowl ring as thank-you for White House visit" https://usat.ly/2vm3Yqj

AFTERNOON READS ...

-- TOM RICKS: "The Book He Wasn't Supposed to Write: A best-selling author submits a draft to his editor. Hijinks ensue." http://theatln.tc/2imAE1G

-- "Post Bail: America's justice system runs on the exchange of money for freedom. Some say that's unfair. But can data fix it?" by NBC News' Jon Schuppe: "[A]llowing people to pay for their release has proved unfair to people who don't have much money. The poor are far more likely to get stuck in jail, which makes them far more likely to get fired from jobs, lose custody of children, plead guilty to something they didn't do, serve time in prison and suffer the lifelong consequences of a criminal conviction. Those who borrow from a bail bondsman often fall into crippling debt. At the same time, the wealthy can buy their way out of pretrial detention on just about any offense, including murder.

"The bald inequity of this system has triggered a national movement to eliminate bail altogether. But what to replace it with? In New Jersey, the answer is an algorithm, a mathematical formula to determine whether someone is likely to return to court for trial or get arrested again. ... Six months into this venture, New Jersey jails are already starting to empty, and the number of people locked up while awaiting trial has dropped.

"But it's also become clear that data is no wonder drug. The new system - driven by years of research involving hundreds of thousands of cases and requiring multimillion-dollar technology upgrades and the hiring of more judges, prosecutors and court workers - still produces contentious decisions about who deserves freedom and who does not." http://nbcnews.to/2vl3n8z

-- RICH LOWRY, whose birthday is today (http://politi.co/2vlGzW7), in **NATIONAL REVIEW -- "Yes, Work for Trump":** "Among the nation's elite, Trump is now a walking, talking version of the North Carolina transgender bathroom bill, which caused corporate America to boycott and shame the state into submission. CEOs increasingly don't want anything to do with Trump. Hollywood and representatives of the arts loathe him. And sports figures are leery. Trump is as personally radioactive as any president since Richard Nixon during his final descent.

"This can't be what a high-flying financier and movie producer like Steve Mnuchin signed up for. But any Trump official who doesn't think he is being forced to violate his personal conscience should stick it out. The presidency is an important institution, and whatever fantasies his enemies may have of a rapid ending to his tenure, Trump is president. He needs good advice and competent help. There are obviously limits to how

much he can be controlled, but he is susceptible to advice." http://bit.ly/2vlA0Ts

TODAY'S BEYOND THE BELTWAY -- Steve Lonegan running for Congress in NJ -- Rick Scott flubs talking points http://politi.co/2vlJG0c

VALLEY TALK -- "What's New in the iPhone 8," by Bloomberg's Mark Gurman https://bloom.bg/2vlCmlq

ENGAGED - Ryan Heath, senior correspondent at POLITICO Europe and author of Brussels Playbook, got engaged on Monday to **Zachery Bishop,** senior tech consultant at Cambre Associates. The couple met on Tinder three years ago this week. Ryan posts on Facebook: "Zach said 'yes.' Would have been an awkward climb down Machu Picchu mountain if he'd said no! No rush - expect a wedding sometime 2019." ***Pic*** http://bit.ly/2v2AIPE

WEEKEND WEDDING -- Brian Davis, a managing director at Allen & Company, recently married **Cayla O'Connell,** entrepreneur in sustainable textiles and recently a brand manager at Earthbound Brands. They met through a mutual friend in NYC, who later officiated their ceremony in Ravello, Italy at the Team Room at Villa Cimbrone. ***Pics*** http://politi.co/2v214Mm ... http://politi.co/2w0fxp2

****** **A message from Chevron** : This is a story about DOERS, butterflies, and buckwheat. In '75, the endangered El Segundo Blue butterfly was found near a Chevron refinery. We protected the habitat and planted the only thing they eat-buckwheat. We're still planting and keeping an eye on our littlest neighbor. Watch the video: http://politi.co/2ie5v0A ******

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Former Alabama Supreme Court Justice Roy Moore and Sen. Luther Strange have qualified for a Sept. 26 Republican primary runoff in Alabama's special Senate election.

Moore had 41 percent of the vote and Strange had 32 percent when the Associated Press called the primary with 62 percent of precincts reporting. Rep. Mo Brooks was in third with 20 percent. Democrat Doug Jones won the Democratic primary.

See http://www.politico.com/story/2017/08/15/trump-alabama-special-election-241665 for full coverage of Alabama's election.

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Daily Environment Report

August 21, 2017 - Number 160

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Leading the News

Coal Mining
Peabody Mine May Survive if Railroad Extension Built
A group of business and government representatives are exploring the possibility of keeping alive a troubled coal mine in northern Arizona.

Energy
Energy Nominees' Industry Ties May Pose Conflict: Watchdog Groups
Financial disclosure forms for two Energy Department undersecretary nominees show income from energy companies, including Southern Co. and TransCanada Corp., raising concerns from government watchdog groups of potential conflicts of interest.

General Policy
Week Ahead: Chemical Society Event to Explore Industry's Impacts
Chemistry's global economic impact is the focus of the American Chemical Society's national meeting Sunday through Thursday, one of several environment and energy events during the week of Aug. 21.

Pesticides
Dow Pesticide Decision Came 'Down to the Wire,' Emails Show
EPA Administrator Scott Pruitt made the decision to keep a neurotoxic pesticide on the market in a relatively short timeframe, internal agency emails show.

News

Air Pollution
India Pressures Businesses to Improve Pollution Monitoring

Businesses in India could end up paying millions to comply with new guidelines on selecting and operating equipment to monitor air emissions and wastewater discharges.

Chemicals

Ban on Toxic Acid May Test Californians' Thirst for Cheap Fuel

Californians are used to paying more for gasoline, but that may be tested soon if a pair of Los Angeles-area refineries are forced to stop their use of a toxic chemical.

Chemicals

Importers May Be Unaware of Coming EPA Mercury Reporting Rule

Importers of industrial thermostats, vaccines, and other products that may contain mercury may not be prepared for a coming rule that could require them to report the metal's import to the EPA, an environmental attorney told Bloomberg BNA Aug. 18.

China

Silk Road Cities Tap German Ingenuity to Tackle Climate in China

China is tapping German ingenuity to help cities at the farthest reaches of its ancient silk road adapt to climate change.

Climate Change

Ontario's $75 Million GHG Fund May Boost Small Construction Firms

Ontario's new C$100 million ($75 million) fund for municipal projects that reduce greenhouse gas emissions likely will benefit small and mid-sized construction companies that use new technologies, an industry official told Bloomberg BNA.

Energy

Icahn Quits White House Role Amid Conflict-of-Interest Questions

Billionaire investor Carl Icahn has ended his role as a special regulatory adviser to President Donald Trump after questions were raised about potential conflicts of interests with his business dealings, including his ownership of an oil refiner.

Energy

Southern Seeks Expanded Loan Guarantees for Troubled Plant

Developers of a troubled nuclear plant in Georgia are seeking more federal support for the project, potentially increasing a record $8.3 billion loan guarantee it has already been promised, according to the two companies leading the project.

Hydraulic Fracturing

Fracking Jobs Prove Elusive for Coal Miners Looking to Switch

Robert Dennis has mined coal in West Virginia for 10 years but a recent evening found him in a classroom at his local community college. He came to learn about opportunities in fracking, a drilling technique used to produce natural gas—the very fuel that is threatening coal's future.

Liable Parties

Emhart Industries' Superfund Non-Compliance Excused; Order Faulty

Emhart Industries won't have to pay fines for non-compliance with an EPA Superfund cleanup order because some of the agency's decisions were arbitrary, the District of Rhode Island ruled (Emhart Industries Inc. v. New England Container Co., 2017 BL 288245, D.R.I., No. 06-cv-218, 8/17/17).

Natural Gas

N.Y. Natural Gas Pipeline Denied Appeal by Federal Court

The natural gas industry suffered another loss in New York on Aug. 18 when a federal appeals court upheld the state's right to deny a water permit for the Constitution Pipeline project connecting production in northeastern Pennsylvania with the northeastern market.

Pesticides

California Tightens Chlorpyrifos Use Restrictions

California growers will face tighter restrictions in applying Dow AgroSciences' chlorpyrifos insecticide in September, state officials said Aug. 18.

Pesticides

Indian Pesticides Agency to Waive Some Costly Safety Tests

by Madhur Singh: India's pesticide regulators agreed to waive certain costly animal tests and accept some non-animal methods in safety studies.

Water Pollution

CORRECTION

The Aug. 16 story "EPA to Rewrite Toxic Wastewater Limits Rule, No Deadline Set" mischaracterized Duke Energy's petition to seek alternative wastewater limits for its Edwardsport Integrated Gasification Combined Cycle plant in Indiana. The story has been corrected.

Practitioner Insights

Enforcement

Practitioner Insights: Defending Environmental Criminal Cases

Federal environmental crimes cases can appear similar to other types of criminal or environmental cases because they comprise a hybrid of criminal prosecutions and environmental enforcement actions. Most federal environmental laws provide for criminal enforcement in addition to administrative and civil remedies. Criminal prosecutions allow agencies to bring enforcement against individuals—not just the companies they work for—and the ability to seek jail time.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 9/12/2017 8:18:09 PM
Subject: Sep. 12 -- Energy and Climate Report - Afternoon Briefing

Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Exxon Mobil Terminal Can't Withstand Climate Impacts, Judge Told

Posted September 12, 2017, 03:27 P.M. ET

By Adrianne Appel

An Exxon Mobil terminal in Massachusetts can't withstand heavy rains and storms resulting from climate change, environmentalists argued Tuesday in federal court.

The Conservation Law Foundation filed the first-in-the-nation suit in 2016, alleging an Exxon Mobil oil and gas storage facility on the banks of the Mystic and Island End rivers in Everett, Mass., has not been sufficiently upgraded to handle climate change's impacts.

"This is about rainwater runoff" as a result of storms that could send byproducts of fuel oil, gasoline and other chemicals from Exxon's facility into the Mystic River, Allan Kanner, attorney with Kanner & Whitely, told U.S. District Judge Mark Wolf in arguing on the foundation's behalf.

Wolf said he hopes to decide whether to dismiss the case by Tuesday's close of arguments.

Exxon's lawyer, Daniel Toal of Paul|Weiss, told Wolf the foundation's claims lack merit.

"We engineer all our facilities to withstand extreme weather events, regardless of the cause," Toal said.

Energy Industries Team Up to Fight Proposed Offshore Wind Ban

Posted September 12, 2017, 02:28 P.M. ET

By Brian Dabbs

Big oil representatives are banding together to protect offshore wind leaseholders in Maryland from a proposed ban on projects off its coast.

The House Environmental Protection Agency and Interior Department spending bill, which is part of a sprawling package of spending bills, is being debated on the House floor with language to ban offshore wind projects within 25 nautical miles (27.6 miles) off the Maryland coast.

Groups that represent the oil and wind industries, including the National Ocean Industries Association and the U.S. Chamber of Commerce, are pushing back, arguing the bill would jeopardize investment and ding regulatory certainty.

The legislation poses a threat to the fledgling U.S. offshore wind industry.

"All oil members are concerned about the precedent set," Tim Charters, chief lobbyist at the National Ocean Industries Association, told Bloomberg BNA. "If you want to drive investment in the United States in our energy sectors, you have to give those investors who are putting billions of dollars on the line the confidence that they have a good partner in the U.S. government."

The Maryland Public Service Commission approved and subsidized offshore projects by U.S. Wind Inc. and Skipjack Offshore Energy LLC in May. Both projects fall within the proposed 24-mile ban. The Interior Department still has to approve the projects. The appropriations language—offered by Rep. Andy Harris (R-Md.)—would prohibit that.

Christopher Guith, a senior vice president for policy at the U.S. Chamber of Commerce's Energy Institute, told Bloomberg BNA that his group opposes the language in the ban as it restricts the development of a certain technology.

But the fate of the larger package so far is unclear. President Donald Trump has vowed to support a short-term continuing resolution, as federal funding expires at the end of the month.

Utility-Scale Solar Hits Cost Goal, Focus Turns to Reliability

Posted September 12, 2017, 02:25 P.M. ET

By Rebecca Kern

The solar industry has met the Energy Department's goal to reduce the average price of utility-scale solar to 6 cents per kilowatt-hour—three years ahead of the agency's 2020 target.

The solar industry also has made heavy gains in reducing the costs for residential and commercial solar, according to a Sept. 12 report from the Energy Department's National Renewable Energy Laboratory on its SunShot Initiative. The industry is 86 percent of the way toward the target reduction of the average cost of residential PV and 89 percent toward the cost of commercial solar PV, the report said. The Energy Department continues to aim for further price reduction while also focusing efforts on solar's reliability and resiliency, offering $82 million in funding for research and development into new technologies.

The SunShot Initiative was launched in 2011 with the aim of making solar cost-competitive with fossil fuels. It was an ambition intended to be reminiscent of President John F. Kennedy's 1961"Moon Shot" program to put a man on the moon.

Utility-scale solar dropped from 28 cents per kilowatt-hour in 2010 to 6 cents in 2017, which was the 2020 goal. Residential and commercial solar costs dropped from 52 cents and 40 cents per kilowatt-hour in 2010 to 16 and 11 cents, respectively, in 2017. The goal is to drop to 10 cents and 8 cents, respectively, by 2020.

The next challenge is to cut prices in half again, from the 2020 goal, for utility, residential, and

commercial PV systems by 2030.

"It is of tremendous significance because it really shows that, with government and with industry holding hands, they're able to make solar highly competitive with traditional fossil-fuel-based electricity generation. And not only competitive, but competitive earlier than anyone forecasted," Ben Gallagher, a solar analyst at GTM Research, told Bloomberg BNA Sept. 12.

Improved Technology, Material

Technology innovation in solar modules and increased efficiency due to better material quality and design have been the primary drivers of the dramatic cost reductions in solar photovoltaic systems.

SunShot has awarded $1 billion in funding to corporations such as General Electric Corp., academic institutions such as the Massachusetts Institute of Technology, and national laboratories. The money has been used to devise ways to lower the costs of hardware and costs associated with the integration of solar panels to the electric grid.

"The point of these goals is to further the overall focus on affordable and reliable energy," Daniel Simmons, the acting assistant secretary of the Energy Department's Office of Energy Efficiency and Renewable Energy, told Bloomberg BNA in a phone interview Sept. 11. "We want to be focused on devoting our resources to early stage research and development."

Continuing to lower the costs of PV solar systems is like facing a limbo bar and "it gets progressively more difficult to slide under that limbo bar without falling backwards," Charlie Gay, director of the Energy Department's solar energy technologies office and leader of the Sunshot Initiative, told Bloomberg BNA. But he's optimistic. "I have been working in solar for 43 years, and I continue to see a lot of opportunities that will enable us to keep moving and lowering that limbo bar."

$82 Million to Improve Reliability, Resiliency

As part of the early stage research and development push, the department is offering $82 million in new funding opportunities from the Solar Energy Technologies Office, where the SunShot Initiative is housed, according to a Sept. 12 announcement at Solar Power International in Las Vegas, the largest solar industry event in North America. The funding includes up to $62 million focused on Concentrating Solar Power technologies, which can store solar energy to be used to produce electricity when the sun isn't shining, and up to $20 million to advance power electronics technologies, which can protect against physical and cyber threats to the grid. The awardees will have to contribute 20 percent of their own funding to the overall project budget. Dan Whitten, vice president of communications for the Solar Energy Industries Association, the trade group that represents the solar industry, told Bloomberg BNA that SunShot has advanced "all manner of innovations along with industry that have improved the solar value proposition dramatically."

Technology Costs Driving Reductions

James Evans, renewable energy analyst at Bloomberg Intelligencesaid that reaching the utility-scale solar cost goal was "not entirely unexpected given the dramatic cost declines in equipment over recent years with average benchmark silicon solar panel costs declining by 35 percent just in 2016 with industrial inverter prices falling around 26 percent in the same period." However, he told Bloomberg BNA in a Sept. 11 interview, hitting the 2030 SunShot goals would be harder if the U.S. applies trade tariffs on imported solar technologies, which would increase import costs of solar panels. A petition before the U.S. International Trade Commission by Suniva and SolarWorld would apply a trade tariff on certain imported solar technologies.

Addressing 'Soft' Costs

While the hardware costs are being lowered significantly, a remaining challenge for continuing to reduce costs of solar systems are the "soft" costs, like labor, permitting, interconnection, customer acquisition, financing and grid integration. These soft costs are more associated with rooftop solar systems that occur in the residential and commerical solar sectors. SunShot Director Gay said that SunShot will continue to work with industry to help lower these costs. Efforts include helping to standardize and harmonize local building codes and funding for solar worker training. "We definitely want to reduce red tape to promote economic growth," EERE's Simmons said.

EU Said to Mull Marking U.K. Carbon Permits in Contingency Plan

Posted September 12, 2017, 12:25 P.M. ET

By Ewa Krukowska

The European Commission will propose marking carbon allowances issued by the U.K. as of January 2018 as part of Brexit-related rules to make the world's biggest emissions market resistant to potential supply turmoil.

The commission, the European Union's regulatory arm, will put forward an update to the bloc's regulation on the carbon registry to make distinguishable permits sold by the British government at auctions or given to companies for free from January 2018, according to a person with knowledge of the matter. That regulation will detail how to enact a broad law currently being drafted by EU lawmakers to put limits on the use of U.K. allowances in case Brexit talks fail and the country finds itself out of the bloc's market in 2019.

EU carbon prices lost 6.3 percent in the past two days on concerns the draft Brexit-related law will reduce the willingness of participants to trade with U.K. entities given that the place of issue of emission permits cannot be identified under existing rules. The registry regulation revision planned by the commission would make for easy electronic identification of U.K. carbon permits issued from next year, according to the person, who declined to be identified, citing policy.

The EU carbon market imposes emission quotas on around 12,000 facilities owned by manufacturers and utilities, and forces those that exceed their caps to buy permits from businesses that emit less. It also includes airlines.

Government Auctions

Benchmark contracts in the European cap-and-trade program fell almost 70 percent over the past nine years as an economic crisis cut industrial output and imports of United Nations carbon credits aggravated a surplus of permits. Emitters must hand in allowances to match the previous year's emissions by the end of each April. Allowances are sold at government auctions throughout the year and permits given for free are handed to emitters usually around February each year.

The Brexit-related law currently under discussion in the European Parliament would prevent companies in the EU Emissions Trading System from using for compliance allowances issued by the U.K. from 2018 if the country falls out of the market. It is a contingency plan to avoid a massive sale of allowances originating in the country which would otherwise remain valid even if the nation's emission-reduction obligations under the ETS expire.

The deadline for the EU and the U.K. to iron out a Brexit deal is March 29, 2019, a date that can be extended only if there is unanimous backing by member states. In practice, an agreement would need to be in place three or four months before then to give the EU Parliament enough time to approve it.

Compliance Deadline

There are currently no provisions to safeguard the ETS in case negotiators fail to reach a deal on time and the U.K. suddenly finds itself out of the market, becoming a so-called third country to the EU. With the compliance deadline for 2018 emissions falling in April 2019, in the worst-case scenario the market could be flooded by permits issued or sold by the British government while the country's obligations lapse.

The planned proposal on marking British permits would enable market participants to choose whether they want to include or exclude U.K.-issued allowances in their contracts, according to the person with knowledge of the matter. The date of tabling the proposal is not yet known. Under the EU legal system, implementing measures are proposed after the broad law that requires them has been approved.

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China Solar-Cell Maker Explores Electric Cars With World No. 2

Posted September 12, 2017, 9:21 A.M. ET

By Bloomberg News

Golden Concord Group Ltd., a Chinese energy conglomerate, said it's seeking opportunities in electric vehicles, joining investors like billionaire Li Ka-shing who are pushing into the sector as the government works on a plan to phase out internal-combustion autos.

The company plans to cooperate with Jiangling Motors Group to help reduce risks when entering the industry, President Kou Bingen told Tom Mackenzie in a Bloomberg Television interview in Nanchang, eastern China, on Sept. 9. Jiangling is ranked No. 2 in Bloomberg New Energy Finance's global index of electric vehicle manufacturers.

"New-energy vehicles will definitely be a direction for development in the future," Kou said. Golden Concord is still in discussions with Jiangling Motors and the two can bring their own advantages together for innovation, he said, without elaborating on the specifics.

China, home to the largest car market in the world, is making the most concerted push among major auto-manufacturing nations for the adoption of electric vehicles. The country this month announced it's working on a timeline to phase out combustion-engine vehicles, and is set to unveil a cap-and-trade system for vehicle emissions and fuel economy that will compel automakers to introduce cleaner and more efficient models or pay fines.

The suite of measures come seven years after the government first identified EVs as an emerging industry of strategic importance and codified its importance in the 13th Five-Year Plan in 2016. China surpassed the U.S. in 2015 to become the world's biggest market for new-energy vehicles.

The rising demand for cleaner cars has attracted a raft of startups and established companies to try their hand at auto making. Hong Kong tycoon Li Ka-shing this week agreed to buy an indirect stake

in a Japanese maker of electric cars that has plans to license its technology to manufacturers including those in China. He bought a stake in a Chinese electric-van and bus maker in 2015.

For Golden Concord, a push into new-energy vehicles represents an investment in a still-small but growing demand for electricity. The company owns 30 percent of GCL-Poly Energy Holdings Ltd., the world's biggest polysilicon maker. Unit GCL System Integration Technology Co. said in January that it plans to begin making batteries for electric vehicles.

Calls to representatives at Nanchang-based Jiangling Motors weren't answered.

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German Coastal States Urge Merkel to Raise Offshore Wind Targets

Posted September 12, 2017, 8:34 A.M. ET

By Brian Parkin

Germany's coastal states and cities urged Chancellor Angela Merkel to raise the nation's offshore wind power target to take advantage of the technology's plummeting costs.

Officials from states and cities including Lower Saxony and Hamburg called on Merkel to raise offshore wind capacity in 2030 by at least a third over the 15-gigawatt government cap set in 2014, according to the Cuxhavener Declaration, issued Sept. 11 from the North Sea port located about 380 kilometers (236 miles) northwest of Berlin.

"We are calling for an expansion goal of at least 20 gigawatts in the North Sea and Baltic Sea by 2030 and at least 30 gigawatts by 2035," read the declaration. "In order to avoid impairing further expansion of renewable energy, grid development planning and grid connection capacities have to be adapted accordingly."

Falling offshore wind prices were on display Monday in the U.K., when the government announced winning bids dropped below the cost of building new nuclear power plants. Germany's maiden offshore wind auction in April, in which Dong Energy A/S and EnBW AG bid to build 1.45 gigawatts of capacity without subsidies, underlined how competitive the technology has become, according to the the declaration.

Germany is auctioning just 3 gigawatts of offshore to 2020. Just 1 percent of the North Sea's offshore potential has been tapped to date, Siemens Gamesa Renewable Energy said earlier this year.

North Sea nations need to add the equivalent of one turbine a day in the sea to achieve cost savings from economies of scale and to foster turbine efficiency gains, Siemens Gamesa's Chief Executive Markus Tacke said that month.

The U.K. leads Europe in offshore capacity, installing over 5 gigawatts to date. Germany had installed about 4.1 gigawatts of offshore power by the end of last year and expects the capacity to grow to about 7 gigawatts by 2020. Capacity auctioned this year and in 2018 won't be built before 2025, the Bnetza power regulator said.

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Evian Aims to Deflect Water Criticism by Going Carbon Neutral

Posted September 12, 2017, 8:33 A.M. ET

By Corinne Gretler

Evian aims to become the first major spring water brand to go carbon neutral amid criticism that packaging water from the French Alps and transporting it around the world in plastic bottles causes unnecessary environmental damage.

Danone, the brand's owner, is spending 280 million euros ($336 million) on the project, according to Chief Executive Officer Emmanuel Faber, who reinaugurated the Evian factory Sept. 12. The site itself is now carbon neutral and is fully powered by renewable sources. Danone aims to offset the pollution caused by transporting Evian water by 2020 as it expands rail transport and promotes biogas.

"I'm aware, and more and more consumers are aware, that transporting water is not ideally what you'd like to do," Faber said in a telephone interview. "If you want to build a model that's sustainable, you need to deal with this reality."

Danone plans to start advertising the carbon-neutral efforts on Evian bottles in the U.S. next year, according to the brand's head, Veronique Penchienati. A few smaller producers such as Icelandic Glacial and Norway's Isklar have claimed the distinction years ago, though they're tiny compared with Evian, which sold 1.8 billion bottles last year.

While so-called sustainable products are increasingly popular, Consumers International, a federation of consumer groups, has criticized the water industry's initiatives, saying they do nothing to provide safe and affordable water to millions of people in developing countries that lack it. Environmental groups say bottling spring water wastes precious resources and creates disincentives for governments to improve tap water.

Faber countered that Evian doesn't do any harm because it's taking water that flows naturally from the mountains near Lake Geneva, rather than underground aquifers. "When it comes to Evian and the water, I don't think there's anything to redeem," he said.

Danone has annual sales of 4.6 billion euros from bottled water, a fifth of its total. Evian is its biggest brand in the product category and its revenue is increasing by a mid- to high-single-digit percentage each year, Faber said. The Evian site has reduced the amount of energy needed to produce 1 liter of water by 23 percent over the past eight years.

The move toward carbon-neutral certification in bottled water follows industry shifts in other products such as chocolate, where Nestle SA, Cadbury and Mars raced each other to switch to sustainably sourced cocoa and damp concerns of child labor in their products.

Danone's move will put pressure on other water brands to follow suit, according to Mathis Wackernagel, CEO of Global Footprint Network, an Oakland, California-based think tank. Still, he questioned whether companies should be emitting carbon to package and ship the product in the first place.

"Often it is environmentally absurd to sell bottled water when tap water is cheaper, better, and far

less energy-intensive," Wackernagel said.

To offset transport, one of the biggest issues for the bottled-water business, Danone is switching from roads to rails, operating its own private terminal with trains departing every four hours. Some 60 percent of Evian's production is shipped by train, with Danone seeking to increase that to 80 percent because it reduces carbon emissions by 75 percent, according to Faber.

The yogurt maker also aims to offset carbon emissions by working with farmers in the region of Evian to collect waste for biogas energy. Evian's biggest markets by sales are France, the U.K. and the U.S. To get to its farthest markets, it ships by sea, which Faber said pollutes less than by land.

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Solar Developers Hoard Panels as U.S. Tariff Threat Looms

Posted September 12, 2017, 04:12 P.M. ET

By Joe Ryan and Christopher Martin

Solar developers are suspending construction as the looming threat of U.S. import tariffs has driven up prices and spurred hoarding, crimping panel supplies.

"We've had roughly $500 million worth of work that we've had to put on hold," said Scott Canada, who oversees renewable energy projects for McCarthy Building Cos. of St. Louis. "The supply of panels has just evaporated as everybody is grabbing what they can."

The disruptions date to about May, after bankrupt panel manufacturer Suniva Inc. filed a trade complaint asking for protection from cheap imports. As the case gained steam, developers rushed to stockpile every available panel. The case is currently before the U.S. International Trade Commission and may eventually reach the Oval Office, where President Donald Trump has the authority to impose tariffs.

The crunch is an abrupt reversal for the U.S solar industry, which six months ago was awash in inexpensive panels. Developers say prices have swelled by about 40 percent in the past four months, making some projects uneconomical to build. And that's if they're lucky enough to have a supplier at all.

"If you don't have panels lined up for '17 than you aren't going to get them," said Laura Stern, president and co-founder of Nautilus Solar Energy LLC in Summit, New Jersey. "The market is really tight."

Solar manufacturing is dominated by companies in China and elsewhere in Asia, where intense competition and booming output helped drag down global prices more than 50 percent in five years. While those declines have been a boon for companies that build solar farms, they've squeezed panel makers in markets with higher labor costs, including the U.S.

Georgia-based Suniva, which filed its trade case in April, is asking for tariffs that may double the price of panels in the U.S. The trade commission has until Sept. 22 to investigate the case and send its findings to Trump, who gets final say.

"We've got our fingers crossed that smarter minds will prevail and we won't wind up with tariffs,"

said Andrew Giraldo, president of engineering, procurement and construction at National Renewable Energy Corp. of Charlotte, North Carolina.

Chinese Demand

Panels account for about 40 percent of the cost of solar farms, and even modest price swings can drag a project underwater. Before the Suniva complaint, panels were selling for about 32 cents a watt in the U.S. Now developers say they are paying as much as 45 cents. That drove up the global average price last month by the most in more than two years.

Suniva's trade case isn't the only reason for the shortage. China, the world's largest solar market, caught analysts by surprise this year by announcing plans to more than double the nation's total solar capacity by the end of 2020. That's boosted demand in the backyard of the largest panels makers, including JinkoSolar Holding Co., JA Solar Holdings Co. and Trina Solar Ltd.

Supplies are so thin in the U.S. that companies are reselling panel contracts on the secondary market, said Duncan Frederick of Rosendin Electric Inc., a San Jose, California-based solar contractor that's built more than 2.2 gigawatts.

Project Delays

Still, the current shortage is apt to be short lived, analysts said. U.S. installations are forecast to decline next year, and manufacturers aren't cutting production capacity. Once the Suniva case is resolved, no matter the outcome, panel prices will stabilize.

"This should be behind the industry by the end of the year," said Credit Suisse Group AG analyst Maheep Mandloi.

But for now, the case has roiled the industry and even long-term supply agreements are no guarantee that developers can get panels. Borrego Solar Systems Inc. has been forced to delay projects for months because its suppliers can't deliver equipment on time, said its president, Aaron Hall. In other cases, panel makers have pushed to renegotiate contracts to secure higher prices.

"We are struggling hard," Hall said. "We are having to take fewer panels than promised and at higher prices."

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Media
Sent: Mon 12/4/2017 10:37:04 AM
Subject: Morning Media: Trump's 'Flynn' tweet speaks for itself — Brian Ross suspended — Billy Bush speaks — 'Fake news' attacks go global — Remembering Les Whitten

By Michael Calderone | 12/04/2017 05:35 AM EDT

"THE TWEET SPEAKS FOR ITSELF." White House press secretary Sarah Huckabee Sanders and her predecessor, Sean Spicer, have provided that explanation to reporters a number of times in response to some of President Trump's outrageous or unsubstantiated claims on Twitter. But after Trump admitted Saturday in a tweet that he knew former national security adviser Michael Flynn had lied to the FBI at the time Trump had allegedly urged former FBI director James Comey to back off his investigation of Flynn - a revelation that could help make the case for obstruction of justice - the press is told that the president's tweets may not be his voice after all.

- The Washington Post and CBS News, citing unnamed sources, reported Saturday that lawyer John Dowd actually wrote the tweet (which was notably composed in the first person and ended with an exclamation point, a typically Trumpian flourish). Such reports were understandably met with skepticism. "I'm genuinely curious why many news orgs are taking at face value the claim that Dowd wrote that tweet," Talking Points Memo editor Josh Marshall tweeted , noting it was written "in Trump's tone."

- On Sunday, Dowd told several news outlets, beginning with ABC News, that he had drafted the tweet. On NBC's "Meet the Press," Chuck Todd said Dowd confirmed that he'd written the tweet and said it was the only time he'd composed one in the president's name. Dowd told CNN he'd drafted the tweet but believed that White House social media director Dan Scavino had posted it - and declined to answer questions about whether Trump reviewed it before it was posted. "The tweet, and this explanation, are just plain suspicious and weird," wrote Axios' Mike Allen after also speaking to Dowd.

- So much of the news cycle these days is propelled by Trump's Twitter feed because, as president of the United States, his words carry enormous weight regardless of the forum - whether uttered at a rally, in a prepared speech, or in an early-morning tweetstorm. But after a potentially self-incriminating tweet, the standard explanation was dropped and Trump was conveniently cut out of the equation. Trump's tweeted statements can have repercussions worldwide, yet, if this explanation is believed he may not have a role in writing some of them or even aware of the contents before someone hits send. But regardless of the supposed backstory, the Flynn tweet, like others, was a statement in the president's voice, on his account, has been liked or retweeted more than 100,000 times, and notably has not been taken down. Some might say it speaks for itself.

Good morning and welcome to Morning Media. Please send tips to mcalderone@politico.com and @mlcalderone. Jason Schwartz (@JasonSchwartz) and Daniel Lippman (@dlippman) contributed to the newsletter. Archives. Subscribe.

"YES, DONALD TRUMP, YOU SAID THAT," wrote Billy Bush in a New York Times op-ed Sunday night, a day before he sits down with CBS's Stephen Colbert for his first late-night appearance since the infamous "Access Hollywood" tape broke in October 2016.

- "President Trump is currently indulging in some revisionist history, reportedly telling allies, including at least one United States senator, that the voice on the tape is not his. This has hit a raw nerve in me," Bush writes. "I can only imagine how it has reopened the wounds of the women who came forward with their stories about him, and did not receive enough attention. This country is currently trying to reconcile itself to years of power abuse and sexual misconduct. Its leader is wantonly poking the bear."

- Bush recalled another off-camera conversation with Trump after calling out the then-"Apprentice" star for inflating his ratings: "People will just believe you. You just tell them and they believe you," he said.

BRIAN ROSS SUSPENDED: ABC News suspended veteran ABC News reporter Brian Ross for four weeks on Saturday and apologized for his inaccurate bombshell a day earlier that Trump, as a candidate, directed Flynn to make contact with the Russians.

- "We deeply regret and apologize for the serious error we made yesterday," the network said in a statement. "The reporting conveyed by Brian Ross during the special report had not been fully vetted through our editorial standards process." Still, ABC News - which faced criticism for initially issuing a "clarification" to Ross's report rather than a correction - didn't explain in detail how Ross got on air with such an explosive story based on a single source and who else was involved in the editing process.

- "My job is to hold people accountable and that's why I agree with being held accountable myself," Ross tweeted. The episode brings more scrutiny on Ross, who has broken many stories but also has a history of high-profile errors. Ross reported in 2001 that there may be link between late Iraqi leader Saddam Hussein and anthrax attacks in the United States, which there wasn't, and he suggested in 2012 that the mass shooter in Aurora, Colorado was connected to the Tea Party.

- Ross's major blunder also gives ammunition to the president, who is already quick to dismiss critical and credible news stories as "fake news." "People who lost money when the Stock Market went down 350 points based on the False and Dishonest reporting of Brian Ross of @ABC News (he has been suspended), should consider hiring a lawyer and suing ABC for the damages this bad reporting has caused - many millions of dollars!" the president tweeted.

PRESIDENT'S "FAKE NEWS" ATTACKS GO GLOBAL. Authoritarians have taken note of Trump's strategy for delegitimizing the news media. The government of Myanmar, accused of ethnically cleansing the Rohingya, a Muslim minority group, is now employing the go-to insult. "There is no such thing as Rohingya," said U Kyaw San Hla, an officer in Rakhine's state security ministry, according to the New York Times. "It is fake news."

- "The gravity of an American president's favorite catch phrase being used to justify ethnic

cleansing will probably be lost in the noise this weekend, but it shouldn't be," tweeted journalist Sulome Anderson. "The truth has a big, red target on it now." CNN's Jake Tapper noted it's "just the latest example of despots and authoritarians using President Trump's attacks on the press/truth to pretend they are not engaging in horrors."

- Press freedom advocates have long feared that Trump's anti-press rhetoric would spread globally and make it more difficult to fight repression and censorship abroad. Following Trump's attack the previous weekend on CNN International as "fake" news, a spokesman for the Egyptian Ministry of Foreign Affairs tweeted that CNN's coverage on his country was "deplorable." A small Libyan media outlet later cited the swipe at CNN International to dismiss the network's remarkable report on that country's migrant slave trade.

AN UPSIDE?: The New Yorker's Steve Coll also expresses concern in a new piece that Trump's "fake news" jab "inevitably gives cover to foreign despots who threaten reporters in order to protect their own power." But on the plus side, he writes: "Fortunately, in attacking the media Trump has in many ways strengthened it. This year, the Times, the Washington Post, and many other independent, professional enterprises have reminded the country why the Founders enshrined a free press as a defense against abusive power. Among other achievements, the media's coverage of Special Counsel Robert Mueller's investigation has made transparent the seriousness of its findings so far, and constrained the President's transparent desire to interfere."

TODAY: The Poynter Journalism Ethics Summit in Washington aims to strengthen "political journalism and public trust in a polarized era" and will feature veteran political reporters, White House correspondents, ethics experts, academics, and top editors from the Washington Post and POLITICO.

HOW SMALL-TOWN ALABAMA PAPER TAKING STAND ON ROY MOORE: The Washington Post's Margaret Sullivan editor visits Troy Moore Opelika-Auburn News. "This 12,000-circulation paper, which has won numerous statewide awards for excellence, has not ignored the issue," she writes. "Instead, mindful of how people feel throughout conservative Lee County (named after the Confederate general), it has taken a cautious approach. Turner wrote an editorial last month calling for Moore to step down as a candidate, concluding that he could not be an effective senator. Its headline, too, was bold: "It's time for Roy Moore to step aside for Alabama."

AS MEDIA HOLIDAY PARTY SEASON KICKS OFF, newsroom managers will surely be thinking about how to handle the often boozy affairs in light of the ongoing sexual harassment scandal. Vox Media, which has been site of one sexual misconduct case and has covered those at other news outlets, will be limiting staffers to two drinks a piece instead of providing an open bar.

REEVALUATING 2016 AFTER SEXUAL HARASSMENT SCANDALS: I mentioned Thursday that the presidential election coverage of now-disgraced media men, like Matt Lauer, Bill O'Reilly Charlie Rose, Mark Halperin, Michael Oreskes, and Leon Wieseltier, is prompting a second look at how such influential voices have shaped politics. Here are two more perspectives:

- **"A look back through the work** of some powerful men accused of harassment reveals double standards, demeaning stereotypes, and dismissive attitudes about sexual assault that, together, add up to a skewed portrayal of men and women, politics and power," Vox's Anna North wrote Friday. "Zeroing in on three men in particular - Lauer, Wieseltier, and Halperin - shows how that portrayal has the potential to influence many areas of news and American life, including and beyond the presidential election."

- **"A pervasive theme of all of these men's coverage** of Mrs. Clinton was that she was dishonest and unlikable," Jill Filipovic wrote in a New York Times op-ed, "The Men Who Cost Clinton the Election." "These recent harassment allegations suggest that perhaps the problem wasn't that Mrs. Clinton was untruthful or inherently hard to connect with, but that these particular men hold deep biases against women who seek power instead of sticking to acquiescent sex-object status."

- **In one sign on waning influence**, "60 Minutes" noticeably didn't mention now-former contributing correspondent Charlie Rose in its intro Sunday night for the show's 50th anniversary special.

SPEAKING OF 2016 MEDIA FAILURES, Donald Trump was able to break with four decades of precedent in not releasing his tax returns. Yes, journalists asked Trump on several occasions about releasing his tax returns, which he had promised to do before running, but he never faced sustained scrutiny. "For 15 months, he's punted on the tax return question in interviews and now, he appears to be trying to run out the clock," I wrote in May 2016. In the end, Trump did.

- **While it can be assumed Trump** and his family will do well under the Republican tax bill, which was hastily passed in the wee hours Saturday morning and expected to greatly benefit wealthy Americans, ProPublica's Alec MacGillis pointed out Friday that the public won't know exactly how. "The challenge for the media in covering Trump's smashing of norms on releasing tax returns was that it became 'old news,'" he wrote. "It all but vanished as a fact during the campaign. And here we are. About to pass a huge tax bill w/ no idea how it benefits the president. It's astonishing."

SOUND BITES

"The press tends to excoriate politicians' personal lies, because non-ideological, but too often fails to denote politicians' lies about public policy, because seen as ideological--even though the latter is far more objectively measured." [David Grann]

"Yes, there's obvious image-rehab happening here. But of the two ppl in that interview, one was fired in disgrace, the other was elected president." [Maggie Haberman]

"Hipster journo yawns at the President's lawyer's claim that he wrote that tweet confessing to obstruction of justice... Call me a rube, but some things should stay shocking." [Emily Nussbaum]

"Worth remembering right about now that @FoxNews never announced any disciplinary action for its retracted Seth Rich report." [Oliver Darcy]

THE PLAYBOOK POWER LIST: 18 TO WATCH IN 2018: The final Playbook Power List of the year highlights 18 politicians, activists and operatives across the country who are poised to make waves in 2018. From the anti-Trump "Resistance" on the left to the far right Bannonite wing trying to remake the GOP, keep an eye on these people over the next 12 months. Click HERE to find out who made the list.

- HuffPost editor-in-chief Lydia Polgreen, one of the 18 to watch, told Playbook's Daniel Lippman she wants her site's journalists to "fan across the country" to cover 2018 midterms. "To that end, earlier this year she and some other HuffPost journalists went on a bus tour called 'Listen to America.' They traveled to 26 cities over seven weeks, interviewing 1,500 people," wrote Lippman. "One thing we heard almost nothing about was Donald Trump," she told Playbook. "Lots of people wanted to talk about the problems in their own communities but didn't necessarily have a lot to say about the president."

JAMES O'KEEFE GROUP GOT $1.7 MILLION FROM KOCH-BACKED CHARITY, The Washington Post reports : "The $1.7 million came through Donors Trust, a type of tax-exempt charity called a donor-advised fund (DAF). Billionaire industrialists Charles and David Koch and other wealthy conservatives rely on Donors Trust and similar groups to finance numerous charities and other nonprofit organizations to promote libertarian, small-government and free-market policies and candidate." O'Keefe's group is known for trying to discredit and embarrass journalists, so the Koch connection is notable given the Koch brothers' investment fund last week backed the sale of magazine giant Time Inc.

REMEMBERING LES WHITTEN, an "investigative reporter arrested by FBI and spied on by CIA." From the Washington Post obit : "As [famed columnist Jack] Anderson's chief deputy - or 'senior ferret,' as New York Times journalist Tom Buckley once dubbed him - Mr. Whitten was handed assignments that included spying on the private lives of FBI Director J. Edgar Hoover and his top aide, Clyde Tolson... Just as often, however, Mr. Whitten and Anderson were on the receiving end of spying efforts, targeted by the Nixon administration for their critical coverage of the White House and leaks of government documents. The duo were trailed by the CIA, and at one point, Nixon associates G. Gordon Liddy and E. Howard Hunt plotted to assassinate Anderson using LSD or what Liddy later described as 'Aspirin Roulette.'"

EXTRAS

- MSNBC's Joy Reid apologizes for past comments about gays on her old blog, The Wrap reports.

- Jason Schwartz reports on the scene at Friday's White House media Christmas Party. More from the Times' Michael Grynbaum.

- The staffs of "Megyn Kelly Today" and "Full Frontal with Samantha Bee" had a "chilly

encounter," according to New York magazine.

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Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

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California Sets Demands for Talking Emissions Targets with Trump

Posted September 22, 2017, 12:51 P.M. ET

By John Lippert and Ryan Beene

California could be willing to re-open discussions on its greenhouse gas limits for cars and trucks for 2025—so long as automakers and the Trump administration embrace the significantly tougher targets it's contemplating for later years.

Automakers have "a whole laundry list of things they've asked for" to ease the state's standards leading up to 2025, and California is willing to at least discuss reviving talks, Mary Nichols, chair of the California Air Resources Board, said in a Sept. 22 interview at Bloomberg headquarters in New York. Michael Catanzaro, a Trump special assistant, called her recently to get conversations with the administration started, she said.

"The price of getting us to the table is talking about post-2025," she said. "California remains convinced that there was no need to initiate this new review of the review and that the technical work was fully adequate to justify going ahead with the existing program, but we're willing to talk about specific areas if there were legitimate concerns the companies raised—in the context of a bigger discussion about where we're going post-2025."

Talk of a possible three-way negotiation between California, carmakers and the federal government comes after President Trump's administration reinstated in March a review of national greenhouse-gas rules that run through 2025, which he said "would have destroyed" the auto industry. California could choose to keep its rules unchanged even if the federal targets are loosened. But doing so would create headaches for carmakers dealing with a patchwork of legislation, and it would risk raising the ire of Trump and the industry as California tries to push through tougher targets for 2030.

Federal Backpedaling

So far, Trump hasn't launched what could be his most potent weapon—a court challenge to California's special authority to write its own pollution rules, which dates back to the 1970 Clean Air Act. A compromise today could help prevent a court showdown later.

"If there's a way they can keep us all united without having to roll over California, they'd like that," Nichols said of her impressions of the White House's position.

The federal government in 2011 originally agreed to greenhouse gas targets that mirror California's, boosting fuel economy to an average of more than 50 miles per gallon by 2025. When Trump overturned an Obama EPA decision to uphold the standards on the books earlier this year, automakers praised Trump's move.

But carmakers don't want changes at the federal level to create a rift with California and the handful of states who've adopted the same targets, fearing costly discrepancies if emissions standards diverge. Pressure for a compromise is also building because, even in California, zero-emission vehicle sales have been stuck at about three percent since 2014.

"I really feel like if the industry folks are as ready as I think they are to talk about future standards, it shouldn't be all that hard," Nichols said. "But there are differences in the kind of relief they want."

Nichols said that while the state is willing to at least discuss compromise in the short term, California has no intention of retreating from its legislative mandate to cut carbon dioxide emissions to 40 percent below 1990 levels by 2030. California Governor Jerry Brown and the state's Air Resources Board have vowed to remain a bulwark against the president's push for environmental deregulation, and Nichols said long-term goals haven't changed.

Automakers can't abandon the cleaner-car goals entirely either, since major car markets China and the European Union are now contemplating their own zero-emission vehicle mandates modeled after California's. China said this month it will set a deadline for automakers to end sales of fossil-fuel-powered vehicles, becoming the biggest market to do so and driving global demand for battery-operated autos.

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Trump Climate Confusion Is the New Brexit, Top UN Official Says

Posted September 22, 2017, 8:38 A.M. ET

By Jessica Shankleman and Brian Eckhouse

When U.K. Prime Minister Theresa May criticized President Donald Trump for taking the U.S. out of the landmark Paris climate change deal this week, she might as well have been talking about another kind of exit closer to home.

The similarities and between Brexit and Trump leaving the Paris Agreement are stark, says Rachel Kyte, a special representative of the United Nations secretary-general for the Sustainable Energy for All program, of which she is chief executive officer.

Both involve inconsistencies, questions over whether it will ever actually happen and prominent dissenters trying to resist leaving or find a back door to nullify the effects of leaving.

"The U.K.: we're leaving, details to be worked out," Kyte said in an interview in New York Sept. 21. "Trump: we're leaving, details to be worked out. The U.K. is in the club, but not in the club. The U.S. is in the club, but not in the club."

The U.S. remains in the Paris deal for now because it can't legally exit until 2020. Entrance to the club was voluntary, as were the pollution targets it wrote and accepted in 2015. Similarly, the U.K. can't formally quit the European Union for two years after it officially gave notice to leave.

In her veiled rebuke to Trump at the U.N. General Assembly this week, May said the climate change agreement is a sign of "the fundamental values that we share, values of fairness, justice and human rights, that have created the common cause between nations to act together."

Those opposed to Brexit could perhaps use the same description for the EU to make their case.

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EPA's Hazardous Waste Reporting System on Track

Posted September 22, 2017, 10:38 A.M. ET

By Sylvia Carignan

States and regulated industries would have less of a burden reporting on hazardous waste shipments through a new electronic tracking system the EPA plans to test release this winter.

The Environmental Protection Agency says it expects the system to create more accurate records of hazardous waste shipments, including what the waste is, how much is being shipped, where it came from, and where it's going.

While hazardous waste generators and recipients will not have to pay to use the system yet, the agency says it's on track to release a final version with fees in June 2018.

The test version will allow the public to view waste tracking data and will accommodate paper manifests.

EPA's advisory board for the e-manifest system will hold a public meeting Sept. 26 through Sept. 28 in Arlington, Va., to discuss how users will register, activate, and maintain accounts for the system.

The system had a partial release at the end of June that currently allows the facilities that receive waste to sign manifests electronically. Both receivers and generators can upload manifests to the system.

The 2012 Hazardous Waste Electronic Manifest Establishment Act, which is part of the Solid Waste Disposal Act, defines the system's voluntary users as hazardous waste generators, transporters and owners and operators of storage, treatment, recycling or disposal facilities. The electronic manifest act intends for the system to sustain itself via user fees.

California, Quebec, Ontario Ink Deal to Join Carbon Markets

Posted September 22, 2017, 03:45 P.M. ET

By Carolyn Whetzel

California, Quebec, and Ontario cemented plans to launch North America's largest carbon

allowance market next year, under a pact signed Sept. 22.

The agreement officially links three individual cap-and-trade programs, creating "an expanded and dynamic carbon market, which will drive down greenhouse gas emissions," California Gov. Jerry Brown (D) said in a written statement.

Ontario's integration with the existing California-Quebec market has been planned for some time. The agreement establishes the framework and terms for the new larger market.

"The linkage expands the allowance market significantly," California Air Resources Board spokesman Stanley Young told Bloomberg BNA in an email. "Ontario's market is roughly 40 percent to 50 percent the size of California's carbon market. Quebec's is 15 percent of California's."

Storm Resiliency Enters Senate Debate on Flood Insurance

Posted September 22, 2017, 8:30 A.M. ET

By Dean Scott

Senate Democrats who have shied away from talking about whether climate change helped fuel hurricanes Harvey and Irma now say they're likely to raise a related issue—the need for more resilient infrastructure—in an upcoming debate on the federal flood insurance program.

The National Flood Insurance Program underwrites the vast majority of U.S. flood policies and has been under scrutiny for years. It was set to expire Sept. 30, but a congressional deal extended it into December. That sets the stage for a debate over such issues as how to dissuade home owners from rebuilding on sites continually threatened by storms, whether to expand coverage for business interruption for smaller firms, and whether flood maps can be updated more often.

Democrats, itching to highlight how climate change may be worsening storms, say this debate may be a good place to start with talk about how to ensure new and rebuilt structures are more resilient to hurricanes.

"I certainly hope and expect there to be an open-minded conversation about resilience, in order to protect taxpayer dollars," Sen. Chris Van Hollen (D-Md.), who is introducing legislation to revamp the program, told Bloomberg BNA. "If you want to save taxpayer dollars then you've got to invest in resilience because it just doesn't make sense for taxpayers to be paying for the same thing over and over."

Which Brand?

Sen. John Thune (R-S.D.), who serves in Republican leadership, said the short-term deal only staved off the inevitable need to provide long-term stability for the flood insurance program, which hasn't gotten a multiyear reauthorization since 2012.

"We need to deal with flood insurance reauthorization for sure, and these [storms] obviously, I think, give additional sense of urgency to that," Thune told reporters Sept. 19.

Sen. Brian Schatz (D-Hawaii) said he and other Democrats see an opening to debate the role of climate change in severe weather, an issue that has gained little traction with the Republican majority in Congress. Some rebranding may be needed, he said.

"The one thing I'm wondering about is, what if we call it severe weather, because climate change has become a brand only Democrats feel comfortable with," Schatz told Bloomberg BNA. "I don't care what you call it. But it's there for all to see."

Banking Panel

Republican and Democratic members of the Senate Banking, Housing, and Urban Affairs Committee have been laying the groundwork for a long-term reauthorization for months or even years in some cases.

The program was approaching its $30 billion borrowing limit when Congress agreed to a short-term extension signed by President Donald Trump Sept. 8, ensuring continued funding through Dec. 8.

Climate resilience is front and center in what is likely to be a push to reinstate President Barack Obama's Federal Flood Risk Management Standard, an executive order that Trump revoked in August. Obama's 2015 order—one of a series of actions he took to address climate issues in the absence of congressional action—called on federal agencies to consider current and future risk for federally funded projects in floodplains such as roads, bridges, and hospitals.

Trump reversed the order, citing the need to streamline infrastructure permitting. But a coalition of insurance representatives and environmental and housing groups called SmarterSafer is backing efforts by Van Hollen and Schatz to reinstate it.

"When federal funds are being used to build or rebuild structures or to subsidize structures, the government should ensure the taxpayer investments are being made in safe, resilient ways," the SmartSafer group said in a Sept. 14 letter.

Flood Mitigation Savings

Ceres—an alliance of investor, public interest, and environmental groups—also is urging Trump to reverse his August order.

"Models show that extreme weather events will increase in frequency and severity in the coming decades," the group wrote Trump Sept. 13. The letter cited Federal Emergency Management Agency figures that suggest every dollar invested in flood mitigation saves an average of four dollars during rebuilding.

The top Democrat on the Senate Environment and Public Works Committee, Sen. Tom Carper (D-Del.), said Congress needs to debate the need for more resilient residential and commercial construction in regions likely to be damaged by severe flooding.

"If I was the chairman of the banking committee, I would be scheduling a hearing on this like next week," Carper told Bloomberg BNA. "It's an issue that belongs in that committee, and they should claim jurisdiction."

The banking panel's chairman, Sen. Mike Crapo (R-Idaho), told Bloomberg BNA he has made no decision on holding hearings.

Crapo and Sen. Sherrod Brown (D-Ohio), the banking committee's top Democrat, have backed a six-year reauthorization of the NFIP. The bill they introduced July 17 (S. 1571) seeks to improve the

program through better mapping and risk mitigation.

Others on the committee such as Sen. John Kennedy (R-La.) back a competing bill but say they're open to other approaches to get a multiyear flood insurance extension. Kennedy is cosponsoring a bill offered by fellow committee member Sen. Bob Menendez (D-N.J.)—the Sustainable, Affordable, Fair, and Efficient (SAFE) National Flood Insurance Program Reauthorization Act (S. 1368)—cosponsored by banking panel Democrats Van Hollen and Sen. Jack Reed (R.I).

"I'm ready to do it now," Kennedy told Bloomberg BNA. "I have a bill that has bipartisan support. [But] if they don't want to do my bill and want to do something better, then let's go do it."

SolarCity to Pay $29.5M After Inflating Recovery Act Claims

Posted September 22, 2017, 03:38 P.M. ET

By Vishal Persaud (Bloomberg News)

SolarCity will pay $29.5 million to resolve allegations that it submitted inflated claims for itself and affiliated investment funds for grants under the Obama administration's stimulus plan, the Justice Department said Sept. 22

The settlement payment represents about 5 percent of the cash grants that the government gave the company under Section 1603 of the American Recovery and Reinvestment Act of 2009, which subsidized renewable energy projects, according to a spokesperson for SolarCity. Tesla Motors Inc. bought SolarCity in November 2016.

"This program expired, but this settlement demonstrates that the government will still hold accountable those who sought to take improper advantage of government programs at the expense of American taxpayers," Chad A. Readler, acting assistant attorney general of the Justice Department's Civil Division said in a statement.

The government alleged that SolarCity overstated the cost bases of its solar energy properties and as a result the company and its affiliated investment funds received inflated grant payments from the Treasury.

The Section 1603 program provided for cash grants equal to 30 percent of the eligible cost basis to construct or acquire qualified renewable solar energy systems placed in service before Dec. 31, 2016.

SolarCity "accurately valued the solar energy systems in the applications it submitted for cash grants under the Treasury's program, and it was entitled to the full amounts that Treasury ultimately approved and paid to the company after reviewing its applications," the company spokesperson told Bloomberg BNA by email.

As part of the agreement, SolarCity is to release all pending and future claims against the U.S. for additional payments under Section 1603 of the American Recovery and Reinvestment Act of 2009.

The company also agreed to dismiss a lawsuit filed by two investment funds alleging the Treasury underpaid some Recovery Act grants.

—With assistance from Renee Schoof (Bloomberg BNA).

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Seasonal Ban on Popular Weedkiller Proposed in Arkansas

Posted September 22, 2017, 11:39 A.M. ET

By Paul Stinson and Tiffany Stecker

Arkansas is proposing a six-month ban on the use of a new type of weedkiller manufactured by Monsanto Co. and BASF Corp., hoping to resolve complaints that the pesticide is damaging thousands of acres of soybean crops.

The proposal, if finalized, could further a divide between farmers whose soybeans have been damaged from dicamba—an old herbicide reformulated to help farmers battle tough weeds—and growers who rely on the technology to protect their crops from invasive plants.

The State Plant Board voted late Sept. 21 to approve the proposal to prohibit the use of dicamba for the 2018 growing season, between April 16 and Oct. 31, with an exemption for use in pastures, rangeland, turf, and home use.

Board members unanimously approved the proposal, which will be subject to a 30-day public comment period and a Nov. 8 public hearing, Arkansas Agriculture Department spokeswoman Adriane Barnes told Bloomberg BNA.

The proposed restrictions follow recommendations from the Arkansas Dicamba Task Force, a 19-member panel of producers and crop association representatives assembled at Gov. Asa Hutchinson's (R) request. Hutchinson endorsed the proposed prohibition, Barnes added.

Arkansas has received 969 complaints so far this year from farmers alleging their soybean crops were damaged by dicamba, an herbicide first developed in the 1940s. Other states including Missouri, Tennessee, Illinois, and Mississippi also have reported hundreds of thousands of acres of soybean crops allegedly damaged by dicamba.

University of Arkansas scientists have said Monsanto and BASF's products are volatile, meaning they quickly evaporate when sprayed and can travel miles to other fields, where the chemicals settle and damage crops.

Some Farmers, Monsanto, Oppose Restrictions

An April 16 cut-off date would preclude on-crop spraying for many soybean growers in Arkansas, who start planting the seeds in May.

Manufacturers of the dicamba herbicide, notably Monsanto and BASF, have strongly opposed the prohibitions. More than 300 farmers in the state also have asked the plant board not to impose the April 16 cut-off date on the herbicides, which has helped many deal with invasive weeds that no longer respond to traditional weedkillers.

"It takes dicamba as a tool out of our herbicide arsenal," Becton Bell, a Northeastern Arkansas farmer told Bloomberg BNA. Bell was one of the farmers who signed the petition to the plant board.

"We've still got a long fight ahead to try to retain this technology; were not giving up yet," he said.

The companies said their new versions of dicamba were designed not to be volatile, and that the problems with crop damage are likely the result of farmers misusing the pesticides.

Monsanto's dicamba formulation was not approved for use this year in Arkansas, although it is allowed in other states. But the company sells the soybean and cotton seeds that are genetically engineered to withstand dicamba, and are meant to be used with the dicamba weedkiller.

Ty Vaughn, Monsanto's vice president of global regulatory affairs, said the company is "keeping all of our options on the table." he said it was too early to discuss the next steps, but did not rule out litigation if the proposal becomes final.

BASF did not immediately respond to Bloomberg BNA's request for comment.

The Environmental Protection Agency declined to comment on whether the proposal would affect its plans for regulating the products. But the agency said it is considering changing the current use restrictions on the labels for the dicamba formulations to help protect neighboring fields from damage.

Are Hurricanes Winds of Change for Insurers' Climate Risk?

Posted September 22, 2017, 7:45 A.M. ET

By Abby Smith

The insurance industry faces a dilemma when it comes to climate change: fundamentally, companies understand the risk natural disasters intensified by climate change can pose, but they see relatively little risk to their business in the near future.

However, the industry faces a long-term challenge to maintain market share in areas that could become increasingly harder to insure as climate change makes natural disasters more severe and more frequent. And the Trump administration's push to ax some of the tools insurers need to prepare for disasters could force companies to take a more public position on climate change.

"We look at it from all those perspectives, what a changing climate and environment does to either increase the frequency and severity of those kinds of events or decrease them ... and then putting that into our models to make sure we're delivering products that are priced appropriately," David Robinson, general counsel for the major property and casualty insurer the Hartford Group, told Bloomberg BNA.

Insurance companies are rooted in actuarial science research and analytics. Their job is to assess and comprehend risk, and that includes a scientific understanding of the effects of climate change. The federal research President Donald Trump has proposed ending is vital for insurance companies and underpins adaptation policies such as federal flood risk standards that help to mitigate risk in areas that could become uninsurable.

If Congress were to consider adopting the Trump administration's proposed cuts to climate science research, "my organization would be very vocal in terms of talking with appropriators about the value that these programs bring," Frank Nutter, president of the Reinsurance Association of America, which represents major reinsurance companies such as Munich Re America and QBE

Reinsurance Corp., told Bloomberg BNA.

But in the short-term, insurance companies can ultimately recoup any losses by re-pricing their policies annually—meaning it is not as urgent that they take a proactive stance on climate. And while the recent storms in Texas, Louisiana, and Florida will cost billions in total economic losses, they may not be big events for the insurance industry.

Insurance Industry Insulated from Harvey

Take Hurricane Harvey, for example.

Total economic losses from the Category 5 storm that ravaged the coastline of Texas and Louisiana late last month are estimated to range from $200 billion to $300 billion. But insured losses are expected to come in around $20 billion to $30 billion, according to estimates from AIR Worldwide—a modeling firm that specializes in catastrophic events and works closely with insurance companies.

The insurance industry is "really not going to play a big role in terms of financing the rebuilding of Harvey," Cynthia McHale, director of insurance for the business sustainability group Ceres, told Bloomberg BNA.

But, she added, the losses are "real. They get picked up by federal, state, and municipal coffers or individuals who have homes and businesses that are damaged."

Advocates such as McHale say many insurance companies have been "sitting on the sidelines," rather than proactively addressing climate change. The recent hurricanes may not shift the dynamic, she said.

An uptick in public conversation on climate change from the insurance industry followed Hurricane Sandy in 2012, but "it didn't stick," McHale said.

"I'd love to say that it will, that at this point the switch will flip and everyone will understand climate risk needs a really concerted effort … but I'm not sure that it will at the end of the day," she said.

For the insurance companies that are out in front on this issue, these storms don't change the game.

"We are the same company after these two storms," Louis Gritzo, vice president and manager of research for mutual insurer FM Global, told Bloomberg BNA. "We'll continue to do the things we've been doing, to work with [our clients] to reduce their risk."

Storms Could Blow Away Coverage

But the insurance industry faces risk from climate change on both sides of its balance sheet.

On the underwriting side—where insurers evaluate risk and offer coverage—the industry is seeing a "widening protection gap," Tom Herbstein, program coordinator for ClimateWise, told Bloomberg BNA. That means economic losses attributed to climate change are increasing, but insurers' coverage of those losses is declining.

Herbstein said his group—facilitated by the University of Cambridge Institute for Sustainability Leadership—consists of nearly 30 global insurance companies that are pushing a proactive

approach to climate change that would close that protection gap.

If the gap continues to widen, areas across the country will become uninsurable, meaning companies will pull out of those markets. McHale pointed to the mid-2000s, when several major insurance companies, including State Farm and Allstate, pulled out of the Florida market following Hurricanes Wilma and Rita.

"Companies can do that, but only so much. The strategy of retreat is not a winning business model," McHale said.

But Herbstein said the widening protection gap is a medium- to long-term risk for the industry. "If the industry continues to focus on the short term … they will eventually price themselves out of the market. That's akin to burying your head in the sand."

Insurers Investments Under Microscope

Insurance companies are also big investors, meaning they face the risk of stranded assets as the world transitions to lower-carbon energy. According to a June 2016 report from Ceres, the top 40 U.S. insurance groups owned nearly half a trillion dollars of investments in oil and gas, coal, and electric utilities at the end of 2014.

McHale said a "bright light" is insurers are increasing investments in low-carbon infrastructure. Previewing a new Ceres survey of 16 of the largest U.S. insurers to be released in January, McHale said 70 percent of that group increased investments in infrastructure and 85 percent were considering more clean energy investments.

Over half of those surveyed by Ceres also suggested investments in renewable energy could help mitigate transition risks they face from fossil fuel investments.

While insurers rely on the scientific research the Trump administration wants to halt, some in the industry are also cheering efforts to roll back requirements that they disclose investments in fossil fuel companies. However, in California, which licenses 77 percent of the U.S. insurance market, Insurance Commissioner Dave Jones required just those sorts of disclosures, despite threats of lawsuits from a dozen attorneys general.

Jones' Climate Risk Carbon Initiative, established in early 2016, required insurance companies licensed in California to divest from thermal coal and to disclose investments in coal, oil, and natural gas companies and utilities that generate electricity from more than 50 percent fossil fuels.

While the Trump administration may want to "stick their head in the sand," California will continue to play a leadership role, Jones told Bloomberg BNA. "Most other industrialized nations and their financial regulators are working on this issue," Jones said.

Disclosure Could Drive Policy

Despite some pushback, the initiative has seen 100 percent compliance. By the numbers, that means the fossil fuel investments of around 1,300 insurance companies are now publicly available, Jones said.

For advocates such as Ceres and ClimateWise, a proactive approach from insurers is two-fold: sharing risk management expertise with the public and investing in climate resilience. And insurers

such as the Hartford and FM Global that are leading on this issue are already heading in that direction.

"The key message, in addition to just making sure we understand and are tracking how hazards are changing, is there's a lot of progress that can be made to reduce risk and build resilience to the climate that we face today," Gritzo said. "We need to make sure that we're really focusing on reducing that hazard and not dismissing it."

"We face a resilience challenge in this country, a challenge we need to step up and address."

A $21 Billion Failed Nuclear Project is Still Haunting Scana

Posted September 22, 2017, 9:55 A.M. ET

By Mark Chediak

Scana Corp. may have dropped a $21 billion plan to build a nuclear power plant in South Carolina, but washing its hands of the project altogether won't be so easy.

On Thursday, the utility disclosed that it received a federal subpoena for documents related to the canceled reactors. Earlier this month, South Carolina's governor made public a report suggesting Scana was aware of challenges plaguing the project since early last year. And the state legislature is carrying out a probe of how plans for the two reactors at the V.C. Summer plant fell apart.

The backlash does not bode well for Scana as the utility owner seeks to recoup billions of dollars it spent on the project from South Carolina's utility customers. The company's battle to recover costs may become a flash point in the debate over who should pay for nuclear power projects that have failed to be built across the U.S. in the past decade.

"It's become an endless supply of negative headlines," said Shahriar Pourreza, a power analyst for Guggenheim Securities who has rated Scana's stock a "sell". He warned that the outcry could make it harder for Scana to recover costs and hurt its earnings growth.

Scana spokesman Eric Boomhower said by email Thursday that there are legislative and regulatory review processes that the company must go through regarding the project.

"We will not speculate on the outcomes of those processes," he said.

While South Carolina Governor Henry McMaster is still pushing to get the V.C. Summer plant finished, state legislators are already grilling Scana and project partner Santee Cooper executives in special hearings about how plans for the reactors unraveled. They've asked South Carolina's attorney general to look into whether the law that would allow Scana to recoup costs is constitutional.

"Political fallout from the V.C. Summer new nuclear construction termination has opened Pandora's box," Christopher Ellinghaus, a utilities analyst for the Williams Capital Group, in a research note Monday.

Even if regulators allow Scana to recover the reactors' costs, Pourreza said, they could end up clawing back the money in other ways, such as denying the company's future requests to recoup the expenses of other projects.

Last Project Standing

Scana's decision to halt construction has rattled both the state and the entire U.S. nuclear industry. The company called it quits after lead project contractor Westinghouse Electric Co. filed for bankruptcy and Santee Cooper pulled out. That left Southern Co. in Georgia as the only utility building a nuclear power plant in the U.S.

U.S. utility customers have ended up on the hook for more than $2.5 billion for nuclear power plants proposed and never built -- excluding the costs of Scana's V.C. Summer plant. Duke Energy Corp. and Dominion Energy Inc. are among the companies that have faced backlash for charging customers for yet-to-be-built reactors. Under state law, Scana may be allowed to recover $4.9 billion in expenses for its abandoned reactors so long as the spending is deemed prudent. But the report made public by McMaster's office this month could undermine its case.

'Significant Issues'

The February 2016 study drafted by contractor Bechtel found "significant issues" with the project's construction, including unrealistic schedules and a lack of project management. Regulators could use it to block Scana from recovering costs, Scott Elliott, special counsel for the state House committee investigating the project, told legislators last week.

The U.S. Attorney's office in South Carolina asked for a copy of the report from McMaster after it was made public, said Brian Symmes, a spokesman for the governor. Scana said the subpoena from the U.S. Attorney required the company to "produce a broad range of documents related to the project" and that it would cooperate with the investigation.

South Carolina Attorney General Alan Wilson is meanwhile expected to issue an opinion next week on the law that would allow Scana to recoup costs.

At stake is Scana's balance sheet, said Kit Konolige, a utility analyst for Bloomberg Intelligence. "They are dependent on having a smooth recovery of the capital they've invested in the project," he said.

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How Electric Cars Can Create the Biggest Disruption Since iPhone

Posted September 22, 2017, 8:02 A.M. ET

By Jessica Shankleman

It's 10 years since Apple Inc. unleashed a surge of innovation that upended the mobile phone industry. Electric cars, with a little help from ride-hailing and self-driving technology, could be about to pull the same trick on Big Oil.

The rise of Tesla Inc. and its rivals could be turbo charged by complementary services from Uber Technologies Inc. and Alphabet Inc.'s Waymo unit, just as the iPhone rode the app economy and fast mobile internet to decimate mobile phone giants like Nokia Oyj.

The culmination of these technologies—autonomous electric cars available on demand—could

transform how people travel and confound predictions that battery-powered vehicles will have a limited impact on oil demand in the coming decades.

"Electric cars on their own may not add up to much," David Eyton, head of technology at London-based oil giant BP Plc, said in an interview. "But when you add in car sharing, ride pooling, the numbers can get significantly greater."

Most forecasters see the shift away from oil in transport as an incremental process guided by slow improvements in the cost and capacity of batteries and progressive tightening of emissions standards. But big economic shifts are rarely that straightforward, said Tim Harford, the economist behind a book and BBC radio series on historic innovations that disrupted the economy.

Systemic Change

"These things are a lot more complicated," he said. Rather than electric motors gradually replacing internal combustion engines within the existing model, there's probably going to be "some degree of systemic change."

That's what happened 10 years ago. The iPhone didn't just offer people a new way to make phone calls; it created an entirely new economy for multibillion-dollar companies like Angry Birds maker Rovio Entertainment Oy or WhatsApp Inc. The fundamental nature of the mobile phone business changed and incumbents like Nokia and BlackBerry Ltd. were replaced by Apple and makers of Android handsets like Samsung Electronics Co. Ltd.

Today, as Elon Musk's Tesla and established automakers like General Motors Co. are striving to make their electric cars desirable consumer products, companies like Uber and Lyft Inc. are turning transport into an on-demand service and Waymo is testing fully autonomous vehicles on the streets of California and Arizona.

Combine all three, for example through an Alphabet investment in Lyft, and you have a new model of transport as a service that would be a cheap compelling alternative to traditional car ownership, according to RethinkX, a think tank that analyzes technology-driven disruption.

One key advantage of electric cars is the lack of mechanical complexity, which makes them more suitable for the heavy use allowed by driverless technology, Francesco Starace, chief executive officer of Enel SpA, Italy's largest utility, said in an interview.

After disassembling General Motors' Chevrolet Bolt, UBS Group AG concluded it required almost no maintenance, with the electric motor having just three moving parts compared with 133 in a four-cylinder internal combustion engine.

"Competitiveness very much depends on the utilization of the car," Laszlo Varro, chief economist at the International Energy Agency, said in an interview. The average Uber vehicle covers a third more distance than the typical middle-class family car in Europe, amplifying the benefit of lower running costs to the point that "the oil price at which it makes sense to switch to electric is $30 per barrel lower," he said.

Uber on Steroids

The total cost of ownership of electric and oil-fueled vehicles will reach parity in 2020 for shared-mobility fleets, five years earlier than for individually-owned vehicles, according to Bloomberg New Energy Finance.

Already in London, Uber plans for its UberX service to be hybrid or fully electric by the end of 2019. Its rival Lyft aims to provide at least 1 billion rides a year in autonomous electric vehicles by 2025, saying they can be used much more efficiently than gasoline-powered cars.

This combination would be "the Uber model on steroids," Steven Martin, chief digital officer and vice president of General Electric Co.'s Energy Connections unit, said in an interview. "Once you have complete autonomous operation of a vehicle, then my desire to own one is going to go down and I'll be more willing to sign up to a subscription service."

Autonomous Hurdles

The transition to fully autonomous fleets may not match the speed of the smartphone revolution because of the many regulatory, legal, ethical and behavioral hurdles. Self-driving technology should become available in the 2020s, but won't be widely adopted until 2030, BNEF says.

Even so, the shift to electric cars could displace about 8 million barrels a day of oil demand by 2040, more than the 7 million barrels a day Saudi Arabia exports today, the London-based researcher says. That could have a significant impact on oil prices—a drop of 1.7 million barrels a day in global consumption during the 2008-2009 financial crisis caused prices to slump from $146 a barrel to $36.

That doesn't mean oil giants like BP or Exxon Mobil Corp. are heading for an inevitable Nokia-style downfall. While transport fuels account for the majority of their sales, they also have huge businesses turning crude into chemicals used for everything from plastics to fertilizer. They also pump large volumes of natural gas and generate renewable energy, both of which could benefit from increased electricity demand.

Even if electric vehicles do grow as rapidly as BNEF forecasts, the world currently consumes 95 million barrels a day and other sources of demand will keep growing, said Spencer Dale, BP's chief economist. The London-based energy giant expects battery-powered cars to reduce oil demand by just 1 million barrels a day by 2035, while also acknowledging the potential for a much larger impact if the industry has an iPhone moment.

The sheer breadth of the potential disruption makes it hard to predict what will happen. When Steve Jobs unveiled the iPhone, few people anticipated that it meant trouble for makers of everything from cameras to chewing gum.

"The smartphone and its apps made new business models possible," said Tony Seba, a Stanford University economist and one of the founders of RethinkX. "The mix of sharing, electric and driverless cars could disrupt everything from parking to insurance, oil demand and retail."

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The Most Expensive Teslas and the Policy 'Paradox' Behind Them

Posted September 22, 2017, 10:46 A.M. ET

By Nick Rigillo

Fun fact: A poster child of green energy policies has cemented its place in Europe as the most expensive place to own a Tesla.

The ruling bloc in Denmark, home of wind-power giant Vestas Wind Systems A/S, has just agreed to cut car registration taxes. But even after the adjustment, Tesla's Model S will still cost more than $115,000. The same car costs $81,200 in Germany and $69,500 in the U.S.

The Danish Electric Car Alliance, an industry association, calls the tax cut "paradoxical," because it makes polluting diesel and petrol cars cheaper, in relative terms.

"This increases the divide between fossil-fueled and electric cars," said its head, Laerke Flader. The association estimates an Audi A6 will cost as much as $9,700 less, compared with a $1,700 saving for people buying the Tesla Model S.

Denmark, where car taxes were recently as high as 180 percent, has already decided to phase out electric-vehicle subsidies such as those offered in Norway and Germany. The fallout for Tesla and its peers has been severe.

According to latest figures from the European Automobile Manufacturers Association, sales in Denmark of battery electric vehicles were down 33 percent in the second quarter of this year from a year earlier.

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Twice-Rejected LNG Exporter Gives Project Another Shot

Posted September 22, 2017, 10:38 A.M. ET

By Ryan Collins

The developer of a liquefied natural gas export terminal in Oregon that has already twice been denied permits by U.S. regulators is giving it another shot.

Veresen Inc. said late Sept. 21 that it filed another application with the Federal Energy Regulatory Commission for the $10 billion Jordan Cove LNG project that would ship gas to Asia. The agency denied the Calgary-based company approval last year, saying it failed to prove the terminal was needed. As part of its latest request, the company proposed route changes for a pipeline that would feed the terminal and eliminated plans for a power plant.

Veresen is making a third attempt just as the Trump administration promotes LNG exports as a means of establishing America's dominance in global energy markets and creating jobs. Gary Cohn, the director of the White House's National Economic Council, referenced the Northwest terminal during a talk in April, saying the government would step up approvals for such projects. It's among the dozens proposed along the coasts of the U.S. to send shale gas overseas.

Veresen said the project would create more than 200 permanent jobs and has said it would lower the U.S. current account deficit with Japan, one that President Donald Trump has complained about. In February, the company said it was in "advanced" negotiations with a third LNG buyer in Japan and that preliminary agreements with Jera Co., a joint venture between Tokyo Electric Power Co. Holdings Inc. and Chubu Electric Power Co., and Itochu Corp. were being finalized.

The application for Jordan Cove comes just weeks after Trump filled seats on the Federal Energy Regulatory Commission, restoring the quorum the agency needs to approve LNG projects and

major natural gas pipelines.

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Diesel Becomes Campaign Issue for Merkel in German Elections

Posted September 22, 2017, 7:14 A.M. ET

By Jabeen Bhatti

Germans head the polls Sept. 24, and an unexpected issue has wedged itself into the campaign along with the usual themes of jobs and refugees: diesel.

Almost every night on the talk-show circuit, questions arise about the future of the country's beloved auto industry and the diesel-engine vehicles driven by one in three Germans in the wake of an emissions cheating scandal among the country's largest automakers.

Chancellor Angela Merkel is expected to be easily elected to her fourth term, but questions linger about her government's coziness with the auto industry that's been brought to its knees because of the Volkswagen scandal and has been forced to pay billions in fines and fixes for millions of cars worldwide that had been outfitted with devices to game emissions tests.

Moreover, the government has ambitious goals of reducing greenhouse gas emissions 40 percent by 2020 and by at least 80 percent by 2050, benchmarks set in law and widely supported by voters.

Not wanting to disrupt an industry responsible for roughly one-fourth of her nation's economy, Merkel has employed a long-term strategy for handling the emissions scandal and allegations that several auto manufacturers colluded on developing technology to cheat pollution tests before voters go to the polls. She's been trying to get out in front of the scandal by speaking about it publicly and expressing her disappointment while at the same time encouraging the industry to make a greater push on electric vehicles.

Germany's automobile manufacturers employ some 790,000 people with an annual turnover of some 404 billion euros ($482 billion), according to a January 2017 report on the topic by the lower house of the German Parliament, the Bundestag. Those figures don't include the many small- and medium-size companies that make up the backbone of the German economy and supply and deliver parts for the industry.

While opening the 2017 International Motor Show in Frankfurt Sept. 14, Merkel—unusually—criticized the industry, accusing car manufacturers of "heavily exploiting regulatory gaps," adding that "everything possible needs to be done now to regain credibility and trust as quickly as possible."

Later in her speech, however, she consoled a worried, diesel-focused industry. "Combustion engines plus electromobility, that's how we can avoid driving bans being imposed on diesel vehicles," the chancellor said.

Germany's Social Democrats, Green Party, and the Free Democratic Party, which hope to pick up seats and challenge Merkel and her Christian Democratic Union, have used the scandal to advance their own plans.

"Beginning in 2030, only emissions-free cars should be permitted," Cem Özdemir, co-chairman of Germany's Green Party, said Sept. 10 on the political talk show Anne Will. "The era of dirty combustion engines is over."

Such sentiments are to be expected from the Greens. But now, those views are echoed by other politicians in direct reaction to an issue affecting the nexus of cherished institutions in German society, analysts said.

"Voters are outraged—that's forced politicians to directly address the issue," Ferdinand Dudenhoeffer, director of the Center for Automotive Research at the University of Duisberg, told Bloomberg BNA. "Issues of the environment and climate, as well as the economic viability of the automobile industry, are all wrapped up in this issue. It affects some 15 million voters."

Family Affair

For decades, diesel has been taxed at lower rates than regular gasoline in Germany amid evidence that it's more fuel efficient and releases 15 percent less carbon dioxide, according to information the German Association of the Automotive Industry provided to Bloomberg BNA. That led to a huge boom in diesel-powered cars during the past three decades, according to a February 2016 report by Germany's University of Trier.

Then came the announcement by the U.S. Environmental Protection Agency in September 2015 that German auto manufacturer Volkswagen had installed so-called defeat devices in 11 million of its diesel vehicles to mask actual emissions levels during increasingly more stringent lab tests.

Two years later, the German government realized that Daimler and BMW, as well as Volkswagen subsidiaries Audi and Porsche, had colluded to strategize the best ways to cheat through software manipulation, according to a Transportation Ministry study.

"People see this like a spreading disease of incompetence almost to the point of corruption that they didn't see coming," Jackson Janes, president of the American Institute for Contemporary German Studies at the Johns Hopkins University in Washington, told Bloomberg BNA. "It carved away at the sense of trust people had in the government and the structures surrounding it."

"Especially in Germany, that's an impact that really counts," he added.

Amid mounting evidence of cartel-like practices, a history of the German government lobbying on behalf of the auto industry, revolving doors between government officials and those of the auto industry, and misinformation about the cleanliness of diesels, antitrust investigations have begun at the European level to investigate wrongdoing, analysts said.

Tip of the Iceberg

Despite hefty criticism of her actions regarding the auto industry, Merkel will likely cruise to victor. Her Christian Democrats have an insurmountable lead in the polls and about half of Germans are against targeted diesel bans in cities, according to poll by German broadcaster ARD.

Still, analysts predict that the market for diesel will collapse in due time. Since 2015, the number of new diesel registrations in Germany has decreased by almost 10 percent, according to Germany's Federal Motor Vehicles Office, and the market for reselling diesels has plummeted, according to Dudenhoeffer.

"The diesel scandal in Germany isn't over yet—it hasn't even reached its peak," he said. "As soon as the first driving bans roll out, it will get really serious."

Meanwhile, the U.K. and France pledged earlier this year to ban diesel and gasoline-powered engines by 2040. In spite of how important the car industry is to Germany, it's not unthinkable that the country eventually moves in this direction, too.

After all, Merkel's government did an about-face six years ago, doing away with nuclear energy just after extending its use—that was also once unthinkable, said Matthias Lang, an energy attorney and Bird & Bird's Dusseldorf office.

"The car guys watched as Germany began to change," he said. "They said in a country like this, we can't do electric cars. But people said this about photovoltaics and we've done it. The car industry is well-aware of how quickly and dramatically things changed there—and clearly do not want to suffer the same fate as the big German utilities."

Environmentalists wholeheartedly reject the government's protection of the industry, noting the pollution in German cities. "When you visit people in these cities, you truly realize how backwards the argument is for keeping these vehicles on the road," Friedrich told Bloomberg BNA. "We need to think about people's health, not the economic consequences."

Still, analysts like Dudenhoeffer have faith in German automakers to clean up their act and invest more heavily in e-cars and other technologies. At the IAA in Frankfurt, Volkswagen announced a massive 20 billion euro investment ($24 billion) to manufacture 80 new e-car models by 2025. As of 2016, there were only about 200,000 electric and hybrid vehicles on German roads, according to the country's Federal Motor Transport Authority. The transition, however, still will be problematic, said Lang. "There may well be a political decision to do away with diesel—it's easy to say so politically but then what do you do with millions of cars in Germany and around the world? I don't think everyone going to buy a Tesla tomorrow," he said. "I don't think it's just diesel—we'll do away with the combustion engine eventually. The problem is, no one has a clue how to do that in a commercially acceptable way today. Even a country like Germany cannot match the 24-billion euro current annual transfer payments in support of renewable power, to replace combustion engines next year or in five years," Lang added.

Italy's Enel Group Starts Latin America's Two Largest Solar Parks

Posted September 22, 2017, 11:17 A.M. ET

By Michael Kepp

Latin America's two largest solar parks, which can provide enough power to meet the annual demand of more than half a million homes, are now online in Brazil.

The projects, operated by Italy's Enel Green Power, are the $300 million, 292-megawatt (MW) Nova Olinda park, in Piaui state and the $400 million, 254-MW Ituverava park in Bahia state.

Enel, the biggest solar photovoltaic producer in Brazil, announced Sept. 18 that the farms were operating. An Enel official touted their launch as a big development for Brazil, as well as the company's long-term goal to eliminate its carbon dioxide emissions.

"The start of operations of Nova Olinda and Ituverava marks an important step forward for large-scale solar energy generation in Brazil, tapping into the great potential that the country can harness with this technology thanks to the high level of solar irradiation and land availability," Carlo Zorzoli, Enel's country manager in Brazil, said. "These two new solar parks, which together will avoid the emission of 668,000 metric tons of carbon dioxide each year, will contribute to making Brazil's energy generation more green and to Enel's commitment to become CO2-free by 2050."

Brazil's government projects that solar power will account for 4.5 percent of the nation's electricity matrix in 2026.

The Nova Olinda park has the capacity to generate 600 gigawatt hours (GWh) of solar power per year, enough to meet the annual consumption needs of 300,000 households, while the Ituverava park can generate 550 GWh per year, enough to supply the annual needs of 268,000 households.

Land of the Sun

EGP sold the parks' future energy to distributors via 20-year contracts at Brazil's first and second solar auctions, in October 2014 and August 2015, respectively.

In Brazil, EGP, through its local subsidiary, has 2,276 MW of installed renewable capacity, of which 716 MW comes from solar power, 670 MW from wind power, and 890 MW from hydropower. The company has 275 MW of renewable capacity under construction in Brazil, of which 172 MW from wind and 103 MW from solar power.

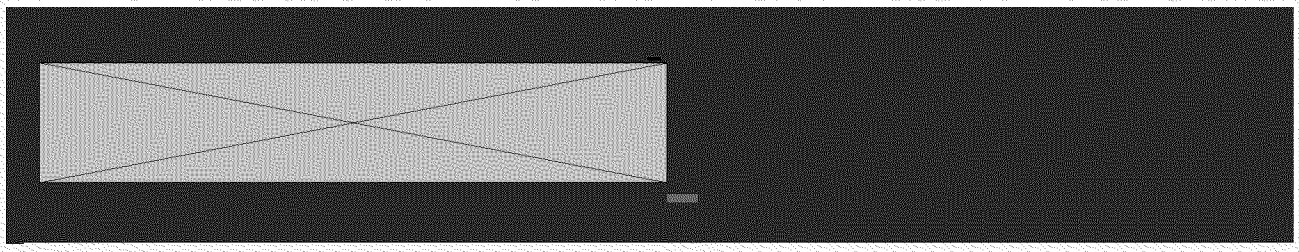
The government's latest 10-year energy expansion plan, announced in July, projects that large-scale (non-rooftop) solar power, which accounted for just 0.01 percent of the electricity matrix in 2016 would account for 4.5 percent of the matrix in 2026, about 9,660 MW of generating capacity.

Rodrigo Lopes Sauaia, the CEO of the Brazilian Photovoltaic Solar Energy Association (Absolar), called the government's projections "conservative", telling Bloomberg BNA that large-scale solar power should have an installed capacity of 14,000 MW by 2026.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: The Washington Post
Sent: Wed 10/4/2017 4:01:58 PM
Subject: Federal Insider: How big is the federal workforce? Much bigger than you think.



How big is the federal workforce? Much bigger than you think.

By Joe Davidson

Sunrise at the U.S. Capitol. (Chris Maddaloni/Getty Images)

How big is the federal workforce?

Much bigger than you think.

A new study on "The True Size of Government," by Paul C. Light, professor of public service at New York University, says the government's "blended" workforce is 7 to 9 million strong — including contractors and grantees.

Grantees include a range of folks, such as the Ohio State University team that studied "Swedish massages for rascally rabbits," as former senator Tom Coburn (R-Okla.) described in his "Wastebook 2014."

That example was not in Light's paper, and he does not diminish the work of anyone serving the government. But Light does raise a serious issue about the impact of so many non-employees.

"Although Washington's blended workforce has an imperative role in the nation's success, it may have grown so large and poorly sorted that it has become a threat to the very liberty it protects," Light wrote. "With 7 to 9 million employees, the federal government's blended workforce may have become too complicated and codependent to control."

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"I think we've gotten close to it," he said later, adding the use of private security forces by the military as an example.

The threat to liberty, he explained, "comes from the pressure to maintain and expand missions that are primarily for the benefit of one or more parts of the blended workforce and not necessarily for the benefit of the public."

Think private prisons. Commercial prison operators have a financial incentive to get and keep people locked up, deprived of their liberty.

Tony Reardon, president of the National Treasury Employees Union, pointed to the IRS mandate to use private debt-collection agencies. "Twice this program has failed because of high cost and poor quality," Reardon said, "yet Congress ignored the history and ordered a third attempt, knowing that highly trained federal employees are better equipped to collect the debts and uniquely authorized to provide assistance and options to low-income taxpayers."

Broken down, the 9 million included about 2 million employees, 3.7 million contractors, 1.6 million grant employees, 1.3 million active duty military personnel and 500,000 Postal Service employees in 2015. The 7 million excludes the Postal Service, which does not receive congressional appropriations for its operations, and the military. The grantee and contractor numbers are estimates based on a Bureau of Economic Analysis model that considers money spent on projects and the labor needed to produce products.

"I suspect many taxpayers have no understanding that their tax dollars pay for 3.7 million private sector employees," Reardon said. "The work of federal employees, on the other hand, is transparent and accountable."

An important takeaway is "the study reminds us that the nation depends on a very large blended workforce that includes many more contract and grant employees than federal civil servants. It is easy to say the civil service is too big, but it is only part of the workforce needed to faithfully execute the laws," Light said.

"The question is not whether we have too many government employees, but [do] we have the right blend to deliver the mission at the best price, value, and performance. … This means we should be counting all the heads when we get into debates about cutting workforces."

Even if an individual contractor earns less than a comparable federal employee, the government also must pay for the contractor's overhead costs, such as benefits, office space, equipment, materials, and other costs of doing business — enter the equation," he wrote. "Add overhead to the totals, and contractor employees can cost twice as much as federal employees."

Max Stier, president and chief executive of the Partnership for Public Service, agreed with the thrust of Light's point about the need for the right blend, "Previous administrations have not similarly invested in the internal resources needed to understand when contractor help is needed, what external resources are required and how best to use those resources effectively," Stier said. "In the end, we often wind up wasting taxpayer dollars and failing to achieve our intended results."

In Light's view, however, cost is not the only factor.

That raises the debate over the cost of using contractors instead of feds. In a "We are not going to have this blended workforce and should be celebrating its performance as a whole ... we ask tough questions about who can provide the best price, etc.," he said. Rather than pretending that only feds can do the job or contractors are always less expensive, "what I want to know is whether the blend is working for the public interest."

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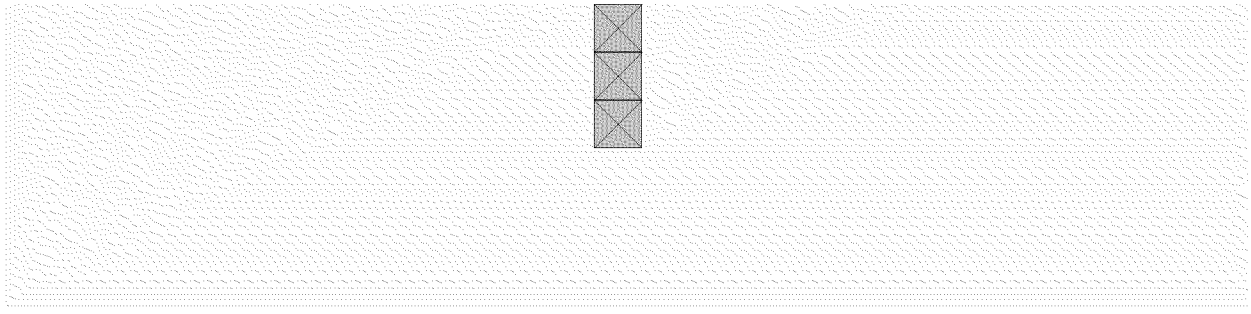
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
Sent: Mon 9/4/2017 10:02:26 AM
Subject: AEI Today: The Meaning of Labor Day

Just as Memorial Day has become embedded in American culture as the day marking the beginning of summer, so too Labor Day, celebrated annually on the first Monday of September, has come to signify summer's end.

A special edition of AEI Today on this Labor Day holiday



FEATURED STORY

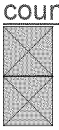
Labor Day: Origins, traditions, and today's labor crisis

Various scholars



—

Just as Memorial Day has become embedded in American culture as the day marking the beginning of summer, so too Labor Day, celebrated annually on the first Monday of September, has come to signify summer's end. Although it may seem strange to celebrate the value of labor by taking time off from work, these leisurely pursuits have long been regarded as fitting for a holiday meant to honor the "contributions workers have made to the strength, prosperity, and well-being of our country."



What We're Reading

—

Do workers feel threatened by robots?

Policymakers know that advancing technology and automation will present challenges and opportunities for them. But how do Americans feel about it, particularly as it relates to their jobs?

The state of the American worker in 2017

For nearly a decade, AEI has released a yearly poll compilation on workers' attitudes about their jobs to coincide with Labor Day. This year's study shows concerns about salary growth, but most workers express strong satisfaction with their jobs.

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Podcast: Discussing key focus points in labor economics

On the latest Banter podcast, AEI's Michael Strain explored a variety of hot topics related to labor, including immigration, minimum wage laws, and the significance of the US Census.Â

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Debunking the feminist wage gap myth

Is there any truth to feminists' assertion that women make less money than men in the same jobs? Factual Feminist and AEI Resident Scholar Christina Hoff Sommers sheds some light on the gender wage gap controversy.

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Are Americans actually worried about outsourcing?

President Donald Trump made keeping jobs in the United States and bringing jobs back a focus of his campaign and has

claimed credit for recent job growth. This message seemed to prove popular during the campaign, but how concerned are Americans about outsourcing, according to the data?

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The minimum wage debate is far from over

Two competing studies on the minimum wage hikes in Seattle reached opposing conclusions about the effects on employment, wages and hours worked. But their methodologies are unconvincing, says Aparna Mathur, so the jury is still out as to what is best for workers.

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How to find work for all

In 2017, seven million American men are outside the labor force. What has caused the labor force participation rate to drop, and how can it be fixed? AEI's Robert Doar, Harry Holzer of the Brookings Institution, and Brent Orrell from ICF International discuss the reasons for American male joblessness and how the US can get men back to work.

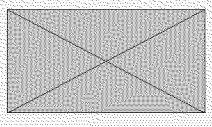
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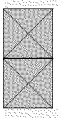


"The progressive detachment of so many adult American men from the reality and routines of regular paid labor poses a threat to our nation's

future prosperity."

— Nicholas Eberstadt, in his bestselling book "Men Without Work"





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Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

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An Eclipse Is What the U.S. Power Sector's Been Waiting For

Posted August 17, 2017, 01:23 P.M. ET

By Naureen S. Malik, Christopher Martin and Mark Chediak

Turns out the solar eclipse, set to plunge parts of the U.S. into total darkness on Aug. 21, will offer exactly what the power sector's been looking for: a completely predictable stage for experiments.

It's not often that power grid operators, utilities and electricity generators get such precise and advance notice about more than 12,000 megawatts of solar power supplies set to suddenly drop off their systems. And some are looking forward to it—as a means of testing plants, software and markets refined in recent years in anticipation of the day when renewable energy becomes the world's dominant source of power.

The way David Shepheard, managing director at consultant Accenture Plc, sees it: The eclipse is the "forecastable dress rehearsal" for the grid of the future. It'll be the perfect test, he says, "for operating the grid when the sun doesn't shine and the wind doesn't blow."

Here's a closer look at what utilities, power generators and grid operators will be watching as the eclipse plays out:

Perfecting Forecasting

Charlie Gay, director of the U.S. Energy Department's SunShot Initiative, expects the eclipse to provide instant validation for power forecasting models being developed. The department is working with the National Renewable Energy Laboratory and grid operators to improve software controls that balance supply and demand as the continent goes dark.

"It gives us a test for the models," he said. Using satellite data and maps of solar plant locations, the group expects to be able to match forecasts with what actually occurs before, during and after the eclipse.

Grid operators including PJM Interconnection LLC and Southwest Power Pool are similarly using the eclipse to measure exactly how much rooftop solar is on their systems and improve their supply models for the next eclipse in 2024.

Sizing Up Software

The proliferation of so-called smart meters, energy management equipment and software has helped provide power-line operators better data on the homes and businesses they supply. Some utilities can now control their customers' air conditioners using remote devices, helping them curb demand during extreme weather.

The need for such software and technology has only grown as rooftop solar panels increasingly turn consumers into mini-generators. "Smart" inverters can now help balance the voltage and frequency coming from solar panels.

Grids and utilities "are quite frankly becoming tech companies" in their need to crunch big data to operate more efficiently, and this eclipse "is a little bit like Y2K," said Austin Whitman, director of regulatory affairs at FirstFuel Software Inc. in Boston.

The event is going to give grid operators a chance to fine-tune their toolkit for dealing with big wind and solar fluctuations, the Energy Department's Gay said. Battery storage may end up playing a bigger role because it offers more flexibility, Accenture's Shepheard said.

Backing Up Solar

Utilities including PG&E Corp. and Edison International will also be relying on natural gas-fired power plants and hydropower resources to pick up the slack when the moon blocks the sun and solar power's wiped out.

The event is coming at an opportune time for California to flex its hydropower muscle. Snow is melting and hydro is plentiful. The flood of quick supplies is what the state is hoping to dispatch to fill a 6,000-megawatt void of solar energy.

In North Carolina, a part of which will see total darkness during the eclipse, Duke Energy Corp. expects about 2,000 megawatts, or 80 percent, of utility-scale solar farms to go offline. The utility will treat it like a "gradual sunset," said spokeswoman Tammie McGee, estimating that as much as 1,200 megawatts of gas generation will help pick up the slack. The so-called energy imbalance market, formed by a group of utilities and California's grid operator to trade power in real-time across much of the western U.S., will also be put to the test. Berkshire Hathaway Energy's NV Energy utility in Nevada said it'll rely on this regional system, capable of dispatching power every five minutes, to help balance supply swings and set aside 400 megawatts in reserves.

Power Surge?

Power bulls could meanwhile enjoy a rally in wholesale electricity prices due to solar's sudden slide. The eclipse will start curbing solar a little after 9 a.m., just when the work week is ramping up and demand is taking off. According to energy data provider Genscape Inc., the event may extend the typical period of high power prices in California by about two hours.

Prices will probably retreat as soon as the moon starts moving past the sun and solar farms return, Genscape said. And the market impact in Texas, the Midwest and the East Coast will be limited because the region's home to smaller concentrations of solar.

Those within the path of the shadow may feel a 10-degree Fahrenheit drop in temperatures, probably not enough to affect gas demand, according to WTRG Economics. "But power companies will be busy for a half hour or so trying to balance the load," the energy research firm said in a report.

Voltage Swings

Transmission operators have spent years adapting to growing volumes of renewable power coursing through U.S. power lines. So they're not anticipating outages as a result of voltage fluctuations. Utilities from California to North Carolina have also been preparing for months to avoid sudden voltage losses.

"One of the advantages of being a national leader in the amount of solar energy connected to the grid is that our operators are experienced with dealing with fluctuations in solar power production due to weather conditions," said Paul Grigaux, vice president of transmission substations and operations for Edison's Southern California Edison utility.

And solar's decline doesn't just affect high-voltage transmission lines. Utilities in California and New Jersey, where large concentrations of households have installed solar panels on their rooftops, will have to deal with fluctuating voltage levels on local power lines.

While Duke plans to follow the same procedures it always follows during sudden outages, McGee noted that the magnitude of this event "is fairly unprecedented."

—With assistance from Sophie Caronello.

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GE, Tesla to Outfit 50 Home Depot Stores with Solar Panels

Posted August 17, 2017, 02:01 P.M. ET

By Christopher Martin

General Electric Co.'s Current unit and Tesla Inc. will install solar systems on 50 Home Depot Inc. stores and sell the power output to the retailer.

The solar rooftops will generate enough electricity to reduce each store's demand from local utility grids by about one third, Atlanta-based Home Depot said in a statement Thursday. It's part of a company plan to get 135 megawatts of clean energy at its stores by 2020.

Home Depot will buy the output from each of the systems under power purchase agreements in New York, New Jersey, Connecticut, California and Washington, D.C. Six locations will also get battery storage from Tesla. Terms weren't disclosed.

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Blackstone's New Pipeline Asset Is Wreaking Environmental Havoc

Posted August 17, 2017, 9:36 A.M. ET

By Naureen S. Malik and Catherine Traywick

In the energy business, it's one of the biggest projects going today: construction of a 710-mile pipeline to transport natural gas from America's most prolific shale deposit in the eastern U.S. to consumers in the Midwest and Canada. Even Blackstone Group LP has agreed to take a sizable stake.

But it holds another, more dubious, distinction. The Energy Transfer Partners LP pipeline has racked up more environmental violations than other major interstate natural gas pipelines built in the past two years, according to a Bloomberg analysis of regulatory filings during that period. And that's all since U.S. regulators approved the $4.2 billion project in February.

"Not only is it a situation where there are probably more incidents and more headlines than any other pipeline, on a project basis it's a magnitude that we haven't seen in years," said Kyle Cooper, director of research with IAF Advisors in Houston.

In Ohio, Energy Transfer has been cited for damaging protected wetlands and improperly disposing of wastewater, among other things. In West Virginia, a state regulator temporarily ordered the company last month to cease and desist activities after it inadvertently polluted streams.

And in Washington, the Federal Energy Regulatory Commission halted horizontal drilling on certain segments of the pipeline, following a massive 50,000-barrel spill of diesel-tainted drilling fluid.

The Rover pipeline, running from the Marcellus shale deposit, is Energy Transfer's biggest project since its controversial Dakota Access oil pipeline. Chief Executive Officer Kelcy Warren said July 31 that he was "baffled" by regulators' allegations. That same day, his company reached a deal to sell a 32 percent stake in the Rover unit to Blackstone for about $1.57 billion in cash. It's expected to close in the fourth quarter. Blackstone spokeswoman Paula Chirhart said the firm declined to comment.

"Rover will be built in compliance with all safety and environmental regulations, and in some instances we will exceed those requirements," Energy Transfer spokeswoman Alexis Daniel said in response to Bloomberg's violation tally.

—With assistance from David Carey.

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China's Blue Skies Target May Make for Winter Gas Crunch

Posted August 17, 2017, 10:02 A.M. ET

By Aibing Guo, Jing Yang, and Dan Murtaugh

Chinese President Xi Jinping's government beat expectations in its drive to help clear the nation's notoriously smoggy skies by burning less coal and oil in favor of cleaner natural gas.

Now that success may be too much, too soon.

Gas consumption rose 15 percent in the first half of the year, including a 27 percent jump in June,

as industrial customers shift toward the fuel and as distributors add more residential users. That surge during the traditionally low-demand part of the year raises the possibility that the country may find itself short of gas when winter hits, according analysts at Jefferies Group LLC and SCI International.

"China could be setting itself up for a nasty winter gas shortage," Laban Yu, a Hong Kong-based analyst at Jefferies, said this month in a research note. "We believe gas prices will have to increase, especially in winter months, to balance supply and China's regulation-induced demand surge."

China's drive to use more natural gas and renewables has seen coal's share of the energy mix drop to just below 60 percent during the first half of the year, according to the National Energy Administration. It accounted for 64 percent in 2015, and the government is aiming for 58 percent by 2020.

China's natural gas demand will rise to 620 billion cubic meters a year by 2030, China National Petroleum Corp. said in an Aug. 16 report. The country used 206 billion cubic meters last year, according to the National Development and Reform Commission.

Natural gas use tends to fall into two categories: recurring demand from activities like power generation and industrial plants, and seasonal demand for powering air conditioners in summer and heating homes in winter. For China, which has hundreds of millions of people living in colder northern cities like Beijing, Tianjin, and Harbin, consumption peaks in the winter.

But demand this year is booming in the middle of summer. Imports in July jumped by 55 percent over the previous year and are up by almost 21 percent for the entire year, according to the General Administration of Customs. That's on top of a 8.8 percent increase in domestic output during the first seven months of the year, according to the National Bureau of Statistics.

'Big' Increase

In 2015 and 2016, seasonal demand meant December consumption was double that during July. China Petrochemical Corp., one of the country's leading liquefied natural gas importers and known as Sinopec Group, is expecting "big" year-on-year increases in the winter and spring, Shanghai Securities News reported last week, citing comments from the company after its midyear work conference.

The government will likely push energy companies to ramp up imports and production and ensure that new terminals are online to meet winter demand, said Liu Guangbin, a gas analyst at Shandong based SCI International. Energy firms may use the surge in buying to bolster requests to the government to raise regulated domestic prices, he said.

"I expect the gas supply shortage this winter to be more severe than the situation in the previous two years due to sharp increase in demand from industrial users amid the government's coal-to-gas switching policy," he said.

Neither the National Development and Reform Commission, the nation's top economic planner, nor the NEA responded to faxed requests for comment.

More LNG

The growing global LNG market will help the country meet any surge in demand this winter, said Liu Ming Hui, executive chairman of China Gas Holdings Ltd., which distributes natural gas to homes

and businesses. Other distributors, such as ENN Energy Holdings Ltd. and Guanghui Energy Co., have started importing LNG themselves to supplement supplies they typically bought from China's big state-owned energy firms.

LNG has made up almost 51 percent of China's natural gas import supply during the first half of the year, up from 48 percent last year and 44 percent in 2015, according to Bloomberg calculations using data from the General Administration of Customs.

China's gas prices are set by regulators, and they're among the highest in the world by a major gas consumer. The main city-gate price in June was 1,876.1 yuan per thousand cubic meters, which equated to about $7.73 per million British thermal units.

LNG Surge

A surge in LNG production, led by new facilities in Australia, boosted global output to a record in July, according to JP Morgan Chase & Co. New plants will ensure that there's ample supply for Chinese buyers, even as they are expected to increase imports this winter by 30 percent from last year, said Zhi Xin Chong, a Singapore-based analyst with Wood Mackenzie Ltd. Prices for spot LNG will probably only rise to the $7-to-$8 per million British thermal units level this year, compared to a peak near $10 last year, he said.

"We probably won't see the same sort of spike like last year," he said. "The new supply coming on to the market is already beginning to affect prices."

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China's Menswear Maker Swaps Stitching for Lithium Batteries

Posted August 17, 2017, 9:30 A.M. ET

By Bloomberg News

Ten years ago, Ningbo Shanshan Co. was primarily a maker of menswear turning out shirts, casual wear and business suits from its base of Ningbo, an industrial hub in China's Zhejiang province. Not anymore.

This week, the company announced that it will spend 3.81 billion yuan ($570 million) on a new energy-storage project in China's northern city of Baotou, bolstering its growing interest in the research, development and manufacture of lithium-ion batteries.

The move is the latest by the Chinese company to become a bigger player in the market for storing electricity for everything from electronic vehicles to laptop computers. It underscores an accelerating shift for a company that got almost all its sales from apparel in 2006.

Shanshan is "a serious player in the battery material business, so it's not a surprise" to see its new plan, said I-Chun Hsiao, a Tokyo-based analyst from Bloomberg New Energy Finance. "There's an oversupply in batteries in the short term."

The industry, he said, will see enough demand to boost manufacturing capacity by more than fourfold from 2021 to 2030. Chinese companies have about 57 gigawatt-hours of lithium-ion manufacturing capacity, with another 78 gigawatt-hours announced, according to Bloomberg New

Energy Finance data.

The shift has been good for Shanshan investors. Its shares have gained about 45 percent in Shanghai trading this year, outpacing the Shanghai Stock Exchange Composite Index's 5 percent increase. Citic Securities Co.initiated coverage of the stock with a buy recommendation on Wednesday, predicting Shanshan will trade at 26.5 yuan within a year, a 25 percent increase from the close on Aug. 15.

Shanshan fell as much as 1.9 percent on Thursday in Shanghai.

Shanshan's newest project each year will be able to produce 100,000 metric tons of anodes—a component in lithium-ion batteries, according to a statement on the Shanghai stock exchange on Tuesday. Construction will begin in October and is expected to be completed by June 2019.

The new investment adds to Shanshan's purchase last month of 1.8 billion yuan of shares in China Molybdenum Co. in a private placement as part of its push to secure the raw materials use to produce cathodes.

Battery materials accounted for almost 75 percent of Shanshan's revenue last year. That's up from 39 percent in 2011 and a far cry from virtually nothing in 2006 when it got 93 percent of its sales from making apparel, according to company filings.

Company Transformation

The transformation to battery material manufacturing has helped rejuvenate the company's earnings. Net income rose about 51 percent in the first half from the same period a year earlier to 339 million yuan mainly because of its battery materials business, the company said on Tuesday. Annual revenue has more than tripled in the past 10 years.

Besides anodes, Shanshan also produces other battery components such as cathodes and electrolytes. The company is expanding into more aspects of electric vehicle manufacturing, including battery system integration, vehicle design, research and development and charging pole construction.

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Saudi Arabia Calls for Pollution Monitors on Industrial Chimneys

Posted August 17, 2017, 03:32 P.M. ET

By Matthew Kalman

Saudi Arabia has ordered about 7,000 industrial plants to install networked monitoring systems to measure greenhouse gas emissions in real-time as part of its effort to reduce air pollution and improve public health, according to the Ministry of Environment, Water and Agriculture.

Emissions sensors installed in chimneys will broadcast air quality data to a network of nationwide monitoring stations connected to a central control unit and database linked to the ministry's Center for Environmental Information, Meteorology & Early Warning for Weather & Pollution. The center then will issue daily reports and an electronic map showing real-time air quality data, according to the center.

Saudi Arabia has the highest recorded air pollution in the world, due mostly to its heavy fossil fuel emissions from the oil industry, and is closely followed by Gulf neighbors Kuwait, Qatar, Bahrain, and the United Arab Emirates, according to data from the World Health Organization and International Energy Agency.

"Being an intensively industrialized region, monitoring air emissions from the various industries is very vital for the protection of the human's health and the surrounding environment," said Abdulaziz Al-Shaibani, chairman of the Department of Geosciences at King Fahd University of Petroleum and Minerals in Dhahran. "The main goal of the initiative is to restrict the volume of gas emissions for the industrial stacks in the major industrial cities within the Kingdom. We are not aware of monitoring efforts that are enforced on any industrial sector within the kingdom."

The monitoring network, which will be enforced through legislation, will be a crucial first step toward achieving the vision of the government's $72 billion National Transformation Program, Khalil bin Mosleh Al-Thaqafi, president of the Saudi General Authority for Meteorology and Environmental Protection, a unit of the Environment Ministry, said . The program aims to end Saudi Arabia's dependence on hydrocarbon revenues by 2030.

"We are not sure exactly of the cost [of installing and maintaining the monitors], but it will probably be on the range of a few hundred thousand to a million Saudi riyals per industry for the installation and maintenance of the monitoring units," Al-Shaibani said.

While all industry sectors will have to adhere to the networked monitoring systems order, Saudi Arabia's oil industry generates a large part of the country's carbon emissions.

Aramco, BP PLC, Royal Dutch Shell, and Exxon Mobil, which all have large petrochemical plants in Saudi Arabia, did not respond to requests for comment from Bloomberg BNA. Chevron referred inquiries to the Saudi authorities.

The head of a large sustainable energy company, as well as environmental researchers, welcomed the monitoring plan.

"Really pleased to see this initiative as the impact of unacceptable levels of carbon and other particulates not only contributes to climate change, but also to harmful health impacts on the people who live in the area of these industrial facilities," Paddy Padmanathan, president and chief executive officer of ACWA Power International, told Bloomberg BNA in an Aug. 15 email.

"It's very positive to see this initiative, which will help characterize and monitor emissions from industrial facilities, and determine their role in air pollution," said Isobel Simpson, an environmental researcher at the University of California, Irvine, who has studied Saudi air quality.

Blackout Could Pressure Taiwan Leader to Reconsider Energy Policy

Posted August 17, 2017, 11:24 A.M. ET

By Stephen Stapczynski

A blackout in Taiwan Aug. 15 that struck about 6 million households may force President Tsai Ing-wen to reconsider her anti-nuclear stance and open the country's electrical grid to outside investment.

The island's energy security and the feasibility of Tsai's plan to phase-out atomic reactors by 2025 and reduce coal-fired generation is coming under greater scrutiny, BMI Research said in an Aug. 16 note. So far Tsai hasn't backed down on promises to shut the country's remaining nuclear power stations, but public pressure could determine the extent to which policies change, according to Gloria Hsu, a professor at National Taiwan University.

While the disruption was caused by human error that resulted in about 9 percent of Taiwan's generation capacity going offline, the outage highlighted the country's limited number of power plants. The reliability of that supply, generated and distributed by state-run companies, is crucial to the success of Taiwan's semiconductor industry that had sales of about $71 billion in 2015 and supplies companies including Apple Inc.

"The government may be forced to reconsider its anti-nuclear stance," said Joseph Jacobelli, an analyst at Bloomberg Intelligence. "Market liberalization could be seriously advanced as Taiwan desperately needs private investment in its power infrastructure."

Taiwan plans to separate Taiwan Power Co., known as Taipower, into separate entities to handle power generation and transmission and distribution, according to electricity act amendments passed in January. But that effort is far too little and the government should should focus on more "rational and less populist" energy policies, said Jacobelli.

Tsai posted an apology on Facebook and included a reiteration of her determination to push forward with phasing out nuclear power in favor of renewable energy.

—With assistance from Yu-Huay Sun, Chinmei Sung, and Dan Murtaugh.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 10/26/2017 11:48:41 PM
Subject: Oct. 27 -- Daily Environment Report



Daily Environment Report

October 27, 2017 - Number 207

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Leading the News

Air Pollution

Shippers Prepare for Tougher Sulfur Pollution Rules

Monitoring of sulfur emissions from ships on one of the world's major commercial waterways shows the industry can adapt to stricter new global limits on the air pollutant that take effect in 2020, a Danish shipping official told Bloomberg Environment.

Chemicals

Move for Global Ban on 'Teflon' Compound Hits Sticking Point

Global efforts to ban the "Teflon chemical" have hit a sticking point.

Congress

Inhofe's Hold Aims to Draw Votes on EPA Nominations

Sen. Jim Inhofe (R-Okla.) is trying to prevent a Senate floor vote on a Democratic Federal Energy Regulatory Commission nominee in an attempt to win floor votes on Environmental Protection Agency nominees facing Democratic opposition.

EPA

Pruitt Says Threats to Family Prompt Boost in His Security

The administrator of the Environmental Protection Agency said an increase in his security detail is the result of an escalation in threats to him and his family.

International Climate

Senate Democrats to Attend Bonn Climate Talks to Counter Trump

Several Senate Democrats will attend global climate talks in Germany next month to assure the nearly 200 nations in the Paris Agreement that many Americans still support it, despite President Donald Trump's decision to pull the U.S. out of the accord.

News

Air Pollution

BRP Inc. Fined $783,000 for Illegal ATVs in California

The import of all-terrain vehicles not certified to meet California emissions standards will cost Canada-based Bombardier Recreational Products Inc. $783,000, state officials said.

Biofuels

Oil-State Senators Press Trump to Remember Them in Ethanol Feud

Senators from oil states asked President Donald Trump to convene negotiations over the U.S. biofuel mandate, a week after the administration backed off possible changes to the program at the behest of farm-state politicians.

Climate Change

Brazil's Paris Climate Pledge in Doubt as Deforestation Spikes

Increased deforestation drove Brazil's annual greenhouse gas emissions up nearly 9 percent in 2016 despite an ongoing recession, casting doubt on the country's ability to meet its international climate goals.

Coal-Fired Power Plants

Merkel Coalition Talks Focus on Coal as Climate Goal Slips Away

German Chancellor Angela Merkel's bloc in parliament and its potential partners in a new coalition government are discussing climate policy, increasing doubts about the future of coal-fired power plants.

Energy

China's Wasted-Energy Problem Seen Moving to New Provinces

Anindya Upadhyay: More Chinese provinces could be grappling with wasted electricity in the next three years, while plants that run on fossil fuels face risks from China's energy reforms, according to Bloomberg New Energy Finance.

Energy

Connecticut Latest State to Throw Lifeline to Nuclear

Connecticut lawmakers took a step toward propping up the state's sole nuclear plant, following in the footsteps of New York and Illinois in seeking to avert closures.

Energy

Dynegy Inc. Could Benefit From Illinois Bill to Help Coal Plants

Legislation introduced in Illinois could allow Dynegy Inc. and other coal-fired plant owners to lock in electricity sales for three-year terms and charge higher prices in central and southern Illinois.

Energy

Puerto Rico Faces Possible Court Battle Over Utility Control

Puerto Rico Gov. Ricardo Rossello is vowing to fight a federal oversight board's effort to take away his control of the island's government-owned electrical utility, setting up a potential court battle between the commonwealth and the panel over the bankrupt company.

Enforcement

Paper Giants Thrive Amid China's Pollution Crackdown

China's drive to tackle pollution is proving a boon for the country's top paper and packaging

companies, as the closure of smaller factories and new restrictions on waste imports drive up product prices.

Environmental Reviews

Israeli Beach Closed to Development, Putting 50 Projects on Ice

A 100 meter-wide stretch of Israel's Mediterranean beach is off-limits to construction under a court ruling that jeopardizes 50 construction plans that received permits to build in that area.

Hazardous Waste

Farmers Face Learning Curve as EPA Emissions Reporting Nears

An estimated 100,000 farms could be required to report hazardous air emissions from cow, pig, chicken, and other animal wastes as soon as next month, but many lack the know-how—despite the EPA's latest guidance on how to comply.

Insurance

Groups Question Congress's Will to Overhaul Flood Insurance Program

Concern is growing that Congress may fall into a cycle of extending the troubled National Flood Insurance Program in short spurts and miss the opportunity to overhaul the program, according to some environmental, insurance, and other groups.

Mining

Trump Taps Industry Consultant to Head Interior Surface Mining

President Donald Trump picked a mining industry consultant to head the Interior Department's Office of Surface Mining Reclamation and Enforcement, a selection drawing praise from Republicans but opposition from environmental groups.

Renewable Energy

BMW Makes Cars Greener by Tapping Own Wind Power, Old Batteries

BMW AG is tapping its own wind turbines and recycled batteries to power machines that make cars like its i3 all-electric model, adding a new shade of green to the its production chain.

Renewable Energy

Denmark Signs Wind Energy Agreement with Trump Administration

President Donald Trump's climate-change skeptic administration is turning to Denmark for advice on how to boost U.S. supplies of green energy from offshore wind.

Renewable Energy

Dubai Leads Gulf's Renewable Pivot With UAE's Solar Gas Stations

The gasoline pumped in the future at more than 50 new United Arab Emirates service stations will be the same as the fuel offered now, but solar energy will power their electricity—part of a broader effort to give Dubai the world's smallest city carbon footprint.

Renewable Energy

Wind Farms of a Certain Age Aim to Extend Lifespans

Even for wind farms, middle age can be a time for replacement surgery.

Review Commission

Murray Energy Head Ordered to Tell Miners They Can Complain to Feds

Bob Murray, chief executive of coal giant Murray Energy Corp., must himself tell miners—in person or through video conferencing—that they can complain to federal regulators about safety conditions without notifying company managers, a mine safety panel agreed Oct. 26.

Toxic Substances

Marathon Can't Quell Motown Contamination Claims (Corrected)

Marathon Petroleum will again have to defend contamination claims filed by residents living near a Detroit oil refinery, the U.S. Court of Appeals for the Sixth Circuit ruled in an unpublished opinion (Cole v. Marathon Oil Corp., 6th Cir., 16-cv-2660, unpublished 10/26/17).

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA.com
Sent: Tue 8/8/2017 11:14:35 AM
Subject: The Morning Headlines from InsideEPA.com -- August 8, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

August 8, 2017

Latest News

Sessions Orders Review Of Third-Party Payments Going Back 10 Years

Attorney General (AG) Jeff Sessions is requiring the Justice Department (DOJ) to compile a list of all settlements between EPA and other agencies and defendants that include a payment to a non-government organization (NGO) third party going back a decade, potentially expanding retroactive application of his policy barring such payments.

DOJ Vows Strict Scrutiny Of EPA Settlements, But NRDC Sees No Change

AUSTIN, TX -- A senior Justice Department (DOJ) official is vowing to aggressively defend EPA and other agencies' rules rather than "going directly to a settlement" and reiterating Reagan-era guidance to ensure that settlements comply with DOJ policies, sending a message that the Trump administration will not enter so-called "sue-and-settlement" agreements with environmentalists.

EPA Diverts Staff To Implement Revised TSCA Reviews For 'New' Chemicals

EPA is diverting full-time equivalent (FTE) staff to help implement an updated process to streamline risk reviews for "new" chemicals as required by the overhauled Toxic Substances Control Act (TSCA), outlining a set of "operating principles" for the effort and vowing to release draft documents this fall offering further details.

Oil & Gas Official Fears Months Of Uncertainty Regarding Methane NSPS

AUSTIN, TX -- A top oil and gas sector official is raising the specter of months of compliance uncertainty regarding EPA's methane standards for new drilling equipment, saying that the agency has not explained how it will enforce major aspects of the rule after a court rejected its effort to pause those provisions and ordered officials to implement them.

EPA Seeks To Expand TSCA Advisory Panel For Broader Representation

The Trump EPA is seeking to add members representing various stakeholders to an advisory panel created by the Toxic Substances Control Act (TSCA) reform law

enacted last year, and is looking to candidates previously nominated but not selected to grow the size of Science Advisory Committee on Chemicals (SACC).

Daily Feed

Our most read: implications of the ozone reversal, narrow CPP replacement

Plus: coming coal-ash decisions, House FY-18 report may test agency resolve, longtime official exits EPA.

California: CARB adopts GHG cap-and-trade rules for post-2020 program

Gov. Brown expresses hope to link the Golden State's program to Oregon, Washington and possibly East Coast states.

NRDC sues EPA over Nancy Beck FOIA documents

NRDC is asking a federal court to compel EPA to turn over documents showing whether Nancy Beck has recused herself from a host of toxics rulemaking.

Ewire: Pruitt urged to reconsider Gold King review

Pruitt urged to expand review of previously denied Gold King damages payments.

Utilities join litigation over EPA's power plant ELG delay

A group representing power plants has successfully intervened to defend EPA against environmentalists' claims that the agency acted unlawfully in staying the 2015 Clean Water Act effluent rule for the sector.

Read all the latest EPA news, analysis and documents →

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Tue 10/17/2017 2:03:51 PM
Subject: POLITICO's Morning Transportation, presented by the Embassy of the United Arab Emirates: Drone pilot program to drop any day now — Senate DHS approps up in the air — Ohio River lock back in service

By Brianna Gurciullo | 10/17/2017 10:00 AM EDT

With help from Tanya Snyder and Adam Behsudi

ANY DAY NOW... The White House is poised to issue an executive order as early as this week (though the timeline has slipped before) creating a pilot program within the FAA to delegate some of the agency's authority over U.S. airspace so localities can regulate drones. While Washington has so far kept federal preemption over state and local laws for driverless cars, drones have been a different story. Drones can fly far lower than traditional aircraft, creating a whole new set of questions involving safety and privacy.

The fine print: An early version of the plan involved 10 sites being selected using criteria that were never established, and it's unclear whether the pilot will still be limited that way or whether the FAA will open the door more broadly. It's also unclear whether the pilot plan will include a sunset provision or will continue in place as long as it's working. Tanya has lots more for Pros.

IT'S TUESDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Send along tips, feedback and lyrics to bgurciullo@politico.com or @brigurciullo.

"Just listen to the music of the traffic in the city / Linger on the sidewalk where the neon signs are pretty / How can you lose?"

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) that are all about flying, driving, commuting and sailing?

SENATE DHS APPROPS UP IN THE AIR: The Senate Appropriations Committee postponed the subcommittee markup of the fiscal 2018 spending bill for DHS that had been scheduled for today. The panel hasn't given a new date for the subcommittee markup, but the full committee markup is still on the schedule for Thursday. The committee announced the postponement the same day the office of Chairman Thad Cochran said health issues were preventing the Mississippi Republican from coming back to Washington. A spokesman for Cochran told our POLITICO colleagues that the chairman is looking to "get back as soon as possible."

A RIVER RUNS THROUGH IT: The Ohio River's Lock 52 is back up and running after multiple days of closure. Vessels had been stuck in a backup more than 50 miles long. The lock and dam in southern Illinois were built in 1929 and have been slated for replacement since 1988, when the Olmsted Lock and Dam project was authorized. That project is now decades overdue and billions of dollars over budget.

MAYBE NOT THIS YEAR? President Donald Trump and Senate Majority Leader Mitch McConnell acknowledged Monday that Republican efforts to overhaul the U.S. tax code could continue into 2018, POLITICO's Brian Faler reports. "I would like to see it be done this year," Trump said to reporters. "But don't forget it took years for the Reagan administration to get taxes done - I've been here for nine months." And McConnell said: "The goal is to get it done this calendar year, but it is important to remember that Obama signed Obamacare in March of year two [of his first term], Obama signed Dodd-Frank in July of year two."

TWEET(S) DU JOUR: From Monday's Cabinet meeting, ABC News Politics: "Pres. Trump tells @jonkarl he understands how Steve Bannon feels in his targeting of GOP lawmakers. 'They're not getting the job done.'" POLITICO's Josh Dawsey: "McConnell's wife, Elaine Chao, sits two seats over and smiles the whole time."

'A CLASH OF TITANS': Florida Gov. Rick Scott still hasn't announced whether he will challenge Sen. Bill Nelson, the Commerce Committee's ranking member, in 2018. But Democrats are now "airing digital ad buys against the Republican, launching early voter registration drives and coordinating sometimes-fractious progressive groups to boost Democratic voter turnout," POLITICO's Marc Caputo and Edward-Isaac Dovere report. "The all-hands-on-deck [effort] ... speaks to the deep concerns among Democratic activists and elites worried about the three-term senator's lagging fundraising and the difficulty of motivating Democratic voters in off-year elections." If Scott runs, it will be the hardest race of Nelson's career.

** **A message from the Embassy of the United Arab Emirates**: It was the largest commercial aviation order in history - UAE airlines bought $120 billion in US-made Boeing aircraft. That's hundreds of thousands of jobs for Americans. The UAE-US commercial aviation relationship is a win-win deal. http://politi.co/2yFCemS **

BOMBARDIER SEEKS OUT THE ENEMY OF ITS ENEMY: Bombardier has an ace up its sleeve as it tries to escape almost 300 percent in combined duties that Boeing is trying to have slapped on the Canadian aerospace company's new C-Series aircraft. Bombardier announced late Monday that Airbus would take over a majority stake in the aircraft and would shift final assembly to its plant in Mobile, Ala., where the planes will be American made and not subject to tariffs, if those end up being finalized early next year. The move could create a situation in which Boeing arch-rival Airbus snuffs out a major trade victory for the U.S. company, ratcheting up the tension between two major companies that have been involved in a long-running trade war.

The best-laid plans... The news could throw a wrench into Boeing's strategy of using U.S. trade remedy laws to squelch the imports of Bombardier's new competing narrow-bodied aircraft. Delta Air Lines has already reached an agreement with Bombardier to purchase at least 75 of the aircraft. Boeing argues that Bombardier's plane is unfairly subsidized and being sold in the U.S. far below its cost of production. The U.S. aerospace giant has already prevailed in getting the Commerce Department to slap preliminary anti-dumping and countervailing duties totaling almost 300 percent on Bombardier. But it's still unclear if the move will exempt any C-Series aircraft from potential tariffs. The scope of the investigation also covers all 100-seat to 150-seat aircraft "regardless of whether they enter the United States fully or partially assembled."

SCOTUS WON'T CONSIDER DIGITAL BILLBOARDS CASE: The Supreme Court has declined to review an outdoors group's case against DOT guidelines on digital billboards. Last year, a federal appeals court shot down the effort by the group, Scenic America, to terminate the guidance to FHWA field offices on how they should evaluate state plans to stand up digital billboards on interstate highways. In a statement, Justice Neil Gorsuch said he was "persuaded that the proper course is to deny certiorari in this particular case even though the issues lying at its core are surely worthy of consideration in a case burdened with fewer antecedent and factbound questions."

THE LATEST IN THE MENENDEZ TRIAL: A federal judge on Monday wouldn't throw out any charges against Sen. Bob Menendez (D-N.J.), who is on trial for corruption. The decision came days after the judge questioned a theory that's serving as the foundation of the prosecution's argument. POLITICO New Jersey's Matt Friedman explains it all.

ICYMI: Trump has picked Kathleen Hartnett White to chair the Council on Environmental Quality. "As head of the CEQ, White would help guide federal environmental initiatives and develop the administration's policies on issues such as implementation of the National Environmental Policy Act, the landmark 1970 law that requires environmental analyses for federal projects," Pro Energy's Ben Lefebvre reports. "But she's drawn sharp criticism for her unconventional views, including her stance that carbon emissions are harmless."

BILLIONS AND BILLIONS: The Brookings Institution took a stab at estimating how much money automakers, technology companies and others have put toward self-driving vehicles. The researchers found over 160 deals from the last three years totaling about $80 billion, based on public information. "The most striking feature of such investment is the timeline," Cameron Kerry and Jack Karsten of Brookings' Center for Technology Innovation wrote. "Most has been announced in the last two years, with the pace accelerating as 2016 went on."

SHIFTING GEARS: Tim Griffin is now executive vice president and chief marketing officer for Amtrak. Like Richard Anderson, the president and co-CEO of Amtrak, Griffin has experience in the airline world. Griffin had jobs at Continental Airlines, Northwest Airlines and American Airlines.

THE AUTOBAHN:

- "Federal judge hears challenge to third version of Trump's travel ban." POLITICO.

- "Self-driving cars could ease traffic, but increase sprawl." The Associated Press.

- "Toyota to test self-driving, talking cars by about 2020." Reuters.

- "U.K. transport minister: British aviation doesn't need EU open skies." POLITICO Europe.

- Top House Homeland Security Democrat voices concerns about Nielsen. The letter.

- "February derailment has Brightline officials, opponents sparring." POLITICO Pro Florida.

- "Daimler recalls over 1 million vehicles worldwide for air bag fix." Reuters.

- "Lufthansa confirms bid to restructure Alitalia." POLITICO Europe.

- "Is Uber helping or hurting mass transit?" The New York Times.

THE COUNTDOWN: DOT appropriations run out in 53 days. The FAA reauthorization expires in 166 days. Highway and transit policy is up for renewal in 1,080 days.

** **A message from the Embassy of the United Arab Emirates**: UAE international airlines Emirates Airline and Etihad Airways are major Boeing customers. Emirates is the world's largest operator of Boeing 777s. And Etihad is responsible for nearly 20 percent of all Boeing 787-10s that are currently on order. Emirates and Etihad now serve 11 US gateway cities from Dubai and Abu Dhabi respectively with more than 260 weekly flights.

The growth of the UAE's aviation industry is the most visible sign of the UAE's overall economic success - a model of stability, growth and diversity in the Middle East. No country has benefitted more from this success than the US. Since 2009, the UAE has been the US's largest export market in the Middle East and North Africa. In 2016, the US had a $19 billion trade surplus with the UAE, America's third largest trade surplus globally. http://politi.co/2yFCemS **

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Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

National Monuments May Change, But Probably Not for Energy

Posted August 24, 2017, 02:27 P.M. ET

By Alan Kovski

Recommendations sent to the White House Aug. 24 to reduce the boundaries of some national monuments may make little or no difference to oil and gas companies, even if President Donald Trump agrees to them.

Full details of the recommendations from Interior Secretary Ryan Zinke have not yet been released. However, the latest remarks by Zinke, Rep. Rob Bishop (R-Utah), and experts on Utah oil and gas development suggest the odds are low of a boundary change that would pave the way for a surge in oil drilling in or near two big national monuments in that state, Bears Ears and Grand Staircase-Escalante.

"The oil and gas elements in this are really minimal, if at all," said Bishop, who told reporters the proposed changes in Bears Ears, if reinforced by appropriate federal legislation, could be significant to local livestock grazing rights and overall management of public land in the area.

Bears Ears National Monument, a 1.4-million acre site that rests atop potential oil, gas and coal reserves, has been the focus of a political fight about federal land protection powers. The Grand Staircase-Escalante is the largest national monument, covering 1.9 million acres, according to the Bureau of Land Management.

U.S. Lays Groundwork for Rescuing Coal Plants With Grid Report

Posted August 24, 2017, 7:24 A.M. ET

By Catherine Traywick and Jim Polson

The Energy Department, in a long-anticipated report on the security of the U.S. electric grid, makes the case for rescuing the nation's coal industry from widespread plant shutdowns, but stops short of

an assault on renewable power that environmentalists had feared.

The study, commissioned by Energy Secretary Rick Perry who has warned that policies favoring solar and wind may be forcing shut plants and threatening the grid, recommends that the Environmental Protection Agency ease rules on coal plants. It also calls for changes to how wholesale electricity is traded and easier permitting for resources such as coal, nuclear, and hydropower.

The report hands President Donald Trump a plan for fulfilling his campaign promise to revive America's ailing coal industry and put miners back to work. It paints a somewhat grimmer picture of grid security than an earlier draft that concluded the nation's power system is more reliable than ever, in spite of coal plant shutdowns. By contrast, the final report cautions that "market designs may be inadequate" to keep "traditional" power generation online.

"It is apparent that in today's competitive markets certain regulations and subsidies are having a large impact on the functioning of markets, and thereby challenging our power generation mix," Perry said in a statement. "Customers should know that a resilient electric grid does come with a price."

The U.S. power industry has been waiting for the Energy Department to release the study for months. Power generator FirstEnergy Corp. said in April that it wanted to see the results before pressing ahead with a plan to divest money-losing coal and nuclear plants. Rival Exelon Corp., the largest operator of reactors in the U.S., told investors this month that it expected the report to highlight the "critical role" that nuclear plays.

Cheap Gas

The sweeping 181-page report concludes that coal-fired and nuclear power plants are being forced out of business primarily because they can't compete against cheap and abundant natural gas, which is flowing out of U.S. shale formations at a record pace. Policies favoring solar and wind energy also have played a role, the study shows.

It stresses the critical need to preserve coal, nuclear and other baseload plants that continue to produce power when the wind isn't blowing and sun isn't shining. The report argued that even natural gas-fired generators, which rely on pipelines to receive fuel, may be less resilient.

"The more we rely on natural gas, the more we're relying on fuel that arrives just in time" at a power plant, said Joseph Dominguez, Exelon's vice president of governmental and regulatory affairs and public policy.

'Warped View'

Federal regulators are "going to have to value these resilience attributes" of dependable resources, especially coal plants that can store enough fuel on-site to last months, said Paul Bailey, chief executive officer of American Coalition for Clean Coal Electricity. "Coal stacks up really well. Natural gas does OK. Nuclear does pretty well. Renewables don't do well in some respects and do OK in others.

"You need a coal fleet in order to have a resilient and reliable grid," Bailey said.

John Shelk, president of the Washington-based Electric Power Supply Association, said ensuring the resilience of the U.S. power grid doesn't simply mean handing out subsidies for coal and nuclear

plants.

"Coal and nuclear want resilience to be a code word to subsidize them when they can't compete," said Shelk, whose group represents power generators such as NRG Energy Inc. and Dynegy Inc. that sell their supplies into wholesale markets. "That's a warped view of resilience. All fuels, technologies and attributes should be considered together."

Advanced Energy Economy, a group that promotes solar and wind, said the report "seriously overstates" the challenges associated with new energy resources. The American Petroleum Institute meanwhile noted that natural gas is now the source of more electricity in the U.S. than any other fuel and has cut consumers' energy costs "without government mandates and subsidies."

One way that the federal government can assist uneconomic coal plants is to compensate baseload plants for the resilience they offer the power grid, according to the report. The authors recommend that the Federal Energy Regulatory Commission, which oversees power markets, study ways in which those reliability attributes can be appropriately valued. That could include the creation of new pricing mechanisms or changing the agency's approach to energy price formation, the report says.

That recommendation echoes comments recently made by Neil Chatterjee, who was tapped by Trump to temporarily lead the energy commission. Chatterjee said coal-fired plants are a crucial part of America's energy mix that needed to be "properly compensated to recognize the value they provide."

The commission is already weighing whether it should redesign market rules to better account for state policies encouraging the use of zero-emissions power. New York and Illinois recently established subsidies for nuclear power and others are considering doing the same.

The "study reaffirms our view that nuclear energy is a key and necessary contributor to a clean, reliable and resilient electric grid, which now is more important than ever," Nuclear Energy Institute Chief Executive Officer Maria Korsnick said in a statement.

One regulation cited by the report requires coal plant operators to apply for a permit before making substantial upgrades. That requirement "creates an unnecessary burden that discourages rather than encourages" investments, the report says.

Since ordering the study in April, Perry has taken a deliberately hands-off approach and was only briefed on its findings on the morning of Aug. 22, agency officials said. The report was overseen by Travis Fisher, a senior adviser at the department, and Brian McCormack, Perry's chief of staff.

—With assistance from Tim Loh, Jennifer A. Dlouhy and Mark Chediak.

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Trump Coal Push May Be Disaster Insurance the Grid Doesn't Need

Posted August 24, 2017, 11:42 A.M. ET

By Tim Loh and Mark Chediak

If all hell breaks loose on the U.S. power grid—a terrorist blows up a key natural gas pipeline, say, in the midst of a frigid winter—how will Americans keep the lights on?

The answer is coal, according to a growing collection of the industry's leaders and lobbyists. Their pitch conveys an image of a nation plunged into darkness as solar farms, wind turbines and plants fueled by gas fail to make up for the loss of coal-fired generation. Though it's a view at least partly supported by a Department of Energy study released late Wednesday, the reality isn't so dire.

Coal companies' pleas for protection come as President Donald Trump vows to make good on campaign promises to support an industry hit by low-cost renewable energy and abundant gas from shale reservoirs. Energy Secretary Rick Perry called in April for his department to investigate whether rising supplies of wind and solar energy are threatening the grid's reliability. The resulting report recommends less stringent environmental rules for coal plants; changes in electricity trading; and easier permitting for coal, nuclear, and hydropower.

Coal plants "play an important role," said David Sandalow, inaugural fellow at Columbia University's Center on Global Energy Policy and a former Energy Department official. "But it would be costly in many ways to get locked into old notions of operating the grid when new technologies are out there."

Grid operators have already been coping with a decline in power from coal-fired plants—most of which are designed to operate around the clock to meet electricity demand—without any major mishaps. Since 2005, 14 percent of America's coal-burning capacity has closed, and 5 percent of the remaining 294 gigawatts is scheduled to shut, according to Bloomberg New Energy Finance. In May, coal generated just 29 percent of America's electricity, about half the share it had when George W. Bush was president.

The Aug. 21 solar eclipse in the U.S. was a litmus test for grid operators. Though the California Independent System Operator said 3,400 megawatts of large-scale solar came off the state's system during the event, that was less than forecast, and there were no significant disruptions to electricity service.

As more wind and solar energy is added to the power mix, new tools including battery storage are helping to smooth the transition. In March, there were 21 states with at least 20 megawatts each of storage projects in service, under construction or proposed, according to GTM Research.

Another approach is "demand response," in which customers are compensated for altering their power use at various times to bolster a region's grid reliability. California, which generated 24 percent of its power from wind and solar in May on a net basis, had no major blackouts last year during the shutdown of the Aliso Canyon gas storage field following a leak.

Better Technology

Improved technology, including more sophisticated weather models that can help grid operators predict how much wind and solar supply will be available, also has aided the growth in renewables. And new gas-fired plants that can be ramped up or down quickly to respond to demand changes are being added to the nation's electricity network. The result is an emerging fleet of smaller power sources that can actually make the grid more stable by reducing the chance of a single massive plant failing, Sandalow said.

"You're putting all your eggs in one basket," Sandalow said of relying on a few big generators.

Coal supporters, meanwhile, said America's growing use of gas and renewables is putting the electricity grid in peril. Gas plants can't store enough of the fuel on site to guarantee power if trouble

strikes, while coal-fired plants can stockpile months of supply, they argued. Coal and nuclear should be "properly compensated to recognize the value they provide to the system," said Neil Chatterjee, the new chairman of the Federal Energy Regulatory Commission, which helps monitor the nation's electricity supply.

"Where we're going with natural gas right now and coal retirements is clearly unprecedented,'' said Paul Bailey, chief executive officer of lobby group American Coalition for Clean Coal Electricity. "Solar and wind, we like them, but they're not going to help maintain a resilient grid right now."

Coal isn't immune to supply snags, however. Stockpiles can freeze together in extreme cold, and rail delays can prevent the fuel from reaching plants at all.

While existing technology may allow renewables to account for as much as 50 percent of U.S. power generation, changes to regulation and policy are still needed to make that happen, said Prajit Ghosh, head of Americas power and renewables research at Wood Mackenzie Ltd. in Houston.

Coal's Push

Coal lobbyists said it's impossible to predict when the country will be ready to accommodate that much wind and solar energy and, in the meantime, it's vital to preserve coal-fired power plants. That's part of the industry's push to market coal plants as the energy source of last resort, a grid-scale equivalent to the candles people pull out of their closets when the power fails at home.

"The U.S. ought not to mortgage itself up to the hilt by making rash decisions that could very well harm the economy of the U.S. in 10 years," said Luke Popovich, spokesman for the National Mining Association.

Still, developments in technology and policy are paving the way for wind and solar to gain a larger share of U.S. power generation in the coming years, Wood Mackenzie's Ghosh said.

"There should be concerns about reliability, how renewables can impact reliability, but it's an optimistic concern," he said. "There are enough solutions which are being currently tested and which in all likelihood could pan out perfectly."

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Trump Helps Spark Biofuel Trade Wars as U.S., Brazil Slap Duties

Posted August 24, 2017, 7:55 A.M. ET

By Mario Parker

A trade war has erupted in the global biofuels market, threatening to send shockwaves through commodity markets from petroleum to soybean oil.

The latest salvo came from Brazil on August 23 when it decided to institute a 20 percent tax on ethanol imports that exceed an annual cap of 600 million liters (159 million gallons), according to two cabinet members who asked not to be named before the decision was made public. The move came a day after the U.S. Commerce Department proposed duties on biodiesel producers from Indonesia and Argentina, saying they benefit from domestic subsidies.

Shots are being fired amid escalating protectionism from President Donald Trump. The U.S. Commerce Department's action on Argentinian and Indonesian biodiesel may have given Brazil cover to take action on U.S. ethanol, said Jerrod Kitt, an analyst at Linn Associates in Chicago.

Even as the U.S. is trying to act to benefit its own industry, American producers could end up as victims since they ship a significant portion of their product overseas, including to Brazil, their No. 1 customer. China already slapped tariffs on U.S.-made ethanol and an animal feed byproduct earlier this year.

"It could get ugly," Scott Irwin, an agricultural economist at the University of Illinois in Urbana, said in a phone interview. "Everybody intervenes heavily in biofuels."

Crop Markets

The rising tensions are likely to spark a ripple effect in the agriculture markets that underpin biofuels. The U.S. is the world's biggest producer of corn and soybeans, the primary feedstocks for ethanol and biodiesel. Brazil is the largest grower of sugarcane and uses the sweetener to make ethanol. Argentina is the No. 1 soybean oil exporter.

Soybean oil futures traded in Chicago jumped to the highest in more than three weeks on Aug. 23 on speculation the duties on Argentinian biofuel shipments will squeeze domestic supplies. Biofuel credits, used for compliance in a U.S. renewable-fuel quota system, also surged following the Commerce Department's decision.

Brazil's move to tax ethanol imports will probably fall hard on U.S. producers, who sold 255 million gallons to the South American nation this year through May, according to U.S. Energy Information Administration data. That is equal to 42 percent of total exports.

The Renewable Fuels Association, Growth Energy and the U.S. Grains Council—Washington-based trade groups—expressed disappointment on the Brazilian action in an Aug. 23 joint statement.

'Politics Prevailed'

"Given the tremendous volume of information we provided to Brazil that demonstrated how misguided a tariff would be, it seemed politics prevailed today and Brazilian consumers lost," the groups said.

Tensions may escalate further from here. Trump has repeatedly scrutinized trade pacts. In an Aug. 22 speech in Phoenix, the president said he thinks the U.S. will pull out of the North American Free Trade Agreement. The U.S. biofuel industry is heavily concentrated in the Midwest, an area Trump has touted as helping to propel him to the White House.

"If this was a normal administration that didn't focus on" trade as much, it wouldn't be as impactful, Kitt of Linn Associates said. "I can see him playing to that base."

--With assistance from Fabiana Batista and Rachel Gamarski.

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Comcast Joins Sunrun to Market Residential Solar Panels

Posted August 24, 2017, 11:28 A.M. ET

By Brian Eckhouse and Gerry Smith

Sunrun Inc., the residential solar company that's boosting market-share, said it will tap a partnership with the biggest U.S. cable-TV company to add new customers.

Comcast Corp. and Sunrun agreed to a 40-month partnership after a trial showed that cable customers had interest in solar products, according to an Aug. 24 statement. San Francisco-based Sunrun will be Comcast's exclusive residential solar provider.

"Comcast has the install base and the marketing arm," Lynn Jurich, Sunrun's chief executive officer, said in an Aug. 24 interview. "We have a product people want."

The partnership will help Sunrun—which operates in 22 states—reach a larger pool of potential customers. Comcast has about 27 million subscribers in markets that include Chicago and Philadelphia. The cable giant will advertise the solar program as an option for its XFinity Home service, which gives customers the ability to automate devices around the house, like turning lights on and off.

Comcast has been expanding into new lines of business as growth in selling cable-TV subscriptions slows. Comcast recently introduced a mobile phone service to compete with wireless offers from AT&T Inc. and Verizon Communications Inc. It's also trying to expand its business of selling home alarm systems and TV, phone and Internet for businesses.

Smart Homes

"Cellular and cable companies across the US and Europe have been looking at the energy market for years," Hugh Bromley, a New York-based analyst at Bloomberg New Energy Finance, said in an interview Aug. 24. "Solar is the obvious next step—if you can convince a cable customer to sign a 20-year agreement."

Comcast is eligible for warrants representing as much as 9.99 percent of Sunrun's outstanding common shares under the deal. They'll be earned pro rata only after Sunrun installs 30,000 new customers and will fully vest once Sunrun wins 60,000 new accounts.

Sunrun, the U.S.' largest residential solar-only installer, has just under 150,000 customers, Jurich said. It expects to do 45,000 installations this year.

This is Sunrun's third partnership with a brand-name company this year. In January, it announced that London-based utility National Grid Plc committed about $100 million to a partnership that will own about 200 megawatts of residential solar assets. It also has a partnership with Engie SA.

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Brazil to Crack Down on Ships Sold Into 'Toxic' Scrap Trade

Posted August 24, 2017, 10:47 A.M. ET

By R.T. Watson

Brazilian regulators are planning to strengthen rules to prevent exporters such as Petrobras and Vale SA from selling aging ships to buyers that offload the vessels in South Asia's controversial coastal scrapyards.

Earlier this month, authorities decided to develop a legal framework to ensure former Brazilian ships don't end up with recyclers notorious for using dirty and dangerous methods, federal environmental watchdog IBAMA said by email. Brazilian companies could face fines of as much as 10 million reais ($3.2 million) if IBAMA finds that they violated international standards by letting their vessels end up in substandard shipbreaking facilities in India, Pakistan, and Bangladesh.

By selling ships to buyers who then send them to South Asian beaches for dismantling, the two Brazilian exporters aren't alone. But Vale—which sold two vessels that were sent to India this year and intends to offload four more—is one of the few mining companies that still owns its fleet, while other oil producers such as Royal Dutch Shell Plc are adopting cradle-to-grave practices in which ships end up being recycled in a safer and more sustainable fashion.

'Green' Ships

In March, IBAMA began looking into the sale of a Petrobras vessel called Lobato to recyclers planning to scrap the ship in India, the agency said. That followed a complaint lodged by Brussels-based nongovernmental organization Shipbreaking Platform. Sindmar, Brazil's maritime trade union, joined the NGO in accusing both Petrobras and Vale, the country's largest exporters, of abusing standards set by the Basel Convention, which is meant to prevent the transport of hazardous materials to less developed countries.

Both Petroleo Brasileiro SA, as the state-controlled oil company is formally known, and Vale said they offload ships in good faith to reputable buyers. Vale, the world's largest iron-ore miner, said it adopted a strategy this year of only selling to dealers that possess a "green ship recycling" classification, following standards established by the International Maritime Organization and the Hong Kong Convention on Ship Recycling.

For its part, Petrobras said it auctions older vessels to companies that it believes plan to operate them. It's up to the buyers to make decisions about the ship's final destination, the Rio de Janeiro-based company's press department said by email.

Dangerous Chemicals

The shipbreaking industry in South Asia has taken measures to clean itself up. Most of those efforts are insufficient, according to Shipbreaking Platform. The NGO describes the trade at many yards as toxic because vessels are beached at high tide, then ripped apart by workers who can be exposed to dangerous chemicals. Injury and death rates can be high and toxins sometimes leak into the sea, the group said.

Forcing Brazilian companies to monitor more carefully where their former vessels are dismantled could drive up costs. Not doing so risks fines and turning off a growing number of investors focused on environmental and social responsibility.

"What they do with ships at the end of their life does matter," said Julie Gorte, senior vice president of sustainable investing at Pax World Management. Being associated with South Asian shipbreaking would be the type of activity that would cause her firm to engage the company and possibly rethink investments, she said by telephone.

Pax World sold its Petrobras shares as the oil company become embroiled in a graft scandal in Brazil. It hasn't owned Vale shares for five years. "With Brazil you already have this one strike," Gorte said. "When you add something on top, you are multiplying your reputational risk."

—With assistance from Adam Williams and Dhwani Pandya.

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Green Power's Need for Copper Boosts New Mines in Australia

Posted August 24, 2017, 8:42 A.M. ET

By David Stringer and Rishaad Salamat

Copper is shifting to an era of technology-fueled demand growth, according to OZ Minerals Ltd., which will begin work next month on a A$916 million ($724 million) mine development in Australia.

The Adelaide-based producer, announced board approval Aug. 24 for the Carrapateena underground mine in South Australia, sees renewable energy, including batteries and solar power projects, overtaking capital equipment and building as the key engine for global demand.

"I like the fact that demand is shifting," Chief Executive Officer Andrew Cole said in an Aug. 24 Bloomberg Television interview. "It's being driven as much now by technology as basic infrastructure, and the barrier to entry on new copper mines is very high—it's just hard to find them. "

Copper markets are poised to benefit as demand expands from renewable power and electric vehicles from the mid-2020s, according to BHP Billiton Ltd., which controls the world's biggest mine. The electric vehicle market alone could require about 8.5 million metric tons of copper through 2035, the company said in October 2016.

Carrapateena, about 160 kilometers (99 miles) north of Port Augusta, will begin commissioning in the final quarter of 2019, and the site has significant potential for expansion, OZ Minerals said. It will have average annual output of about 65,000 metric tons of copper and 67,000 ounces of gold over about two decades.

Copper faces a persistent deficit from late 2018 to early 2019 on a lack of new projects and depletion of existing mines, according to Jefferies LLC, and miner Antofagasta Plc said this month that the metal's outlook is being boosted by rising demand, including for electric vehicles. Prices are headed for a second annual gain and this week rallied to the highest level in London since late 2014.

"The technological age that we are moving into, the ramp up of batteries, energy storage, electric vehicles, green energy production through solar and wind—all of those things will drive copper pricing," Cole said in the interview.

The producer, which forecasts 2017 copper output of as much as 115,000 tons at its Prominent Hill mine, plans to fund Carrapateena's development from cash, Cole told analysts earlier on a conference call. It previously reported underlying profit rose to A$80.6 million in the six months to June 30, from A$55 million a year earlier.

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Philippines Inaugurates 800-Megawatt Solar Manufacturing Plant

Posted August 24, 2017, 8:28 A.M. ET

By Bloomberg News

Filipino President Rodrigo Duterte inaugurated a manufacturing plant with enough capacity to produce 800 megawatts of solar panels a year.

The factory, expected to reach full production next year, will create 50,000 jobs, its owner, Solar Philippines, said in an Aug. 23 emailed statement.

"The establishment of this state-of-the-art facility in Sto. Tomas, Batangas, is timely and relevant as we address increasing demand for renewable energy," Duterte said in his speech. "It is high time that we begin to establish local solar power."

Although a relative newcomer to solar, the Philippines is getting more serious about the technology. Total installed capacity in the country surged more than fivefold in 2016 from a year earlier and is expected to grow by 14 percent this year, Bloomberg New Energy Finance estimates.

The Batangas factory came online in March with an initial capacity of 200 megawatts, Leandro Leviste, chief executive officer of the company, said by phone Aug. 24.

Solar Philippines entered solar manufacturing after SunPower Corp. shut down two of its factories in the Philippines. The company is partnering with Chinese companies to make solar panels for export to the U.S. and Europe and has begun selling panels to local distributors, it said.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 7/28/2017 11:14:42 PM
Subject: July 31 -- Daily Environment Report

Daily Environment Report

July 31, 2017 - Number 145

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Leading the News

Biofuels

Mexico's Ethanol Boost Fuels Cross-Border Environmental Debate

Mexico's decision to nearly double the amount of ethanol permitted in gasoline is pitting two big winners—U.S. corn growers and ethanol producers—against some environmental activists and Mexico's own auto industry.

General Policy

Week Ahead: South Dakota's Rounds Scrutinizes Superfund

Sen. Mike Rounds (R-S.D.), a critic of Superfund's management under President Barack Obama, will assess the Trump administration's progress on the issue Tuesday at a Senate subcommittee hearing—one of a handful of environment and energy events the week of July 31.

Motor Vehicles

Sacramento Scores Big in Volkswagen's Electric Vehicle Deal

California's capital city will get a huge chunk of the initial $200 million investment Volkswagen must make in the state's zero-emissions vehicle infrastructure.

News

Climate Regulation

States, Industry Seek Rehearing on Methane Lawsuit

A full federal appellate court should reconsider a decision that forced the EPA to implement methane emissions limits for the oil and gas industry that it plans to revise, states and industry groups said.

Cost Recovery

ARCO, DuPont Can't Shake Public Housing Superfund Suit

Atlantic Richfield Co. and E.I. DuPont de Nemours & Co. failed to quash Superfund claims filed by residents of a public housing complex over lead and arsenic contamination, the Northern District of Indiana ruled (Rolan v. Atl. Richfield Co., 2017 BL 260463, N.D. Ind., No. 16-CV-357, 7/26/17).

Drinking

Water Claims Against Flint, Mich. Officials Reinstated

Residents of Flint, Mich. may pursue federal civil rights claims against city officials over the contamination of the drinking water supply, the Sixth Circuit ruled today (Boler v. Earley, Mays v. Snyder, 6th Cir., No. 16-1684, 17-1144, 7/28/17).

Energy

TransCanada Still Sees Producer Support for Keystone XL Line

TransCanada Corp. said it still expects commercial support for its controversial Keystone XL oil pipeline, tamping down speculation that it was having trouble finding customers for the long-delayed line.

Enforcement

Former EPA Enforcement Head Joins Chicago Policy Research Lab

Former EPA enforcement chief Cynthia Giles spearheaded the agency's innovations in improving compliance with environmental laws. Now she's carrying on that work in a new job at the Energy and Environment Lab at the University of Chicago.

Fuel Tax

Alaska Governor Signs Oil Tax Bill

Alaska Gov. Bill Walker (I) signed a bill prohibiting oil companies from exchanging tax credits for cash—bringing an end to a perk he and lawmakers say the state could no longer afford while the state wrestles with a $2.5 billion budget deficit.

Motor Vehicles

Diesel Ban Looms in Hometown of Porsche, Mercedes Over Emissions

German carmakers, fighting for diesel's future, faced a setback after a Stuttgart court ruled in favor of banning the technology in the home city of Mercedes-Benz and Porsche.

Motor Vehicles

Fiat Chrysler Can Resume Sales of Diesel Jeeps, Rams in U.S.

Fiat Chrysler Automobiles NV can once again sell new diesel-powered pickup trucks and sport utility vehicles in the U.S. after environmental regulators approved modifications to its emissions-control software, the company said.

Natural Resources

The U.S. Interior Department Has a New Mission: to Make Money

Under President Donald Trump, the U.S. agency that manages the national park system is tweaking its mission to include a new priority: Generating cash.

Oil & Gas

Funding for Russia Pipeline to EU at Risk With U.S. Sanctions

The financing of Russia's $11 billion natural gas pipeline through the Baltic Sea could be affected by sanctions that just passed the U.S. Senate, according to one of project's backers.

Renewable Energy

Trump May Have to Boost Biofuel as Court Deals Blow to Oil

The Trump administration may have to reconsider its proposal from earlier this month to curb biofuel use after a U.S. appeals court in Washington ruled that the Environmental Protection Agency doesn't have the authority to cut quotas while citing inadequate domestic supply.

Renewable Energy

Wind Projects in Peril as Indian States Rethink Purchase Pacts

Two Indian states at the forefront of adding renewables to their power mix are backtracking on agreements for at least one gigawatt of wind project and are seeking lower prices, potentially dealing a blow to Prime Minister Narendra Modi's green energy goals.

Water Pollution

Law Backs Appeals Court Water Rule Review, Government Argues

A federal appeals court that reviews EPA-mandated water pollution permits also should have jurisdiction over the underlying regulation that defines which waters receive those protections, the government told the U.S. Supreme Court.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Thur 8/3/2017 5:14:54 PM
Subject: Playbook Power Briefing, presented by Morgan Stanley: TRUMP blames Congress, not Russia, for bad relations -- POTUS to Mexican president: 'You cannot say that to the press' -- ZINKE, MURKOWSKI make up -- KENNEDY CENTER honors announced

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Today's Playbook Power Briefing presented by Morgan Stanley

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman), DANIEL LIPPMAN (daniel@politico.com; @dlippman), ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

Good Thursday afternoon. PRESIDENT TRUMP blamed Congress (which his party controls) this morning for America's bad relationship with Russia, the day after he signed a bipartisan sanctions bill. He tweeted: "Our relationship with Russia is at an all-time & very dangerous low. You can thank Congress, the same people that can't even give us HCare!"

RUSSIA, NOT CONGRESS, meddled in the 2016 elections, invaded neighboring countries, adopted an aggressive posture towards NATO allies and supported regimes that the U.S. opposes, like Bashar Assad in Syria. Almost eight months into his administration, the president has been reluctant to even publicly acknowledge the fact that Russia interfered with the presidential race.

MORE FROM THE WHITE HOUSE -- @realDonaldTrump at 8:08 a.m.: "Business is looking better than ever with business enthusiasm at record levels. Stock Market at an all-time high. That doesn't just happen!" ... **at 8:12 a.m.:** "I am continuing to get rid of costly and unnecessary regulations. Much work left to do but effect will be great! Business & jobs will grow." ***He also retweeted a Fox & Friends tweet on Obamacare and a supporter bashing the media.***

MUST READ TRANSCRIPTS -- "Trump urged Mexican president to end his public defiance on border wall, transcript reveals," by WaPo's Greg Miller: "President Trump made building a wall along the southern U.S. border and forcing Mexico to pay for it core pledges of his campaign. But in his first White House call with Mexico's president, Trump described his vow to charge Mexico as a growing political problem, pressuring the Mexican leader to stop saying publicly that his government would never pay.

"'You cannot say that to the press,' Trump said repeatedly, according to a transcript of the Jan. 27 call obtained by The Washington Post. Trump made clear that he realized the funding would have to come from other sources but threatened to cut off contact if Mexican President Enrique Peña Nieto continued to make defiant statements.

"**The funding 'will work out in the formula somehow,'** Trump said, adding later that 'it will come out in the wash, and that is okay.' But 'if you are going to say that Mexico is not going to pay for the wall, then I do not want to meet with you guys anymore because I cannot live with that.' He described the wall as 'the least important thing we are talking about, but politically this might be the most important.'" http://wapo.st/2hqJRpj

MORE FROM THE MUST-READ TRANSCRIPTS -- Trump, to President Pena Nieto **on the drug trade:** "And we have the drug lords in Mexico that are knocking the hell out of our country. They are sending drugs to Chicago, Los Angeles, and to New York. Up in New Hampshire - I won New Hampshire because New Hampshire is a drug-infested den - is coming from the southern border. So we have a lot of problems with Mexico farther than the economic problem." ...

... Trump on the wall: "My people stand up and say, 'Mexico will pay for the wall' and your people probably say something in a similar but slightly different language. But the fact is we are both in a little bit of a political bind because I have to have Mexico pay for the wall - I have to. I have been talking about it for a two year period, and the reason I say they are going to pay for the wall is because Mexico has made a fortune out of the stupidity of U.S. trade representatives."

TRUMP also talked to Australian Prime Minister **MALCOLM TURNBULL** on an Australia-U.S. refugee deal and why Australia was not some refugees into their country. **Turnbull:** "Okay, I will explain why. It is not because they are bad people. It is because in order to stop people smugglers, we had to deprive them of the product. So we said if you try to come to Australia by boat, even if we think you are the best person in the world, even if you are a Noble [sic] Prize winning genius, we will not let you in. ... " ... **Trump:** "That is a good idea. We should do that too. You are worse than I am." ...

... Turnbull: "This is a big deal. It is really, really important to us that we maintain it. It does not oblige you to take one person that you do not want. ..." ... **Trump:** "[W]hy is this so important? I do not understand. This is going to kill me. I am the world's greatest person that does not want to let people into the country. And now I am agreeing to take 2,000 people and I agree I can vet them, but that puts me in a bad position. It makes me look so bad and I have only been here a week."

TRUMP, growing frustrated with Turnbull: "It is an embarrassment to the United States of America and you can say it just the way I said it. I will say it just that way. As far as I am concerned that is enough Malcom [sic]. I have had it. I have been making these calls all day and this is the most unpleasant call all day. Putin was a pleasant call. This is ridiculous. ... [inaudible] this is crazy." ***The complete transcripts*** http://wapo.st/2unzTq9

--@Bencjacobs: "This may be my favorite Trump line from the transcripts: 'we do not have to worry about Canada, we do not even think about them'".

****** **A message from Morgan Stanley** : Starbucks debuted a sustainability bond in international markets that supports ethically sourced supply chains and financial and educational support for farming communities. Strong investor interest demonstrated the extent to which institutional bond buyers support social and environmentally responsible behavior by corporations. Read more from Morgan Stanley. ******

LISTEN TO THIS -- "Ryan Lizza Revisits His Phone Call with Anthony Scaramucci," on the New Yorker Radio Hour: "In this segment, Ryan Lizza and David Remnick listen to excerpts from the call and discuss what they suggest about the Trump Administration. While Scaramucci's behavior and language were shocking even by Trump's standards, Lizza believes that his appointment followed a familiar pattern. 'So many politicians believe when they're failing, they believe that the real problem is just a communications strategy-that if only the American public heard and saw what the most loyal supporters saw in the President, everything would be solved,' Lizza says." http://bit.ly/2unOSjT

THE PRESIDENT teased a "very big" announcement at tonight's campaign-style rally at a Department of Veterans Affairs event in the Roosevelt Room today. The president is scheduled to leave D.C. at 4:50 p.m. and the rally is set to start just past 7 p.m.

THE U.S. CHAMBER and other business groups sent a letter to Senate Majority Leader Mitch McConnell and Minority Leader Chuck Schumer urging the Senate to speed up the confirmation process for Trump administration nominees. The letter: "The slow pace of confirmations is depriving agencies across the government of critical leadership and in the case of independent agencies, the quorum necessary to conduct critical business." ***Full letter*** http://politi.co/2uoyjUQ

-- THE SENATE is expected to come to a deal on nominations before leaving town.

MAKING UP? -- @SecretaryZinke: "I say dinner, she says brews. My friends know me well. Thanks @lisamurkowski #Alaska #IPA #MadeInAmerica" http://bit.ly/2unBw6T

AFTERNOON READ -- "How the CIA Came to Doubt the Official Story of JFK's Murder," by Philip Shenon and Larry Sabato in POLITICO Magazine: "[T]housands of pages of long-secret, assassination-related documents released by the National Archives last week show that, within a few years of Kennedy's murder, some in the CIA began to worry internally that the official story was wrong-an alarm the agency never sounded publicly.

"Specifically, key CIA officials were concerned by the mid-1970s that the agency, the FBI, the Secret Service and the White House commission led by Chief Justice Earl Warren had never followed up on important clues about Oswald's contact with foreign agents, including diplomats and spies for the Communist governments of Cuba and the Soviet Union, who might have been aware of his plans to kill Kennedy and even encouraged the plot. (There is no credible evidence cited in the documents released so far that Cuban leader Fidel Castro or other foreign leaders had any personal role in

ordering Kennedy's murder.)

"The CIA documents also offer tantalizing speculation about the chain of events in late 1963 that explained Oswald's motives for killing Kennedy, which have previously never been established with certainty-how he may have become enraged after reading a detailed article in his hometown newspaper in New Orleans in September suggesting that his hero Castro had been targeted for assassination by the Kennedy administration. According to that theory, Oswald, who had rifle training in the Marine Corps, then set out to seek vengeance on Castro's behalf-to kill Kennedy before the American president managed to kill the Cuban leader." http://politi.co/2unraE0

HMM -- @elyratner: "DPRK policy this week Haley: All options on table ... Tillerson: No regime change; we seek talks ... Pompeo: Regime change on table ... Pence: No talks".

ABOUT THAT TRANSGENDER BAN -- A new poll from Quinnipiac University found that American voters by a margin of 68 percent to 27 percent believe that transgender people should be allowed to serve in the military. Among military households, it is 55 percent to 39 percent. ***Full poll*** http://bit.ly/2u7HjCo

THE LATEST ON RUSSIA -- "Top FBI officials could testify against Trump," by Murray Waas in Vox: "Shortly after the appointment of special counsel Robert Mueller in May, acting FBI Director Andrew McCabe told several of the highest-ranking managers of the bureau they should consider themselves possible witnesses in any investigation into whether President Donald Trump engaged in obstruction of justice, according to two senior federal law enforcement officials. McCabe has told colleagues that he too is a potential witness in the probe of whether Trump broke the law by trying to thwart the FBI's Russia investigation and the investigation into whether the Trump campaign colluded with the Russian government to defeat Hillary Clinton in the 2016 election." http://bit.ly/2u7UHGI

DESSERT -- "Gloria Estefan, hip-hop artist among Kennedy Center honorees," by the AP's Jessica Gresko: "They are: hip-hop artist LL Cool J, singers Gloria Estefan and Lionel Richie, television writer and producer Norman Lear and dancer Carmen de Lavallade. It's the 40th year of the awards, which honor people who have influenced American culture through the arts. The honorees will be celebrated at a gala on Dec. 3, featuring performances and tributes from top entertainers and attended by President Donald Trump and first lady Melania Trump. The show will be broadcast on Dec. 26 on CBS." http://bit.ly/2u7JpCm

MEDIAWATCH -- "New Fox Harassment Allegations: 'A Contributorship...Was Contingent Upon' Sex," by Mother Jones' Andy Kroll: "A former frequent on-air guest at Fox News says that a Fox consultant and top lieutenant to Roger Ailes, the network's late founder and longtime CEO, sexually harassed her repeatedly for more than a year, including dangling the possibility of a paid job at Fox if she would have sex with him. The allegation appears in a written declaration by Caroline Heldman, an associate professor of politics at Occidental College who made numerous guest appearances on

Fox starting in 2008. The Fox consultant, Woody Fraser, is a veteran television producer who helped create shows such as Good Morning America and Nightline and worked closely with Ailes at Fox for nearly a decade." http://bit.ly/2u7pzav

--@oliverdarcy: "Wait, @marcorubio - the same Marco Rubio trashed by Breitbart time and time again - wrote an op-ed for...Breitbart?!" http://bit.ly/2v0Emm3

--J. David Ake, Kathleen Hennessey and **Elizabeth Kennedy** were all named deputy Washington bureau chiefs for the AP. Ake will be the deputy for visual journalism and presentation, Hennessey a deputy for newsgathering with a focus focus on the White House, Congress and politics and Kennedy will be a deputy for newsgathering, with a focus on national security, the Trump-Russia team, law enforcement and legal beats, and our general beat teams. ***Full release*** http://bit.ly/2unBj3N

-- The Atlantic announced three additions to their global reporting team. **Rachel Donadio,** the European culture correspondent for the New York Times, will be The Atlantic's culture and politics writer based in Paris. **Yasmeen Serhan**, a current Atlantic reporter, joins the London bureau as a reporter. **Krishnadev Calamur** , currently The Atlantic's news editor, will begin this fall as a global diplomacy correspondent covering U.S.-Europe relations, the State Department, and foreign policy. ***Full release*** http://theatln.tc/2unExnR

-- @MSNBCPR: ".@MSNBC happily welcomes @WSJ reporter @EliStokols to our roster as a political analyst!"

HOT JOB -- Director, Executive Office for Immigration Review at Dept. of Justice -- From the job description: "Are you interested in a rewarding and challenging career? If yes, then come and join the U.S. Department of Justice (DOJ), ranked among top Best Places to Work in Federal Government." http://bit.ly/2unIRnc (h/t Tom Manatos)

****** **A message from Morgan Stanley** : Major global companies like Starbucks are increasingly focused on the sustainability of their supply chain. Why? Because issues like the sourcing of coffee and its environmental footprint are increasingly meaningful to its customers. Starbucks' sustainability bonds ($500 million in 2016 and ¥85billion this year) create a financial virtual cycle: What's good for coffee growers is good for Starbucks; what's good for Starbucks is good for investors; what's good for investors is good for 1 million people in coffee communities around the world. Innovation in the bond market provides companies with opportunities to identify ways to drive sustainability throughout the business and engage with investors who are interested in supporting those efforts. Read more from Morgan Stanley. ******

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Subject: Nov. 08 -- EHS Federal Regulatory Alert



EHS Federal Regulatory Alert

November 08, 2017 - Number 215

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Summaries

AIR
Carbon Pollution Emissions/Electric Generating Units
AIR

Notice of the EPA announces a hearing on and extension of the comment period for an Oct. 16, 2017, proposed rule (82 FR 48035) that would repeal the Clean Power Plan (CPP). The CPP established guidelines and approval criteria for state plans regarding carbon dioxide emission limits from electric generating units and stationary combustion turbines (80 FR 64662; 10/23/2015). The proposed repeal would be based on the EPA's determination that the second and third building blocks of the plan, which address the purchase of or investment in lower-emitting generation and purchase of emissions credits, exceed the agency's statutory authority. The agency is proposing to revise the legal interpretation under Section 111(d) of the Clean Air Act to interpret the phrase "best system of emission reduction" as considering only measures that can be applied to or at the source. The rule is issued in response to Executive Order 13783 (82 FR 16093; 03/31/2017) that requires the EPA to review and consider rescinding or withdrawing rules related to the CPP. The hearing is scheduled for Nov. 28-29, 2017, in Charleston, W.Va., and may be extended to Nov. 30, 2017, based on request volume. An additional hearing may be announced at a later date. Comments now are due Jan. 16, 2018. Contact: Peter Tsirigotis; EPA, Policies and Programs Division; 888-627-7764; airaction@epa.gov. Citations: 40 CFR 60, Subpart UUUU

82 FR 51787 (11/08/2017)

Regulatory Update

AIR
Colorado/Clean Air Act Consent Decree
AIR

Notice of the Justice Department announces a proposed consent decree in United States v. PDC Energy Inc. (Civil Action No. 1:17-cv-01552-MSK-MJW), lodged Oct. 31, 2017, with the U.S. District Court for the District of Colorado. The consent decree resolves claims concerning alleged

violations of the Clean Air Act, the Colorado SIP, and various state regulations relating to failures to adequately design, operate, and maintain vapor control systems at tank systems owned and operated by the defendant in a portion of the Denver-Julesburg eight-hour ozone nonattainment area. The consent decree requires the defendants to pay a $2.5 million civil penalty, to perform injunctive relief, and to complete two environmental mitigation projects at a cost of $1.7 million. Comments are due Dec. 8, 2017. Contact: DOJ, Environment and Natural Resources Division; 202-514-2701

82 FR 51877 (11/08/2017)

Regulatory Update

AIR
Oil and Natural Gas Sector NSPS/Methane and VOC Emissions
AIR

Notice of the EPA announces the availability of new data relating to a proposed rule (82 FR 27641; 06/16/2017) that stayed until Sept. 14, 2017, portions of a final rule (81 FR 35824; 06/03/2016) that revises the NSPS for the oil and natural gas sector. The rule stayed the effectiveness of the fugitive emissions requirements, the standards for pneumatic pumps at well sites, and the certification by a professional engineer requirements. The agency previously stayed the provisions through Aug. 31, 2017 (82 FR 25730). The additional short-term stay is intended to provide the agency time to finalize a longer-term stay during which the agency plans to reconsider issues related to low-production well sites, technical infeasibility exemptions, new construction known as "greenfield," and alternative means of emission limitation. The data addresses several topics raised by stakeholders, including the legal authority to issue a stay; the technological, resource, and economic challenges with implementing the fugitive emissions requirements; and an updated cost savings and forgone benefit analysis for a two-year stay. A concurrent notice announces the availability of new data relating to a concurrent proposed two-year stay. Comments are due Dec. 8, 2017. Contact: Peter Tsirigotis; EPA, Sector Policies and Programs Division; 888-627-7764; airaction@epa.gov. Citations: 40 CFR 60.17; 60.5360 through 60.5430 (Subpart OOOO); 60.5360a through 60.5499a (Subpart OOOOa)

82 FR 51794 (11/08/2017)

Regulatory Update

AIR
Oil and Natural Gas Sector NSPS/Methane and VOC Emissions
AIR

Notice of the EPA announces the availability of new data relating to a proposed rule (82 FR 27645; 06/16/2017) that would stay until June 16, 2019, portions of a final rule (81 FR 35824; 06/03/2016) that revises the NSPS for the oil and natural gas sector. The rule stays the effectiveness of the fugitive emissions requirements, the standards for pneumatic pumps at well sites, and the certification by a professional engineer requirements. The stay is intended to provide the agency time to reconsider issues related to low-production well sites, technical infeasibility exemptions, new construction known as "greenfield," and alternative means of emission limitation. The data addresses several topics raised by stakeholders, including the legal authority to issue a stay; the technological, resource, and economic challenges with implementing the fugitive emissions requirements; and an updated cost savings and forgone benefit analysis for a two-year stay. A concurrent notice announces the availability of new data

relating to an existing short-term stay while the two-year stay is finalized. Comments are due Dec. 8, 2017. Contact: Peter Tsirigotis; EPA, Sector Policies and Programs Division; 888-627-7764; airaction@epa.gov. Citations: 40 CFR 60.17; 60.5360 through 60.5430 (Subpart OOOO); 60.5360a through 60.5499a (Subpart OOOOa)

82 FR 51788 (11/08/2017)

Regulatory Update

AIR
Ozone NAAQS State Implementation Plans
AIR

Notice of the EPA announces the reopening of the comment period for an Oct. 2, 2017, notice (82 FR 45843) regarding the submission of a continuing information collection request to the OMB regarding state implementation requirements of the 2008 ozone NAAQS adopted under a March 15, 2015, final rule (80 FR 12264). The collection addresses information from 17 states with 30 areas designated nonattainment for the 2008 eight-hour NAAQS, including state submissions of attainment demonstrations, request for proposal plans, and reasonably available control technology determinations. Comments now are due Dec. 8, 2017. Contact: Butch Stackhouse; EPA, Office of Air Quality Planning and Standards; 919-541-5208; stackhouse.butch@epa.gov. Citations 40 CFR 50, 51

82 FR 51829 (11/08/2017)

Regulatory Update

AIR
State of the Carbon Cycle 2nd Report
AIR

Notice of the Agriculture Department, National Institute of Food and Agriculture, announces the availability of the draft 2nd State of the Carbon Cycle Science Report (SOCCR-2) on behalf of the U.S. Global Change Research Program and Carbon Cycle Interagency Working Group. The draft document provides updated North American carbon cycle scientific findings and projections for development of the fourth National Climate Assessment, which is expected in 2018. Comments are due Jan. 8, 2018. Contact: USGCRP; 202-223-6262

82 FR 51802 (11/08/2017)

Regulatory Update

COMMUNITY RIGHT-TO-KNOW
Risk Assessment, Mapping, and Planning Tool
COMMUNITY RIGHT-TO-KNOW

Notice of the CDC, Office of Public Health Preparedness and Response, announces the submission of a new information collection request to the OMB concerning development of the Risk Assessment, Mapping, and Planning (RAMP) tool. The RAMP tool is intended to determine risks, identify and map at-risk populations, and define response objectives for hazard-specific public health emergency plans across jurisdictional levels. The collection consists of

interviews/focus groups with public health and emergency management professionals from across the U.S. and an anonymous survey of visitors to Los Angeles County Department of Public Health clinics. Comments are due Dec. 8, 2017. Contact: Leroy Richardson; CDC, Office of Scientific Integrity; 404-639-7570; omb@cdc.gov

82 FR 51842 (11/08/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Colorado/Town of Meeker Hydro Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the receipt of a notice of intent from the White River Electric Assoc., of Meeker, Colo., to construct the Town of Meeker Hydro Project, a qualifying conduit hydropower facility along the existing Meeker Power Canal in Rio Blanco County, Colo. The project includes two turbines, two penstocks, and a small controls structure and will have an estimated annual generating capacity of up to 500,000 kilowatt-hours. FERC has preliminarily determined that the project satisfies the requirements for a qualifying conduit hydropower facility and is not required to be licensed or exempted from licensing. Motions to intervene are due Dec. 4, 2017. Comments are due Dec. 18, 2017. Contact: Christopher Chaney; FERC; 202-502-6778; Christopher.Chaney@ferc.gov

82 FR 51825 (11/08/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Deepwater Horizon Spill Restoration Planning/Draft Phase V.2
GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of the Interior announces the availability of the Draft Phase V.2 Restoration Plan and supplemental environmental assessment (Draft Phase V.2 RP/SEA), which supplements the 2016 Final Phase V Early Restoration Plan and environmental assessment concerning early restoration projects in the Gulf of Mexico selected by federal and state natural resource trustee agencies in connection with the April 2010 Deepwater Horizon oil spill. The Draft Phase V.2 RP/SEA also describes and proposes the second phase of the Florida Coastal Access Project to continue the process of restoring natural resources and services injured or lost as a result of the Deepwater Horizon oil spill. A meeting is scheduled for Nov. 16, 2017, in Port St. Joe, Fla. Comments are due Dec.8, 2017. Contact: Nanciann Regalado; U.S. Fish and Wildlife Service; 404-679-4161; nanciann_regalado@fws.gov

82 FR 51858 (11/08/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Development of Drugs for Recurrent Herpes Labialis
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the availability of a final guidance for industry regarding the

development of drugs for treatment and prevention of recurrent herpes labialis. The guidance addresses nonclinical development, early phases of clinical development, phase 3 trial considerations, and safety considerations in the development of antiviral drug products used to treat or prevent recurrent herpes labialis lesions. The guidance has been updated to remove the requirement for a toxicity adverse event scale. Comments may be submitted at any time. Contact: Regina Alivisatos; FDA, Center for Drug Evaluation and Research; 301-796-1500

82 FR 51844 (11/08/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Maine/Barker's Mill Hydroelectric Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a hydroelectric application from KEI Power Management LLC, of Lewiston, Maine, for a subsequent minor license for the Barker's Mill Hydroelectric Project located on the Little Androscoggin River in Auburn, Maine. The existing project consists of a dam, a reservoir, a 1.5 megawatt generating unit, and an underground power line generating an average of 5,087 megawatt-hours per year. A draft environmental assessment is expected to be issued in June 2018, and a final EA is expected in October 2018. Comments are due Jan. 2, 2018. Contact: Karen Sughrue; FERC; 202-502-8556; karen.sughrue@ferc.gov

82 FR 51824 (11/08/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
PhUSE Analysis Data Reviewer's Guide Template
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the availability of the proposed Pharmaceutical Users Software Exchange (PhUSE) Analysis Data Reviewer's Guide template, a potential tool for the electronic submission of animal and human study data. The agency developed the proposed template in collaboration with PhUSE, an independent, nonprofit consortium of academic, regulatory, nonprofit, and private sector entities. The agency seeks stakeholder feedback to inform its recommendation of whether to support, reject, or modify the template. Comments are due Jan. 8, 2018. Contact: Crystal Allard; FDA, Center for Drug Evaluation and Research; 301-796-8856; crystal.allard@fda.hhs.gov

82 FR 51847 (11/08/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Programs to Expedite Development and Review of Drugs for Serious Conditions
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the FDA to seek OMB approval for a revised information collection request regarding a guidance for industry concerning programs to facilitate and expedite development and review of drugs and biologics for serious conditions. The collection

concerns programs for fast track designation, breakthrough therapy designation, accelerated approval, and priority review designation. The revision incorporates an information collection addressing designation, development, and application review of fast track drug development programs. Comments are due Jan. 8, 2018. Contact: Domini Bean; FDA, Office of Operations; 301-796-5733; PRAStaff@fda.hhs.gov

82 FR 51846 (11/08/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Schedules I and II Controlled Substances 2018 Aggregate Production Quotas

GENERAL ENVIRONMENT AND SAFETY

Notice of the Drug Enforcement Administration announces a final order to establish the initial 2018 aggregate production quotas for controlled substances in schedules I and II of the Controlled Substances Act and the assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine. The agency is adjusting the aggregate production quotas for eight controlled substances and is adjusting the assessment of annual needs for pseudoephedrine. The agency also is maintaining the proposed quotas for 16 controlled substances. The order is effective Nov. 8, 2017. Contact: Michael Lewis; DEA, Diversion Control Division; 202-598-6812. Citations: 21 CFR 1303, 1315

82 FR 51873 (11/08/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Target Product Profiles/Drug Development Programs

GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the submission of a new information collection request to the OMB regarding a guidance for industry concerning target product profiles (TPPs) prepared by a sponsor and shared with FDA review staff to facilitate communication for a particular drug development program. The TPPs provide for a summary of a drug development program described in terms of labeling concepts. Comments are due Dec. 8, 2017. Contact: Domini Bean; FDA, Office of Operations; 301-796-5733; PRAStaff@fda.hhs.gov

82 FR 51849 (11/08/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Washington State/North Seattle Lateral Upgrade Project

GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing by Northwest Pipeline LLC, of Salt Lake City, of an amendment to its application to abandon and to construct and operate facilities at the North Seattle Lateral Upgrade Project, in Snohomish County, Wash. The original application sought permission to remove existing pipeline on Northwest's North Seattle Delivery Lateral line, install new pipeline, and rebuild the North Seattle/Everett meter station and install miscellaneous

appurtenances. The amendment adds a request to realign existing pipeline parallel to the new pipeline. The agency plans to complete an environmental assessment or issue a notice of schedule of environmental review by Jan. 31, 2018. Comments are due Nov. 24, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOnlinesupport@ferc.gov

82 FR 51828 (11/08/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
West Virginia/Green Bank Observatory
GENERAL ENVIRONMENT AND SAFETY

Notice of the National Science Foundation announces the availability of a draft environmental impact statement regarding potential changes to operations at the Green Bank Observatory in Pocahontas County, W.Va. The DEIS addresses proposed operational changes resulting from a significant reduction or elimination of NSF funding for the observatory, including the potential divestment of the Green Bank Telescope from the Division of Astronomical Sciences' portfolio. The DEIS identifies the agency's preferred alternative of collaboration with interested parties for continued science- and education-focused operations with reduced NSF funding. A meeting is scheduled for Nov. 30, 2017, in Green Bank. Comments are due Jan. 8, 2018. Contact: Elizabeth Pentecost; NSF, Division of Astronomical Sciences; 703-292-4907; epenteco@nsf.gov

82 FR 51878 (11/08/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Wisconsin/Arpin Dam Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a hydroelectric application by Flambeau Hydro LLC, of Neshkoro, Wis., for a subsequent minor license for the Arpin Dam Project located on Chippewa River in Sawyer County, Wis. The project consists of masonry dams, an impoundment, canal headworks, a power canal, an intake structure, steel penstocks, a powerhouse, an underground generator lead line, an above-ground transmission line, a tailrace, recreation facilities, and appurtenant facilities. The project currently is manually operated in run-of-river mode with an annual generation of 7,336 megawatt-hours. Flambeau Hydro seeks to continue to release a year-round minimum flow of 40 cubic feet per second to the bypassed reach, to operate and maintain existing recreation facilities, and to develop a historic properties management plan. The commission intends to prepare a single environmental assessment. Comments are due Dec. 4, 2017. Contact: Amy Chang; FERC; 202-502-8250; amy.chang@ferc.gov

82 FR 51829 (11/08/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Federal Mine Safety and Health Review Commission Meeting
OCCUPATIONAL SAFETY AND HEALTH

Notice of the Federal Mine Safety and Health Review Commission announces a meeting to consider Secretary of Labor v. American Coal Co. (Docket Nos. LAKE 2011-701) regarding whether the judge erred by not adequately explaining the basis for the assessed penalty amounts. The meeting is scheduled for Nov. 29, 2017, in Washington, D.C., and via teleconference. Contact: Emogene Johnson; FMSHRC; 202-434-9935

82 FR 51833 (11/08/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Federal Mine Safety and Health Review Commission Meeting
OCCUPATIONAL SAFETY AND HEALTH

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82 FR 51833 (11/08/2017)

Regulatory Update

RADIATION
Nuclear Power Plant Instrumentation for Earthquakes
RADIATION

Notice of the NRC announces the issuance of Revision 3 of Regulatory Guide 1.12 regarding nuclear power plant instrumentation for earthquakes. The revision incorporates advances in seismic instrumentation and operating experience since Revision 2 was issued in 1997, including lessons learned from the recent earthquakes that impacted the North Anna nuclear power plant in Louisa County, Va., and the Fukushima-Dai-ichi nuclear power plant in Japan. The revision also describes the seismic instrumentation criteria, including instrumentation type, locations, characteristics, and maintenance, that the NRC staff considers acceptable for nuclear power plants. Contact: Sarah Tabatabai; NRC, Office of Nuclear Regulatory Research; 301-415-2982; Sarah.Tabatabai@nrc.gov

82 FR 51879 (11/08/2017)

Regulatory Update

TOXIC SUBSTANCES
Healthy Homes and Lead Poisoning Surveillance System
TOXIC SUBSTANCES

Notice announces the intention of the CDC to seek OMB approval for a continuing information collection request regarding the Healthy Homes and Lead Poisoning Surveillance System (HHLPSS). The HHLPSS includes up to 40 state and local programs that report information regarding the presence of lead paint, age of housing, occupation of adults, and type of housing to support the CDC's efforts for primary prevention of childhood and adult lead poisoning. The

HHLPSS allows the CDC to track how state and local programs conduct case management and follow up of residents with housing-related health outcomes and to identify other housing-related risk factors. Comments are due Jan. 8, 2018. Contact: Leroy Richardson; CDC, Office of Scientific Integrity; 404-639-7570; omb@cdc.gov

82 FR 51841 (11/08/2017)

Regulatory Update

WATER

Susquehanna River Basin Commission Meeting
WATER

Notice of the Susquehanna River Basin Commission announces a meeting to consider resolutions concerning fiscal year 2019 federal funding of the Groundwater and Streamflow Information Program and bylaw amendments. The agenda also includes a presentation regarding the Lower Susquehanna Subbasin area, ratification and approval of grants and contracts, and a report on delegated settlements. In addition, the agenda includes discussion of an Oct. 12, 2017, proposed rule (82 FR 47407) to codify the existing policy for access to commission records and Regulatory Program projects. The meeting is scheduled for Dec. 8, 2017, in Annapolis, Md. Comments on the rulemaking and the Regulatory Program projects are due Nov. 13, 2017, and comments on other agenda items are due Dec. 1, 2017. Contact: Jason Oyler; SRBC; 717-238-0423. Citations: 18 CFR 801, 806, 807, 808

82 FR 51903 (11/08/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 8/4/2017 11:52:40 PM
Subject: Aug. 07 -- Daily Environment Report



Daily Environment Report

August 07, 2017 - Number 150

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Leading the News

Climate Change
Trump Vow to Keep Door Open to Climate Deal Convinces Few
President Donald Trump's vow to keep the door open to an international climate deal—even as he notifies the UN the U.S. is out—rings hollow given he has long derided it as bad for the economy.

General Policy
Week Ahead: Groundwater Group Hears EPA's Superfund Plans
The National Ground Water Association, Ecological Society of America, and other groups are taking advantage of August's legislative lull in Washington to hold large-scale environment and energy events during the week of Aug. 7.

Superfund
EPA Widens Superfund Cleanups Near Public Housing
The EPA's discovery of lead contamination near low-income public-housing units has expanded some investigations and broadened its collection of Superfund site location data.

News

Air Pollution
VW Executive Schmidt Pleads Guilty in Auto Emissions Scandal
Oliver Schmidt, a Volkswagen AG compliance executive charged in the company's emissions-cheating scandal, pleaded guilty Friday in federal court in Detroit to conspiracy and violating the U.S. Clean Air Act.

Air Pollution

Waste Industry to Save Millions Under EPA Monitoring Proposal
Waste storage and processing facilities would save $28 million under an EPA proposal to ease air pollution monitoring requirements.

Climate Change
Brazil to Get $10.6 Million in Climate Aid from Germany
Germany agreed to donate 9 million euros (US$10.6 million) to Brazil, bolstering the South American country's efforts to reach Paris Climate Agreement targets it set in 2015.

Coal Mining
As Trump Sings Coal's Praises, Mine Fatalities Are on the Rise
Ray Hatfield Jr. was six months into his latest coal job when he was crushed to death in a Kentucky mine.

Coal-Fired Power Plants
Peabody Mine Survival May Rest on Navajo Coal Gasification Plan
The biggest coal-fired generating station west of the Mississippi could be replaced by a coal gasification plant, raising concerns among environmentalists as well as questions from financial analysts about the economic costs and risks.

Contribution
Henkel Must Defend Superfund Suit in Kansas, Despite Lack of Ties
Henkel Corp., a Delaware company, must defend a Superfund suit in Kansas because it registered to do business there, the District of Kansas ruled (Henkel Corp. v. PAC Operating LP, 2017 BL 271438, D. Kan., No. 15-CV-09260, 8/3/17).

Criminal Enforcement
VW Executive Schmidt Pleads Guilty in Auto Emissions Scandal
Oliver Schmidt, a Volkswagen AG compliance executive charged in the company's emissions-cheating scandal, pleaded guilty Aug. 4 in federal court in Detroit to conspiracy and violating the U.S. Clean Air Act.

Energy
Australian Prime Minister Calls Crisis Meeting with Power Bosses
Australian Prime Minister Malcolm Turnbull has called a meeting with the nation's major power companies citing concerns over soaring electricity prices and a lack of transparency in the market.

Energy
Keystone XL Foes Avoid Climate in Red State Pipeline Battle
You won't hear much about climate change coming from Keystone XL foes as they argue against TransCanada Corp.'s push to get the final state approval needed to build the pipeline.

Enforcement
States Should Be Front Line of Enforcement, EPA Official Says
The Environmental Protection Agency will look to the states as the first line of environmental enforcement as part of Washington's cooperative federalism approach, a senior environment official said.

Environmental Reviews
Runway Expansion at Portland, Ore., Airport Upheld by Court
Federal aviation officials didn't act arbitrarily when they decided to forgo a full environmental

impact statement on a third runway at a Portland, Ore.-area airport, a federal appeals court ruled.

Mergers and Acquisitions

Dow, DuPont Set Aug. 31 for Closing of Historic Chemical Merger

Dow Chemical Co. and DuPont Co., the two largest U.S. chemical makers, have received all the regulatory approvals needed to close their historic merger.

Natural Resources

Interior to Kill Obama Rule Raising Coal, Oil Royalties

An Obama-era regulation governing how royalties are calculated for coal, natural gas and oil extracted on federal lands will be repealed by the Trump administration.

Renewable Energy

Equis Energy Building $1.2 Billion Australian Solar Farm

Equis Pte Ltd., an investment company based in Singapore, is building a A$1.5-billion ($1.2 billion) solar farm in eastern Australia.

Renewable Energy

Green Power Still Tied Up with Red Tape in Macron's France

Some eighty days into Emmanuel Macron's new job, Europe's biggest renewable energy companies are still waiting for the French president to make good on campaign pledges to boost green power.

Renewable Energy

Long-Planned Cap Cod Wind Farm Gets Environmental OK

A long-stalled wind farm planned off the coast of Cape Cod, Mass., took a step closer to possible construction after federal energy regulators said the Cape Wind project won't harm the ocean environment.

Renewable Energy

U.K. Batteries for Residential Solar to Get Tax Discount

The U.K. government will offer a tax discount to homes installing batteries at the same time as solar panels, a move that could make renewable energy investments more attractive, according to an industry organization.

Shareholder Proposals

Church of England Rallies Investors in Exxon Fight, Returns 17%

President Donald Trump may have quit the Paris climate accord, but shareholders aren't going to let carbon-producing U.S. companies off the hook. Witness the investor victory over Exxon Mobil Corp. management on May 31, a day before the Trump decision.

Water Pollution

Duke Energy Ash Lawsuit Tossed Over 'Forum Shopping'

A federal district judge in Virginia tossed a Duke Energy coal ash lawsuit over what he said is "strategic forum shopping" by the utility.

Water Pollution

TVA Ordered to Dig Up, Move Coal Ash at Gallatin Plant

The Tennessee Valley Authority must excavate coal ash stored at its Gallatin, Tenn., plant near Nashville and dispose of it in a lined landfill, a remedy for water pollution estimated to cost some $2 billion, a federal court ordered.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Mon 10/30/2017 6:24:53 PM
Subject: Pruitt to announce policy to limit science advisers

By Emily Holden

10/30/2017 02:24 PM EDT

EPA Administrator Scott Pruitt is expected to announce a new policy on Tuesday to limit the advisory roles of scientists who have received agency research grants, according to an invitation to the event obtained by POLITICO.

The change, which Pruitt suggested two weeks ago, could exclude scores of scientists who have received EPA funding in the past from serving on independent boards that provide advice to the administrator.

Pruitt has said he questions "the independence and the veracity and the transparency" of recommendations from scientists who have had EPA grants.

Critics say the change would allow industry-financed scientists to control advice given to the agency on a range of environmental protection issues.

"Such a move bans some independent scientists from providing scientific advice while giving those with conflicts a free pass," wrote Michael Halpern, deputy director of the Union of Concerned Scientists' Center for Science and Democracy. He said about half of board members have had EPA grants.

The agency has invited conservative political allies, including those affiliated with the CO2 coalition, a group formed in 2015 that dispute mainstream climate science and touts the "important contribution made by carbon dioxide to our lives and the economy."

Pruitt will make the formal announcement at EPA headquarters at 2 p.m., as was first reported by E&E News.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/10/pruitt-to-announce-policy-to-limit-science-advisers-094939

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 8/9/2017 11:11:23 PM
Subject: Aug. 09 -- Energy and Climate Report



Energy and Climate Report

August 09, 2017 - Number 153

News

Climate Science
Climate Reports May Slow Trump's Push to Undo Obama-Era Rules
A pair of highly anticipated government studies, one of them due to be released this week, could complicate President Donald Trump's effort to roll back federal climate regulations, according to people on both sides of the debate over global warming.

Motor Vehicles
BMW, Nissan Dangle Electric Car Rebates for San Diego Sales
Automakers are willing to foot a chunk of the bill to get more San Diego-area consumers interested in battery-powered vehicles.

Motor Vehicles
Tesla Talks Autonomous Truck Testing With California, Nevada
Tesla Inc. has met with California and Nevada agencies about testing an autonomous semi truck ahead of Chief Executive Officer Elon Musk's unveiling of the next addition to the electric-car maker's lineup.

Natural Gas
In Eclipse, Natural Gas Sees Its Future as Solar's Backstop
Natural gas is about to get a glimpse of its future role in the U.S. power mix as solar energy's backup.

Natural Gas
Shale Drillers Spend Less, Produce More in Glut-Gorging Push
Shale drillers are greeting the fourth year of a historic oil-market slump in a curious fashion, promising to generate even more price-killing production as 2017 progresses.

Oil & Gas
Gas Sellers Warn Hard-Bargaining Buyers: Market Is Turning
A worldwide glut of natural gas has buyers of the fuel driving hard bargains and pushing for shorter supply contracts. The only problem with that, according to their sellers: The market's about to turn against them.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Wed 8/16/2017 1:51:36 AM
Subject: BREAKING NEWS Jones wins Democratic nomination for Alabama Senate; GOP race still uncalled

Former U.S. attorney Doug Jones has won the Democratic nomination in Alabama's special Senate election. Jones had 62 percent of the vote when the Associated Press called the race with 48 percent of precincts reporting.

The Republican primary is still uncalled, but former state Supreme Court Justice Roy Moore has 41 percent of the vote and Sen. Luther Strange has 31 percent with nearly half of precincts in. Rep. Mo Brooks is in third place with 20 percent.

See http://www.politico.com/story/2017/08/15/trump-alabama-special-election-241665 for full coverage of Alabama's election.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 8/18/2017 11:55:56 PM
Subject: Aug. 18 -- Energy and Climate Report



Energy and Climate Report

August 18, 2017 - Number 160

News

Chemicals
Ban on Toxic Acid May Test Californians' Thirst for Cheap Fuel
Californians are used to paying more for gasoline, but that may be tested soon if a pair of Los Angeles-area refineries are forced to stop their use of a toxic chemical.

China
Silk Road Cities Tap German Ingenuity to Tackle Climate in China
China is tapping German ingenuity to help cities at the farthest reaches of its ancient silk road adapt to climate change.

Climate Change
Ontario's $75 Million GHG Fund May Boost Small Construction Firms
Ontario's new C$100 million ($75 million) fund for municipal projects that reduce greenhouse gas emissions likely will benefit small and mid-sized construction companies that use new technologies, an industry official told Bloomberg BNA.

Coal Mining
Peabody Mine May Survive if Railroad Extension Built
A group of business and government representatives are exploring the possibility of keeping alive a troubled coal mine in northern Arizona.

Energy
Energy Nominees' Industry Ties May Pose Conflict: Watchdog Groups
Financial disclosure forms for two Energy Department undersecretary nominees show income from energy companies, including Southern Co. and TransCanada Corp., raising concerns from government watchdog groups of potential conflicts of interest.

Energy
Icahn Quits White House Role Amid Conflict-of-Interest Questions
Billionaire investor Carl Icahn has ended his role as a special regulatory adviser to President Donald Trump after questions were raised about potential conflicts of interests with his business dealings, including his ownership of an oil refiner.

Energy
Southern Seeks Expanded Loan Guarantees for Troubled Plant
Developers of a troubled nuclear plant in Georgia are seeking more federal support for the project, potentially increasing a record $8.3 billion loan guarantee it has already been promised, according to the two companies leading the project.

General Policy

Week Ahead: Chemical Society Event to Explore Industry's Impacts

Chemistry's global economic impact is the focus of the American Chemical Society's national meeting Sunday through Thursday, one of several environment and energy events during the week of Aug. 21.

Hydraulic Fracturing

Fracking Jobs Prove Elusive for Coal Miners Looking to Switch

Robert Dennis has mined coal in West Virginia for 10 years but a recent evening found him in a classroom at his local community college. He came to learn about opportunities in fracking, a drilling technique used to produce natural gas—the very fuel that is threatening coal's future.

Natural Gas

N.Y. Natural Gas Pipeline Denied Appeal by Federal Court

The natural gas industry suffered another loss in New York on Aug. 18 when a federal appeals court upheld the state's right to deny a water permit for the Constitution Pipeline project connecting production in northeastern Pennsylvania with the northeastern market.

Water Pollution

CORRECTION

The Aug. 16 story "EPA to Rewrite Toxic Wastewater Limits Rule, No Deadline Set" mischaracterized Duke Energy's petition to seek alternative wastewater limits for its Edwardsport Integrated Gasification Combined Cycle plant in Indiana. The story has been corrected.

Practitioner Insights

Enforcement

Practitioner Insights: Defending Environmental Criminal Cases

Federal environmental crimes cases can appear similar to other types of criminal or environmental cases because they comprise a hybrid of criminal prosecutions and environmental enforcement actions. Most federal environmental laws provide for criminal enforcement in addition to administrative and civil remedies. Criminal prosecutions allow agencies to bring enforcement against individuals—not just the companies they work for—and the ability to seek jail time.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 8/1/2017 7:10:46 PM
Subject: EPA OKs Flint drinking water loan forgiveness

By Annie Snider

08/01/2017 03:06 PM EDT

Flint city officials will not have to repay $21 million they borrowed from a federally funded account to upgrade drinking water infrastructure following its year-and-a-half-long lead contamination crisis, EPA said today.

The move to forgive the beleaguered city's Drinking Water State Revolving Fund debt came at the request of Michigan GOP Gov. Rick Snyder.

"Forgiving Flint's past debt will better protect public health and reduce the costs associated with maintaining the city's water system over time," EPA Administrator Scott Pruitt said in a statement. "Rebuilding our nation's infrastructure is one of the President's top priorities, and EPA is especially focused on those communities, like Flint, that need it the most."

In December, Congress approved a $100 million aid package to help the city replace lead service lines and upgrade its aging infrastructure. The measure also included funding to create a health registry of residents exposed to dangerous levels of lead in the water supply. Grants related to that registry were also awarded by the Department of Health and Human Services today.

WHAT'S NEXT: The city of Flint is continuing its program of lead service line replacement and the loan forgiveness will help free up funds for that effort and other upgrades.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/epa-oks-flint-drinking-water-loan-forgiveness-091361

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 9/12/2017 8:17:40 PM
Subject: Sep. 12 -- Daily Environment Report - Afternoon Briefing

Daily Environment Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night. The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Josue Rivera-Olds at rivera-olds.josue@epa.gov, 202-566-1558.

EPA Adds Agents to Guard Pruitt, While Fewer Fighting Crimes

Posted September 12, 2017, 8:27 A.M. ET

By Renee Schoof

The EPA has 151 federal law enforcement officials working environmental crimes cases—49 short of the number set by a 1990 law—and there is no indication their ranks will increase.

The only uptick in the number of special agents are those who protect Administrator Scott Pruitt around-the-clock, including when he goes home on weekends to Tulsa, Okla. Concerns about criminal division staffing came up in June when the Environmental Protection Agency's enforcement office asked for an exception to a hiring freeze in order to hire more agents for the protective services detail so that it could stop redeploying agents from the crimes beat to cover it, a letter obtained by Bloomberg BNA through a Freedom of Information Act request shows.

"Continuing to utilize other [Office of Criminal Enforcement, Forensics and Training] criminal investigators to help manage this work load is pulling them away from their core mission of investigating environmental crimes in furtherance of the Agency's mission to protect public health and the environment," Lawrence Starfield, acting assistant administrator for the Office of Enforcement and Compliance, said to the EPA's acting Deputy Administrator Michael Flynn in a June memo.

Flynn signed the memo, indicating approval for hiring the protective services agents, but the number of hires was redacted. The agency told Bloomberg BNA, however, it has 151 agents working on criminal cases, not including those assigned to protect Pruitt, down from 157 last year. The number of the EPA's criminal investigators has been in decline since the early years of the George W. Bush administration and has remained under the 200 minimum set by the 1990 Pollution Prosecution Act since 2004, numbers separately provided by the agency show.

Assistance or Enforcement?

Views differ on the significance of having fewer EPA criminal investigators, depending on whether observers think the agency either should focus more on helping companies comply with

environmental regulations or on pursuing civil or criminal enforcement. Fewer agents typically means fewer environmental cases are pursued. One former EPA official said the number of open criminal investigations was 700 to 800 four years ago, but dropped below 500 cases last year. The declines in workforce and active cases coincide with EPA budget reductions. The EPA had 205 special agents on the environmental crime beat in 2003, the last time this number was at or above 200, the level set in the 1990 law. The number of environmental law enforcement agents dropped to 180 in 2008 at the end of the Bush administration and to 154 in 2015 and 157 in 2016 in the final years of the Obama administration.

Asked if Pruitt believed that 151 EPA special agents were enough, EPA spokeswoman Liz Bowman told Bloomberg BNA in an email that he "is committed to working with law enforcement partners and the Department of Justice to punish criminals. The change in the number of agents has been ongoing since 2003, but has not stopped EPA's criminal enforcement program from maintaining a conviction rate of over 90 percent."

Bowman also said she could not say how many agents were guarding Pruitt because that would disclose law enforcement techniques or guidelines, or "could reasonably be expected to endanger the life or physical safety of any individual."

Pruitt has protection at all times, including when he goes home on weekends to Tulsa. Previous administrators typically did not have around-the-clock security. The memo requesting additional agents for the protection detail did not specify any particular threat, but instead mentioned potential ones such as "fire, natural disasters, active shooters, medical emergencies and disorders caused by civil disobedience." Flynn signed the memo, indicating his approval.

The EPA's Criminal Investigation Division special agents are law enforcement officers who work on major cases and in collaboration with state environmental agencies. EPA special agents investigate the most egregious violations of environmental laws that pose significant threats to health and the environment, such as major discharges of polluted water into rivers or selling fraudulent biodiesel credits in the renewable fuel program.

For a country of 320 million people, "200 agents doesn't seem like a lot, especially when you consider that most state environmental agencies don't have a criminal enforcement program," Eric Schaeffer, a former EPA enforcement chief who now directs the nonprofit Environmental Integrity Project, told Bloomberg BNA.

Former Trump transition team member David Schnare, who earlier worked for the EPA as an environmental attorney, said he was not concerned with the decline.

"The fact is, states don't do [environmental] criminal enforcement very often. But they don't need to if they do their civil enforcement aggressively, which they do," he told Bloomberg BNA.

—With assistance from Brian Dabbs.

Exxon Mobil Terminal Can't Withstand Climate Impacts, Judge Told

Posted September 12, 2017, 03:27 P.M. ET

By Adrianne Appel

An Exxon Mobil terminal in Massachusetts can't withstand heavy rains and storms resulting from climate change, environmentalists argued Tuesday in federal court.

The Conservation Law Foundation filed the first-in-the-nation suit in 2016, alleging an Exxon Mobil oil and gas storage facility on the banks of the Mystic and Island End rivers in Everett, Mass., has not been sufficiently upgraded to handle climate change's impacts.

"This is about rainwater runoff" as a result of storms that could send byproducts of fuel oil, gasoline and other chemicals from Exxon's facility into the Mystic River, Allan Kanner, attorney with Kanner & Whitely, told U.S. District Judge Mark Wolf in arguing on the foundation's behalf.

Wolf said he hopes to decide whether to dismiss the case by Tuesday's close of arguments.

Exxon's lawyer, Daniel Toal of Paul|Weiss, told Wolf the foundation's claims lack merit.

"We engineer all our facilities to withstand extreme weather events, regardless of the cause," Toal said.

Energy Industries Team Up to Fight Proposed Offshore Wind Ban

Posted September 12, 2017, 02:28 P.M. ET

By Brian Dabbs

Big oil representatives are banding together to protect offshore wind leaseholders in Maryland from a proposed ban on projects off its coast.

The House Environmental Protection Agency and Interior Department spending bill, which is part of a sprawling package of spending bills, is being debated on the House floor with language to ban offshore wind projects within 25 nautical miles (27.6 miles) off the Maryland coast.

Groups that represent the oil and wind industries, including the National Ocean Industries Association and the U.S. Chamber of Commerce, are pushing back, arguing the bill would jeopardize investment and ding regulatory certainty.

The legislation poses a threat to the fledgling U.S. offshore wind industry.

"All oil members are concerned about the precedent set," Tim Charters, chief lobbyist at the National Ocean Industries Association, told Bloomberg BNA. "If you want to drive investment in the United States in our energy sectors, you have to give those investors who are putting billions of dollars on the line the confidence that they have a good partner in the U.S. government."

The Maryland Public Service Commission approved and subsidized offshore projects by U.S. Wind Inc. and Skipjack Offshore Energy LLC in May. Both projects fall within the proposed 24-mile ban. The Interior Department still has to approve the projects. The appropriations language—offered by Rep. Andy Harris (R-Md.)—would prohibit that.

Christopher Guith, a senior vice president for policy at the U.S. Chamber of Commerce's Energy Institute, told Bloomberg BNA that his group opposes the language in the ban as it restricts the development of a certain technology.

But the fate of the larger package so far is unclear. President Donald Trump has vowed to support a short-term continuing resolution, as federal funding expires at the end of the month.

Furniture Industry Has Grave Concerns Over EPA Solvent Ban

Posted September 12, 2017, 03:44 P.M. ET

By Adrianne Appel

The furniture industry would be destroyed if the Environmental Protection Agency enacts a broad ban of a common paint-stripping chemical, business owners told the agency Sept. 12.

The EPA issued a proposed rule in January to ban most commercial and household uses of the solvent methylene chloride because tests show it is a liver toxin and may cause lung cancer. However, the agency exempted furniture refinishers from the proposal, saying that it wanted to take more time to learn about the impact that a ban or restriction of the chemical would have on the industry.

On Sept. 12, the EPA held a methylene chloride workshop in Boston and heard directly from small businesses. The workshop focused on possible alternative chemicals that commercial refinishers could use instead of methylene chloride, along with best practices. "It would put us out of business," Debbie Towle, owner of Master Furniture Refinishing & Woodworking, in Needham, Mass., told Bloomberg BNA.

An office of the Small Business Administration—whose job it is to protect small businesses from government regulations considered burdensome—urged the EPA to consider the concerns of furniture refinishers.

David Rostker, assistant chief counsel for the SBA Office of Advocacy, said he hoped that if good alternatives aren't available, the "EPA would decide that its actions can have a significant effect on small businesses," Rostker told Bloomberg BNA at the meeting.

Utility-Scale Solar Hits Cost Goal, Focus Turns to Reliability

Posted September 12, 2017, 02:25 P.M. ET

By Rebecca Kern

The solar industry has met the Energy Department's goal to reduce the average price of utility-scale solar to 6 cents per kilowatt-hour—three years ahead of the agency's 2020 target.

The solar industry also has made heavy gains in reducing the costs for residential and commercial solar, according to a Sept. 12 report from the Energy Department's National Renewable Energy Laboratory on its SunShot Initiative. The industry is 86 percent of the way toward the target reduction of the average cost of residential PV and 89 percent toward the cost of commercial solar PV, the report said. The Energy Department continues to aim for further price reduction while also focusing efforts on solar's reliability and resiliency, offering $82 million in funding for research and development into new technologies.

The SunShot Initiative was launched in 2011 with the aim of making solar cost-competitive with fossil fuels. It was an ambition intended to be reminiscent of President John F. Kennedy's 1961"Moon Shot" program to put a man on the moon.

Utility-scale solar dropped from 28 cents per kilowatt-hour in 2010 to 6 cents in 2017, which was the 2020 goal. Residential and commercial solar costs dropped from 52 cents and 40 cents per kilowatt-hour in 2010 to 16 and 11 cents, respectively, in 2017. The goal is to drop to 10 cents and 8 cents, respectively, by 2020.

The next challenge is to cut prices in half again, from the 2020 goal, for utility, residential, and commercial PV systems by 2030.

"It is of tremendous significance because it really shows that, with government and with industry holding hands, they're able to make solar highly competitive with traditional fossil-fuel-based electricity generation. And not only competitive, but competitive earlier than anyone forecasted," Ben Gallagher, a solar analyst at GTM Research, told Bloomberg BNA Sept. 12.

Improved Technology, Material

Technology innovation in solar modules and increased efficiency due to better material quality and design have been the primary drivers of the dramatic cost reductions in solar photovoltaic systems.

SunShot has awarded $1 billion in funding to corporations such as General Electric Corp., academic institutions such as the Massachusetts Institute of Technology, and national laboratories. The money has been used to devise ways to lower the costs of hardware and costs associated with the integration of solar panels to the electric grid.

"The point of these goals is to further the overall focus on affordable and reliable energy," Daniel Simmons, the acting assistant secretary of the Energy Department's Office of Energy Efficiency and Renewable Energy, told Bloomberg BNA in a phone interview Sept. 11. "We want to be focused on devoting our resources to early stage research and development."

Continuing to lower the costs of PV solar systems is like facing a limbo bar and "it gets progressively more difficult to slide under that limbo bar without falling backwards," Charlie Gay, director of the Energy Department's solar energy technologies office and leader of the Sunshot Initiative, told Bloomberg BNA. But he's optimistic. "I have been working in solar for 43 years, and I continue to see a lot of opportunities that will enable us to keep moving and lowering that limbo bar."

$82 Million to Improve Reliability, Resiliency

As part of the early stage research and development push, the department is offering $82 million in new funding opportunities from the Solar Energy Technologies Office, where the SunShot Initiative is housed, according to a Sept. 12 announcement at Solar Power International in Las Vegas, the largest solar industry event in North America. The funding includes up to $62 million focused on Concentrating Solar Power technologies, which can store solar energy to be used to produce electricity when the sun isn't shining, and up to $20 million to advance power electronics technologies, which can protect against physical and cyber threats to the grid. The awardees will have to contribute 20 percent of their own funding to the overall project budget. Dan Whitten, vice president of communications for the Solar Energy Industries Association, the trade group that represents the solar industry, told Bloomberg BNA that SunShot has advanced "all manner of innovations along with industry that have improved the solar value proposition dramatically."

Technology Costs Driving Reductions

James Evans, renewable energy analyst at Bloomberg Intelligencesaid that reaching the utility-scale solar cost goal was "not entirely unexpected given the dramatic cost declines in equipment over

recent years with average benchmark silicon solar panel costs declining by 35 percent just in 2016 with industrial inverter prices falling around 26 percent in the same period." However, he told Bloomberg BNA in a Sept. 11 interview, hitting the 2030 SunShot goals would be harder if the U.S. applies trade tariffs on imported solar technologies, which would increase import costs of solar panels. A petition before the U.S. International Trade Commission by Suniva and SolarWorld would apply a trade tariff on certain imported solar technologies.

Addressing 'Soft' Costs

While the hardware costs are being lowered significantly, a remaining challenge for continuing to reduce costs of solar systems are the "soft" costs, like labor, permitting, interconnection, customer acquisition, financing and grid integration. These soft costs are more associated with rooftop solar systems that occur in the residential and commerical solar sectors. SunShot Director Gay said that SunShot will continue to work with industry to help lower these costs. Efforts include helping to standardize and harmonize local building codes and funding for solar worker training. "We definitely want to reduce red tape to promote economic growth," EERE's Simmons said.

Canadian Potash Producers Guided on Emissions Monitoring

Posted September 12, 2017, 12:44 P.M. ET

By Peter Menyasz

Fertilizer and animal feed companies in Canada should monitor and report particulate matter emissions from their production as the world's largest supplier of potash cracks down on pollution.

The voluntary guidance does not supplant existing particulate matter regulations for the potash industry, but is instead intended to aid companies such as Potash Corporation of Saskatchewan Inc. (PotashCorp), Mosaic Co., and Agrium Inc. in meeting the pollution limits, the Canadian government said.

Potash can describe several minerals and manufactured chemicals containing potassium, a basic nutrient for plants that is commonly used in fertilizers. Canada boasts half the world's potash reserves.

Manufacturers praised the Canadian government for cooperating with the industry as it developed the 15 recommendations for best practices to limit particulate matter emissions, which were unveiled Sept. 9.

"It looks like the government listened," Clyde Graham, senior vice-president of industry group Fertilizer Canada, told Bloomberg BNA.

Meeting the recommendations won't impose costs on Saskatchewan's potash producers, who have spent some C$18 billion ($15 billion) over the past 10 years modernizing their operations and bringing their equipment "up to snuff," he said.

Potash facilities produced between 785 to 1,643 metric tons of particulate matter per year between the 2008 and 2010, representing 1.8 percent of total Canadian industrial emissions of the pollutant, the government said.

The code calls for the potash producers to conduct performance reviews every six to 12 months, depending on the process involved, and to report annually their total emissions of fine particulate

matter, starting June 1, 2018.

There are currently 10 potash facilities operating in Canada, all located in Saskatchewan, the government said.

Tyson, Cargill Trail Nestle on Water Conservation, Study Shows

Posted September 12, 2017, 9:36 A.M. ET

By Shruti Date Singh

Agricultural giants such as Cargill Inc. and Tyson Foods Inc. are trailing their counterparts and customers in the food and beverage industries when it comes to using, tracking and conserving water, according to a report from a climate-change researcher.

Climate change makes water "one of the biggest risks to the $5 trillion food industry," non-profit organization Ceres said in a Sept. 12 statement. Even amid the threat, more than a third of publicly traded companies analyzed made no mention of climate-related water risks in their most recent annual securities filings, the researcher said.

"Companies that have the closest links to farmers are doing the least," said Brooke Barton, senior director of Ceres' water and food program and a co-author of the report, which assessed responses to risks, security, management and efficient use related to water. Some corporations still behave as if water is "unlimited," Barton said in a telephone interview.

Even though the agriculture industry is extremely dependent on natural resources including water and arable land, packaged-food and beverage companies such as Nestle SA and Coca-Cola Co. scored far higher than Cargill, Archer-Daniels-Midland Co. and Tyson in the Ceres study. The researcher made assessments based on publicly available information and disclosures before March 16.

Out of a possible 100 points, Nestle ranked the highest with a score of 82. Cargill, the largest closely-held U.S. company with operations ranging from grain handling to beef processing, got 17, according to the report. Tyson, the biggest U.S. meat processor, got 11 and JBS SA unit Pilgrim's Pride Corp. received a score of 1.

Heightened risks from climate change are rippling through the agriculture industry. Extreme weather gyrations have led to devastating global droughts in recent years and farmers have also battled increasingly intense hurricanes and other storms. Consumers are demanding that corporations pay more attention to sustainability efforts, and many companies, including meat and crop processors, are at a "tipping point," Barton said.

In response to questions about the report, Minneapolis-based Cargill cited information on its website about efforts to better use fertilizers to reduce runoff, and how the company has improved water efficiency by 12 percent between 2005 and 2015. Earlier this year, Springdale, Arkansas-based Tyson began the installation of measuring and monitoring equipment at its U.S. plants to better manage water use, spokeswoman Caroline Ahn said in an email Monday.

Perdue Farms Inc., a closely held U.S. chicken processor, said it should have scored higher in the report, but Ceres didn't reach out for details and instead relied on public information, said Steve Levitsky, the company's vice president of sustainability. The company isn't publicly traded and thus doesn't regularly disclose internal scorecards in securities filings for water consumption and other

metrics, he said.

A Pilgrim's Pride spokesman didn't respond immediately to an email requesting a comment.

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EU Said to Mull Marking U.K. Carbon Permits in Contingency Plan

Posted September 12, 2017, 12:25 P.M. ET

By Ewa Krukowska

The European Commission will propose marking carbon allowances issued by the U.K. as of January 2018 as part of Brexit-related rules to make the world's biggest emissions market resistant to potential supply turmoil.

The commission, the European Union's regulatory arm, will put forward an update to the bloc's regulation on the carbon registry to make distinguishable permits sold by the British government at auctions or given to companies for free from January 2018, according to a person with knowledge of the matter. That regulation will detail how to enact a broad law currently being drafted by EU lawmakers to put limits on the use of U.K. allowances in case Brexit talks fail and the country finds itself out of the bloc's market in 2019.

EU carbon prices lost 6.3 percent in the past two days on concerns the draft Brexit-related law will reduce the willingness of participants to trade with U.K. entities given that the place of issue of emission permits cannot be identified under existing rules. The registry regulation revision planned by the commission would make for easy electronic identification of U.K. carbon permits issued from next year, according to the person, who declined to be identified, citing policy.

The EU carbon market imposes emission quotas on around 12,000 facilities owned by manufacturers and utilities, and forces those that exceed their caps to buy permits from businesses that emit less. It also includes airlines.

Government Auctions

Benchmark contracts in the European cap-and-trade program fell almost 70 percent over the past nine years as an economic crisis cut industrial output and imports of United Nations carbon credits aggravated a surplus of permits. Emitters must hand in allowances to match the previous year's emissions by the end of each April. Allowances are sold at government auctions throughout the year and permits given for free are handed to emitters usually around February each year.

The Brexit-related law currently under discussion in the European Parliament would prevent companies in the EU Emissions Trading System from using for compliance allowances issued by the U.K. from 2018 if the country falls out of the market. It is a contingency plan to avoid a massive sale of allowances originating in the country which would otherwise remain valid even if the nation's emission-reduction obligations under the ETS expire.

The deadline for the EU and the U.K. to iron out a Brexit deal is March 29, 2019, a date that can be extended only if there is unanimous backing by member states. In practice, an agreement would need to be in place three or four months before then to give the EU Parliament enough time to approve it.

Compliance Deadline

There are currently no provisions to safeguard the ETS in case negotiators fail to reach a deal on time and the U.K. suddenly finds itself out of the market, becoming a so-called third country to the EU. With the compliance deadline for 2018 emissions falling in April 2019, in the worst-case scenario the market could be flooded by permits issued or sold by the British government while the country's obligations lapse.

The planned proposal on marking British permits would enable market participants to choose whether they want to include or exclude U.K.-issued allowances in their contracts, according to the person with knowledge of the matter. The date of tabling the proposal is not yet known. Under the EU legal system, implementing measures are proposed after the broad law that requires them has been approved.

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China Solar-Cell Maker Explores Electric Cars With World No. 2

Posted September 12, 2017, 9:21 A.M. ET

By Bloomberg News

Golden Concord Group Ltd., a Chinese energy conglomerate, said it's seeking opportunities in electric vehicles, joining investors like billionaire Li Ka-shing who are pushing into the sector as the government works on a plan to phase out internal-combustion autos.

The company plans to cooperate with Jiangling Motors Group to help reduce risks when entering the industry, President Kou Bingen told Tom Mackenzie in a Bloomberg Television interview in Nanchang, eastern China, on Sept. 9. Jiangling is ranked No. 2 in Bloomberg New Energy Finance's global index of electric vehicle manufacturers.

"New-energy vehicles will definitely be a direction for development in the future," Kou said. Golden Concord is still in discussions with Jiangling Motors and the two can bring their own advantages together for innovation, he said, without elaborating on the specifics.

China, home to the largest car market in the world, is making the most concerted push among major auto-manufacturing nations for the adoption of electric vehicles. The country this month announced it's working on a timeline to phase out combustion-engine vehicles, and is set to unveil a cap-and-trade system for vehicle emissions and fuel economy that will compel automakers to introduce cleaner and more efficient models or pay fines.

The suite of measures come seven years after the government first identified EVs as an emerging industry of strategic importance and codified its importance in the 13th Five-Year Plan in 2016. China surpassed the U.S. in 2015 to become the world's biggest market for new-energy vehicles.

The rising demand for cleaner cars has attracted a raft of startups and established companies to try their hand at auto making. Hong Kong tycoon Li Ka-shing this week agreed to buy an indirect stake in a Japanese maker of electric cars that has plans to license its technology to manufacturers including those in China. He bought a stake in a Chinese electric-van and bus maker in 2015.

For Golden Concord, a push into new-energy vehicles represents an investment in a still-small but growing demand for electricity. The company owns 30 percent of GCL-Poly Energy Holdings Ltd., the world's biggest polysilicon maker. Unit GCL System Integration Technology Co. said in January that it plans to begin making batteries for electric vehicles.

Calls to representatives at Nanchang-based Jiangling Motors weren't answered.

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German Coastal States Urge Merkel to Raise Offshore Wind Targets

Posted September 12, 2017, 8:34 A.M. ET

By Brian Parkin

Germany's coastal states and cities urged Chancellor Angela Merkel to raise the nation's offshore wind power target to take advantage of the technology's plummeting costs.

Officials from states and cities including Lower Saxony and Hamburg called on Merkel to raise offshore wind capacity in 2030 by at least a third over the 15-gigawatt government cap set in 2014, according to the Cuxhavener Declaration, issued Sept. 11 from the North Sea port located about 380 kilometers (236 miles) northwest of Berlin.

"We are calling for an expansion goal of at least 20 gigawatts in the North Sea and Baltic Sea by 2030 and at least 30 gigawatts by 2035," read the declaration. "In order to avoid impairing further expansion of renewable energy, grid development planning and grid connection capacities have to be adapted accordingly."

Falling offshore wind prices were on display Monday in the U.K., when the government announced winning bids dropped below the cost of building new nuclear power plants. Germany's maiden offshore wind auction in April, in which Dong Energy A/S and EnBW AG bid to build 1.45 gigawatts of capacity without subsidies, underlined how competitive the technology has become, according to the the declaration.

Germany is auctioning just 3 gigawatts of offshore to 2020. Just 1 percent of the North Sea's offshore potential has been tapped to date, Siemens Gamesa Renewable Energy said earlier this year.

North Sea nations need to add the equivalent of one turbine a day in the sea to achieve cost savings from economies of scale and to foster turbine efficiency gains, Siemens Gamesa's Chief Executive Markus Tacke said that month.

The U.K. leads Europe in offshore capacity, installing over 5 gigawatts to date. Germany had installed about 4.1 gigawatts of offshore power by the end of last year and expects the capacity to grow to about 7 gigawatts by 2020. Capacity auctioned this year and in 2018 won't be built before 2025, the Bnetza power regulator said.

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Evian Aims to Deflect Water Criticism by Going Carbon Neutral

Posted September 12, 2017, 8:33 A.M. ET

By Corinne Gretler

Evian aims to become the first major spring water brand to go carbon neutral amid criticism that packaging water from the French Alps and transporting it around the world in plastic bottles causes unnecessary environmental damage.

Danone, the brand's owner, is spending 280 million euros ($336 million) on the project, according to Chief Executive Officer Emmanuel Faber, who reinaugurated the Evian factory Sept. 12. The site itself is now carbon neutral and is fully powered by renewable sources. Danone aims to offset the pollution caused by transporting Evian water by 2020 as it expands rail transport and promotes biogas.

"I'm aware, and more and more consumers are aware, that transporting water is not ideally what you'd like to do," Faber said in a telephone interview. "If you want to build a model that's sustainable, you need to deal with this reality."

Danone plans to start advertising the carbon-neutral efforts on Evian bottles in the U.S. next year, according to the brand's head, Veronique Penchienati. A few smaller producers such as Icelandic Glacial and Norway's Isklar have claimed the distinction years ago, though they're tiny compared with Evian, which sold 1.8 billion bottles last year.

While so-called sustainable products are increasingly popular, Consumers International, a federation of consumer groups, has criticized the water industry's initiatives, saying they do nothing to provide safe and affordable water to millions of people in developing countries that lack it. Environmental groups say bottling spring water wastes precious resources and creates disincentives for governments to improve tap water.

Faber countered that Evian doesn't do any harm because it's taking water that flows naturally from the mountains near Lake Geneva, rather than underground aquifers. "When it comes to Evian and the water, I don't think there's anything to redeem," he said.

Danone has annual sales of 4.6 billion euros from bottled water, a fifth of its total. Evian is its biggest brand in the product category and its revenue is increasing by a mid- to high-single-digit percentage each year, Faber said. The Evian site has reduced the amount of energy needed to produce 1 liter of water by 23 percent over the past eight years.

The move toward carbon-neutral certification in bottled water follows industry shifts in other products such as chocolate, where Nestle SA, Cadbury and Mars raced each other to switch to sustainably sourced cocoa and damp concerns of child labor in their products.

Danone's move will put pressure on other water brands to follow suit, according to Mathis Wackernagel, CEO of Global Footprint Network, an Oakland, California-based think tank. Still, he questioned whether companies should be emitting carbon to package and ship the product in the first place.

"Often it is environmentally absurd to sell bottled water when tap water is cheaper, better, and far less energy-intensive," Wackernagel said.

To offset transport, one of the biggest issues for the bottled-water business, Danone is switching from roads to rails, operating its own private terminal with trains departing every four hours. Some

60 percent of Evian's production is shipped by train, with Danone seeking to increase that to 80 percent because it reduces carbon emissions by 75 percent, according to Faber.

The yogurt maker also aims to offset carbon emissions by working with farmers in the region of Evian to collect waste for biogas energy. Evian's biggest markets by sales are France, the U.K. and the U.S. To get to its farthest markets, it ships by sea, which Faber said pollutes less than by land.

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Solar Developers Hoarding Panels as Threat of U.S. Tariffs Looms

Posted September 12, 2017, 8:13 A.M. ET

By Joe Ryan and Christopher Martin

Solar developers are suspending construction as the looming threat of U.S. import tariffs has driven up prices and spurred hoarding, crippling panel supplies.

"We've had roughly $500 million worth of work that we've had to put on hold," said Scott Canada, who oversees renewable energy projects for McCarthy Building Cos. of St. Louis. "The supply of panels has just evaporated as everybody is grabbing what they can."

The disruptions date to about May, after bankrupt panel manufacturer Suniva Inc. filed a trade complaint asking for protection from cheap imports. As the case gained steam, developers rushed to stockpile every available panel. The case is currently before the U.S. International Trade Commission and may eventually reach the Oval Office, where President Donald Trump has the authority to impose tariffs.

The crunch is an abrupt reversal for the U.S solar industry, which six months ago was awash with inexpensive panels. Developers say panel prices have swelled by about 40 percent in the past four months, making some projects uneconomical to build. And that's if they're lucky enough to have a supplier at all.

"If you don't have panels lined up for '17 than you aren't going to get them," said Laura Stern, president and co-founder of Nautilus Solar Energy LLC in Summit, New Jersey. "The market is really tight."

Solar manufacturing is dominated by companies in China and elsewhere in Asia, where intense competition and booming output helped drag down global prices more than 50 percent in five years. Those falling prices have been a boon for companies that build solar farms, but they've squeezed panel makers in markets with higher labor costs, including the U.S.

Georgia-based Suniva, which filed its trade case in April, is asking for tariffs that may double the price of panels in the U.S. The ITC has until Sept. 22 to investigate the case and send its findings to Trump, who gets final say.

Panels account for about 40 percent of the cost of solar farms, and even modest price swings can drag a project underwater. Before the Suniva complaint, panels were selling for about 32 cents a watt in the U.S. Now developers say they are paying as much as 45 cents. That drove up the global average price last month by the most in more than two years.

Chinese Demand

Suniva's trade case isn't the only reason for the shortage. China, the world's largest solar market, caught analysts by surprise this year by announcing plans to more than double the nation's total solar capacity by the end of 2020. That's boosted demand in the backyard of the largest panels makers, including JinkoSolar Holding Co., JA Solar Holdings Co. and Trina Solar Ltd.

The supply has grown so thin in the U.S. that companies are reselling panel contracts on the secondary market, said Duncan Frederick of Rosendin Electric Inc., a San Jose, California-based solar contractor that's built more than 2.2 gigawatts.

Still, the current shortage is apt to be short-lived, analysts said. U.S. solar installations are forecast to decline next year, and manufacturers aren't cutting production capacity. Once the Suniva case is resolved, no matter the outcome, panel prices will stabilize.

"This should be behind the industry by the end of the year," said Credit Suisse Group AG analyst Maheep Mandloi.

But for now, the case has roiled the industry and even long-term supply agreements are no guarantee that developers can get panels. Borrego Solar Systems Inc. has been forced to delay projects for months because its suppliers can't deliver equipment on time, said Aaron Hall, president. In other cases, panel makers have pushed to renegotiate contracts to secure higher prices.

"We are struggling hard," Hall said. "We are having to take fewer panels than promised and at higher prices."

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Wed 10/4/2017 3:28:46 PM
Subject: Dourson won't follow Democrat request to recuse himself on many chemicals issues

By Alex Guillén

10/04/2017 11:25 AM EDT

Michael Dourson, the nominee to head EPA's chemicals and pesticides office, declined today to recuse himself from any issue he worked on previously as an independent toxicologist, saying he would evaluate each one on a case-by-case basis.

Sen. Tom Carper, the top Democrat on the Environment and Public Works Committee, asked Dourson to agree to a blanket recusal during his nomination hearing. Carper brought a chart that showed Dourson had often recommended significantly higher "safe" levels of substances than recommended by EPA, including chlorpyrifos — which EPA Administrator Scott Pruitt this year declined to ban despite agency scientists' recommendations — as well as perchlorate, PFOA, TCE and other chemicals.

"I can give you as many or more examples of situations where the science that we brought forward as a team actually lowered the safe dose ... for various sponsors," Dourson told Carper. He added that he has previously worked with or for various government entities.

Dourson said he would rely on guidance of agency ethics officials for any recusal issues.

WHAT'S NEXT: The Senate Environment and Public Works Committee has to set a date to vote on Dourson's nomination.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/10/dourson-wont-follow-democrat-request-to-recuse-himself-on-many-chemicals-issues-093903

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From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Fri 10/6/2017 10:28:31 AM
Subject: POLITICO Playbook, presented by Koch Industries: SANCHEZ: Pelosi's gotta go -- JMART/BURNS on the bad times for GOP leaders in Congress -- ANOTHER POLITICO SCOOP: Kelly's cell phone compromised -- BOB COSTA profile -- The story BEHIND Murphy's departure

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Today's POLITICO Playbook presented by Koch Industries

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

Good Friday morning. BULLETIN at 5 a.m.: "OSLO, Norway (AP) - International Campaign to Abolish Nuclear Weapons wins the Nobel Peace Prize."

WITH FRIENDS LIKE THESE... "Top House Democrat says Pelosi should step aside," by Heather Caygle: "Rep. Linda Sánchez, a member of House Democratic leadership, said Thursday she thinks it's time for longtime Democratic leader Nancy Pelosi and her top lieutenants to step down. 'I do think we have this real breadth and depth of talent within our caucus and I do think it's time to pass the torch to a new generation of leaders,' Sanchez said Thursday on C-SPAN.

"Sánchez currently serves as vice chairwoman of the House Democratic Caucus, the lowest ranking leadership position. Still, her comments are surprising given her prominent position within the caucus and the fact that she and Pelosi both represent California, generally a tight-knit group within the caucus. 'I want to be a part of that transition, I want to see that happen,' Sánchez continued when asked if she thinks the same three leaders should stay in place if Democrats win back the House next year. 'I think that we have too many great members here that don't always get the opportunities that they should and I would like to see that change.'" http://politi.co/2fNQtu9

-- CRITIQUES of Nancy Pelosi and opinions about whether she and her top lieutenants have stayed too long have been voiced behind the scenes for years. But, the fact that a member of her own leadership team publicly was willing to say they need to leave is a first. While several Democratic lawmakers and aides told us this isn't the time to air grievances in public, it is a telling reminder of the agitation for change and frustration within her ranks for new leadership after seven years in the minority.

BUT, BUT, BUT .... Pelosi had a really good September. Even her detractors privately say she's at the top of her game at the moment. Several Democrats publicly backed her after Sanchez's comments. No one is running against her, or can beat her, for now. And, Pelosi would have a very strong case for staying in power if Democrats win the majority in the House.

NYT, A1 -- JONATHAN MARTIN and **ALEX BURNS: "For Republican Leaders in Congress, the Headaches Keep Mounting":** "Speaking at a high-dollar fund-raiser for his re-election at Le Cirque restaurant in New York last week, Mr. Trump asked contributors what they would think if he worked with Democrats on health care, should Republicans prove unable to repeal the Affordable Care Act, according to a dinner attendee.

"'I might very well end up making a deal with the Democrats,' he said, drawing applause. 'I got to my desk,' he said, recalling his expectations when he arrived in the White House. 'I said, 'Where's the health care bill, where is repeal and replace?' And it's just been constant fighting.'" http://nyti.ms/2fVUksZ

BEHIND THE SCENES -- INSIDE TIM MURPHY'S DEMISE -- RACHAEL BADE, JAKE SHERMAN and **JOHN BRESNAHAN:** "Multiple top House Republicans during the past 24 hours pressured Murphy to resign once it became clear that the House Ethics Committee might have to investigate allegations tied to his reported mistreatment of staffers. Numerous GOP sources were aware of systemic problems in Murphy's office, including high staff turnover, which had been the topic of gossip and speculation for years. ...

"According to these aides, [chief of staff Susan] Mosychuk regularly engaged in brutal verbal abuse of lower-ranking aides, from calling aides 'worthless' and their work 'garbage' to asking derisively, 'Do you or do you not have a fucking college degree?' ...

"Prior to his resignation, POLITICO had begun seeking information from Murphy office's about whether Mosychuk earned more in outside income than was allowed under House rules. For several years, she received payments from Murphy's congressional office as well as his campaign." http://politi.co/2fNkLx2

POOL REPORT DU JOUR - From pooler Jordan Fabian of The Hill last night at 7:38 p.m.: "Around 7:10 PM, after a travel/photo lid was called, White House staff hastily assembled the pool to cover a photo spray with military leaders and their spouses before a dinner with POTUS and FLOTUS. POTUS made no news, but he did offer some cryptic remarks to the press corps. Pool was led into the State Dining Room at 7:18 PM. A five-piece Marine Corps band positioned in the entrance hall played classical music. ...

"POTUS and FLOTUS stood side-by-side in the middle of more than a dozen couples who were lined up for an official photo. ... POTUS pointed around the room and asked members of the pool, 'you guys know what this represents?' 'Tell us,' one reporter

responded. 'Maybe it's the calm before the storm,' POTUS replied. 'What's the storm?' another reporter asked. 'On Iran? On ISIS? On what?' 'We have the world's great military people,' POTUS replied. 'Thank you all for coming.' Kristen Welker of NBC News asked, 'what storm Mr. President?' 'You'll find out,' POTUS replied." ***43-second video*** http://bit.ly/2y3HGhR

IN THE WHITE HOUSE -- "John Kelly's personal cellphone was compromised, White House believes," by Josh Dawsey, Emily Stephenson and Andrea Peterson: "The discovery raises concerns that hackers or foreign governments may have had access to data on Kelly's phone while he was secretary of Homeland Security and after he joined the West Wing. Tech support staff discovered the suspected breach after Kelly turned his phone in to White House tech support this summer complaining that it wasn't working or updating software properly. Kelly told the staffers the phone hadn't been working properly for months, according to the officials." http://politi.co/2gexhX5

CHAMPAGNE TASTE -- "Seven Flights for $800,000: Mnuchin's Travel on Military Jets," by NYT's Alan Rappeport: "Treasury Secretary Steven Mnuchin has flown on military aircraft seven times since March at a cost of more than $800,000, including a $15,000 round-trip flight to New York to meet with President Trump at Trump Tower, according to the Treasury Department's Office of Inspector General. The inquiry into Mr. Mnuchin's air travel, prompted by an Instagram posting by his wife, found he broke no laws in his use of military aircraft but lamented the loose justification provided for such costly flights.

"'What is of concern is a disconnect between the standard of proof called for' by the Office of Management and Budget 'and the actual amount of proof provided by Treasury and accepted by the White House in justifying these trip requests,' the inspector general wrote." http://nyti.ms/2ysOzL8

-- @davidgura: "Last week, his predecessor [Jack Lew] told me this: 'I never used military aircraft for domestic travel'" http://bit.ly/2fQjm9k

-- BLOOMBERG: "Inside the Saudi King's 1,500-Person Entourage in Moscow": "Saudi King Salman bin Abdulaziz brought 1,500 people, a golden escalator and his own carpets on his historic, four-day state visit to Russia, a person familiar with the matter said. ... A Saudi plane is traveling daily between Riyadh and Moscow to transport supplies, said the person, who said that 800 kilograms (1,764 pounds) of food has been brought in. Members of the royal entourage also replaced some of the hotel staff with their own personnel, who know exactly how they like their coffee made, the person said. King Salman, who's staying at the Four Seasons, also came with his own furniture.

"The Saudi government booked two entire luxury hotels for the visit: the Ritz Carlton and the Four Seasons. The latter had to ask some guests to cancel their reservations to make room -- and even moved out people who live in the hotel permanently." https://bloom.bg/2ksrnXb

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INSIDE THE WEST WING -- "Tillerson Summoned to White House Amid Presidential Fury," by NBC News' Carol E. Lee, Kristen Welker, Courtney Kube and Andrew Mitchell: "John Kelly, the White House chief of staff, abruptly scrapped plans to travel with President Donald Trump on Wednesday so he could try to contain his boss's fury and manage the fallout from new revelations about tensions between the president and Secretary of State Rex Tillerson, according to six senior administration officials. Kelly summoned Tillerson, and their ally Defense Secretary James Mattis, to the White House, where the three of them huddled to discuss a path forward, according to three administration officials.

"The White House downplayed Kelly's decision to stay in Washington, saying he did so to manage day-to-day operations. Vice President Mike Pence, meanwhile, was fuming in Phoenix, where he was traveling ... Pence was incensed upon learning from the NBC report that Tillerson's top spokesman had said he once privately questioned the value of Nikki Haley, the U.S. ambassador to the United Nations. Officials said the spokesman, R.C. Hammond, fabricated an anecdote that Pence had asked Tillerson in a meeting whether Haley, who is seen as a possible successor if Tillerson, is helpful or harmful to the administration." http://nbcnews.to/2yN76On

THE LATEST IN LAS VEGAS ...

-- "Search for a Motive in Las Vegas: Slow but 'We'll Get There'," by NYT's Jennifer Medina, Alex Burns and Adam Goldman: "[I]n the four days since Stephen Paddock's attack in Las Vegas - a shooting rampage that left 58 dead and hundreds seriously wounded - what drove him has remained a mystery, vexing the public and putting enormous pressure on federal and local investigators to find answers.

"'In the spirit of the safety of this community or anywhere else in the United States I think it's important to provide that information, but I don't have it,' Sheriff Joseph Lombardo of the Las Vegas Metropolitan Police Department said in an interview Thursday. 'We don't know it yet.' No grandiose manifesto has been found. No account of Mr. Paddock behaving dangerously or holding extremist views has emerged from neighbors or relatives. Unlike past killers, Mr. Paddock did not dial up the police to explain his actions." http://nyti.ms/2gfAdD6

-- "Vegas Shooter's Girlfriend Says He Would Lie in Bed Moaning, Screaming," by NBC News' Julia Ainsley and Ken Dilanian: "Marilou Danley, the woman investigators hoped would provide key details into the motive behind her boyfriend's deadly shooting attack, said she remembers him exhibiting symptoms such as lying in bed and moaning, according to two former FBI officials who have been briefed on the matter. 'She said he

would lie in bed, just moaning and screaming, 'Oh, my God," one of the former officials said. The other former official said Danley spoke about Paddock displaying 'mental health symptoms.' Investigators believe Stephen Paddock, who claimed nearly 60 lives and injured hundreds more in Las Vegas on Sunday, may have been in physical or mental anguish, the sources said." http://nbcnews.to/2y3SfBY

-- "Thousands mourn slain officer as Las Vegas probe goes on," by AP's Michael Balsamo and Brian Melley: http://bit.ly/2xkXBcW

-- "YouTube Tweaks Search Results as Las Vegas Conspiracy Theories Rise to Top," by WSJ's Jack Nicas: "YouTube this week surfaced videos peddling misinformation, hateful messages and conspiracy theories to users tracking major news events-prompting the site to change its search results to promote more authoritative sources. For example, the fifth result when searching 'Las Vegas shooting' on YouTube late Tuesday yielded a video titled 'Proof Las Vegas Shooting Was a FALSE FLAG attack-Shooter on 4th Floor.'

" **The video said there were multiple shooters** in Sunday's mass shooting, a claim dismissed by law enforcement. Posted by a channel called the End Times News Report, it amassed more than 1.1 million views in about 27 hours. The fourth result when searching 'NFL anthem protest' on Wednesday was a video that claimed Anheuser-Busch InBev was considering pulling its sponsorship of the National Football League over national anthem protests-and urged viewers to push the company to do so. The claim had been widely debunked days before." http://on.wsj.com/2kvnWiv

THE NRA SPEAKS -- "NRA CEO says legislation regulating guns won't prevent mass shootings," by Cristiano Lima: "[NRA] CEO Wayne LaPierre slammed the latest push for gun control legislation as effectively pointless in the wake of Sunday's deadly shooting in Las Vegas during a rare public interview on Thursday. 'If legislation worked, Boston massacre wouldn't have worked, San Bernardino where California has every gun law on the books, that wouldn't have happened,' La Pierre said during an interview with Fox News. ...

"LaPierre reiterated his organization's support of increased regulation on 'bump stocks,' the weapon accessory the Las Vegas gunman used to boost the firing rate of his semi-automatic weapons. 'What the NRA has said is we ought to take a look at that and see if it's in compliance with federal law and it's worthy of additional regulation,' LaPierre said of 'bump stocks' during an interview on Fox News. But he cautioned: 'That being said, we didn't say ban [them], we didn't say confiscate [them].'" http://politi.co/2ysTdbP

-- @realDonaldTrump at 9:58 p.m.: "Ralph Northam,who is running for Governor of Virginia,is fighting for the violent MS-13 killer gangs & sanctuary cities. Vote Ed Gillespie!" ***Gillespie didn't retweet this***.

HMM -- "FEMA removes statistics about drinking water access and electricity in

Puerto Rico from website," by WaPo's Jenna Johnson: "As of Wednesday, half of Puerto Ricans had access to drinking water and 5 percent of the island had electricity, according to statistics published by the Federal Emergency Management Agency on its Web page documenting the federal response to Hurricane Maria. By Thursday morning, both of those key metrics were no longer on the Web page. FEMA spokesman William Booher ... said that these measures are also shared in news conferences and media calls that happen twice a day, but he didn't elaborate on why they are no longer on the main FEMA page." http://wapo.st/2fYnvLT

ON THE WORLD STAGE -- "Trump plans to declare that Iran nuclear deal is not in the national interest," by WaPo's Anne Gearan and Karoun Demirjian: "President Trump is expected to announce next week that he will 'decertify' the international nuclear deal with Iran, saying it is not in the national interest of the United States and kicking the issue to a reluctant Congress, people briefed on the White House strategy said Thursday.

"The move would mark the first step in a process that could eventually result in the resumption of U.S. sanctions against Iran, potentially derailing a deal limiting Iran's nuclear activities reached in 2015 with the United States and five other nations. But Trump would hold off on recommending that Congress reimpose sanctions, which would constitute a clearer break from the pact, according to four people familiar with aspects of the president's thinking." http://wapo.st/2ysHLNh

BOB COSTA PROFILE -- "No snark allowed: PBS' 'Washington Week' stays true to form," by AP's Lynn Elber in Los Angeles: "For 50 years, PBS' 'Washington Week' has gathered a rotating group of reporters to share and discuss information about the nation's most pressing issues. It's an approach that's satisfyingly wonkish and, amid a TV sea of partisan megaphones and questions about journalism's role, especially important.

"An 'oasis' is how Robert Costa, The Washington Post reporter who was named the show's moderator last April after the loss of much-admired Gwen Ifill to cancer in November 2016, describes it. 'We don't have polemicists on. We don't have people who are columnists. We have reporters,' he said. 'No snark, no apocalyptic ventilating about the news, no snide opinions, no praise. Analysis. It's not complicated.'" http://bit.ly/2y3MZOj

TRUMP'S FRIDAY -- Trump will receive his daily intel briefing in the morning. He will participate in a Hispanic Heritage Month event this afternoon and later will sign the National Manufacturing Day proclamation. He will also meet with Treasury Secretary Steven Mnuchin and the U.S. Ambassador to Russia Jon Huntsman.

THE JUICE ...

-- **FIRST IN PLAYBOOK:** Sen. Tim Kaine (D-Va.) raised $1.8 million in the third quarter, and has more than $8.4 million on hand, according to his campaign. Kaine is up for

reelection in 2018.

TONIGHT -- Game 1, NLDS, Washington Nationals vs. Chicago Cubs, 7:31 p.m., TBS.

Playbook Reads

PHOTO DU JOUR: President Donald Trump and first lady Melania Trump, center, pose for a group photo with senior military leaders and their spouses in the State Dining Room of the White House on Oct. 5. During the photo-op the president made a cryptic remark, saying about the gathering, "maybe it's the calm before the storm." | Andrew Harrer/Pool/Getty

HOLLYWOODLAND -- "Decades of Sexual Harassment Accusations Against Harvey Weinstein," by NYT's Jodi Kantor and Megan Twohey: "An investigation by The New York Times found previously undisclosed allegations against Mr. Weinstein stretching over nearly three decades, documented through interviews with current and former employees and film industry workers, as well as legal records, emails and internal documents from the businesses he has run, Miramax and the Weinstein Company.

"During that time, after being confronted with allegations including sexual harassment and unwanted physical contact, Mr. Weinstein has reached at least eight settlements with women, according to two company officials speaking on the condition of anonymity. Among the recipients, The Times found, were a young assistant in New York in 1990, an actress in 1997, an assistant in London in 1998, an Italian model in 2015 and [colleague Lauren] O'Connor shortly after, according to records and those familiar with the agreements." http://nyti.ms/2xmtYD5

-- @Yashar: "New statement from Harvey Weinstein after bombshell NYT story. Says he's going to take leave and focus on the NRA" http://bit.ly/2fVW4CH

--"Why the Harvey Weinstein Sexual Harassment Allegations Didn't Come Out Until Now," by Rebecca Traister on The Cut: "The night before 2000 election, I was working on a story-perhaps my first seriously reported story-about O, the violent reimagining of Othello that Miramax's Dimension division was then sitting on ... After Weinstein failed to respond to my calls for comment, I was sent, on Election Eve 2000, to cover a book party he was hosting, along with my colleague Andrew Goldman. Weinstein didn't like my question about O, there was an altercation; though the recording has alas been lost to time, I recall that he called me a c*** and declared that he was glad he was the 'f***ing sheriff of this fucking lawless piece-of-s*** town.'

"When my colleague Andrew (who was also then my boyfriend) intervened, first calming him down and then trying to extract an apology, Weinstein went nuclear,

pushing Andrew down a set of steps inside the Tribeca Grand-knocking him over with such force that his tape-recorder hit a woman, who suffered long-term injury-and dragging Andrew, in a headlock, onto Sixth Avenue." http://bit.ly/2fOOwh5

--"Former Obama Adviser Anita Dunn Helped Harvey Weinstein Strategize Before New York Times Story," by BuzzFeed's Steven Perlberg: "Anita Dunn, a top Obama campaign staffer and former White House communications director, helped offer damage control advice for the Hollywood mogul. ... Dunn was not paid by Weinstein for her help ... Sources said that Lanny Davis, former special counsel to Bill Clinton, has been central to the PR effort for Weinstein, who is a major Democratic donor.

"Dunn, for her part, is the managing director of SKDKnickerbocker, a Washington public affairs firm with deep ties to Democratic politics. ... Later on Thursday, SKDK put out a statement on the matter: 'Today you may have seen a news report indicating that our colleague Anita Dunn recently advised Harvey Weinstein. Anita was asked to speak with him by a friend. Harvey Weinstein and Miramax are not now and have never been clients of our firm or of Anita's.'" http://bzfd.it/2y3wm5l

-- "Harvey Weinstein gives first interview after shocking sex harassment claims," by Page Six's Emily Smith: http://pge.sx/2wADuTt

OBAMACARE -- "As ACA enrollment nears, administration keeps cutting federal support of the law," by WaPo's Juliet Eilperin: "For months, officials in Republican-controlled Iowa had sought federal permission to revitalize their ailing health-insurance marketplace. Then President Trump read about the request in a newspaper story and called the federal director weighing the application. Trump's message in late August was clear, according to individuals who spoke on the condition of anonymity to discuss private conversations: Tell Iowa no. Supporters of the Affordable Care Act see the president's opposition even to changes sought by conservative states as part of a broader campaign by his administration to undermine the 2010 health-care law." http://wapo.st/2xY2ohh

THE ADMINISTRATION -- "Trump Nominates a Coal Lobbyist to Be No. 2 at E.P.A.," by NYT's Lisa Friedman: "President Trump on Thursday nominated Andrew R. Wheeler, a coal lobbyist with links to outspoken deniers of established science on climate change, to help lead the Environmental Protection Agency. In announcing Mr. Wheeler, a former aide to Senator James M. Inhofe, to be deputy administrator of the agency, the White House tapped an experienced legislative hand reviled by environmental activists but hailed by industry as having the know-how to dismantle Obama-era fossil fuel regulations." http://nyti.ms/2wAO0Kt

****** **A message from Koch Industries:** Providing educational opportunities to students can be a challenge. But changing lives requires empowering young minds. That's why Koch Industries supports educational initiatives for all students. We've helped more than 21,000 high school students across 10 states develop their entrepreneurial skills through Youth Entrepreneurs. And we've donated millions to the

United Negro College Fund to make quality college educations possible for minority students. See how we are making a difference at ChallengeAccepted.com. ******

DEEP DIVE -- "Here's How Breitbart And Milo Smuggled Nazi and White Nationalist Ideas Into The Mainstream," by BuzzFeed's Joseph Bernstein: "On December 8, the New York Times published a major story about the radicalization of American Muslims on Facebook. Yiannopoulos published a story called 'Birth Control Makes Women Unattractive and Crazy.' That afternoon, Bannon emailed Yiannopoulos and Marlow. 'Dude---we r in a global existentialist war where our enemy EXISTS in social media and u r jerking yourself off w/ marginalia!!!! U should be OWNING this conversation because u r everything they hate!!! Drop your toys, pick up your tools and go help save western civilization.' 'Message received,' Yiannopoulos wrote back. 'I will do a Week of Islam next week.' ...

"And there was no way the journalists threatened with lawsuits for calling Yiannopoulos a racist could have known about his passwords. In an April 6 email, Allum Bokhari mentioned having had access to an account of Yiannopoulos's with 'a password that began with the word Kristall.' Kristallnacht, an infamous 1938 riot against German Jews carried out by the SA - the paramilitary organization that helped Hitler rise to power - is sometimes considered the beginning of the Holocaust. In a June 2016 email to an assistant, Yiannopoulos shared the password to his email, which began 'LongKnives1290.' The Night of the Long Knives was the Nazi purge of the leadership of the SA. The purge famously included Ernst Röhm, the SA's gay leader. 1290 is the year King Edward I expelled the Jews from England." http://bzfd.it/2fYnEPr

RUSSIA WATCH -- "Russian Hackers Stole NSA Data on U.S. Cyber Defense," by WSJ's Gordon Lubold and Shane Harris: "Hackers working for the Russian government stole details of how the U.S. penetrates foreign computer networks and defends against cyberattacks after a [NSA] contractor removed the highly classified material and put it on his home computer, according to multiple people with knowledge of the matter.

"The hackers appear to have targeted the contractor after identifying the files through the contractor's use of a popular antivirus software made by Russia-based Kaspersky Lab ... The theft, which hasn't been disclosed, is considered by experts to be one of the most significant security breaches in recent years. It offers a rare glimpse into how the intelligence community thinks Russian intelligence exploits a widely available commercial software product to spy on the U.S." http://on.wsj.com/2z0AtgV

-- "Facebook Cut Russia Out of April Report on Election Influence," by WSJ's Robert McMillan and Shane Harris: "Facebook cut references to Russia from a public report in April about manipulation of its platform around the presidential election because of concerns among the company's lawyers and members of its policy team, according to people familiar with the matter. ... Some at Facebook pushed to not include a mention of Russia in the report because the company's understanding of Russian activity was too speculative ... Ultimately, the 13-page report, published on April 27 and titled 'Information Operations and Facebook,' was shortened by several pages by

Facebook's legal and policy teams from an earlier draft, and didn't mention Russia at all." http://on.wsj.com/2y42Fkr

-- MUELLER UPDATE: "Mueller's team met with Russia dossier author," by CNN's Evan Perez, Shimon Prokupecz and Pamela Brown: "Special Counsel Robert Mueller's investigators met this past summer with the former British spy whose dossier on alleged Russian efforts to aid the Trump campaign spawned months of investigations that have hobbled the Trump administration, according to two people familiar with the matter. Information from Christopher Steele, a former MI-6 officer, could help investigators determine whether contacts between people associated with the Trump campaign and suspected Russian operatives broke any laws." http://cnn.it/2hSC6sQ

Playbookers

SPOTTED: Steve Bannon getting into an SUV at Cafe Milano last night after a foreign policy dinner focused on Kazakhstan in a private room ... Jared Kushner walking with a security detail up Connecticut Avenue on Thursday night ... OMB Director Mick Mulvaney last night at a reception honoring the Irish minister for foreign affairs and trade Simon Coveney at Ambassador Dan Mulhall's residence off DuPont Circle.

SUNDAY SO FAR -- NBC's "Meet the Press": House Majority Whip Steve Scalise (R-La.). Panel: Kristen Welker, Carol Lee, Eugene Robinson, Hugh Hewitt

-- CBS' "Face the Nation": Sen. Dianne Feinstein (D-Calif.) ... Wayne LaPierre ... Mary Ellen O'Toole, Fran Townsend, and Adam Winkler. Political panel: Jeffrey Goldberg, David Leonhardt, Susan Page, and Ramesh Ponnuru

-- ABC's "This Week": Rep. Seth Moulton (D-Mass.) and Rep. Scott Taylor (R-Va.). Panel: Matthew Dowd, Geoff Bennett, Jeanne Cummings, and Susan Glasser

-- CNN's "State of the Union": Sen. Chris Murphy (D-Conn.) ... Sen. Ron Johnson (R-Wis.)

-- CNN's "Inside Politics," hosted by John King: Abby Phillip, Karoun Demirjian, Michael Warren, Sara Murray

-- "Fox News Sunday": Steve Wynn ... Power Player: Leland Melvin, former NASA astronaut ... Panel: Gillian Turner, Julie Pace, Tom Rogan, Juan Williams

BIRTHDAY OF THE DAY: Tracy Sefl, Democratic communications consultant, celebrating "at Nationals Park cheering for the Cubs to beat the Nationals in Game 1 of the National League Division Series. I'll likely lose my voice, which will make any post-game plans less raucous." **How she thinks the Trump presidency is going:** "I'm sorry, I can't hear you over the sound of my sobs." **Read her Playbook Plus Q&A:**

http://politi.co/2yMy0px

BIRTHDAYS: Jonathan Alter is 6-0 (hat tip: Carl Lavin) ... Les Moonves, CBS chairman and CEO, is 68 ... Darrell West is 63 ... Tucker Martin ... Gerry Adams, president of Sinn Fein, is 69 ... Artur Orkisz, president of American Polish Forum and senior advisor for congressional affairs and public diplomacy at the Polish Embassy ... House Majority Whip Steve Scalise (R-La.) is 52 ... Rep. Lloyd Doggett (D-Tex.) is 71 ... Rep. Brian Higgins (D-NY) is 58 ... Will O'Connor, senior editor and writer at The Daily Beast, is 27 ... USA Today's Eliza Collins ... Adam Sneed ... Lynette Gilliam ... Evan Williams, LC for Sen. Moran (R-Kans.) ... Ashley O'Sullivan ... Tara DiJulio, global public affairs for GE, celebrating at game 1 of the Nats/Cubs division series (h/ts Deirdre Latour and AshLee Strong) ... Taylor Kiland ... Ruby Mellen ... Brett Gerson ... Jeff Ostermayer, director of media relations at the Edison Electric institute and Bush 43 DHS alum (h/t Ed Cash) ...

... Aric Newhouse, NAM's SVP of policy and gov't relations ... David Nason, CEO of GE Energy Financial Services ... Stephanie Genco of S-3 Public Affairs, a "Baltimore loving, bicycle riding, PR superstar" (h/t Amos Snead) ... Jen Rokala ... David A. Andelman, columnist for USA Today, is 73 ... Politico's Caroline Collins ... Kathleen Connery Dawe ... Lauren Whittington ... BBC's Rowan Bridge ... WaPo's Amy Gardner ... Veronica Wong, COS for Rep. Darrell Issa (R-Calif.) ... Jonathan Wilcox (h/ts Kurt Bardella) ... Doug McPherson ... Carlos Diaz Barriga ... Guillaume Nadd-Mitterrand ... Steve Grand ... Megan Piwowar ... Miles Radcliffe-Trenner ... Robert Stacy McCain ... Anjani Nadadur ... GOP pollster Wes Anderson ... Nolan Treadway ... Brenda Larsen Becker ... Tony Marcano ... Matt Brock ... George Onuorah ... Tony Dungy is 62 (h/t Peter Watkins) ... Sara Rogers ... David Vilmain ... Ted Osthelder ... Brenda Wood ... Kathy Welchert ... Erica Matthews (h/ts Teresa Vilmain)

****** **A message from Koch Industries:** By 2020, it's estimated that the U.S. will face a shortfall of as many as 10 million skilled workers. Filling these open roles is going to be a big challenge, but we've long believed in the value and importance of skilled trades - roles held by many of our more than 70,000 U.S. employees. To help meet this projected demand, we've partnered with SKILLS USA and the mikeroweWORKS Foundation to provide Work Ethic Scholarships to students pursuing training in skilled trades. We are committed to supporting educational initiatives that help more Americans make a living while improving their quality of life. Learn more at ChallengeAccepted.com. ******

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Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

GE, Tesla to Outfit 50 Home Depot Stores with Solar Panels

Posted August 17, 2017, 02:01 P.M. ET

By Christopher Martin

General Electric Co.'s Current unit and Tesla Inc. will install solar systems on 50 Home Depot Inc. stores and sell the power output to the retailer.

The solar rooftops will generate enough electricity to reduce each store's demand from local utility grids by about one third, Atlanta-based Home Depot said in a statement Thursday. It's part of a company plan to get 135 megawatts of clean energy at its stores by 2020.

Home Depot will buy the output from each of the systems under power purchase agreements in New York, New Jersey, Connecticut, California and Washington, D.C. Six locations will also get battery storage from Tesla. Terms weren't disclosed.

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An Eclipse Is What the U.S. Power Sector's Been Waiting For

Posted August 17, 2017, 01:23 P.M. ET

By Naureen S. Malik, Christopher Martin and Mark Chediak

Turns out the solar eclipse, set to plunge parts of the U.S. into total darkness on Aug. 21, will offer exactly what the power sector's been looking for: a completely predictable stage for experiments.

It's not often that power grid operators, utilities and electricity generators get such precise and advance notice about more than 12,000 megawatts of solar power supplies set to suddenly drop off their systems. And some are looking forward to it—as a means of testing plants, software and markets refined in recent years in anticipation of the day when renewable energy becomes the world's dominant source of power.

The way David Shepheard, managing director at consultant Accenture Plc, sees it: The eclipse is the "forecastable dress rehearsal" for the grid of the future. It'll be the perfect test, he says, "for operating the grid when the sun doesn't shine and the wind doesn't blow."

Here's a closer look at what utilities, power generators and grid operators will be watching as the eclipse plays out:

Perfecting Forecasting

Charlie Gay, director of the U.S. Energy Department's SunShot Initiative, expects the eclipse to provide instant validation for power forecasting models being developed. The department is working with the National Renewable Energy Laboratory and grid operators to improve software controls that balance supply and demand as the continent goes dark.

"It gives us a test for the models," he said. Using satellite data and maps of solar plant locations, the group expects to be able to match forecasts with what actually occurs before, during and after the eclipse.

Grid operators including PJM Interconnection LLC and Southwest Power Pool are similarly using the eclipse to measure exactly how much rooftop solar is on their systems and improve their supply models for the next eclipse in 2024.

Sizing Up Software

The proliferation of so-called smart meters, energy management equipment and software has helped provide power-line operators better data on the homes and businesses they supply. Some utilities can now control their customers' air conditioners using remote devices, helping them curb demand during extreme weather.

The need for such software and technology has only grown as rooftop solar panels increasingly turn consumers into mini-generators. "Smart" inverters can now help balance the voltage and frequency coming from solar panels.

Grids and utilities "are quite frankly becoming tech companies" in their need to crunch big data to operate more efficiently, and this eclipse "is a little bit like Y2K," said Austin Whitman, director of regulatory affairs at FirstFuel Software Inc. in Boston.

The event is going to give grid operators a chance to fine-tune their toolkit for dealing with big wind and solar fluctuations, the Energy Department's Gay said. Battery storage may end up playing a bigger role because it offers more flexibility, Accenture's Shepheard said.

Backing Up Solar

Utilities including PG&E Corp. and Edison International will also be relying on natural gas-fired power plants and hydropower resources to pick up the slack when the moon blocks the sun and solar power's wiped out.

The event is coming at an opportune time for California to flex its hydropower muscle. Snow is melting and hydro is plentiful. The flood of quick supplies is what the state is hoping to dispatch to fill a 6,000-megawatt void of solar energy.

In North Carolina, a part of which will see total darkness during the eclipse, Duke Energy Corp. expects about 2,000 megawatts, or 80 percent, of utility-scale solar farms to go offline. The utility will treat it like a "gradual sunset," said spokeswoman Tammie McGee, estimating that as much as

1,200 megawatts of gas generation will help pick up the slack. The so-called energy imbalance market, formed by a group of utilities and California's grid operator to trade power in real-time across much of the western U.S., will also be put to the test. Berkshire Hathaway Energy's NV Energy utility in Nevada said it'll rely on this regional system, capable of dispatching power every five minutes, to help balance supply swings and set aside 400 megawatts in reserves.

Power Surge?

Power bulls could meanwhile enjoy a rally in wholesale electricity prices due to solar's sudden slide. The eclipse will start curbing solar a little after 9 a.m., just when the work week is ramping up and demand is taking off. According to energy data provider Genscape Inc., the event may extend the typical period of high power prices in California by about two hours.

Prices will probably retreat as soon as the moon starts moving past the sun and solar farms return, Genscape said. And the market impact in Texas, the Midwest and the East Coast will be limited because the region's home to smaller concentrations of solar.

Those within the path of the shadow may feel a 10-degree Fahrenheit drop in temperatures, probably not enough to affect gas demand, according to WTRG Economics. "But power companies will be busy for a half hour or so trying to balance the load," the energy research firm said in a report.

Voltage Swings

Transmission operators have spent years adapting to growing volumes of renewable power coursing through U.S. power lines. So they're not anticipating outages as a result of voltage fluctuations. Utilities from California to North Carolina have also been preparing for months to avoid sudden voltage losses.

"One of the advantages of being a national leader in the amount of solar energy connected to the grid is that our operators are experienced with dealing with fluctuations in solar power production due to weather conditions," said Paul Grigaux, vice president of transmission substations and operations for Edison's Southern California Edison utility.

And solar's decline doesn't just affect high-voltage transmission lines. Utilities in California and New Jersey, where large concentrations of households have installed solar panels on their rooftops, will have to deal with fluctuating voltage levels on local power lines.

While Duke plans to follow the same procedures it always follows during sudden outages, McGee noted that the magnitude of this event "is fairly unprecedented."

—With assistance from Sophie Caronello.

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Blackout Could Pressure Taiwan Leader to Reconsider Energy Policy

Posted August 17, 2017, 11:24 A.M. ET

By Stephen Stapczynski

A blackout in Taiwan Aug. 15 that struck about 6 million households may force President Tsai Ing-wen to reconsider her anti-nuclear stance and open the country's electrical grid to outside investment.

The island's energy security and the feasibility of Tsai's plan to phase-out atomic reactors by 2025 and reduce coal-fired generation is coming under greater scrutiny, BMI Research said in an Aug. 16 note. So far Tsai hasn't backed down on promises to shut the country's remaining nuclear power stations, but public pressure could determine the extent to which policies change, according to Gloria Hsu, a professor at National Taiwan University.

While the disruption was caused by human error that resulted in about 9 percent of Taiwan's generation capacity going offline, the outage highlighted the country's limited number of power plants. The reliability of that supply, generated and distributed by state-run companies, is crucial to the success of Taiwan's semiconductor industry that had sales of about $71 billion in 2015 and supplies companies including Apple Inc.

"The government may be forced to reconsider its anti-nuclear stance," said Joseph Jacobelli, an analyst at Bloomberg Intelligence. "Market liberalization could be seriously advanced as Taiwan desperately needs private investment in its power infrastructure."

Taiwan plans to separate Taiwan Power Co., known as Taipower, into separate entities to handle power generation and transmission and distribution, according to electricity act amendments passed in January. But that effort is far too little and the government should should focus on more "rational and less populist" energy policies, said Jacobelli.

Tsai posted an apology on Facebook and included a reiteration of her determination to push forward with phasing out nuclear power in favor of renewable energy.

—With assistance from Yu-Huay Sun, Chinmei Sung, and Dan Murtaugh.

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China's Blue Skies Target May Make for Winter Gas Crunch

Posted August 17, 2017, 10:02 A.M. ET

By Aibing Guo, Jing Yang, and Dan Murtaugh

Chinese President Xi Jinping's government beat expectations in its drive to help clear the nation's notoriously smoggy skies by burning less coal and oil in favor of cleaner natural gas.

Now that success may be too much, too soon.

Gas consumption rose 15 percent in the first half of the year, including a 27 percent jump in June, as industrial customers shift toward the fuel and as distributors add more residential users. That surge during the traditionally low-demand part of the year raises the possibility that the country may find itself short of gas when winter hits, according analysts at Jefferies Group LLC and SCI International.

"China could be setting itself up for a nasty winter gas shortage," Laban Yu, a Hong Kong-based analyst at Jefferies, said this month in a research note. "We believe gas prices will have to increase,

especially in winter months, to balance supply and China's regulation-induced demand surge."

China's drive to use more natural gas and renewables has seen coal's share of the energy mix drop to just below 60 percent during the first half of the year, according to the National Energy Administration. It accounted for 64 percent in 2015, and the government is aiming for 58 percent by 2020.

China's natural gas demand will rise to 620 billion cubic meters a year by 2030, China National Petroleum Corp. said in an Aug. 16 report. The country used 206 billion cubic meters last year, according to the National Development and Reform Commission.

Natural gas use tends to fall into two categories: recurring demand from activities like power generation and industrial plants, and seasonal demand for powering air conditioners in summer and heating homes in winter. For China, which has hundreds of millions of people living in colder northern cities like Beijing, Tianjin, and Harbin, consumption peaks in the winter.

But demand this year is booming in the middle of summer. Imports in July jumped by 55 percent over the previous year and are up by almost 21 percent for the entire year, according to the General Administration of Customs. That's on top of a 8.8 percent increase in domestic output during the first seven months of the year, according to the National Bureau of Statistics.

'Big' Increase

In 2015 and 2016, seasonal demand meant December consumption was double that during July. China Petrochemical Corp., one of the country's leading liquefied natural gas importers and known as Sinopec Group, is expecting "big" year-on-year increases in the winter and spring, Shanghai Securities News reported last week, citing comments from the company after its midyear work conference.

The government will likely push energy companies to ramp up imports and production and ensure that new terminals are online to meet winter demand, said Liu Guangbin, a gas analyst at Shandong based SCI International. Energy firms may use the surge in buying to bolster requests to the government to raise regulated domestic prices, he said.

"I expect the gas supply shortage this winter to be more severe than the situation in the previous two years due to sharp increase in demand from industrial users amid the government's coal-to-gas switching policy," he said.

Neither the National Development and Reform Commission, the nation's top economic planner, nor the NEA responded to faxed requests for comment.

More LNG

The growing global LNG market will help the country meet any surge in demand this winter, said Liu Ming Hui, executive chairman of China Gas Holdings Ltd., which distributes natural gas to homes and businesses. Other distributors, such as ENN Energy Holdings Ltd. and Guanghui Energy Co., have started importing LNG themselves to supplement supplies they typically bought from China's big state-owned energy firms.

LNG has made up almost 51 percent of China's natural gas import supply during the first half of the year, up from 48 percent last year and 44 percent in 2015, according to Bloomberg calculations using data from the General Administration of Customs.

China's gas prices are set by regulators, and they're among the highest in the world by a major gas consumer. The main city-gate price in June was 1,876.1 yuan per thousand cubic meters, which equated to about $7.73 per million British thermal units.

LNG Surge

A surge in LNG production, led by new facilities in Australia, boosted global output to a record in July, according to JP Morgan Chase & Co. New plants will ensure that there's ample supply for Chinese buyers, even as they are expected to increase imports this winter by 30 percent from last year, said Zhi Xin Chong, a Singapore-based analyst with Wood Mackenzie Ltd. Prices for spot LNG will probably only rise to the $7-to-$8 per million British thermal units level this year, compared to a peak near $10 last year, he said.

"We probably won't see the same sort of spike like last year," he said. "The new supply coming on to the market is already beginning to affect prices."

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Blackstone's New Pipeline Asset Is Wreaking Environmental Havoc

Posted August 17, 2017, 9:36 A.M. ET

By Naureen S. Malik and Catherine Traywick

In the energy business, it's one of the biggest projects going today: construction of a 710-mile pipeline to transport natural gas from America's most prolific shale deposit in the eastern U.S. to consumers in the Midwest and Canada. Even Blackstone Group LP has agreed to take a sizable stake.

But it holds another, more dubious, distinction. The Energy Transfer Partners LP pipeline has racked up more environmental violations than other major interstate natural gas pipelines built in the past two years, according to a Bloomberg analysis of regulatory filings during that period. And that's all since U.S. regulators approved the $4.2 billion project in February.

"Not only is it a situation where there are probably more incidents and more headlines than any other pipeline, on a project basis it's a magnitude that we haven't seen in years," said Kyle Cooper, director of research with IAF Advisors in Houston.

In Ohio, Energy Transfer has been cited for damaging protected wetlands and improperly disposing of wastewater, among other things. In West Virginia, a state regulator temporarily ordered the company last month to cease and desist activities after it inadvertently polluted streams.

And in Washington, the Federal Energy Regulatory Commission halted horizontal drilling on certain segments of the pipeline, following a massive 50,000-barrel spill of diesel-tainted drilling fluid.

The Rover pipeline, running from the Marcellus shale deposit, is Energy Transfer's biggest project since its controversial Dakota Access oil pipeline. Chief Executive Officer Kelcy Warren said July 31 that he was "baffled" by regulators' allegations. That same day, his company reached a deal to sell a 32 percent stake in the Rover unit to Blackstone for about $1.57 billion in cash. It's expected to close in the fourth quarter. Blackstone spokeswoman Paula Chirhart said the firm declined to

comment.

"Rover will be built in compliance with all safety and environmental regulations, and in some instances we will exceed those requirements," Energy Transfer spokeswoman Alexis Daniel said in response to Bloomberg's violation tally.

—With assistance from David Carey.

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China's Menswear Maker Swaps Stitching for Lithium Batteries

Posted August 17, 2017, 9:30 A.M. ET

By Bloomberg News

Ten years ago, Ningbo Shanshan Co. was primarily a maker of menswear turning out shirts, casual wear and business suits from its base of Ningbo, an industrial hub in China's Zhejiang province. Not anymore.

This week, the company announced that it will spend 3.81 billion yuan ($570 million) on a new energy-storage project in China's northern city of Baotou, bolstering its growing interest in the research, development and manufacture of lithium-ion batteries.

The move is the latest by the Chinese company to become a bigger player in the market for storing electricity for everything from electronic vehicles to laptop computers. It underscores an accelerating shift for a company that got almost all its sales from apparel in 2006.

Shanshan is "a serious player in the battery material business, so it's not a surprise" to see its new plan, said I-Chun Hsiao, a Tokyo-based analyst from Bloomberg New Energy Finance. "There's an oversupply in batteries in the short term."

The industry, he said, will see enough demand to boost manufacturing capacity by more than fourfold from 2021 to 2030. Chinese companies have about 57 gigawatt-hours of lithium-ion manufacturing capacity, with another 78 gigawatt-hours announced, according to Bloomberg New Energy Finance data.

The shift has been good for Shanshan investors. Its shares have gained about 45 percent in Shanghai trading this year, outpacing the Shanghai Stock Exchange Composite Index's 5 percent increase. Citic Securities Co.initiated coverage of the stock with a buy recommendation on Wednesday, predicting Shanshan will trade at 26.5 yuan within a year, a 25 percent increase from the close on Aug. 15.

Shanshan fell as much as 1.9 percent on Thursday in Shanghai.

Shanshan's newest project each year will be able to produce 100,000 metric tons of anodes—a component in lithium-ion batteries, according to a statement on the Shanghai stock exchange on Tuesday. Construction will begin in October and is expected to be completed by June 2019.

The new investment adds to Shanshan's purchase last month of 1.8 billion yuan of shares in China Molybdenum Co. in a private placement as part of its push to secure the raw materials use to

produce cathodes.

Battery materials accounted for almost 75 percent of Shanshan's revenue last year. That's up from 39 percent in 2011 and a far cry from virtually nothing in 2006 when it got 93 percent of its sales from making apparel, according to company filings.

Company Transformation

The transformation to battery material manufacturing has helped rejuvenate the company's earnings. Net income rose about 51 percent in the first half from the same period a year earlier to 339 million yuan mainly because of its battery materials business, the company said on Tuesday. Annual revenue has more than tripled in the past 10 years.

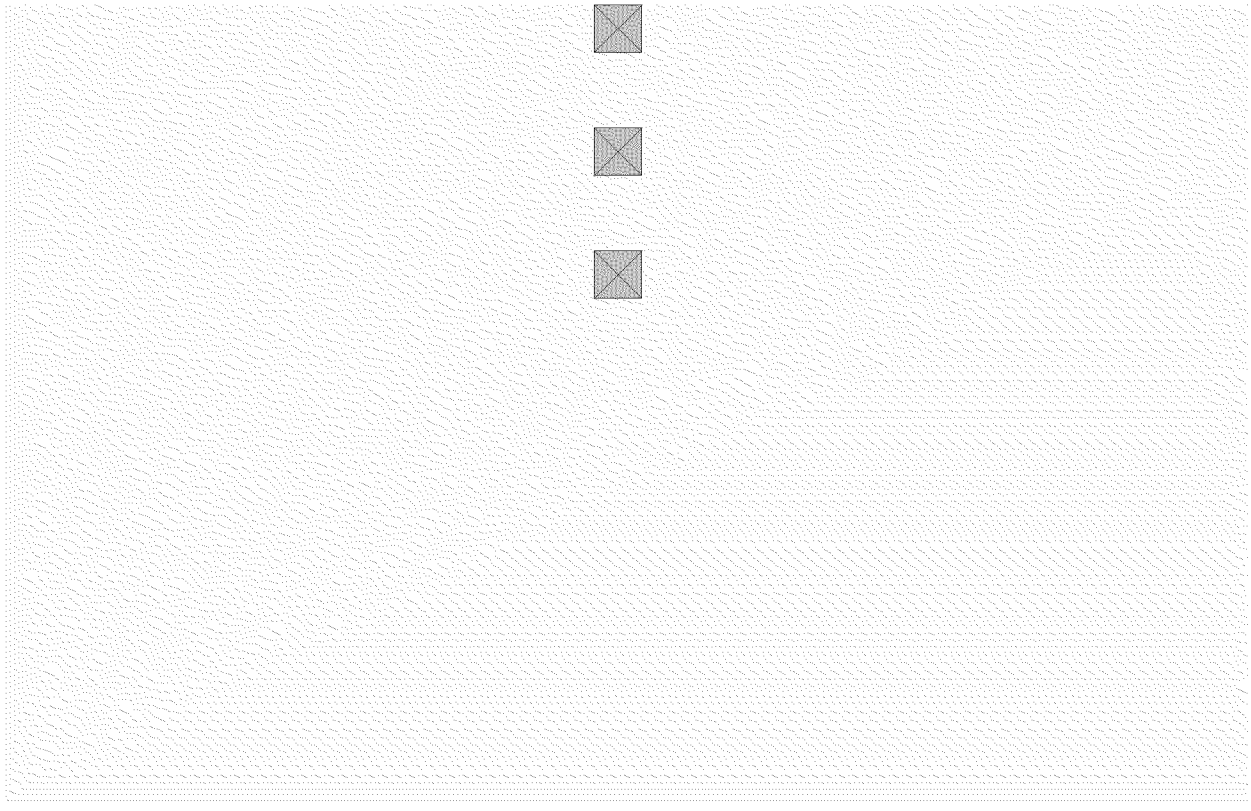
Besides anodes, Shanshan also produces other battery components such as cathodes and electrolytes. The company is expanding into more aspects of electric vehicle manufacturing, including battery system integration, vehicle design, research and development and charging pole construction.

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Energy and Climate Report

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Sent: Fri 7/28/2017 10:57:09 PM
Subject: July 28 -- Energy and Climate Report

Energy and Climate Report

July 28, 2017 - Number 145

News

Biofuels

Mexico's Ethanol Boost Fuels Cross-Border Environmental Debate

Mexico's decision to nearly double the amount of ethanol permitted in gasoline is pitting two big winners—U.S. corn growers and ethanol producers—against some environmental activists and Mexico's own auto industry.

Climate Regulation

States, Industry Seek Rehearing on Methane Lawsuit

A full federal appellate court should reconsider a decision that forced the EPA to implement methane emissions limits for the oil and gas industry that it plans to revise, states and industry groups said.

Energy

TransCanada Still Sees Producer Support for Keystone XL Line

TransCanada Corp. said it still expects commercial support for its controversial Keystone XL oil pipeline, tamping down speculation that it was having trouble finding customers for the long-delayed line.

Fuel Tax

Alaska Governor Signs Oil Tax Bill

Alaska Gov. Bill Walker (I) signed a bill prohibiting oil companies from exchanging tax credits for cash—bringing an end to a perk he and lawmakers say the state could no longer afford while the state wrestles with a $2.5 billion budget deficit.

General Policy

Week Ahead: South Dakota's Rounds Scrutinizes Superfund

Sen. Mike Rounds (R-S.D.), a critic of Superfund's management under President Barack Obama, will assess the Trump administration's progress on the issue Tuesday at a Senate subcommittee hearing—one of a handful of environment and energy events the week of July 31.

Motor Vehicles

Sacramento Scores Big in Volkswagen's Electric Vehicle Deal

California's capital city will get a huge chunk of the initial $200 million investment Volkswagen must make in the state's zero-emissions vehicle infrastructure.

Natural Resources

The U.S. Interior Department Has a New Mission: to Make Money

Under President Donald Trump, the U.S. agency that manages the national park system is tweaking its mission to include a new priority: Generating cash.

Oil & Gas

Funding for Russia Pipeline to EU at Risk With U.S. Sanctions

The financing of Russia's $11 billion natural gas pipeline through the Baltic Sea could be affected by sanctions that just passed the U.S. Senate, according to one of project's backers.

Renewable Energy

Trump May Have to Boost Biofuel as Court Deals Blow to Oil

The Trump administration may have to reconsider its proposal from earlier this month to curb biofuel use after a U.S. appeals court in Washington ruled that the Environmental Protection Agency doesn't have the authority to cut quotas while citing inadequate domestic supply.

Renewable Energy

Wind Projects in Peril as Indian States Rethink Purchase Pacts

Two Indian states at the forefront of adding renewables to their power mix are backtracking on agreements for at least one gigawatt of wind project and are seeking lower prices, potentially dealing a blow to Prime Minister Narendra Modi's green energy goals.

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Energy and Climate Report

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From: EPA Press Office
Sent: Mon 8/14/2017 3:45:15 PM
Subject: Administrator Scott Pruitt Talks About EPA, WOTUS and Baseball

IN CASE YOU MISSED IT ...

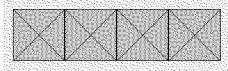
Administrator Scott Pruitt Talks About EPA, WOTUS and Baseball

WASHINGTON - Last week, Administrator Scott Pruitt was in Des Moines, Iowa where he sat down with KCCI's Close Up and WHO's The Insiders, which aired yesterday morning.

Click Here To Watch Scott Pruitt On KCCI-TV Des Moines

Click Here To Watch Scott Pruitt On WHO-TV Des Moines

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From: POLITICO Pro Energy Whiteboard
Sent: Thur 8/3/2017 4:54:31 PM
Subject: Committee advances Interior, DOE nominees

By Esther Whieldon

08/03/2017 12:50 PM EDT

The Senate Energy and Natural Resources Committee today advanced five nominations for senior positions at the Interior and Energy departments.

Members of the committee gathered off the Senate floor to vote on the nominations. They approved Douglas Domenech, to be assistant secretary of insular affairs at Interior on a 13-8 vote.

Four other nominees were confirmed on voice votes: Mark Wesley Menezes, to be undersecretary of DOE; Paul Dabbar, to be DOE undersecretary for science; Brenda Burman, to lead Interior's Bureau of Reclamation; and Susan Combs, to be Interior's assistant secretary of policy management and budget. Sen. Bernie Sanders asked to be recorded as a no vote on all of the nominations.

The committee did not vote on David Jonas, for DOE's general counsel. Jonas was initially on the agenda for the markup, which had been rescheduled from last week.

Energy Chairman Lisa Murkowski said the vote on Jonas was postponed because of concerns from committee Democrats but she expects to take him up when they return.

WHAT'S NEXT: The Senate is expected to leave for its August recess as soon as today.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/committee-advances-interior-doe-nominees-091476

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Subject: Oct. 23 -- Daily Environment Report



Daily Environment Report

October 23, 2017 - Number 203

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Leading the News

Biotechnology
Biotech Companies Wary of Brexit Threat to EU Crop Approvals
Bayer Crop Science, Monsanto Europe, Syngenta Crop Protection and other biotechnology companies could find it harder to secure EU authorizations for genetically engineered crops once the U.K. leaves the bloc in 2019.

Oil & Gas
Senate OKs Budget Plan That May Allow Arctic Refuge Drilling
The Senate passed Oct. 19 a budget resolution containing a provision that may allow oil leasing in the Arctic National Wildlife Refuge in northern Alaska.

Pesticides
Monsanto Sues Arkansas Over Dicamba Rejection
Monsanto Co. is taking the Arkansas Plant Board to court for banning one of the company's new herbicides in the state.

News

Air Pollution
Air Pollution in New Delhi Spikes as Millions Burst Firecrackers
Air pollution levels in India's capital soared off the charts once again as millions of Indians burst fire crackers to celebrate Diwali, the Hindu festival of lights, despite a Supreme Court ban on the sale of fireworks in the region.

Air Pollution
Pollution's Annual Price Tag? $4.6 Trillion and 9 Million Dead

Pollution in all its forms killed 9 million people in 2015 and, by one measure, led to economic damage of $4.6 trillion, according to a new estimate by researchers who hope to put the health costs of toxic air, water and soil higher on the global agenda.

Biofuels
Brazil's Biofuel Push Threatened by Too Much Cheap Oil
Brazil is positioning itself as a global biofuels ambassador, fighting climate change by spurring demand for ethanol. It will be a tough sell in a world awash with cheap oil.

Biofuels
EPA's Pruitt Vows to Reject Biofuels Change Sought by Icahn
The EPA says it plans to turn down a biofuels policy change sought by President Donald Trump's former special regulatory adviser Carl Icahn and independent refiners that would shift the compliance burden for meeting biofuel mandates away from refiners to fuel blenders and other entities.

Biofuels
Oil Refiners' Hope of Trump-Promised Deregulation Crushed
Prices for biofuel blending credits that drive oil refinery owners like Carl Icahn nuts plunged shortly after President Donald Trump's inauguration in January. That's because supporters expected the new president would reduce blending mandates enforced by the Environmental Protection Agency.

Biofuels
Sierra Club Sues EPA for Overdue Study of Renewable Fuel Impact
The Environmental Protection Agency is really late, according to a Sierra Club lawsuit.

Drinking Water
India Tests the Waters With Vapor Extraction Technology
An Israeli company is hoping "water-from-air" technology will prove magical in India, where an estimated 63 million people lack access to clean drinking water.

Emissions Trading
Poland Threatens to Raise EU Carbon Reform at December Summit
Polish Prime Minister Beata Szydlo threatened to intervene at the next European Union summit in December if a reform of the bloc's emissions market fails to provide compensation for stricter climate policies in coal-reliant Poland and in other mostly eastern member states.

Energy
Dynegy, Ameren Ask Illinois for New Electricity Pricing Regime
Dynegy Inc. and Ameren Corp. are seeking legislation intended to inject more competition into Illinois electricity markets, a move Dynegy says would extend the operational lives of its coal-fired power plants.

Energy
Energy Regulator Knocks Plan to Aid Coal, Nuclear Plants
Coal and nuclear plants shouldn't be allowed to boost the price of their energy as called for under a new Energy Department proposal, a federal energy regulator said Oct. 20.

Energy
South Korea to Resume Nuclear Plant Construction
South Korea is set to resume construction on two nuclear power plant units thanks to popular support, putting a dent in President Moon Jae-in's aggressive plan to phase out

nuclear and coal energy.

Food

Indiana Popcorn Workers' Suit Over Lung Condition Tossed

Givaudan Flavors Corp. has shed the last claim by popcorn-plant workers in Indiana who alleged they developed respiratory problems due to diacetyl in the company's butter flavors (Aregood v. Givaudan Flavors Corp., 2017 BL 375577, S.D. Ind., No. 1:14-cv-00274-SEB-TAB, 10/18/17).

Oil & Gas

Could Mexico Be the Next Panama Canal for Gas? Drillers Think So

Since the first shale gas export terminal opened in Louisiana last year, America's drillers have seen at least 75 cargoes of their fuel sail through the Panama Canal bound for markets in Asia.

Pesticides

EU Vote on Roundup Could Go Nowhere Next Week

A pivotal decision is coming to head in Europe next week that could spell the long-term future of an important weedkiller there.

Renewable Energy

Australia's Energy-Plan Architect Sees No Retreat on Renewables

Australia's proposed National Energy Guarantee could generate as much power from renewables as was forecast under a system the government abandoned this week, according to one of the architects of the new plan.

Renewable Energy

France Sets Up Working Group to Simplify Wind Farm Development

France is setting up working groups to simplify the development of wind farms both on land and offshore as the government is set to miss its targets for clean energy.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA Environment & Energy
Sent: Wed 11/8/2017 12:02:12 PM
Subject: First Move: Environment Council in Spotlight • Wehrum Vote This Week? • Senate Winds Blow on Taxes

What you need to know to start your day.

Environment Council in Spotlight • Wehrum Vote This Week? • Senate Winds Blow on Taxes

By Chuck McCutcheon

Kathleen Hartnett White's Senate confirmation hearing today will focus on her outspoken advocacy of fossil fuels and questioning of human contributions to climate change. The hearing also will spotlight the White House agency she's been asked to lead.

The Council on Environmental Quality coordinates high-level environmental policies and regulations. It's helped presidents since Richard Nixon mesh those policies and regulations across multiple agencies, including the EPA and Interior Department.

President Trump wants the council to do even more. Shortly after taking office, he elevated the authority of CEQ and its chairman to speed up environmental reviews and permitting across agencies. His executive order authorizes the council chairman to decide which projects get the highest priority for expedited review.

The Senate's environment panel also will question Andrew Wheeler, Trump's choice to become EPA's deputy administrator. Abby Smith is covering.

Senate Democrats may let the EPA's nominee for air chief get an up-or-down vote this week.

Democrats have been upset with the nomination of William Wehrum, Trump's choice to lead the EPA's Office of Air and Radiation, claiming he's too close to industry. But Delaware Sen. Tom Carper, the top Democrat on the Senate environment panel, told Abby Smith that Democrats may not use the full 30 hours of debate permitted by Senate rules.

A Democratic Senate aide expects a vote late Thursday, before lawmakers leave for the Veterans Day holiday.

House Republicans want to use their sprawling tax plan to scale back the wind production tax credit.

But three Senate Republicans now say they oppose a move to do so—and that appears to boost the tax credit's chances of remaining intact. Because of widespread Democratic opposition to the tax plan, Republicans can't afford to lose the backing of many members of their party on the bill.

Other Stories We're Covering

War-torn Syria has added a new wrinkle to the United Nations climate talks in Bonn by announcing it is joining the Paris climate pact, Dean Scott finds.

The District of Columbia and its water and sewer authority are expected to file a response in court defending a city law governing what kinds of disposable wipes can be flushed down the toilet. Amena H. Sayid is watching.

The European Union's executive arm is expected to publish proposals todayto reduce greenhouse gas emissions from transportation through 2030. The European Commission's proposals likely will include tighter carbon dioxide emissions limits for private cars sold in the bloc, as well as measures to boost the use of electric vehicles. Stephen Gardner is watching.

Chia seeds, hot peppers, and Mexican squash are among the more than two dozen imported fruits, vegetables, and grains on a watch list for items that exceeded the limits for pesticide residues set by the EPA, according to an FDA report that covers 2015.

A House committee is continuing to work on legislation that would shift some onshore and offshore oil and gas permitting to states. Alan Kovski is covering.

A federal court hearing involving a ban on fracking in the four-state Delaware River Basin halted yesterday for an unexpected reason: One of the lawyers fainted. Delaware River Basin Commission attorney Kenneth H. Warren recovered consciousness quickly and told judges that he had a medical condition that wasn't serious, but the court postponed oral arguments. Leslie A. Pappas is following.

Around the Web

Commuters drive amid heavy smog in New Delhi.
Prakash Singh/AFP/Getty Images

- New Delhi's severe air pollution has returned, prompting panic in some areas of India's capital.
- Enerkem Inc. has received the EPA's backing to be the first municipal waste-to-cellulosic ethanol plant with approval to sell in the U.S.
- Financial services company HSBC says it will provide $100 billion in sustainable financing and investment by 2025 to fight climate change and

support sustainable growth.

Today's Events

- **9:45 a.m. • Nominations** • Senate commerce panel considers nominees for NASA administrator and Commerce Department environmental post.
- **10 a.m. • Geoengineering** • House science panels on environment and energy hold hearing on geoengineering research to use technology to address climate change.
- **5 p.m. • Solar** • Energy Department official discusses solar energy's potential in Cambridge, Mass. Video to be posted by Massachusetts Institute of Technology.

Quote of the Day

"One is the loneliest number."
—Delaware's Tom Carper, the Senate environment panel's top Democrat, tweeting in reaction to the news that Syria will sign the Paris Agreement, leaving the U.S. as the only outlier if it leaves the climate pact.

For all of today's Bloomberg Environment headlines, visit Environment & Energy Report

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Subject: Aug. 04 -- Energy and Climate Report

Energy and Climate Report

August 04, 2017 - Number 150

News

Climate Change
Brazil to Get $10.6 Million in Climate Aid from Germany
Germany agreed to donate 9 million euros (US$10.6 million) to Brazil, bolstering the South American country's efforts to reach Paris Climate Agreement targets it set in 2015.

Climate Change
Trump Vow to Keep Door Open to Climate Deal Convinces Few
President Donald Trump's vow to keep the door open to an international climate deal—even as he notifies the UN the U.S. is out—rings hollow given he has long derided it as bad for the economy.

Coal Mining
As Trump Sings Coal's Praises, Mine Fatalities Are on the Rise
Ray Hatfield Jr. was six months into his latest coal job when he was crushed to death in a Kentucky mine.

Coal-Fired Power Plants
Peabody Mine Survival May Rest on Navajo Coal Gasification Plan
The biggest coal-fired generating station west of the Mississippi could be replaced by a coal gasification plant, raising concerns among environmentalists as well as questions from financial analysts about the economic costs and risks.

Energy
Australian Prime Minister Calls Crisis Meeting with Power Bosses
Australian Prime Minister Malcolm Turnbull has called a meeting with the nation's major power companies citing concerns over soaring electricity prices and a lack of transparency in the market.

Energy
Keystone XL Foes Avoid Climate in Red State Pipeline Battle
You won't hear much about climate change coming from Keystone XL foes as they argue against TransCanada Corp.'s push to get the final state approval needed to build the pipeline.

Enforcement
States Should Be Front Line of Enforcement, EPA Official Says
The Environmental Protection Agency will look to the states as the first line of environmental enforcement as part of Washington's cooperative federalism approach, a senior environment

official said.

General Policy

Week Ahead: Groundwater Group Hears EPA's Superfund Plans

The National Ground Water Association, Ecological Society of America, and other groups are taking advantage of August's legislative lull in Washington to hold large-scale environment and energy events during the week of Aug. 7.

Natural Resources

Interior to Kill Obama Rule Raising Coal, Oil Royalties

An Obama-era regulation governing how royalties are calculated for coal, natural gas and oil extracted on federal lands will be repealed by the Trump administration.

Renewable Energy

Equis Energy Building $1.2 Billion Australian Solar Farm

Equis Pte Ltd., an investment company based in Singapore, is building a A$1.5-billion ($1.2 billion) solar farm in eastern Australia.

Renewable Energy

Green Power Still Tied Up with Red Tape in Macron's France

Some eighty days into Emmanuel Macron's new job, Europe's biggest renewable energy companies are still waiting for the French president to make good on campaign pledges to boost green power.

Renewable Energy

Long-Planned Cap Cod Wind Farm Gets Environmental OK

A long-stalled wind farm planned off the coast of Cape Cod, Mass., took a step closer to possible construction after federal energy regulators said the Cape Wind project won't harm the ocean environment.

Renewable Energy

U.K. Batteries for Residential Solar to Get Tax Discount

The U.K. government will offer a tax discount to homes installing batteries at the same time as solar panels, a move that could make renewable energy investments more attractive, according to an industry organization.

Shareholder Proposals

Church of England Rallies Investors in Exxon Fight, Returns 17%

President Donald Trump may have quit the Paris climate accord, but shareholders aren't going to let carbon-producing U.S. companies off the hook. Witness the investor victory over Exxon Mobil Corp. management on May 31, a day before the Trump decision.

Water Pollution

Duke Energy Ash Lawsuit Tossed Over 'Forum Shopping'

A federal district judge in Virginia tossed a Duke Energy coal ash lawsuit over what he said is "strategic forum shopping" by the utility.

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Sent: Thur 10/19/2017 10:49:16 AM
Subject: The Morning Headlines from InsideEPA.com -- October 19, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

October 19, 2017

Latest News

EPA Leaders Grapple With Where To House TRI In OPPT Reorganization

As they weigh options for reorganizing the Office of Pollution Prevention and Toxics (OPPT), EPA toxics office leaders are grappling with where to house the Toxics Release Inventory (TRI) program, which provides critical data on facilities' annual pollution releases, given the new responsibilities the office must shoulder under the revised Toxic Substances Control Act (TSCA).

Rule Critics Urge Court To Reject Calls To Review HFC Measure's Overturn

Chemical companies opposed to an EPA rule that curbs the use of refrigerants that act as potent greenhouses gases are urging an appellate court not to reconsider its ruling that vacated the measure, arguing EPA might revise the rule due to the Trump administration's climate policy stance and that the agency has various other options to limit the chemicals.

NAS Convenes Panel To Inform Trump EPA Reform Of Stormwater Permit

A National Academy of Sciences (NAS) panel tasked with studying options for strengthening EPA's Clean Water Act (CWA) general permit for industrial stormwater has announced its first meeting, which will pose a test for whether the Trump administration might expand the permit to other sectors or revise the permit's mandates.

Chesapeake Bay TMDL Workgroup Grapples With Climate Change Markers

A scientific workgroup is grappling with how to develop policy recommendations for EPA and states on how to include climate change considerations when implementing the Chesapeake Bay cleanup plan due to both delays in modeling data and changeover in EPA representation.

Former EPA Officials Urge Senate To Reject FY18 Cuts To 'Core' Programs

Former EPA officials are urging senators to reject the House-approved fiscal year 2018 funding bill for EPA which they say imposes cuts to “core” air, waste, water and

other programs that are deeper than President Donald Trump is seeking, even though the House's overall funding for EPA is $1.7 billion more than the overall administration request.

DOJ Urges Court To Uphold CRA Resolutions Despite Law's 'Vague' Terms

The Department of Justice (DOJ) is renewing its call for a federal district court to reject environmentalists' claim that the Congressional Review Act (CRA) that Congress used to overturn 13 Obama-era environmental and other rules is unconstitutional, rejecting plaintiffs claims that the law's "vague" terms mean it is fundamentally flawed.

Daily Feed

Iowa governor fails to secure Trump pledge on RFS

Iowa's GOP governor failed to secure a pledge from Trump or Pruitt not to cut RFS biofuel blending targets, leaving the fate of stalled EPA nominees unresolved.

Pelosi cites CWA's 45th anniversary to attack Trump EPA agenda

Democrats are using the 45th anniversary of the Clean Water Act's Oct. 18, 1972, enactment to criticize the Trump administration's environmental agenda.

Quote-Unquote: On the new EPA's changing policies and directions

Including: more 'attention to industry,' an end to 'sue and settle,' pressing on with the CPP, and Commerce's list of EPA rule targets.

6th Circuit sets argument in CWA permit 'veto' challenge

The court will hear argument Dec. 6 on whether private parties can sue EPA when it files a permit "objection" that shifts permitting authority for a project from state regulators to the Corps.

Ewire: EPA nominees stall over RFS concerns

In today's Ewire: A committee vote on four EPA nominees stalls after GOP senators fail to reach agreement with Administrator Scott Pruitt over the renewable fuel standard.

Environmentalists urge 9th Circuit to speed chlorpyrifos suit

"Children continue to be exposed to chlorpyrifos," environmentalists said in their brief seeking to speed litigation over Pruitt's decision to reverse a proposed ban of the pesticide.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Mon 10/30/2017 6:18:13 PM
Subject: BREAKING NEWS: Manafort and Gates plead not guilty to federal charges

Former Trump campaign chairman Paul Manafort and campaign official Rick Gates pleaded not guilty Monday in a Washington federal court to charges including money laundering, making false statements and other alleged crimes.

Prosecutors asked that bond be set at $10 million for Manafort and $5 million for Gates but said both may be detained at home until they can post bail.

Both men surrendered earlier Monday to the FBI.

Read more: http://politi.co/2gOApJo

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Subject: Today on Climate Beat

August 9, 2017

Today on Climate Beat . . .

. . . we went to the Great White North, where Shell has installed a new generation of continuous methane detectors in a natural gas field in Alberta -- a move environmentalists are contrasting with the Trump administration's efforts to roll back Obama-era methane limits for the oil and gas sector.

In Paris Agreement news, Secretary of State Rex Tillerson in a recent memo directed U.S. diplomats to avoid giving specifics to their counterparts about any Trump administration plans to "re-engage" in the global climate deal, which President Donald Trump announced June 1 he would exit.

And in our daily news roundup, we brought news that some typical conservative allies, including the Chamber of Commerce, Koch-backed political groups and many industry groups, are reluctant to back EPA Administrator Scott Pruitt's planned "red-team, blue-team" critique of climate science.

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Daily Environment Report

August 16, 2017 - Number 157

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Leading the News

Energy
Sinclair Oil Notches Win in Biofuel Mandate Exemption Battle
Sinclair Oil Corp. may no longer be required to fully comply with the EPA's biofuel blending mandate at two oil refineries in Wyoming, following a court decision to reverse a previous agency ruling.

Superfund
Liability Relief Central to Superfund Site Reuse, Investors Say
Liability concerns may scare off investors interested in renovating Superfund sites, which could hobble the EPA's new effort to woo third parties to clean up the properties.

Water Pollution
EPA to Rewrite Toxic Wastewater Limits Rule, No Deadline Set
American Electric Power, the nation's largest electric utility, hopes the EPA will delay all compliance deadlines for toxic wastewater limits on power plants in the wake of the agency's decision to rewrite limits for certain wastestreams.

News

Civil Infrastructure
Trump Said to Be Signing Order to Speed Up Public-Works Permits
President Donald Trump plans to sign an executive order August 15 designed to streamline the approval process for building roads, bridges and other infrastructure by establishing "one federal decision" for major projects and setting a two-year goal for permitting.

Climate Change

Trump to Speed Up Public-Works Permits, Drop Climate Order

President Donald Trump announced an executive order Aug. 15 that's designed to streamline the approval process for building roads, bridges and other infrastructure by establishing "one federal decision" for major projects and setting a two-year goal for permitting.

Contribution

Asarco Superfund Ruling May Fuel Cases

The fallout from a recent novel Superfund ruling for the Ninth Circuit will mean more litigation, environmental lawyers tell Bloomberg BNA (Asarco, LLC v. Atl. Richfield, 9th Cir., No. 14-35723, 8/10/17).

Energy

Authorization for Freeport LNG Export Facility Upheld by Court

A federal appeals court upheld the Energy Department's authorization of a Freeport LNG Development L.P., liquefied natural gas export facility in Texas, rejecting the Sierra Club's assertion that the department didn't go far enough to assess the indirect environmental impacts of the project.

Energy

Energy Information Administration Acting Head to Depart

Howard Gruenspecht, the acting administrator of the Energy Information Administration, is leaving the post at the end of August, he told staff in an email Aug. 15.

Energy

Nuclear Power's Woes Imperil U.S. National Security, Moniz Says

The decline of the U.S. nuclear-power industry puts America's security at risk, according to a report being released Aug. 15 by former Energy Secretary Ernest Moniz that calls for greater federal investment.

Energy

Scana Pulls Request to Abandon Nukes to Allow for State Reviews

Scana Corp., the U.S. utility owner that halted construction last month on a nuclear power plant in South Carolina after its price tag ballooned to more than $20 billion, has withdrawn its petition to officially abandon the project to allow state officials to review its decision.

Energy

Southern Wins Early Review of Nuclear Reactor Cost Overruns

Southern Co. may have a better idea of how much of an estimated $25 billion nuclear power project it will be allowed to charge Georgia customers before a reactor is even online.

Enforcement

California Farmer Settles Closely Watched Wetlands Case

A California farmer will pay $1.1 million to resolve a long-running Clean Water Act lawsuit over protected wetlands, federal prosecutors announced Aug. 15.

Enforcement

Exxon Mobil's $2.6M Fine for Ruptured Pipeline Tossed

Exxon Mobil will get a break on a $2.6 million fine levied against it for a 2013 pipeline spill in Arkansas.

Fuel Efficiency

Profitable Pickup Trucks, SUVs May Get Break in Trump Review

A move under consideration by the Trump administration could ease tough fuel-efficiency

standards set to take effect in 2021 on pickups, SUVs and other light trucks, the bulwark of U.S. auto industry sales and profits.

Renewable Energy

Brazil's Solar Expected to Grow With State's New Regulation

A new solar energy regulation in Brazil's Sao Paulo state is expected to encourage more small and large-scale solar systems to be built and help those under construction come online more quickly.

Sustainability

Big Oil Follows Silicon Valley into Backing Green Energy Firms

Major oil companies are joining Silicon Valley in backing energy-technology start-ups, a signal that that those with the deepest pockets in the industry are casting around for a new strategy.

Trade Policy

Solar Groups Square Off Over Trade Safeguards

U.S. manufacturers of solar cells and modules squared off with foreign governments, state officials, and other companies Aug. 15 over whether foreign imports are killing U.S. solar manufacturing.

Vehicle Fuels

How Elon Musk and Cheap Oil Doomed Push for Another Car Fuel

The idea was nothing short of revolutionary: convert the nation's millions of trucks, buses and other commercial vehicles to run on natural gas instead of gasoline and diesel.

Water Resources

Arizona, Nevada Won't See Water Cutbacks in 2017

Arizona and Nevada won't have to cope with cutbacks to water supplies after an Aug. 15 federal forecast predicted increased storage at the Lake Mead reservoir.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Fri 10/13/2017 1:24:30 PM
Subject: Proposed carbon rule repeal to be published Monday

By Alex Guillén

10/13/2017 09:21 AM EDT

EPA's proposed repeal of the Clean Power Plan will run in Monday's Federal Register, launching a 60-day comment period.

The proposed repeal argues that the regulation overstepped EPA's authority by requiring fuel shifting for compliance and must be revoked in full.

A separate advance notice for a possible replacement rule is currently under review at the Office of Management and Budget. It questions whether EPA has any authority to regulate greenhouse gases from power plants and suggests states may get the "primary role" in deciding future rules and limits, according to excerpts of a draft obtained by POLITICO. It is unclear when EPA will release that advance notice for comment.

WHAT'S NEXT: EPA will take comment on the proposed repeal through Dec. 15.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/10/proposed-carbon-rule-repeal-to-be-published-monday-094249

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Fri 8/18/2017 10:11:36 PM
Subject: BREAKING NEWS: Bannon returns to Breitbart News as executive chairman

Ousted White House chief strategist Steve Bannon on Friday returned to Breitbart News as executive chairman, the conservative news site announced.

"The populist-nationalist movement got a lot stronger today," said Breitbart News Editor-in-Chief Alex Marlow. "Breitbart gained an executive chairman with his finger on the pulse of the Trump agenda."

Bannon, who previously ran the populist news site before joining President Donald Trump's campaign, left his West Wing post earlier on Friday.

Read more: http://www.politico.com/story/2017/08/18/bannon-returns-to-breitbart-news-as-executive-chairman-241806

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 8/1/2017 6:38:34 PM
Subject: Blue states sue EPA over Trump administration ozone delay

By Alex Guillén

08/01/2017 02:34 PM EDT

A coalition of states led by New York and California today sued the EPA over Administrator Scott Pruitt's delay of an early step in the implementation process for the 2015 ozone standard.

"One in three New Yorkers are breathing dangerous levels of smog pollution pouring in from other states. Yet again the Trump EPA has chosen to put polluters before the health of the American people," New York Attorney General Eric Schneiderman said in a statement.

Pruitt in June announced that he would put off by one year a deadline to decide which areas of the country are not in compliance with the new standard. The move came amid a Trump administration review of the Obama-era standard, which was criticized by industry groups as too severe and by public health advocates as too lax.

Environmental groups sued last month, seeking to force EPA to comply with the Oct. 1 deadline.

The states on the suit are New York, California, Connecticut, Delaware, Illinois, Iowa, Maine, Massachusetts, Minnesota, New Mexico, Oregon, Pennsylvania, Rhode Island, Vermont and Washington, as well as D.C.

WHAT'S NEXT: EPA's response in the initial lawsuit brought by environmental groups is due on Thursday. This new lawsuit likely will be consolidated with the environmentalists' case.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/blue-states-sue-epa-over-trump-administration-ozone-delay-091358

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 9/12/2017 6:59:33 PM
Subject: DOE shifts SunShot's solar goals

By Eric Wolff

09/12/2017 02:56 PM EDT

The Department of Energy is shifting the focus of its SunShot Initiative to including broader administration priorities, such as grid reliability.

The program, which had dedicated itself to lowering solar costs including both panel costs and permitting, will now also devote research dollars to resilience, reliability, and storage, DOE said today.

"With the impressive decline in solar prices, it is time to address additional emerging challenges," Daniel Simmons, acting assistant secretary for energy efficiency and renewable energy, said in a statement. "As we look to the future, DOE will focus new solar R&D on the Secretary's priorities, which include strengthening the reliability and resilience of the electric grid while integrating solar energy."

DOE was also touting the early achievement of one of its 2020 goals, reducing solar costs for utility-scale solar to 6 cents a kilowatt-hour.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/09/doe-shifts-sunshots-solar-goals-092798

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Wed 10/4/2017 3:12:33 PM
Subject: BREAKING NEWS: Tillerson: 'I have never considered' resigning as secretary of state

Secretary of State Rex Tillerson said Wednesday that he has never considered resigning his position, disputing an NBC News report that he had considered such a move over the summer.

"The vice president has never had to persuade me to remain as secretary of state because I have never considered leaving this post," Tillerson said in remarks delivered from the State Department.

Tillerson did not directly address whether he had called Trump a "moron," as NBC reported. "We don't deal with that kind of petty nonsense," he said when asked about the report.

Read more: http://www.politico.com/story/2017/10/04/tillerson-i-have-never-considered-resigning-as-secretary-of-state-243448

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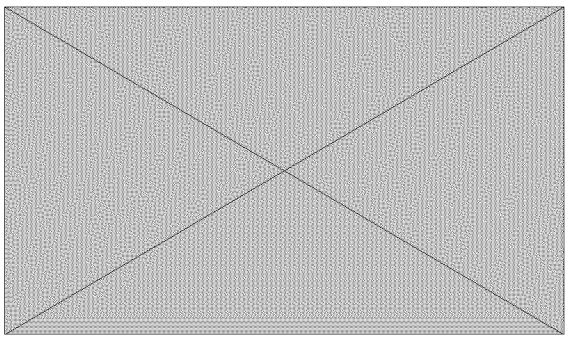
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
Sent: Fri 10/6/2017 10:04:43 AM
Subject: AEI Today: Top 10 Nobel Peace Prize embarrassments

While prizes in the sciences are based on life's work and proven success, Norwegian politicians and their appointed proxies award the Nobel Peace Prize more on the basis of aspiration and politics more than achievement of peace.

AEI's daily publication of independent research, insightful analysis, and scholarly debate



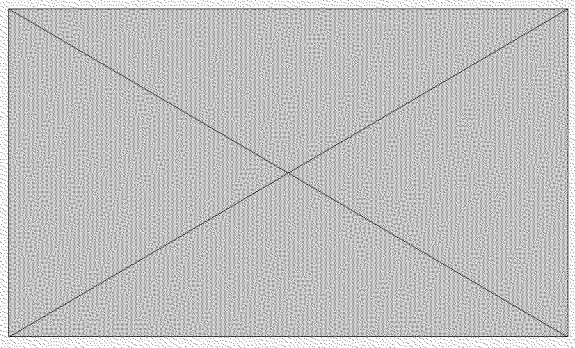
Reuters

Top 10 Nobel Peace Prize embarrassments

Michael Rubin | Washington Examiner

Early this morning, the Norwegian Nobel Institute announced the winner of the 2017 Nobel Peace Prize. Winners of the coveted award get a credential to opine on war and peace on the world stage. In both impact and prestige, the Nobel Peace Prize is different. So is the criteria by which it is awarded. While prizes in the sciences are based on proven success, the Peace Prize is awarded on the basis of aspiration and politics more

than achieving peace.

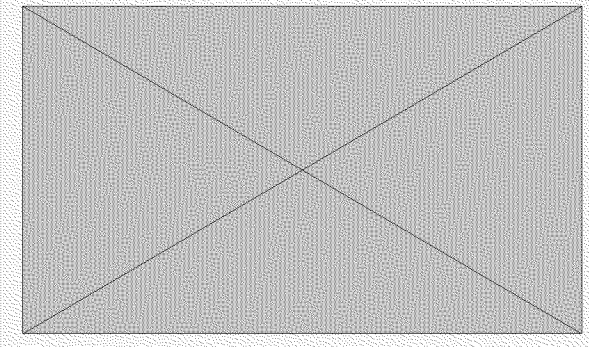


Reuters

Watch: Why does government grow?

Benjamin Zycher | AEI reThink Tank

The Trump administration's budget for the 2018 fiscal year has been described widely as "dead on arrival." An attempt to cut $30 billion from total federal discretionary spending of almost $1.2 trillion doesn't look that controversial on paper. So why is it that government always gets bigger? AEI's Benjamin Zycher reviews the many hypotheses explaining why government never seems to shrink — even when officials promise that it will.



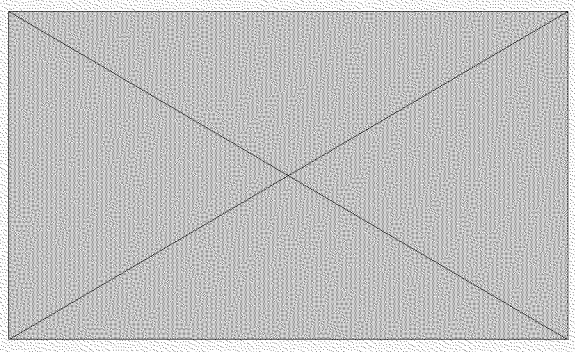
Reuters

Testimony: Defeating

Iran-backed militias is practical. So why don't we do it?

Kenneth Pollack | Statement before the House Foreign Affairs Committee

Iranian-backed militias and insurgents have become a dire threat to the fate of the Middle East — one that is likely to grow further because of the successes they've experienced. There is nothing special about these militias or Tehran's support for them. Defeating them is eminently practical. But it will require the US to commit itself to doing so in ways that we simply have not been willing to over the past decade.



Reuters

Remember, the state and local deduction paves the way for federalism

Stan Veuger | AEIdeas

Republicans have proposed eliminating the deductibility of state and local taxes (SALT) for federal income tax purposes. In their worldview, the deduction is just another loophole in the tax code; it's another way for taxpayers to avoid handing to the IRS what is rightfully the IRS's. This thinking is incorrect. The SALT deduction is a lynchpin

of the federalist system, and it expresses American society's preference for local solutions to local problems.



MORE FROM AEI

Economist Brian Arthur: Thanks to tech, the future Keynes predicted has arrived
James Pethokoukis | AEIdeas

An illustrated look at the case for repealing state and local tax deductions
Alex Brill | AEIdeas

What football can teach us about competition in mobile markets
Bronwyn Howell | AEIdeas

America's regulatory burden, in 5 charts
James Pethokoukis | AEIdeas

Eva Moskowitz is pushing commonsense school reforms, but she's up against an entrenched culture
Frederick M. Hess | Education Week

Last chance to RSVP: How has a decade of extreme monetary policy changed the banking system?
Paul H. Kupiec | AEI event Tuesday at 10:00 AM ET

Politicizing the tragedy in Las Vegas won't make us any safer
Marc A. Thiessen | The Washington Post

How to find an extra $300 billion from tax reform
James Pethokoukis | AEIdeas

Last chance to RSVP: What conservatives think about welfare policy in the Trump administration

Robert Doar | AEI event Tuesday at 4:30 PM ET

Podcast: Lessons from the Success Academy with Eva Moskowitz

Frederick M. Hess | AEI Events Podcast

Americans fear robots taking jobs — except their own. That tells us a lot.

James Pethokoukis | AEIdeas

Around the web: Why hasn't Italy suffered Islamist terrorism? Call it the 'Mafia effect.'

Matt Winesett | AEIdeas

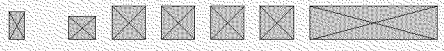
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Tue 9/26/2017 5:04:34 PM
Subject: Playbook Power Briefing, presented by Morgan Stanley: SCOOP FROM INSIDE THE ROOM: CORY BLISS says House GOP outside group will spend 100M to boost Republican agenda -- TRUMP to visit P.R. next week -- TAX REFORM could hit speed bump right out of the gate

View online version | Add politicoplaybook@politico.com to your address book.

Today's Playbook Power Briefing presented by Morgan Stanley

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman), DANIEL LIPPMAN (daniel@politico.com; @dlippman), ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

Good Tuesday afternoon. PLAYBOOK SCOOP -- CORY BLISS, the Republican political operative who runs the American Action Network and Congressional Leadership Fund -- outside groups aligned with Speaker Paul Ryan -- attended a private House Republican Conference meeting this morning and said the group will spend $100 million on promoting the GOP legislative agenda. The groups have already spent millions of dollars boosting the GOP tax reform effort. This comes just one day before House Republicans go to National Defense University to talk about their tax plan. That Bliss was able to attend a closed House GOP meeting and brief lawmakers on his spending offensive shows the close ties between the outside group and elected lawmakers.

PRESIDENT TRUMP said he will visit Puerto Rico on Tuesday, per The Hill's Jordan Fabian, today's pooler. He also said he may stop in the Virgin Islands.

-- TRUMP ON PUERTO RICO "The difference is this is an island sitting in the middle of an ocean. It's a big ocean, it's a very big ocean." http://bit.ly/2xD0YdC

NOT AN ONION HEADLINE -- "Senate GOP weighs how to fail on Obamacare," by Seung Min Kim, Jen Haberkorn and Burgess Everett: "Senate Republicans are on track to fall short in their last-ditch attempt to repeal Obamacare this week -- now they're just debating how best to fail on their seven-year campaign pledge. With three GOP senators formally opposed to the latest bill to unravel the health care law, Senate Majority Leader Mitch McConnell (R-Ky.) and his conference will mull whether to hold a vote that would be almost certain to go down on the Senate floor, according to senators and aides" http://politi.co/2yFdhod

-- "Trump disappointed in 'so-called Republicans' over Obamacare repeal," by Nolan McCaskill: "President Donald Trump on Tuesday said he is 'disappointed in certain so-called Republicans.' Trump expressed displeasure at what will likely be another failed attempt by Senate Republicans to pass a repeal of former President Barack Obama's health care law.

'We'll see what happens,' Trump told reporters. ... 'We were very disappointed by a couple of senators,' Trump said Tuesday. 'Republican senators I must say. We were very disappointed that they would take the attitude that they did. We don't know why they did it - you can sort of figure that - but we'll see what happens.'" http://politi.co/2xycQvU

N.K. TRIES TO DECODE TRUMP -- "North Korea seeks help from Republican analysts: 'What's up with Trump?,'" by WaPo's Anna Fifield in Bern, Switzerland: "North Korean government officials have been quietly trying to arrange talks with Republican-linked analysts in Washington, in an apparent attempt to make sense of President Trump and his confusing messages to Kim Jong Un's regime. ... [T]o get a better understanding of American intentions, in the absence official diplomatic talks with the U.S. government, North Korea's mission to the United Nations invited Bruce Klingner, a former CIA analyst who is now the Heritage Foundation's top expert on North Korea, to visit Pyongyang for meetings. ... North Korean intermediaries have also approached Douglas Paal, who served as an Asia expert on the national security councils of Presidents Ronald Reagan and George H.W. Bush, and is now vice president for studies at the Carnegie Endowment for International Peace." http://wapo.st/2htNYI2

TV WARS -- We reported in Playbook this morning that **NBC NEWS** is running an ad in the New York Times, among other places, touting its ratings. http://politi.co/2fuPsL9 **CNN** ran an ad in the Washington Post, noting it was the top-watched cable network in Washington. http://politi.co/2yqkpnx

ABOUT TAX REFORM -- "Republicans agree to raise bottom tax rate, double standard deduction," by Axios' Jonathan Swan: "Top White House and GOP leaders have agreed to raise the lowest individual tax rate from 10 to 12 percent, paired with doubling the standard deduction, 5 senior Republicans tell us. Trump intends to sell the proposal tomorrow as a populist 'tax cut.' But as recently as yesterday top Republicans on Capitol Hill were nervous as they got word that Trump wasn't entirely thrilled with the product that had been hashed out in immense secrecy for weeks (with two members of his administration, Gary Cohn and Steven Mnuchin, working with GOP leaders.) ...

"Republicans plan to collapse the number of brackets from seven to three. The standard deduction would almost double to $12,000 for a single filer and $24,000 for married couples, meaning Trump can accurately argue that many more low income earners would pay no tax under his plan. As we previously reported, the top tax bracket would fall from 39.6% to 35%. ... Trump won't go into great detail when he talks about the tax plan tomorrow in Indiana, leaving plenty of negotiating room for the tax-writing committees in the House and Senate." http://bit.ly/2yFPrZI

-- @RachaelMBade: "NEWS- @VP will attend the House GOP tax reform retreat tomorrow, per birdie familiar w/the sked".

-- CRITICAL STORY: "Trump's State-Tax Plan Could Cause Headaches for 52

Republican Lawmakers," by Bloomberg's Sahil Kapur: "President Donald Trump's promised tax overhaul may force dozens of Republican congressmen in states including New York and New Jersey into a politically damaging vote to repeal a $1.3 trillion tax break their districts use heavily. But not if Representative Peter King of New York can help it. King, a Republican who represents Long Island, said he'll oppose any attempt to repeal the state and local tax deduction, calling it 'absolutely essential to my district.'

"King is one of 52 Republicans -- more than enough to scuttle any bill that lacks Democratic support -- who hail from districts that use the state tax deduction disproportionately. He thinks enough of those Republican colleagues will band together to keep its repeal out of any comprehensive tax legislation this fall, complicating GOP plans." https://bloom.bg/2yEwKW8

ROGER STONE ON THE HILL -- "Trump Adviser Roger Stone Says Talk with Hacker Was 'Benign'," by WSJ's Byron Tau: "Mr. Stone described his interactions with the entity known as Guccifer 2.0 as 'limited' and 'benign,' and he released screenshots of what appeared to be messages exchanged privately on the social-media platform Twitter . They show about a dozen messages Mr. Stone received from Guccifer 2.0 in August and September of 2016, as well as three messages he sent in response.

"Mr. Stone, a veteran Republican operative who advised Mr. Trump during last year's campaign, said he resented 'any allegation that I would collude with the oppressive Russian state to affect the outcome of the 2016 presidential election.' The material shows the conversation began in August 2016 after Mr. Stone wrote an article for the right-wing website Breitbart News in which he argued that Guccifer 2.0 wasn't a Russian asset but instead acted alone. The U.S. intelligence committee later assessed that the material released by Guccifer 2.0 had been pilfered by the Russian government." http://on.wsj.com/2yDkwgx

JARED WATCH -- "Jared Kushner's lawyer, fooled by 'email prankster,' offers window into private email controversy," by Business Insider's Natasha Bertrand: "Top Washington lawyer Abbe Lowell engaged in an email exchange with a prankster posing as client Jared Kushner on Monday, at one point telling the prankster that he needed 'to see all emails' sent and received from a private email account the president's son-in-law had set up in December. ... On Monday, the prankster wrote to Lowell from the email address 'kushner.jared@mail.com' asking what he should do with 'some correspondence on my private email ... featuring adult content.' 'Can I remove these?' the prankster asked. 'Forwarded or received from WH officials?' Lowell wrote in response.

"'I think one was forwarded from a White House official, we had discussed a shared interest of sorts. It was unsolicited. Then there are a handful more, but not from officials,' said the prankster, still posing as Kushner. 'I need to see I think all emails between you and WH (just for me and us),' Lowell wrote. 'We need to send any officials emails to your WH account. Not stuff like you asked about. None of those are going anywhere.' 'But we can bury it?' the prankster responded. 'I'm so embarrassed. It's fairly

specialist stuff, half naked women on a trampoline, standing on legoscenes, the tag for the movie was #standingOnTheLittlePeople :(' Lowell replied: 'Don't delete. Don't send to anyone. Let's chat in a bit.'" http://read.bi/2y6ZolG

****** **A message from Morgan Stanley**: It's hard to think of an industry that won't be touched in some way by technological disruption over the next decade. Morgan Stanley Investment Management's Growth Team shares the big ideas and emerging trends that may have far-reaching implications for economies, industries, social behavior-and investors. Read more. ******

SHAKING THE MONEY TREE -- VERONICA ESCOBAR, the Democrat running to replace Rep. Beto O'Rourke who would be the first Hispanic woman elected to Congress from Texas, was in Washington last night to raise money for her congressional bid. Lobbyist Moses Mercado hosted Escobar at his home for the event, which raised $30,000. **SPOTTED:** Dem Caucus Chair Joe Crowley (N.Y.), Dem Caucus Vice Chair Linda Sanchez (Calif.), Rep. Vicente Gonzalez (Texas), Rep. Gene Green (Texas) Marc Gonzales, Allen Chew, Karissa Willhite, Gordon Taylor and Dean Aguillen, John Meza, Adrian Saenz and José Luis Sanchez.

NOT A REAL LAUNCH -- "Iran's supposed missile launch was fake, U.S. officials say," by Fox News' Lucas Tomlinson: "Iranian state television released video footage Friday claiming to show the launch of a new type of medium-range ballistic missile, a few hours after it was displayed during a military parade in Tehran. But it turns out Iran never fired a ballistic missile, sources say. The video released by the Iranians was more than seven months old -- dating back to a failed launch in late January, which resulted in the missile exploding shortly after liftoff, according to two U.S. officials." http://fxn.ws/2yFUdX8

-- @realDonaldTrump at 5:59 p.m. on Saturday, responding to initial reports of the launch: "Iran just test-fired a Ballistic Missile capable of reaching Israel.They are also working with North Korea.Not much of an agreement we have!"

ON THE PRESIDENT'S MIND -- @realDonaldTrump at 6:28 a.m.: "Ratings for NFL football are way down except before game starts, when people tune in to see whether or not our country will be disrespected!" ... **at 6:35 a.m.:** "The booing at the NFL football game last night, when the entire Dallas team dropped to its knees, was loudest I have ever heard. Great anger" ... **at 6:47 a.m.:** "But while Dallas dropped to its knees as a team, they all stood up for our National Anthem. Big progress being made-we all love our country!" ... **at 6:55 a.m.:** "Luther Strange has been shooting up in the Alabama polls since my endorsement. Finish the job - vote today for 'Big Luther.'"

... **at 7:14 a.m.:** "Great interview on @foxandfriends with the parents of Otto Warmbier: 1994 - 2017. Otto was tortured beyond belief by North Korea." ... **at 8:13 a.m.:** "Thank you to Carmen Yulin Cruz, the Mayor of San Juan, for your kind words on FEMA etc.We are working hard. Much food and water there/on way" ... **at 9:06 a.m.:** "The NFL has all sorts of rules and regulations. The only way out for them is to set a rule that you can't

kneel during our National Anthem!" ... **at 9:31 a.m.:** "ALABAMA, get out and vote for Luther Strange - he has proven to me that he will never let you down! #MAGA" ... **at 12:13 a.m.:** "Honored to welcome Republican and Democrat members of the House Ways and Means Committee to the White House today! #USA"

--TEVI TROY in POLITICO Magazine, **"How the National Anthem Got Tangled Up With American Sports":** http://politi.co/2fOLg5M

BIG DATA -- DHS TO COLLECT SOCIAL MEDIA INFO FROM IMMIGRANTS -- BuzzFeed News' Adolfo Flores: "Federal officials are planning to collect social media information on all immigrants, including permanent residents and naturalized citizens, a move that has alarmed lawyers and privacy groups worried about how the information will be used. The Department of Homeland Security published the new rule in the Federal Register last week, saying it wants to include 'social media handles, aliases, associated identifiable information, and search results' as part of people's immigration file. The new requirement takes effect Oct. 18." http://bzfd.it/2yEehJg

CLICKER -- "Exclusive Aerial Photos Capture Puerto Rico's Devastation: Hurricane Maria flooded the island's coastal areas and blew apart homes inland" -- Dennis Manuel Rivera in NatGeo: *10 pix* http://on.natgeo.com/2hwASje

NEW OFF MESSAGE -- ISAAC DOVERE interviews **ROB REINER:** "Reiner's character on 'All in the Family,' Michael Stivic, was a liberal true believer who often clashed with his conservative father-in-law over his rants about blacks, 'commies' and hippies. In the four decades since the show went off the air, Reiner has taken up cause after liberal cause himself as a director and political activist.

"His latest cause: Trump, joining a Hollywood cast of thousands who are taking on the president. But with a cultural divide that in just the past week has seen Jimmy Kimmel, Steph Curry, LeBron James, the NFL and just about every speaker at the Emmys throw themselves into the political arena, Reiner says it's not the entertainers at fault." http://politi.co/2yDVxcM ... ***Listen on iTunes*** http://apple.co/2yEsfe8

AFTERNOON READ -- "How Fake News Turned a Small Town Upside Down: At the height of the 2016 election, exaggerated reports of a juvenile sex crime brought a media maelstrom to Twin Falls -- one the Idaho city still hasn't recovered from," by Caitlin Dickerson in NYT Mag http://nyti.ms/2wQwLJf

BUSINESS BURST -- "Equifax CEO retires following an epic data breach affecting 143 million people," by CNBC's Liz Moyer: "Richard Smith, CEO and chairman of Equifax, retired following a data breach at the credit-reporting service that affected the personal information of 143 million people, according to the company. Smith became CEO and chairman in 2005 after spending 22 years at General Electric in senior roles in various divisions. He is to appear at a hearing of the Senate Banking Committee next month, where he is currently the only person scheduled to testify." http://cnb.cx/2wRLrbh

SPORTS BLINK -- "FBI arrests four college basketball assistants on charges of fraud," by USA Today's Scott Gleeson "Four NCAA assistant basketball coaches were indicted in a fraud and corruption scheme -- which also included managers, financial advisers and representatives of a major international sportswear company -- by federal authorities on Tuesday. According to charging documents made public, the four coaches involved are Auburn assistant Chuck Person, Southern California assistant Tony Bland, Arizona assistant Emanuel Richardson and Oklahoma State assistant Lamont Evans." https://usat.ly/2yEozJg

MEDIAWATCH -- Ezra Klein is now editor-at-large at Vox. **Lauren Williams** was named Vox's new editor in chief and **Allison Rockey** was named the new executive editor and director of editorial strategy. ***Klein's memo to staff*** http://bit.ly/2yF9QOn

-- DIGIDAY: "Axios is holding off on its high-end subscription product, for now": "On Monday, at the Digiday Publishing Summit in Key Biscayne, Florida, Axios president and co-founder Roy Schwartz said that the company is putting its premium subscription product on hold while it builds out its brand. The high-end subscription product raised a lot of eyebrows within the media industry back in December 2016, when Axios CEO Jim VandeHei announced that Axios would launch a $10,000 a year subscription product.

"'For the moment, we want to focus our resources on building our brand because we have seen that once people start using Axios, they will love it and come back,' Schwartz said. 'We will launch our paid subscription model when we feel the timing makes sense.'" http://bit.ly/2wTU3cy

WAPO PASSES 1 MILLION DIGITAL SUBSCRIBERS -- MICHAEL CALDERONE writes in: "Publisher Fred Ryan informed staff Tuesday that the Post crossed the 1 million digital threshold, in addition to its base of print subscribers. 'Our growth has been exceptionally strong, with digital-only subscriptions more than doubling since January 1 this year,' Ryan wrote in a memo obtained by POLITICO's Michael Calderone. 'Digital-only subscriptions have more than tripled since last year at this time.'"

SPOTTED -- Sen. Jeff Flake (R-Ariz.) sitting outside We The Pizza last night ... Ivanka Trump at Detroit Metropolitan Airport this morning http://bit.ly/2yFLGU6

TRANSITIONS -- Lindsey Mask has joined G2 Global Solutions as a communications specialist to support HHS's Office of Security and Strategic Information. ... **Patrick Brennan** has been promoted to COO at The Rockefeller Foundation. He was previously chief of staff.

****** **A message from Morgan Stanley** : Interested in the long-term investment opportunities that might arise from disruption? Morgan Stanley Investment Management Disruptive Change Researcher Stan Delaney shares five emerging trends that investors should watch over the next decade. "Disruptive change is so pervasive that our team

looks at all of our investments through a disruptive lens," says DeLaney "Our disruptive analysis effort is really about supporting the Growth Team's strategy of long-term investing, finding companies with a sustainable competitive advantage, and making sure that we aren't holding companies that could be left behind." These trends-spanning autonomous driving, machine learning, augmented reality and more-could have far-reaching implications for economies, industries and social behavior. Read more. ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 10/26/2017 9:45:53 PM
Subject: Murkowski, Cantwell press for distributed power in Puerto Rico, Virgin Islands

By Emily Holden

10/26/2017 05:42 PM EDT

The top Republican and Democrat on the Senate Energy and Natural Resources Committee are calling on the Senate leadership to press for weather-resilient distributed energy to rebuild the power grids in hurricane-ravaged Puerto Rico and the U.S. Virgin Islands.

Committee chairmanLisa Murkowski and ranking member Maria Cantwell, today signed on to a letter spearheaded by Sen. Al Franken (D-Minn.). Sen. Orrin Hatch (R-Utah) and Rob Portman (R-Ohio) joined them.

The senators said Hurricanes Irma and Maria exposed the vulnerability of the power grids on the islands, and some communities face months without electricity. Congress has already approved about $52 billion in aid for recent hurricanes and is expected to sign off on more spending.

"Decentralized energy resources operating in microgrids are more likely to remain functioning during and after storms," the letter said, noting that the declining costs of solar, wind, energy efficiency and battery storage in many instances makes them more affordable than existing power sources. The islands rely mostly on power plants fueled by oil, natural gas and coal.

In a speech over the weekend at the Alaska Federation of Natives convention, Murkowski broke with the party line to emphasize that "climate change is real" and she backed adding more alternative energy across the state, where rural communities often rely on diesel generators.

"Our world is changing," she said, according to Alaska Public Media. "And we all know that climate change is at the heart of this change."

To view online:
https://www.politicopro.com/energy/whiteboard/2017/10/murkowski-cantwell-press-for-distributed-power-in-puerto-rico-virgin-islands-094817

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Tue 8/8/2017 10:37:56 AM
Subject: POLITICO Playbook, presented by the Coalition for Affordable Prescription Drugs (CAPD): TRUMP keeps up BLUMENTHAL attacks -- NORTH KOREA says no negotiations, will use nukes against U.S. if provoked -- SPOTTED: Robert Bennett, Abbe Lowell lunching

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Today's POLITICO Playbook presented by the Coalition for Affordable Prescription Drugs (CAPD)
08/08/2017 06:35 AM EDT

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc), DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

Good Tuesday morning. TWO FUN SPOTTEDS to kick off your morning ...

-- ROBERT BENNETT, who represented Bill Clinton during the Lewinsky scandal, having lunch with **ABBE LOWELL,** who is representing Jared Kushner in the Russia investigation, at the Greenhouse Restaurant at the Jefferson Hotel Monday.

-- ROBERT REDFORD enjoying dinner last night at Geronimo in Santa Fe, dishing at length about Trump and the media. The Hollywood legend told his companions that he was glad Trump had galvanized reporters but that CNN-style panel discussions -- "they're just yelling at each other" -- were harming public discourse. The star of "All the President's Men" added that while print publications had held politicians accountable in the past, "film, not print" was necessary in this video-dominated era. He also implied that the president was a slippery target: "He's like soap."

BIDEN WATCH -- CRAIN'S DETROIT'S CHAD LIVENGOOD (@chadlivingood): "SCOOP: Ex-VP @JoeBiden recorded robo call for @MayorMikeDuggan that went out to Detroit voters tonight ahead of tomorrow's primary." http://bit.ly/2hFoIaU

SHOT: WHAT DONALD TRUMP IS TALKING ABOUT -- @realDonaldTrump at 4:48 p.m.: "I think Senator Blumenthal should take a nice long vacation in Vietnam, where he lied about his service, so he can at least say he was there" ... **at 4:39 p.m.:** "How much longer will the failing nytimes, with its big losses and massive unfunded liability (and non-existent sources), remain in business?" ... **at 4:15 p.m.:** "The Fake News Media will not talk about the importance of the United Nations Security Council's 15-0 vote in favor of sanctions on N. Korea!"

CHASER: LEAD STORY IN WSJ -- "North Korea Says It Would Use Nukes Only Against U.S.: Pyongyang threatened it will use its nuclear weapons against U.S. if provoked militarily," by Ben Otto, Jake Maxwell Watts in Manila and Farnaz Fassihi at the United Nations: "Defying pressure from new United Nations sanctions, North Korea threatened to use nuclear weapons against the U.S. if militarily provoked and said it would 'under no circumstances' negotiate on its nuclear and missile weapons programs.

"North Korean Foreign Minister Ri Yong Ho on Monday delivered the strongly worded statement to reporters on the sidelines of an Asian regional security conference hours after U.S. Secretary of State Rex Tillerson vowed to implement the stiffest sanctions yet imposed on the Pyongyang regime. ...

"Mr. Ri's statement rejected assertions by some Security Council members that North Korea's military programs constituted a global threat and said they were instead a legitimate option for self-defense 'in the face of a clear and real nuclear threat posed by the U.S.' If the U.S. attacks North Korea, the country 'is ready to teach the U.S. a severe lesson with its nuclear strategic force,' the statement said. Other countries were not being threatened unless they joined the U.S. in a military attack, it said. ... 'The unwise conduct of the U.S. will only speed up its own extinction,' North Korea said in the statement, adding that the U.S. was getting 'more frenzied and desperate' instead of learning to coexist with the country." http://on.wsj.com/2vAn1l7

-- THE ATTACKS AGAINST SEN. DICK BLUMENTHAL -- which were spread across nearly 10 hours -- seem completely and utterly irrelevant in comparison to North Korea threatening to start a nuclear war with the U.S. ... **REMEMBER WHEN** pundits and operatives were looking to recently installed chief of staff John Kelly to set a new tone at the White House? He may have changed how senior advisers are granted meetings with the commander in chief, but clearly Trump still has control of his Twitter account, which is the single most public facing element of his presidency.

TRUMP'S STRATEGY -- "Trump appeals to loyalists as support slips, agenda stalls," by AP's Julie Pace and Laurie Kellman: "President Donald Trump is trying to combat new weakness in his Republican base and re-energize his staunchest supporters after months of White House backbiting and legislative failures. White House officials have been urging the president to fire up his efforts on immigration and other agenda items favored by conservatives, evangelicals and working-class whites who propelled him to the Oval Office. The president has increased his media-bashing via Twitter and staged rallies hoping to marshal his base to his defense. On Monday, he lashed out at Democratic Sen. Richard Blumenthal in multiple tweets after the lawmaker expressed support for a special counsel's probe of Trump's associates' links to Russia.

"The surge underscores Trump's shaky political position not yet seven months into his presidency. Trump has remained deeply unpopular among Democrats, and there are signs that his support among Republicans may be softening. His advisers are aware that a serious slip in support among his core voters could jeopardize hopes for a major,

early legislative accomplishment and would certainly increase Republicans' worries about his re-election prospects." http://bit.ly/2wCPiEs

ABOUT THOSE NUMBERS -- "Poll: Trump support eroding with his base," by Henry C. Jackson: "A new poll shows Donald Trump's support dropping with his strongest supporters as he hits the 200-day mark of his presidency. In a fresh survey from CNN, conducted by the independent research company SSRS, Trump's 'strong approval' among Republicans has dropped from 73 percent in February, shortly after he took office, to 59 percent now. Overall, 83 percent of Republicans approve of Trump's performance, with 14 percent disapproving.

"Notably, there's erosion in enthusiasm among important subgroups: Trump's 'strong approval' among whites without a college degree - a group that helped propel him to office -- dropped 12 percentage points from February. The poll mirrors other recent surveys in finding Trump's overall approval rating underwater. It comes after a month of setbacks and turmoil for the White House -- including the failure to pass an Obamacare repeal in the Senate and the replacement of Trump's chief of staff. CNN and SSRS conducted the survey to mark the 200-day point of Trump's presidency." http://politi.co/2wp4PZ9

ANNIE KARNI: "Trump bashes the media but still loves good press": "Media bashing has become one of the organizing principles of Donald Trump's presidency. But behind the scenes, the Trump machine is eagerly promoting the nuggets of positive press they receive from the very outlets the president seeks to discredit. The White House director of rapid response, Andy Hemming, 31, spends his days immersed in cable television, Twitter, print and online media to suss out positive stories about Trump, which he blasts back out to his list of more than 1,000 influencers -- mainly reporters, but also television talking heads -- who together craft the overall story of Trump's presidency.

"There's nothing new about an administration trying to promote its wins. But in the Trump White House, where Hemming's job is not to discredit the mainstream media but to celebrate stories the administration likes, it can seem like he is trying to bail out a sinking boat with a teacup. And it's a role that feels out of sync with Trump's constant attacks on the press. ...

"'They don't always get it wrong,' White House press secretary Sarah Huckabee Sanders said of mainstream news outlets like the New York Times and CNN. 'But for every one good story we push out, there are probably 150 really bad process stories, or hit pieces, on the administration.' ... [F]or the first few weeks of the administration ... Hemming would blast out his carefully curated clips, sometimes multiple times a day, with the goal of driving more positive news coverage. But for weeks, sources inside the White House said, no one informed him that the White House IT system could not handle an email going out such a big list, and that all of his emails were all being blocked by a firewall and reaching an audience of zero readers. That glitch has since been corrected, and the administration thinks Hemming is helping to slowly change the

course of the coverage it gets." http://politi.co/2hFIc0rX

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : If you know only one fact about rising drug costs, know this one: drug makers set prices for prescription drugs. To help manage nearly double-digit price increases, employers, unions and government programs use PBMs to negotiate lower net prices to help curb costs for employers and patients. Learn more at affordableprescriptiondrugs.org ******

BIG CLIMATE NEWS -- NYT A1, "Government Report Finds Drastic Impact of Climate Change on U.S.," by Lisa Friedman: "The average temperature in the United States has risen rapidly and drastically since 1980, and recent decades have been the warmest of the past 1,500 years, according to a sweeping federal climate change report awaiting approval by the Trump administration. The draft report by scientists from 13 federal agencies, which has not yet been made public, concludes that Americans are feeling the effects of climate change right now. It directly contradicts claims by President Trump and members of his cabinet who say that the human contribution to climate change is uncertain, and that the ability to predict the effects is limited. ...

"Scientists say they fear that the Trump administration could change or suppress the report. But those who challenge scientific data on human-caused climate change say they are equally worried that the draft report, as well as the larger National Climate Assessment, will be publicly released." http://nyti.ms/2uk7bqC ... ***The draft report*** http://nyti.ms/2vINDQo

WASHINGTON INC. -- "Secrecy and Suspicion Surround Trump's Deregulation Teams," by NYT's Danielle Ivory and ProPublica's Robert Faturechi: "When President Trump ordered federal agencies to form teams to dismantle government regulations, the Transportation Department turned to people with deep industry ties. One appointee had previously lobbied the department on behalf of American Airlines. Another held executive roles for several electric and hybrid car companies regulated by the department. A third was a lawyer who represented United Airlines in regulatory matters.

"The three appointees have been identified by The New York Times and ProPublica in a continuing effort to track members of the deregulation teams. The appointments, previously unreported, follow a pattern identified by the two news organizations: By and large, the Trump administration has stacked the teams with political appointees, some of whom may be reviewing rules their former employers sought to weaken or kill. A full vetting of industry connections has been difficult because some agencies have declined to provide information about the appointees - not even their names." http://nyti.ms/2wCWPTN

--"Trump's Stalled Trade Agenda Leaves Industries in the Lurch," by NYT's Alan Rappeport: "Donald J. Trump promised Americans that they would be exhausted from 'winning' on trade under his presidency. But nearly seven months after Mr. Trump took office, the industries he vowed to protect have become tired of something else: waiting. After beginning his presidency with a bang by withdrawing from the Trans-Pacific

Partnership pact in January, Mr. Trump has accomplished little else of significance when it comes to reorienting deals with other countries. Instead, his administration has been struggling to work through the complicated rules that dictate international commerce.

"All the while, they are learning that bold campaign promises are hard to keep when many voices advocate different plans. For many businesses that had raised their hopes, frustration is mounting by the day. America's steelworkers are on edge as they wait for Mr. Trump to fulfill his promise to place tariffs on steel imports. Home builders are desperate for the president to cut a deal with Canada to end a dispute over its softwood lumber exports. And cattle ranchers are longing for a bilateral pact with Japan to ease the flow of beef exports." http://nyti.ms/2vlr3Y1

FOR YOUR RADAR -- "U.S. May Begin Airstrikes Against ISIS in Philippines," by NBC News' Courtney Kube: "The Pentagon is considering a plan that allows the U.S. military to conduct airstrikes on ISIS in the Philippines, two defense officials told NBC News. The authority to strike ISIS targets as part of collective self-defense could be granted as part of an official military operation that may be named as early as Tuesday, said the officials. The strikes would likely be conducted by armed drones. If approved, the U.S. military would be able to conduct strikes against ISIS targets in the Philippines that could be a threat to allies in the region, which would include the Philippine forces battling ISIS on the ground in the country's southern islands." http://nbcnews.to/2vypyfj

ISAAC DOVERE in the latest **"OFF MESSAGE"** podcast: "Thirteen independent candidates who feel they don't fit in the Republican Party in the age of Donald Trump are joining forces with a few Democrats eyeing runs for governor and Senate in 2018. The plan, this weekend at the Union League in downtown Philadelphia, is to create shared infrastructure and funding for a slate of campaigns around the country, in the hopes of making this more than the latest go-nowhere whining about how awful the two-party system is. 'If a candidate comes up and says, 'I'm a Republican, or 'I'm a Democrat,' people know within probably 70 percent of where they stand. With an independent, it's like, 'OK, tell me about yourself," Alaska Gov. Bill Walker, the only independent governor in the country, told Isaac Dovere for the latest Off Message podcast.

"Expected in Philly: Terry Hayes, running for governor in Maine; Greg Orman, expected to run for governor in Kansas; and Evan McMullin, looking at a Senate run in Utah against Orrin Hatch. Walker on climate change: 'it's real because we're seeing it.' On being concerned about Alaska being hit by North Korea: 'No one's hiding under the desk that I know of at this point, but we do have to make sure we have the technology and awareness of what could happen.' On Sarah Palin: 'I was looking for results and not just attention.' On inspiring more young independents: 'I think they may have seen the path, perhaps that they don't have to necessarily fit into a particular box.'" http://politi.co/2vhzpnx ... ***Listen to the full podcast*** http://apple.co/2e2dLvm

-- "Sanders 'litmus test' alarms Democrats: Bernie Sanders' single-payer plan sparks

fears of primary election challenges," by Gabe Debenedetti: http://politi.co/2vg8uIo

BIG NEWS FROM JERUSALEM -- "NETANYAHU: I WON'T BE TOPPLED, I HAVE NOTHING TO FEAR: Likud planning mass rally in support of Netanyahu ... A-G to indict Sara Netanyahu," by Jerusalem Post's Gil Hoffman: "Prime Minister Benjamin Netanyahu has rejected criminal suspicions leveled against him in recent days, amid speculation that his tenure will end soon.

"According to a report on Kan, the Israeli Public Broadcasting Corporation, Netanyahu lashed out -- in private conversations with Knesset members -- at the press, the opposition and members of his own party, whom he accused of conspiring to unseat him. 'They are trying to get me and attempting to topple the Right,' Netanyahu told senior officials in his coalition, according to the report. 'This is not new. They have been trying for many years. I don't see us going to elections now.'

"Netanyahu mocked reports about his former chief of staff , Ari Harow, who has turned state's witness against him, and Case 2000, in which he is accused of conspiring to harm one newspaper and help another. 'It's not like I am going tomorrow and they are going to replace me,' he said. 'I don't know what they want from me. I have nothing to fear. I don't think I have a problem.'" http://bit.ly/2vAx6OH

NOT HOW WE REMEMBER IT! -- "PM's Iran speech to Congress left no bad blood, top Democrat says," by Times of Israel's Raphael Ahren: "'All of us together support Israel and there is no residual impact [from Netanyahu's speech], whether you were pleased or not pleased,' House Democratic Whip Steny H. Hoyer told reporters at a press conference in Jerusalem." http://bit.ly/2vfeoeG

THE JUICE ...

-- WAPO'S RELIABLE SOURCES: "Stephen Miller blasted a reporter as 'cosmopolitan.' But he lives in a $1 million CityCenter condo." http://wapo.st/2hFq8IW

-- REP. ERIC SWALWELL (D-CALIF.) is heading to Iowa for this week's 2017 Iowa WingDing, the big annual Democratic grassroots fundraiser slated for Aug. 11. California Playbooker Carla Marinucci writes us: "Swalwell's made multiple trips to the Hawkeye State this year. The chair of the Democratic Steering and Policy Committee has talked with young Iowa voters in his role as a founder of the Democratic Party's 'Future Forum,' an effort to engage Millennial voters around the country. In February, he stared at the 'Unite, Resist, Reclaim' event for Iowa Progressive Dems."

-- L.A. TIMES: "'May you die in pain': California GOP congressman gets an earful at town hall," by Phil Wilson in Chico: "'May you die in pain.' That was the nastiest moment of Republican Rep. Doug LaMalfa's early morning town hall in the Northern California town of Chico on Monday. The wish was uttered by an older man who criticized LaMalfa for voting for the House GOP plan to replace the Affordable Care Act.

He was also holding a pink sign that read 'Lackey for the Rich!'" http://lat.ms/2vKmQ76

-- **@justinhendrix:** "Blackwater founder Erik Prince tells @ErinBurnett he met w/ Russian 'fund manager' over 'one beer' in Seychelles." http://bit.ly/2ukg03M

TRUMP'S TUESDAY -- THE PRESIDENT will attend an opioid briefing with HHS Secretary Tom Price in Bedminster ... **VP MIKE PENCE** is lunching with Sen. Marco Rubio (R-Fla.), Rep. Albio Sires (D-N.J.) and Rep. Jeff Duncan (R-S.C.) in D.C.

Playbook Reads

WHAT LANGLEY IS READING -- NYT A1, "Trump Likes When C.I.A. Chief Gets Political, but Officers Are Wary," by Matt Rosenberg in Aspen: "Sweating under the hot glare of stage lights, Mike Pompeo, the director of the Central Intelligence Agency, had reached the limits of his patience with questions about Russian interference in the presidential election. 'Just look,' he snapped during the rare public appearance last month at the Aspen Security Forum. 'This is the 19th time you all have asked.' It was, in fact, only the fourth question about Russia that evening. But Mr. Pompeo could be excused for snapping: He runs an agency that is certain Russia meddled in the election, yet serves a president who has dismissed the talk of Russian interference as 'fake news' and denounced the investigation into it as a witch hunt.

"All C.I.A. directors must balance the political demands of the president they serve with the agency's avowedly apolitical idea of itself. Yet rarely has a director had to straddle so wide a breach as has Mr. Pompeo, perhaps the most openly political spy chief in a generation - and one of President Trump's favorite cabinet members." http://nyti.ms/2veTmN2

ATTN. WEST WING -- JASON ZENGERLE in GQ's September issue, "Who's Afraid of President Pence?" (online headline: **"What If Mike Pence Becomes President?"**): "No matter the circumstances of Trump's exit -- whether he leaves early or not -- Pence will inherit a hangover. Recall Gerald Ford's efforts, in the wake of Watergate, to declare that America's long national nightmare is over.' Pence might need to do something similar. ... [I]f Trump were to resign or be forced from office, Republicans would struggle in the long shadow of scandal and turmoil -- and nobody would be more enveloped in it than Pence himself. ... Consensus holds that Pence would want to surround himself with new staff -- particularly Republican heavyweights, aides and operatives of the stature and pedigree that Trump wasn't able to lure to the White House. ...

"Surprisingly, one high-profile survivor might be Kellyanne Conway, who served on Pence's gubernatorial campaign as a pollster. At one point she even urged him to run for president in 2016, and later she talked him up to Trump during the veep search. 'A

lot of where Mike is today,' says the former Pence adviser, 'he owes to Kellyanne.' ... [F]or all the fears of a coming theocracy under Pence, more sober-minded observers suspect he could be largely hamstrung on sweeping social issues. Indeed, Pence's religious fervor might, ironically, give him less room to push for some of the conservative policies Trump has enacted." ***With cameos from Bill Kristol, Steve Schmidt, Ramesh Ponnuru, Ryan Williams, Rex Elsass, Anita Dunn*** http://bit.ly/2hEnrB5

-- **@HallieJackson:** "VP Press Secy. responds 'I don't talk about hypotheticals' when asked if Pence would run for POTUS in 2020" http://bit.ly/2hF6mqB

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)**: Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers and other health care purchasers; however, the list price - the important starting point for those negotiations -- continues to rise, at a rate of nearly ten percent in 2016 alone. Increased competition, faster reviews of generics and biosimilars and ending anti-competitive practices can also bring down the cost of medications for patients. Learn more at affordableprescriptiondrugs.org ******

GEORGE ORWELL ALERT -- "U.S. federal department is censoring use of term 'climate change', emails reveal," by The Guardian's Oliver Milman: "A series of emails obtained by the Guardian between staff at the Natural Resources Conservation Service, a USDA unit that oversees farmers' land conservation, show that the incoming Trump administration has had a stark impact on the language used by some federal employees around climate change. A missive from Bianca Moebius-Clune, director of soil health, lists terms that should be avoided by staff and those that should replace them. 'Climate change' is in the 'avoid' category, to be replaced by 'weather extremes'. Instead of 'climate change adaption', staff are asked to use 'resilience to weather extremes'. The primary cause of human-driven climate change is also targeted, with the term 'reduce greenhouse gases' blacklisted in favor of 'build soil organic matter, increase nutrient use efficiency'. Meanwhile, 'sequester carbon' is ruled out and replaced by 'build soil organic matter'". http://bit.ly/2uBzRL8

WHAT PREET BHARARA IS READING -- "The White House Has Pitched a Nominee For Manhattan's Powerful U.S. Attorney Opening," by BuzzFeed's Zoe Tillman: "The White House is considering Geoffrey Berman, an attorney who practices in New Jersey and New York and one of Rudolph Giuliani's law partners, to lead the U.S. attorney's office in Manhattan - one of the most high-profile federal law enforcement jobs in the country. Berman's name was included as part of a package of proposed candidates for New York judicial and U.S. attorney vacancies sent by the White House in mid-July to New York's Democratic senators." http://bzfd.it/2veTKvc

VALLEY TALK -- "Google Fires Author of Divisive Memo on Gender Differences," by Bloomberg's Mark Bergen and Ellen Huet: "Google has fired an employee who wrote an internal memo blasting the web company's diversity policies, creating a firestorm across Silicon Valley. James Damore, the Google engineer who wrote the note, confirmed his dismissal in an email, saying that he had been fired for 'perpetuating

gender stereotypes.' He said he's 'currently exploring all possible legal remedies.'" https://bloom.bg/2ujZuB4

-- "The End of Typing: The Next Billion Mobile Users Will Rely on Video and Voice," by WSJ's Eric Bellman: "The internet's global expansion is entering a new phase, and it looks decidedly unlike the last one. Instead of typing searches and emails, a wave of newcomers-'the next billion,' the tech industry calls them-is avoiding text, using voice activation and communicating with images. They are a swath of the world's less-educated, online for the first time thanks to low-end smartphones, cheap data plans and intuitive apps that let them navigate despite poor literacy. Incumbent tech companies are finding they must rethink their products for these newcomers and face local competitors that have been quicker to figure them out." http://on.wsj.com/2hE84IJ

Playbookers

CONGRATS! PLAYBOOKERS on Town & Country's "The T&C 50: New Modern Swans -- The young women making waves in the age of influence": Tara Palmeri, Katy Tur, Brianna Keilar, Olivia Nuzzi and Abby Phillip. http://bit.ly/2vzgqr0

TRANSITIONS - OBAMA ALUMNI: Eric Pelofsky has joined Shell's D.C. office in as director of international government relations. He was most recently a visiting fellow at the Washington Institute for Near East Policy, a special assistant to President Obama at the NSC and is a 16-year government veteran.

-- Aaron Davis has started as national political director at J Street. He most recently was director of FEMA's congressional affairs division.

-- NEW AIRBNB HIRES -- Kaelan Richards is joining Airbnb as the new U.S. East and Canada public affairs manager, based in San Francisco. Previously, she was senior regional communications director at the Obama White House. **Molly Weedn** is joining Airbnb as the U.S. West public affairs manager, **James Lynch** is the company's new director of executive communications at Airbnb, and **Katharine Kendrick** is the new international public policy manager.

-- @AndrewHClark: "Some news: After 2.5 years, Wednesday will be my last day at @TheIJR. I'll be joining the team at @ShopFloorNAM as digital comms manager."

-- @APDiploWriter: "Veteran #US diplomat David Satterfield to replace retiring Stu Jones as acting asst secstate for Near East in Sept, per @statedept officials".

WELCOME TO THE WORLD - Will Ritter, founder of Poolhouse digital ad agency and a Romney 2012 alum, and **Kelli Ritter,** special assistant to Mitt and Ann Romney, email friends and family: "We're so excited to announce that our son, Calvin John Ritter, was born [Monday] at 3:41 p.m. He's 8 pounds, 11 ounces, and perfect. Kelli is happy and

healthy; we're all here at the hospital munching on delivered subs and singing Sturgill Simpson songs together. We're so excited to be parents and so blessed to have your love and advice during these past nine months. Can't wait for you to meet Cal." ***Instapic*** http://bit.ly/2woP4S9 ... ***Pic*** http://bit.ly/2wpiak7

OUT AND ABOUT -- Caitlin Legacki celebrated her birthday with Bingo Night at Kingfisher on Monday. The Camp 30 crew, former staffers to Sens. Jeanne Shaheen (D-N.H.) and Claire McCaskill (D-Mo.), and many others gathered to celebrate Legacki and shout "BINGO" as loud as possible. **SPOTTED:** Jen Maclellan, Chris Ortman, Chris Hayden, Kristen Bartoloni, Nu Wexler, Eli Yokley, Justin Vail, Ben Shannon, Megan Hupp, Abbey Watson, Vanessa Ide, Dan Jasnow, Thomas Winslow, Emily Beyer and Jeff Solnet.

BIRTHDAY OF THE DAY: Ron Klain, EVP and general counsel at Revolution, is 56. **A fun fact about Ron:** "The spark that flamed my interest in politics came when I was six years old, and I met Bobby Kennedy when he was campaigning in advance of the 1968 Indiana primary. He filmed a campaign commercial using the backdrop of the small plumbing supply business my Dad owned, and I got to shake RFK's hand. Decades later, when I worked in the White House, I told advance people: When you pick that site for a Presidential photo op, or 'real people' event, you never know whose life you will change. That day in 1968, some advance person absolutely changed mine." Read his Playbook Plus Q&A: http://politi.co/2uC7zjA

BIRTHDAYS: Catharine Cypher, celebrating on a boat with her mom and friends in Michigan, extending her stay at "home," where she was maid of honor in her best friend's wedding this weekend (hat tip: Kellyanne Conway) ... Sunny Feldman (h/t Vale) ... U.S. Ambassador to Israel David Friedman is 59 (h/t Jewish Insider) ... WaPo's Jackson Diehl ... Virginia Heffernan ... Claire Brinberg, senior producer and political editor at ABC's "World News" with David Muir ... Sam Wilson, a lawyer in SF for O'Melveny & Myers ... Politico's Vinay Mehra ... Tyler Bowders ... Kate Damon ... CBS News' Kylie Atwood is 28 (h/t Jackie Alemany, filing from Nairobi, Kenya, which is holding an election today - Alemany is undergoing hostile environment training in the country) ... Emily Rogers, comms manager at Urban Alliance ... Kelly Jemison Needham is 29 ... Michael Levin, who's written for Politico Magazine, is 59 ... Dee Ertukel ... Jonah Seiger ... Sara Maldonado ... Will Caggiano ... Marc Ambinder ... Elizabeth Brakebill McAdam ... Karen Hancox ... James Feinstein ... David Bass, president and CEO of Raptor Strategies (h/t Tim Burger) ... Josh Sternberg (h/t Journophish) ...

... Ken Cook, president of the Environmental Working Group (h/t Jon Haber) ... former FEC chairman Michael Toner, partner at Wiley Rein ... Hayley Matz Meadvin ... Mike Schwartz ... Joe Walsh, former deputy assistant secretary of education for state and local engagement at the Department of Education under Arne Duncan, is 51 (h/t Judge James G. Gilbert) ... AEI media relations manager Meg Cahill is 25 (h/t Maddie James) ... Mike Biundo, co-founder of Right On Strategies ... William Cronin ... Jonah Seiger ... Jeff Chu ... Lance Frank, executive director of comms at CBS News (h/t Caitlin Conant) ... former Michigan Gov. Jim Blanchard is 75 ... Nuriya Janss ... John Lambert ... Mike

Dankler ... Luke Londo ... Habib Durrani ... Dan Betts ... Kristina Dei ... Samantha Brady ... Mallory Hobson ... Fredrick Odol ... Michael Burwick ... former Sen. John Culver (D-Iowa) is 85 ... Karen Hancox ... Dee Ertukel ... Alison Diminuco ... Jay Gersema ... Cameron Terry ... Xerxes Bhappu (h/ts Teresa Vilmain)

****** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** : The high prices that drug makers set for prescription drugs can put financial strain on patients, employers, unions and others who provide health care coverage to more than 50 percent of Americans. Pharmacy benefit managers negotiate the lowest net price for prescriptions on behalf of employers, unions and government programs. But, as list prices - the starting point for those negotiations -- continue their nearly double-digit increases, the effects ripple throughout the system. The key to ensuring greater access and affordability lies in fostering greater competition. Facilitating faster reviews of generics and biosimilars, identifying off-patent drugs with little or no generic competition, and ending anti-competitive practices that keep safe, effective alternatives out of the market are also key to abating rising drug costs for patients. Learn more at affordableprescriptiondrugs.org ******

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From: Morning Energy
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Subject: POLITICO's Morning Energy, presented by ExxonMobil: Reading the tea leaves on Clean Power Plan repeal — More political activity from Zinke revealed — Antiquities Act revamp gets its day in committee

By Anthony Adragna | 10/11/2017 10:00 AM EDT

With help from Alex Guillén and Emily Holden

LONG CARBON RULE BATTLE LIES AHEAD: President Donald Trump's administration sought to frame Tuesday's move to rescind the Obama-era Clean Power Plan as fulfilling a campaign process, but it really just kicked off what's likely to be an arduous and lengthy legal and regulatory process that may ultimately result in a replacement rule with very modest reductions in the emissions that fuel climate change. "This is the beginning of the process to carry out the president's promise to make sure that we do our job at the agency within the bounds of the law and don't declare war on certain sections of our economy," EPA Administrator Scott Pruitt said on "Fox News," his only public appearance Tuesday to discuss his proposed rule.

Many state officials, environmental advocates, businesses and reporters were left wondering why they hadn't received any sort of briefing or additional background before or after the proposal's release - especially since senior agency officials had a closed phone call Tuesday morning with conservative organizations where they took questions from groups like the Heartland Institute and State Policy Network, as Pro's Emily Holden reports. Clint Woods, the director of the Association of Air Pollution Control Agencies, which represents mostly conservative state air agencies, said his members got a heads up on timing but would be "looking forward to more engagement prior to major announcements in the future."

Joe Goffman, EPA general counsel when the Clean Power Plan was proposed and finalized, said the agency typically had background conversations with all of those groups when rolling out a major proposal. "We thought that it was an elementary part of our obligation to present information to state governments, to the affected industry, often very broadly defined, and to environmental advocacy groups," Goffman said. A phone call between the administrator and reporters, and a briefing on the Hill for lawmakers was also customary, he said. Pruitt has accused Obama's EPA of not conducting enough outreach or listening enough to states, which Goffman said is "demonstrably false." The agency did not respond to questions about its outreach on the rollback.

ICYMI: Here's links to EPA's fact sheet, proposal and regulatory impact analysis.

Five things: Pro's Alex Guillén and Eric Wolff take a look at five of the biggest policy changes the Trump administration has made to try to prop up the prospects of fossil fuels. 1) Killing the crown jewel of Obama's climate change legacy by axing the Clean Power Plan, 2) A push to shore up coal's place in the nation's electricity marketplace, 3) The likelihood of trade barriers on imported solar products, 4) Tapping the brakes on tightened mileage standards that Obama had imposed for cars sold from 2022 to 2025 and 5) Actions designed to make federal lands more

amenable to fossil fuel development.

Push to shutter coal plants gets another jolt: Former New York Mayor Michael Bloomberg is at the Sierra Club's HQ this morning at 11:45 a.m. where he'll announce "an increased commitment" to shutter the U.S. coal fleet even amid the repeal of the Clean Power Plan. That comes as the Union of Concerned Scientists released an analysis finding 21 percent of the nation's coal fleet uneconomic and an additional 18 percent already slated for retirement or conversion to natural gas.

Quotable: California Senate leader (and potential Sen. Dianne Feinstein primary challenger) Kevin de Lèon not mincing words on the withdrawal: "Washington's utter failure to confront the existential threat of climate change will go down among the most shameful chapters in US history," he tweeted.

Here's where we are: EPA started the process to roll back the signature Obama-era effort to combat climate change even as the U.S. is reeling from back to back to back to back hits from hurricanes and ferocious wildfires slam California. Assuming a disaster aid package eventually clears Congress as expected, lawmakers will have spent more than $50 billion responding to the natural disasters already, and House Majority Leader Kevin McCarthy said last week "I do not believe this will be the last of the supplementals." Three weeks after Hurricane Maria slammed into Puerto Rico, 84 percent of the island still lacks electricity and 36 percent of residents still don't have potable water, according to official figures.

TIMELY TELEVISION VIEWING: "Frontline" titles its episode tonight "War on the EPA," as the PBS show focuses on Pruitt's rise from an anti-EPA crusader as Oklahoma attorney general to running the agency. Trailer for the episode here.

WE'RE ROLLING RIGHT THROUGH THE MIDDLE OF THE WEEK! I'm your host Anthony Adragna, and Independent Petroleum Association of America's Neal Kirby was first to identify Sen. Bill Cassidy as our most recent physician elected to the Senate. For today: Who is the only senator to win a reelection race in their 90s? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy, and @POLITICOPro.

SKI RESORTS, ALASKAN STEAKHOUSE, OH MY! Interior Secretary Ryan Zinke attended at least two additional political fundraisers during trips he took for official Interior business, Pro's Esther Whieldon and Ben Lefebvre scoop . Federal law permits Cabinet officials to participate in partisan political activities on their own time and without using any federal resources, but FEC records don't list any reimbursement payments to Interior for the events. "Both law and common sense tell us that taxpayer resources are supposed to be used when you're doing the taxpayers' business [but] are not supposed to be used to help candidates get elected," said Brendan Fischer of the nonprofit watchdog organization Campaign Legal Center.

The two events were:

- A mid-March fundraiser at a ski resort in Big Sky, Mont., organized by committees affiliated

with Republican Sen. Steve Daines. Donors were asked to contribute $3,000 if they were attending on behalf of a political action committee or $1,500 for an individual. Also in attendance: Sen. John Hoeven and Senate Energy Chairman Lisa Murkowski. He didn't charge for lodging or his per diem for part of the trip.

- A May 31 fundraiser for Alaskan Rep. Don Young where a Young campaign spokesman, Matt Shuckerow, said the secretary made "only very brief remarks." He said the campaign "took concerted efforts to follow" strict guidance from Interior's ethics personnel.

Interior's response: Spokeswoman Heather Swift said ethics officials signed off on all trips and they all complied with the law. "The Interior Department under the Trump Administration has always and will always work to ensure all officials follow appropriate rules and regulations when traveling, including seeking commercial options at all times appropriate and feasible, to ensure the efficient use of government resources," she said.

NOT PLEASED: Amid weeks of reporting on non-commercial travel and other troubling behavior from Cabinet officials, the acting head of the Office of Governmental Ethics issued a memo warning he is "deeply concerned" by recent actions. Among the suggestions is "modeling a 'Should I do it?' mentality versus a 'Can I do it?' mentality" in their actions. "It is essential to the success of our republic that citizens can trust that your decisions and the decisions made by your agency are motivated by the public good and not by personal interests," David Apol wrote.

THE WOTUS WITH THE MOSTEST: The Supreme Court today will take up a wonky but important question central to federal water law: Should challenges to the Obama administration's Waters of the U.S. rule go through a district court first or straight to an appellate venue? Of course, the Trump administration is working to repeal WOTUS in the coming months and says it will issue a rewritten version early next year. But this venue question is all but guaranteed to apply again, meaning SCOTUS guidance could prove useful.

What you need to know: The Clean Water Act says that most CWA regulations and actions should be challenged first at the district level, but it lists seven exceptions that would go straight to a circuit court. Two are in play here: one regarding rules affecting effluent limitation guidelines, and one for any action approving or denying discharge permits. The Trump administration argues both exceptions apply, and the suits should go to a circuit court first. Various challengers, led by the National Association of Manufacturers, want it to go through district courts first.

History brief: After the rule was released, lawsuits were filed in both district and circuit courts throughout the country. After some district-level proceedings that led to a stay of WOTUS in 13 states only, the circuit-level cases were consolidated into one mega-case before the 6th Circuit, which then issued a nationwide injunction. The 6th Circuit then issued a complicated 1-1-1 ruling that concluded that it should indeed hear the challenge first. One judge said both exceptions apply, one said only one exception applies and the third said neither applies and the challenges should first go through district courts.

Why it matters: This isn't entirely an esoteric spat. Supporters of district-first litigation argue

the Clean Water Act gives more time to challenge regulations that go to lower courts first. It also means challengers can pick the district court where they want to sue, whereas circuit-first challenges would be randomly consolidated. Meanwhile, those who want circuit-first review argue that it provides more certainty and helps avoid patchwork problems - such as the 13-state WOTUS freeze.

EPICALLY BUSY DAY AT HOUSE NATURAL RESOURCES: The panel is slated to convene two separate hearings Wednesday to examine controversial measures on offshore drilling and the Antiquities Act:

- At 2 p.m, the Energy and Mineral Resources Subcommittee considers a draft of the Accessing Strategic Resources Offshore Act, which would expand offshore revenue sharing program to additional states; prevent future presidents from withdrawing sections of the outer continental shelf from drilling or designating marine sanctuaries; and repeal certain Obama-era rules on Arctic drilling, among other things. Witnesses include former Senate Energy Chairwoman Mary Landrieu.

- The full committee then gathers at 4 p.m. to mark up Chairman Rob Bishop's long-awaited effort to overhaul the Antiquities Act. The bill, H.R. 3990 (115), would require a federal environmental review process to designate any monument more than 640 acres in size, require the sign off from local officials on new large monuments and prohibit marine national monuments "with no archeological or historic sites in need of protection." Committee members will also consider a resolution requiring Zinke to disclose more information about his review of existing national monument designations.

** **Presented by ExxonMobil:** We're collaborating with FuelCell Energy on a novel idea to use fuel cells to capture carbon at natural gas power plants, and in the process reduce emissions and increase electrical output. This technology could be a game changer in addressing the world's growing need for energy, while also reducing the impact on the environment. Learn more. **

A NEW DISASTER EMERGES - CALIFORNIA WILDFIRES: Trump declared a major disaster in California Tuesday as wildfires have forced the evacuations of tens of thousands, cost at least 17 lives to date and caused billions in damage. "We are with you, our prayers are with you, and we will be with you every day until we put the fires out and stand with these families to rebuild these communities," Vice President Mike Pence said alongside McCarthy and Rep. Jeff Denham after a briefing Tuesday. Separately, California Sen. Kamala Harris and Feinstein asked Trump in a letter to take all steps to release federal aid "as soon as possible."

Ryan heading to Puerto Rico Friday: According to multiple reports, Speaker Paul Ryan heads to Puerto Rico Friday along with Cathy McMorris Rodgers, the fourth-highest House Republican; Appropriations Chairman Rodney Frelinghuysen; top Appropriations Democrat Nita Lowey and Puerto Rico Resident Commissioner Jenniffer González. That comes as the Financial Oversight and Management Board for Puerto Rico hired Williams & Jensen to lobby the federal government on disaster relief and recovery efforts (h/t POLITICO Influence). The White House late Tuesday asked for an additional $4.9 billion in emergency hurricane aid to help Puerto Rico as part of a disaster funding package the House is still expected to consider this week, Pro

Budget and Appropriation's Sarah Ferris reports.

ON THE HOUSE FLOOR: Lawmakers today are slated to consider a bill of interest to ME fans. The Power And Security Systems Act S. 190 (115) would extend energy efficiency standards exemptions for external power devices and is slated to be considered under suspension of the rules, requiring two-thirds support for passage.

PROTESTING PERRY'S PUSH AT FERC: The Nuclear Information and Resource Service and allied organizations are greeting FERC employees today at 8:45 a.m. to protest Perry's push for new rules that "properly value" the coal and nuclear sectors. That comes as National Rural Electric Cooperative Association CEO Jim Matheson sent Perry a letter thanking him for "jumpstarting a conversation" about the nation's electric markets.

DRINKING WATER UTILITIES ENTER FARM BILL FRAY: The American Water Works Association wants Congress to include provisions and funding to better protect drinking water sources from agricultural runoff, Pro Ag's Jenny Hopkinson reports. The group is also pushing for "robust overall funding" for the conservation title - keeping it at $6 billion, if not adding to the current allotment.

FROM THE DEPARTMENT OF WHERE ARE THEY NOW: With his red sweater, coal plant worker Ken Bone rose to national attention as an undecided voter during last year's presidential race but he's since become quite critical of the Trump administration, CNN reports. "Almost anybody who is currently a Democrat in the Senate, I think I would probably vote for over Trump," he said.

DEPARTMENT OF AWKWARD TIMING: Perry gave an interview to the American Gas Association's magazine that prominently features a picture of the secretary with disgraced Rep. Tim Murphy. Read his interview here.

MOVER, SHAKER: Keith Maley has started as director of PR at the Trust for Public Land. He previously was director of regional media in the Obama White House (h/t Playbook).

Liam Donovan has joined Bracewell's Policy Resolution Group as a lobbyist specializing in tax, infrastructure, energy and other issues. He comes from the Associated Builders and Contractors where he was as senior director of legislative and political affairs.

Amy Graham is starting next week as communications director for Sen. Todd Young. She most recently worked as senior communications adviser and deputy associate administrator at the EPA (h/t Playbook).

QUICK HITS

- Hillary Clinton at UC Davis: Climate change a factor in Northern California wildfires. First Coast News.

- IMF tells rich nations that greater urgency needed on climate change. The Guardian.

- Foster Friess confirms interest in primarying 'hero' John Barrasso. Washington Examiner.

- Colonial partners with Enterprise for fuel exports from Beaumont terminal. Reuters.

- Despite some opposition from Los Angeles, giant Southern California water agency approves Delta tunnels project. Sacramento Bee.

- Lake Erie algal bloom cleanup falling short of 40 percent phosphorus reduction goal. Cleveland.com.

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EHS Federal Regulatory Alert

October 17, 2017 - Number 199

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Summaries

AIR
SAB Risk and Technology Review Methods Panel Meeting
AIR

Notice of the EPA announces a meeting of the Science Advisory Board Risk and Technology Review Methods Panel to discuss the draft report on screening methodologies to support risk and technology reviews (May 2017 external review draft). The report reviews newly developed screening methods designed to assess the risk to public health and the environment that would remain after stationary sources of hazardous air pollutants come into compliance with the EPA's maximum available control technologies standards. The meeting is scheduled for Dec. 5, 2017, via teleconference. Comments are due Nov. 28, 2017. Contact: Bryan Bloomer; EPA; 202-564-4222; bloomer.bryan@epa.gov

82 FR 48227 (10/17/2017)

Regulatory Update

AIR
Texas SIP and FIP/Regional Haze
AIR

Final rule of the EPA partially approves and partially disapproves a revision to the Texas SIP for regional haze and the Texas federal implementation plan (FIP). The partial approval addresses the state's determination that its electric generating units (EGUs) are not subject to best available retrofit technology (BART) for particulate matter (PM). The partial disapproval addresses the finding that the BART alternatives to address sulfur dioxide (SO2) and nitrogen dioxide BART at state EGUs meet the interstate visibility transport requirements for 1997 eight-hour ozone, 1997 24-hour and annual PM-2.5, 2006 24-hour PM-2.5, 2008 eight-hour ozone, 2010 one-hour nitrogen dioxide, and 2010 one-hour SO2 NAAQS. The rule is in response to the remand of certain Cross-State Air Pollution Rule emission budgets. The rule is effective Nov. 16, 2017. Michael Feldman; EPA Region 6; 214-665-9793; Feldman.Michael@epa.gov. Citations: 40 CFR 52.2270, 52.2304, 52.2312, 40 CFR 97, Subpart FFFFF

82 FR 48324 (10/17/2017)

Regulatory Update

AIR
Vermont/Partial Delegation of NSPS
AIR

Notice of the EPA approves a request from the state of Vermont for partial delegation of the new source performance standards for new residential wood heaters, new residential hydroponic heaters, and forced-air furnaces. The request was made in response to revisions made by the Vermont Agency of Natural Resources to state air pollution control standards for wood stoves and central heaters. Contact: Eric Wortman; EPA Region 1, Office of Ecosystem Protection; 617-918-1624; wortman.eric@epa.gov. Citations: 40 CFR 60.539a, 60.5482

82 FR 48202 (10/17/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
California/Lake Elsinore Advanced Pumped Storage Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a major unconstructed project license application by Nevada Hydro Co., of Vista, Calif., for the Lake Elsinore Advanced Pumped Storage Project on Lake Elsinore and San Juan Creek in Riverside and San Diego counties in California. The project, which would occupy 845 acres of federal land, would create a new upper reservoir in the mountains west of Lake Elsinore formed in a natural canyon by constructing a 200-foot high dam. The project also would include an underground powerhouse with two reversible pump-turbine units with a total installed capacity of 500 megawatts and about 32 miles of transmission line connecting to existing transmission lines. The lake and reservoir would be interconnected by one or two large pipes to generate hydroelectricity to be transmitted to the state's power grid and to store electricity produced during off-peak hours. Comments and study requests are due Dec. 1, 2017. Contact: Jim Fargo; FERC; 202-502-6095; james.fargo@ferc.gov

82 FR 48223 (10/17/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Children's Health Protection Advisory Committee Meeting
GENERAL ENVIRONMENT AND SAFETY

Notice of the EPA announces a meeting of the Children's Health Protection Advisory Committee, which provides advice to the administrator on a broad range of environmental issues affecting children's health, including lead poisoning, asthma, prenatal environmental exposures, and chemical exposures. The meeting is scheduled for Nov. 29-30, 2017, in Washington, D.C. Contact: Angela Hackel; EPA, Office of Children's Health Protection; 202-566-2977; hackel.angela@epa.gov

82 FR 48227 (10/17/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Environmental Impact Statements
GENERAL ENVIRONMENT AND SAFETY

Notice of the EPA announces the availability of environmental impact statements filed Oct. 2-6, 2017. Contact: Kelly Knight; EPA, Office of Federal Activities; 202-564-7146; knight.kelly@epa.gov. Citations: 40 CFR 1506.9

82 FR 48227 (10/17/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Massachusetts/Holyoke Hydro Projects
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a hydroelectric application by the City of Holyoke Gas & Electric Department concerning subsequent licenses for the Holyoke Nos. 1, 2, and 3 Hydro Projects located on the Holyoke Canal system in Hampden County, Mass. The projects consist of two 240-kilowatt and two 288-kilowatt turbine generator units, one 800-kilowatt vertical turbine generator unit, and one 450-kilowatt turbine generator unit. The applicant seeks to combine the projects under a single license and the commission intends to prepare a single environmental assessment. Comments are due Nov. 9, 2017. Contact: Kyle Olcott; FERC; 202-502-8963; kyle.olcott@ferc.gov

82 FR 48218 (10/17/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
New Mexico/Rio Grande Canalization Project
GENERAL ENVIRONMENT AND SAFETY

Notice of the U.S. Section of the International Boundary and Water Commission announces the availability of a draft environmental assessment and finding of no significant impact for sediment control alternatives for the Rio Grande Canalization Project at Thurman I and II Arroyos in Hatch, N.M. The proposed project involves sediment control at two ephemeral tributaries of the Rio Grande within a portion of the Rio Grande Canalization Project protective levee system to control the inflow of sediment into the Rio Grande mainstem. The EA evaluates the no action alternative of routine sediment excavation, the construction of mesh-based sediment traps, and the preferred alternative of the construction of sediment basins at each arroyo. Comments are due Nov. 16, 2017. Contact: Elizabeth Verdecchia; USIBWC; 915-832-4701; Elizabeth.Verdecchia@ibwc.gov

82 FR 48253 (10/17/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Public Utilities Open Access Same-Time Information System
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the submission of a revised information collection request to the OMB regarding the open access same-time information system (OASIS) and standards for business practices and communication protocols. The collection addresses responses from public utilities that own, control, or operate facilities for transmitting energy in interstate commerce that are required to provide certain information on transmission operations on OASIS. The collection also addresses requirements that utilities personnel engaged in transmission system operations function independently from those engaged in marketing functions. The revisions update the collection's respondent count and hours burden for responses based on efficiency gains and changes in business practice standards. Comments are due Nov. 16, 2017. Contact: Ellen Brown; FERC; 202-502-8663; DataClearance@FERC.gov

82 FR 48226 (10/17/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Texas/Borrego Crossing Pipeline Presidential Permit
GENERAL ENVIRONMENT AND SAFETY

Notice of the State Department announces the availability of a draft environmental assessment and preliminary finding of no significant impact for the Borrego Crossing Pipeline presidential permit application (81 FR 66322; 09/27/2016). The applicant seeks to construct, connect, operate, and maintain pipeline facilities to export refined petroleum products, including to transport gasoline, ultra-low sulfur diesel, and jet fuel across the U.S.-Mexican border between a new terminal in Laredo, Texas, and the existing Nuevo Laredo Terminal in Tamaulipas, Mexico. Comments are due Nov. 13, 2017. Contact: Jill Reilly; State Department, Office of Environmental Quality and Transboundary Issues; 202-647-9798; ReillyJE@state.gov

82 FR 48309 (10/17/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Unified Carrier Registration Plan Board of Directors Meeting
HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Federal Motor Carrier Safety Administration announces a meeting of the Unified Carrier Registration Plan Board of Directors to continue the development and implementation of the unified carrier registration plan and agreement. The meeting is scheduled for Oct. 26, 2017, via teleconference. Contact: Avelino Gutierrez; FMCSA, Unified Carrier Registration Board of Directors; 505-827-4565

82 FR 48312 (10/17/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Federal Mine Safety and Health Review Commission Meeting
OCCUPATIONAL SAFETY AND HEALTH

Notice of the Federal Mine Safety and Health Review Commission announces a meeting to consider Secretary of Labor v. Marshall County Coal Co. (Docket No. WEVA 2015-583-D) regarding whether the judge erred in requiring the operators' chief executive officer to personally read a prepared statement at the mines in question. The meeting is scheduled for Oct. 26, 2017, in Washington, D.C., and via teleconference. Contact: Emogene Johnson; FMSHRC; 202-434-9935

82 FR 48230 (10/17/2017)

Regulatory Update

RADIATION
Low-Level Radioactive Waste Disposal Facilities
RADIATION

Notice of the NRC announces the availability of a draft regulatory analysis for a final rule addressing low-level radioactive waste (LLRW) disposal facilities. The rule, originally proposed March 26, 2015 (80 FR 16081), would require new and revised site-specific technical analyses and allow the development of site-specific criteria for LLRW based on the results of such analyses. A draft final rule package was developed in September 2016, and the NRC currently is preparing a supplemental proposed rule planned for 2018. The changes would establish a compliance period of 1,000 years, independent of radionuclide content, and address when the new requirements would apply to currently operating LLRW disposal facilities. Comments are requested on how to improve the approach/methodology and actual cost data used in the draft final rule regulatory analysis in light of the changes. The NRC will hold a meeting during the comment period. Comments are due Nov. 16, 2017. Contact: Gregory Trussell; NRC, Office of Nuclear Material Safety and Safeguards; 301-415-6445; Gregory.Trussell@nrc.gov. Citations: 10 CFR 20.1003, 61.2 through 61.80 (nonconsecutive)

82 FR 48283 (10/17/2017)

Regulatory Update

RADIATION
Material Control and Accounting of Special Nuclear Material
RADIATION

Notice of the NRC announces the submission of a continuing information collection request to the OMB regarding material control and accounting of special nuclear material (SNM). The collection addresses material control plans and control plan amendments and revisions for SNM of moderate and low strategic significance. The collection is used to satisfy U.S. obligations to the International Atomic Energy Agency. Comments are due Nov. 16, 2017. Contact: David Cullison; NRC, Office of the Chief Information Officer; 301-415-2084; INFOCOLLECTS.Resource@nrc.gov. Citations: 10 CFR 74

82 FR 48281 (10/17/2017)

Regulatory Update

RADIATION
Nondiscrimination in NRC Programs
RADIATION

Notice of the NRC announces the submission of a continuing information collection request to the OMB concerning nondiscrimination in federally assisted commission programs. The collection addresses compliance and pre-award reviews and other similar procedures that permit investigation and correction of violations by recipients of federal financial assistance (NRC Forms 781 and 782). Comments are due Nov. 16, 2017. Contact: David Cullison; NRC, Office of the Chief Information Officer; 301-415-2084; INFOCOLLECTS.Resource@nrc.gov. Citations: 10 CFR 4.331

82 FR 48282 (10/17/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]; Dickerson, Aaron[dickerson.aaron@epa.gov]; Dickerson, Aaron[dickerson.aaron@epa.gov]
From: Approval Queue
Sent: Thur 8/24/2017 5:21:49 PM
Subject: Your request 'Trip from Washington to Sydney' was approved.

Your request 'Trip from Washington to Sydney' was approved.
Approved on 2017, August 24, Thursday at 01:21 pm Eastern Time by: MARDIKO ELLISON
Comments:

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Thur 9/7/2017 4:38:26 PM
Subject: BREAKING NEWS: Key conservatives oppose Trump debt ceiling deal

The leaders of the Republican Study Committee - a collection of more than 150 conservative House members - have come out against a deal to raise the debt ceiling that President Donald Trump negotiated with Democratic leaders.

"While some have advocated for a 'clean' debt limit increase, this would simply increase the borrowing authority of the government while irresponsibly ignoring the urgency of reforms," RSC chairman Mark Walker (R-N.C.) wrote in a letter to Speaker Paul Ryan. "Worse yet is attaching the debt limit to legislation that continues the status quo or even worsens the trajectory on spending, such as the deal announced yesterday by the President and Congressional Leadership."

Read more: http://www.politico.com/story/2017/09/07/key-conservatives-oppose-trump-debt-ceiling-deal-242445

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Mon 8/14/2017 2:07:09 PM
Subject: POLITICO's Morning Energy: Pruitt's commitment to transparency questioned — N.Y. mulls carbon price options — Manchin-to-DOE trial balloon rises again

By Anthony Adragna | 08/14/2017 10:00 AM EDT

With help from Darius Dixon

A NEW CA-vs.-EPA SHOWDOWN: California Attorney General Xavier Becerra is the latest Democratic official from the Golden State to take on EPA Administrator Scott Pruitt - this time with a public records lawsuit alleging he has failed to promptly hand over documents related to his ethics arrangements. Becerra filed the suit Friday, Pro's Alex Guillén reports. Pruitt, a prolific litigant challenging the Obama-era EPA, has agreed to stay away from lawsuits over the various rules he challenged in court, such as the Clean Power Plan or Waters of the U.S., although he says he is not barred from working to roll back the rules themselves. Becerra asked for documents outlining Pruitt's "compliance with federal ethics regulations and obligations" as well as agency "policies and procedures for determining who (if anyone) can assume the powers of the Administrator if he is recused or disqualified from participating in a matter."

EPA spokeswoman Liz Bowman said agency staff had reached out twice to Becerra's office to say they were working on a response. "It's unfortunate that California is suing the Agency, draining resources that could be better spent protecting human health and the environment - rather than working with EPA's career staff, as they can gather all the information requested," she said in a statement.

A few hours after Becerra filed his suit, the New York Times dropped a big report documenting limits on access to EPA - for both the public, press and even agency staff. Citing interviews with 20 current and former staffers, the Times reported that EPA employees now must leave their cellphones before meeting with Pruitt and must have an escort to see the administrator, who is accompanied by his armed security staff even at agency headquarters. ("None of this is true," Bowman told the Times. "It's all rumors.")

Pruitt's tactics aren't just controversial at agency headquarters. He's frequently met with tightly-screened industry groups and opted for interviews with friendly media figures. It was three such closed events in North Dakota that earned Pruitt a rebuke from Republican Sen. John Hoeven. "I think (meetings) should be open," he said, according to The Bismarck Tribune. "I guess I saw no reason not to have it open," he said.

But Pruitt isn't shifting approaches either. He leaned into a brewing controversy over a major federal climate change report blaming human activity for climate change, promising he and his staff would gauge the "accuracy" of its findings. It's a bizarre promise, Pro's Emily Holden reports, given Pruitt's concern over so-called politicization of science and the fact the report has already undergone "rigorous" peer-review by a 14-person committee at the National Academies with 132 pages of suggestions from the reviewers already incorporated into the final version. "It's a much more extensive process than a usual peer review, which does not typically come out

as a paperback book," said Bob Kopp, a lead report author and climate scientist at Rutgers University.

The administrator also dismissed the discussion over the role of human activity in climate change during a Texas radio show last week as "political" and a "wedge issue." "Why aren't we celebrating what we're achieving with respect to CO2 ... why do we continue to engage in this political football?" he said. Multiple science organizations have sought meetings with Pruitt to discuss why he doesn't acknowledge the scientific consensus that human activity is driving climate change.

WELCOME TO MONDAY AND HAPPY AUGUST EVERYONE! I'm your host Anthony Adragna, and hope everyone had a lovely start to August. Thank you to Pro's Alex Guillén, Darius Dixon, Annie Snider and Esther Whieldon for keeping this warm for me while I was away on my honeymoon! Geronimo Energy's Jenny Monson-Miller was first to correctly identify Marguerite Higgins on Friday as the Pulitzer Prize-winning female journalist buried at Arlington Cemetery. For today, in honor of the amazing performance of "42nd Street" I just saw in London: What play holds the record for the longest initial run in history (at over 26,000 and counting)? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

NEW YORK'S 'MAJOR STEP' TOWARD CARBON PRICE: New York's grid operator released a hotly-anticipated report Friday finding that the state could support its clean energy goals with minimum costs to consumers by incorporating the social cost of carbon emissions into the its electricity prices, POLITICO New York's Marie J. French reports . NYISO CEO Brad Jones and Public Service Commission Chairman John Rhodes said the document's release marked the first step in a collaborative process to further consider what a carbon price would look like and how it could be implemented. Setting a price on carbon would help incentivize greater investments in renewable energy and more efficient combined-cycle fossil fuel-powered generators while pushing out less-efficient technologies, the report argues.

SECOND TIME'S THE CHARM? White House officials are again titillated by the possibility of luring West Virginia Democratic Sen. Joe Manchin to serve as Energy secretary, a role still currently occupied by Rick Perry, Bloomberg reports . There's high interest because Manchin's seat would be filled by newly-minted GOP Gov. Jim Justice, potentially opening the possibility the Republican-led Senate might be able to pass some form of healthcare reform. ME readers likely remember Manchin interviewed for the slot that went to Perry during the transition though there's some thought Perry could jump the vacant Homeland Security job formerly held by White House Chief of Staff John Kelly. A spokesman for Manchin, for what it's worth, said "Senator Manchin has not had any recent conversations with the Administration about the Secretary of Energy position."

PERRY GOES WEST! Far from the Washington rumor mill, Perry is out in Eastern Oregon later today where he'll tour the Army Corps-operated McNary Lock and Dam in Umatilla. That'll be followed Tuesday by visits to the Pacific Northwest National Laboratory and DOE's Hanford Site. Joining Perry at various points of his trip are Senate Energy ranking member Maria Cantwell, Rep. Dan Newhouse and House Energy and Commerce Chairman Greg Walden.

QUE TAL CON LA VENEZUELA? Vice President Mike Pence is visiting Colombia, Argentina, Chile and Panama during a South American swing this week and senior administration officials expect Venezuela to dominate their talks. One official told reporters on Friday to expect discussion of "economic options, diplomatic options - every tool that's available" to amplify pressure on Venezuelan President Nicolás Maduro. One option that's been avoided to date would be placing sanctions on Venezuelan oil imports, something four Republican senators warned last week doing would harm Gulf Coast oil refiners.

All of this comes as Trump himself refused to rule out the U.S. pursuing "a military option" against Venezuela, though Pence downplayed such talk during a press conference Sunday night with Colombian President Juan Manuel Santos. "President Santos and I discussed in some detail additional measure that could be taken to further pressure the regime in Venezuela, economically," Pence said. "We'll continue on this trip and beyond to bring diplomatic pressure to bear." Santos in his remarks stressed any talk of military intervention "shouldn't even be considered."

AND THE BEAT GOES ON: Jeff Holmstead, the former EPA air chief during the George W. Bush administrations whose name briefly popped up as a potential number two at the agency, attended an OMB meeting last week on EPA's proposed Clean Power Plan repeal on behalf of the Electric Reliability Coordinating Council, according records posted by the White House, Pro's Alex Guillén reports in Energy Regulation Watch. Holmstead wasn't available for comment, but his Bracewell colleague Scott Segal said they discussed possible replacements rules, including implementation and enforcement issues, with administration officials who "seemed interested and engaged."

THIS IS... UNUSUAL: The family of West Virginia Republican Gov. Jim Justice has filed a lawsuit against two top Kentucky environmental regulators themselves - not the state of Kentucky for which they work - because they blame the officials for their company's failure to meet reclamation deadlines, the Courier-Journal reports. The lawsuits, filed on behalf of the Kentucky Fuel Corporation, allege the actions of Kentucky Department for Natural Resources Commissioner Allen Luttrell and Deputy Commissioner John D. Small could have cost the company up to $4.5 million in fines.

STEYER THROWS HIS WEIGHT AROUND: Billionaire environmentalist and Democratic mega-donor Tom Steyer said Saturday he and his organization NextGen America would only support pro-choice candidates for office, POLITICO's Gabriel Debenedetti reports. He also pointedly refused to rule out a run for office - whether that be the presidency or a statewide role in California. "Look, I promise: There is nothing that I would not do in order to have the most impact," he said in an interview on the sidelines of the progressive Netroots Nation conference in Atlanta.

MONIZ PLUCKS DOE STAFFER FOR NEW GROUP: Former Energy Secretary Ernest Moniz has hired Jeanette Pablo away from the Energy Department as the general counsel for his nascent Energy Futures Initiatives. Pablo, who will also be a senior associate with EFI, has spent more than 20 years working in the energy world, including a long stretch with the Tennessee

Valley Authority as well as positions with PNM Resources and American Water Co.. Up until last week she was the acting deputy director for energy systems with DOE's Office of Energy Policy and Systems Analysis.

NEW GIG FOR SCHRODER: Russia's largest oil company, Rosneft, has added former German Chancellor Gerhard Schröder as an "independent director" on its board, POLITICO Europe's Emmet Livingstone reports, citing an official government statement. Chancellor Angela Merkel's predecessor already chairs the shareholders' committee of Nord Stream AG, a gas-pipeline consortium set up to transport Russian gas across the Baltic Sea and into Germany.

MAIL CALL! HOUSE ENTERS SUNIVA FRACAS TOO: Hot on the heels of their Senate colleagues, a bipartisan group of 53 congressmen, led by Reps. Mark Sanford, Mike Thompson, Pat Meehan and Matt Cartwright, sent a letter Friday to the International Trade Commission urging it not to grant petitions from Suniva and SolarWorld Americas that would impose solar trade import tariffs. The lawmakers are throwing their weight around ahead of the first public hearing on the petitions Tuesday at which hundreds of solar workers are expected to testify about the impacts the tariffs would have on their jobs.

MOVER, SHAKER: Ciaran Clayton will soon be joining the Nature Conservancy as director of global media relations; she's been working with the Center for American Progress and was previously director for communications with NOAA.

QUICK HITS

- A Legacy of Environmental Racism. The Intercept.

- In Egypt, A Rising Sea - And Growing Worries About Climate Change's Effects. NPR.

- ConocoPhillips launches drilling at a North Slope oil field. Alaska Dispatch News.

- Kuwait to Finish Cleaning Up Oil Spill This Week. Reuters.

- Is Houston Missing the Next Energy Wave? Houston Chronicle.

THAT'S ALL FOR ME!

To view online:
http://www.politico.com/tipsheets/morning-energy/2017/08/14/pruitts-commitment-to-transparency-questioned-221852

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Subject: The Morning Headlines from InsideEPA.com -- November 8, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

November 8, 2017

Latest News

Hedging On Toxics Nominee, Burr Urges Pruitt To Address PFC Concerns

Even as he hedges on whether he will support the Trump administration's nominee to lead EPA's toxics office, Sen. Richard Burr (R-NC) is urging Administrator Scott Pruitt to determine whether to prioritize perfluorinated substances (PFCs) for future risk evaluations, suggesting a commitment on addressing his concerns could help secure his support for the nominee.

Criticism Of Trump's CEQ Nominee Escalates Ahead Of Senate Hearing

Senate Democrats and environmentalists during an upcoming Senate environment committee confirmation hearing appear poised to focus particularly intense criticism on President Donald Trump's pick to head the White House Council on Environmental Quality (CEQ), Kathleen Hartnett White, in light of her past statements downplaying the dangers of greenhouse gases and the need for stricter ozone standards.

EPA Seeks Remand Of Coal Ash Rule Provisions To Revise Key Mandates

EPA is asking a federal appeals court to remand to the agency several provisions of the Obama-era coal ash disposal rule currently subject to ongoing litigation without vacating the requirements, saying the agency plans to revise the provisions at the request of utilities and the ash reuse sector but will continue enforcing them while it reworks the rule.

District Court Judge Orders EPA To Release Utility ELG Review Documents

A federal district court judge is giving EPA until Dec. 31 to produce documents related to its reconsideration of the 2015 Clean Water Act (CWA) effluent rule for power plants, after slamming an attorney for the agency during a recent hearing on EPA's "unrealistic" much longer timeframe for reviewing open records requests.

Judges Question North Dakota's Right To Intervene In RCRA Deadline Suit

A three-judge appeals court panel at oral argument Nov. 7 pressed North Dakota to

explain what right the state has to intervene in a settlement between EPA and environmentalists that resolves a deadline suit over the agency's delay in reviewing whether to revise Resource Conservation & Recovery Act (RCRA) oil and gas industry waste rules.

Trump Research Appointee Sees 'Big Data' Among Short-Term Challenges

Interdisciplinary research, "big data," and research translation are among the biggest challenges facing EPA's Office of Research and Development (ORD) in the near future, Richard Yamada, President Donald Trump's top appointee to ORD, tells *Inside EPA* in an exclusive interview.

Daily Feed

GAO to investigate Pruitt's appearance in CWA lobbying video

The Government Accountability Office will consider whether the EPA Administrator broke the law by voicing GOP talking points against the 2015 Clean Water Act jurisdiction rule in an industry video.

House science committee Democrats demand Pruitt testify

The lawmakers want EPA Administrator Scott Pruitt to testify on a host of recent controversies about his travel and security costs, relations with industry, and agency science.

Some industry groups fear bill to move Energy Star to DOE

But a group representing home appliance manufacturers backs the move, noting that DOE oversaw Energy Star standards for such equipment before EPA took over those duties in 2009.

EPA reopens comment on ozone information request

EPA is taking further comment on the burden states might face in reporting on their implementation of ozone standards, amid uncertainty over which ozone standards will apply in the future.

Judge rejects claims of EPA 'duty' to expand stormwater permits

A new district ruling backs EPA's discretion on whether to require discharge permits for stormwater even after signing a pollution control plan that identifies polluted runoff as a problem.

Ewire: What today's elections mean for climate policy

In today's news roundup: A look at the key climate and environment races in Washington state, New Jersey and Virginia. Plus: Trump gets crosswise with a Beatle

on climate science.

EPA faces new suit aiming to block GHG rule rollbacks

The complaint lists a host of climate policies that the White House and EPA have targeted, including the United States' participation in the Paris Agreement and EPA's Clean Power Plan GHG rules for power plants.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Media
Sent: Thur 10/19/2017 9:39:54 AM
Subject: Morning Media: CBS's 'The Takeout' takes radio -- How to combat media distrust -- Waxman vs. NYT, cont'd -- Union eyes Sinclair deal -- Wenner turns on biographer

By Michael Calderone | 10/19/2017 05:38 AM EDT

MAJOR GARRETT, THE RELIABLY STOICAL WHITE HOUSE CORRESPONDENT, nearly broke down on one episode of his podcast, "The Takeout," when co-host Steve Chaggaris read a letter from a Democratic fan saying how the show made him more willing to listen - yet still not agree with - the other side. Chaggaris, the network's political director, recalled that memorable moment in an interview and said, for the hosts, hearing people "willing to put polarization and partisanship aside for 45 minutes or so is a success."

- "The Takeout" began as a weekly podcast just before Donald Trump's inauguration and has built a respectable audience, with about 80,000 downloads monthly and regular appearances in iTunes' news and politics rankings. It has since been repurposed as a TV show on streaming network CBSN thanks to the addition of two cameras. Now it heads to terrestrial radio, with the network announcing today that half a dozen CBS radio affiliates have picked up the show: St. Louis (KMOX-AM) , Minneapolis (WCCO-AM), Milwaukee (WTMJ-AM), Las Vegas (KXNT-AM), Buffalo (WECK-AM) and Montauk (WJJF-FM).

- "They are, in every way, early adopters," Garrett told me, adding that he expects other radio stations to follow. Garrett and Chaggaris started "The Takeout" as a sideline from their day jobs, an opportunity to talk to newsmakers in a restaurant rather than a studio. The goal, Garrett said, has been to get guests to go beyond their policy views and into what personally motivates them to be in the political arena. The food and drinks help. "Sitting around the table breaking bread," Chaggaris said, "opens the guests up to being a little more candid."

Good morning and welcome to Morning Media. I'll be away from the city and, happily, the news cycle for a few days. So the next edition will be Monday. I'm at mcalderone@politico.com and @mlcalderone. Daniel Lippman contributed to the newsletter. Archives. Subscribe.

JOURNALISTS ARE NOT FABRICATING STORIES ABOUT TRUMP JUST BECAUSE HE SAYS SO. The president has long gone beyond conservatives' running critique of the national media - that it leans left - to claim that journalists make up sources altogether. Trump's reckless assertion is part of an ongoing attempt to delegitimize the press so critical stories are dismissed by the public. The claim is untrue, but may still be effective.

- Nearly half of voters (46 percent) believe the news media fabricates stories about Trump and his administration, according to a POLITICO/Morning Consult poll. When it comes to Republicans, 76 percent "think the news media invent stories about Trump and his administration," while about 20 percent of Democrats also think the media make up stories.

- There have been some infamous journalist fabricators over the years, like Jayson Blair and Stephen Glass. Both got drummed out of the business. News organizations deserve scrutiny and

should be held accountable for mistakes. And it's fair to question the priorities of newspaper editors and network executives. But it's simply false to claim that mainstream reporters routinely fabricate sources and information - and that such unethical behavior is tolerated or even encouraged by superiors.

- A week after the election, I suggested journalists be more transparent with the public in explaining what they do. It's not a cure-all, but perhaps one way to shed light on a newsroom process that, if left opaque, allows others to misrepresent it. But I'm open to other ideas since this problem isn't going away any time soon. Meanwhile, Trump seized on the poll late Wednesday night and told his 40-million-plus Twitter followers that the percentage distrusting the media is "actually much worse."

SESSIONS STILL WON'T COMMIT TO NOT JAILING JOURNALISTS. Attorney General Jeff Sessions said he could not "make a blanket commitment" to not imprisoning reporters for doing their jobs, The Washington Post reports. Obama Attorney General Eric Holder made such a commitment in 2014 after the Justice Department he led came under fire for its heavy-handed approach to dealing with journalists in leak cases.

- Democratic Sen. Amy Klobuchar of Minnesota, whose father was a newspaper reporter, posed the question to Sessions on Wednesday. She also asked Sessions this same question during his confirmation hearing in January. "I'm not sure," Sessions responded at the time. "I have not studied those regulations." Sessions has now had the time, and his continued unwillingness to commit isn't reassuring for those already concerned about where leak investigations may go in the Trump era.

Sound Bites

"Sean Hannity kicking serious butt in the ratings. Tapper on CNN as low as you can go." [Bill O'Reilly]

"'Low' would be sexually harassing staffers and then getting fired for it - humiliated in front of the world. Now THAT would be low." [Jake Tapper]

THAT TIME HARVEY WEINSTEIN VISITED NYT'S TOP EDITOR TO KILL MY 2004 EXPOSE, by The Wrap founder Sharon Waxman: "Three people affirm that ... Weinstein, his lawyer David Boies and spokesman Matthew Hiltzik all came personally to the newsroom to meet with Executive Editor Bill Keller about the story." One of those people, former Times editor Michael Cieply, told Waxman: "Keller never took any steps that I was aware of to kill the story. But I do remember defending your right to report the story in several heated exchanges with Harvey afterwards."

- Bloomberg's Jonathan Landman, who was The Times' culture editor in 2004, dismissed Waxman's earlier claim that the paper withheld her Weinstein reporting after pressure from the disgraced film mogul. The Times' current executive editor, Dean Baquet, said it was "unimaginable" that his predecessors would've spiked a story after pressure from Weinstein.

- Keller told Waxman he remembered Weinstein and Boies "coming in to complain about something," but said he thought it was over a 2007 David Carr column. "Ten-plus years later, The NYT and The New Yorker scooped you, and I'm sure that feels awful," Keller told Waxman. "But don't blame editors or Harvey's bullying for the fact that you failed to nail the story."

"THE POPULIST RIGHT TEARS DOWN A PRESS IT CAN'T REPLACE," by The Atlantic's Conor Friedersdorf: The Weinstein "episode was a credit to the reporters, editors and publishers who broke the story; an example of why it is vital to support an independent press that probes wrongdoing; and a spur to examine all the factors that delayed the truth outing for so long, including apparent failures by some journalists and news-gathering organizations. Still, it was surreal to see pundits employed by populist news organizations *that didn't break the story* characterizing it as a dark moment for the liberal mainstream media."

LISTEN: Gabriel Sherman, the Vanity Fair special correspondent and Roger Ailes biographer, talks to Slate's Isaac Chotiner about how Fox News has changed and why Rupert Murdoch privately "loathes" Trump.

- "I know from my reporting, people who have been in private settings with Murdoch say that he makes dismissive comments of Trump and tells him to stop tweeting," Sherman said. He added: "This is not a close personal relationship. This is, from my reporting, a business relationship in that Murdoch was smart enough to know that the audience Ailes had assembled were diehard Trump voters, so it doesn't make sense really to shift the network ideologically."

JANN WENNER ISN'T HAPPY WITH NEW BIO: Two past attempts to write a biography of the famously controlling Rolling Stone founder's life have fizzled out. Though Joe Hagan succeeded in getting extensive access to Wenner for "Sticky Fingers," an unauthorized biography out next week, the magazine publisher isn't pleased with the result. The book, Wenner told The Times, is "deeply flawed and tawdry, rather than substantial." Hagan countered: "It was all on the table - there's nothing he didn't know. He's used to having control, and that's a difficult thing."

UNION LEADER THREATENS CAMPAIGN AGAINST SINCLAIR-TRIBUNE DEAL. POLITICO's Jason Schwartz writes: "Dave Twedell, a business representative for the International Cinematographers Guild Local 600, says he hopes to rally the public against the deal and compel members of Congress to act. Twedell pointed to places like Seattle, one of 10 cities where both Sinclair and Tribune own stations, as potentially facing a drastic loss of local news coverage - and jobs - through consolidations."

- Twedell is scheduled to meet Monday with Sinclair representatives to discuss protecting union members' jobs. "If they decline to make that commitment, we are going to make a very big noise about it," Twedell told Schwartz.

OTHERS MAKING NOISE: Allied Progress, a progressive group opposed to the Sinclair-Tribune merger, has launched a new 30-second ad aimed at FCC Chairman Ajit Pai.

HEARST AGREES TO BUY RODALE: The publisher behind titles like Elle, Marie Claire, Esquire and Town & Country will broaden its stable with Rodale's publications, which include Men's Health, Women's Health and Runner's World. The Wall Street Journal reports the price tag was under $225 million and is expected to close early next year pending government approval."

REVOLVING DOOR

Sarah Yager, most recently managing editor of The Atlantic, has been named the magazine's deputy executive editor, a newly created "cross-platform leadership role," according to a memo. **Adrienne Green**, who has been helping oversee features on The Atlantic's site, will be the magazine's new managing editor. Yager and Green started out at the company as Atlantic fellows in 2011 and 2015, respectively.

Time veteran **Michael Duffy** is leaving the magazine after more than 32 years. "With Duffy gone, the vestiges of what Time used to be go with him," a former colleague told Vanity Fair.

Tanya Basu, formerly of Time and Inverse, has joined The Daily Beast as a senior editor. She'll be running the site's science section, slated to launch next month.

EXTRAS:

- Voice Media Group has sold LA Weekly to a new entity called Semanal Media, LLC.

- Morgan Freeman to play Colin Powell in new biopic.

- Sean Spicer at Harvard.

- Good question from Mediaite's Colby Hall: "Why Doesn't Joy Reid Have a Weekday Evening Show on MSNBC?"

- Behind Bethany Barnes's Oregonian investigation into long-running sexual harassment allegations against a teacher.

KICKER:

"We wanted more light and less vermin" - *Pittsburgh Post-Gazette Executive Editor David Shribman on moving* out of the paper's historic headquarters.

To view online:
http://www.politico.com/media/tipsheets/morning-media/2017/10/19/cbss-the-takeout-takes-radio-how-to-combat-media-distrust-waxman-vs-nyt-round-two-union-eyes-sinclair-deal-wenner-turns-on-biographer-001362

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From: Morning Energy
Sent: Tue 8/22/2017 2:04:18 PM
Subject: POLITICO's Morning Energy: Electric grid weathers total eclipse of the sun — Big biodiesel ruling expected today — Taking stock of California's climate situation

By Anthony Adragna | 08/22/2017 10:00 AM EDT

With help from Eric Wolff, Lauren Gardner, Alex Guillén and Esther Whieldon

PASSED WITH FLYING COLORS: Solar panels across a swath of the U.S. went dark Monday as the first domestic total solar eclipse since 1979 transfixed the country, but the electric grid appeared to weather the disruption easily. Applying lessons Europe learned during its own 2015 eclipse, utilities leaned more heavily on alternate supplies to fill in gaps in solar generation. As Pro's Esther Whieldon reports , Eric Schmitt, California ISO's vice president of operations, told reporters about 3,000 megawatts to 3,500 megawatts of solar generation stopped during the eclipse, but hydropower and natural gas power supplies filled in that gap. "We didn't have any major challenges on the system, even minor challenges," he said. "We're very pleased with how smooth it went. All the resources performed the way they were supposed to perform."

How'd others do? The PJM Interconnection, the grid operator for more than a dozen Mid-Atlantic and Midwestern states saw a decrease of about 520 megawatts utility scale solar during the eclipse, which is not even a drop in the bucket for the system that has 185,000 megawatts of power on call. Duke Energy estimates it saw a drop of 1,700 megawatts-worth of output from utility-scale solar generation in North Carolina. (The grid's success did not extend to traffic where numerous apocalypses were reported after the eclipse passed).

Cabinet secretaries took a break. Interior Secretary Ryan Zinke tweeted it was a "pretty cool view" from his agency's rooftop, while EPA Administrator Scott Pruitt said his staff enjoyed a "great view" from headquarters. Energy Secretary Rick Perry said the total eclipse "rocks" and linked to National Renewable Energy Laboratory staff enjoying the view.

Away from Washington, senior lawmakers did as well. Senate EPW Chairman John Barrasso "really enjoyed watching the eclipse" from Casper, Wyo. (where the totality lasted more than two-and-a-half minutes). Senate Energy Chairman Lisa Murkowski was underground in a " permafrost tunnel" near Fairbanks, Alaska, at peak eclipse, but later caught a glimpse from visiting Deputy Energy Secretary Dan Brouillette.

WELCOME TO TUESDAY! I'm your host Anthony Adragna, and SEIA's Christopher Mansour was first to name Italy as the spot with two other independent countries within its borders (San Marino and Vatican City). For today (in honor of Monday's incredible eclipse): What is the only major U.S. city (more than 500,000 people) that enjoyed more than two minutes of totality? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

THE MITCH MCCONNELL CONNECTION: Anthony Pugliese exited the Department of Transportation to join FERC as its chief of staff, Transportation Pro's Lauren Gardner scooped

for Pros. He was DOT's senior White House adviser - a role that was intended to help 1600 Pennsylvania Ave. keep tabs on their goings-on. In this case he served next to Cabinet Secretary Elaine Chao, wife of Senate Majority Leader Mitch McConnell , and the two didn't appear to have gotten along. POLITICO reported in May how Pugliese informed Chao that he expected her to check in with him on all policy moves, a declaration that got a chilly reception.

Now Pugliese has a job as the top staffer for newly anointed FERC chairman Neil Chatterjee - for years McConnell's top energy policy aide - despite limited energy experience. The FERC announcement says Pugliese learned energy matters from his time working for Pennsylvania Gov. Tom Corbett, where he spent a year working for the department of Community and Economic Development, and as a consultant for Pugliese Associates, a Pennsylvania lobbying shop founded by Pugliese's father, Rocco. The company's website shows that it's energy clients included Tesla Motors, a filling station chain, and an energy efficiency non-profit. Pugliese's lobbying disclosure form for the state of Pennsylvania show his only energy client was Tesla.

BIODIESEL PRODUCERS CROSSING FINGERS FOR COMMERCE TRADE RULING TODAY: The Commerce Department is expected to issue a preliminary ruling today on whether to impose a tax on Argentine and Indonesian imports of biodiesel to counter those two countries' subsidies. Biodiesel exporters have been arguing for months that biodiesel feedstocks in Argentina and Indonesia are underwritten by their governments so they can sell into the U.S. market.

RFS credits in discord: Today's decision could drive up the biofuel credits that oil refiners use to comply with the Renewable Fuel Standard, because it would potentially shink supplies and increase the price of biodiesel. Those biodiesel credits can be used for compliance with the ethanol part of the program, too. But Tom Kloza, a founder of the oil tracking service OPIS, says RIN prices have been buffeted by "cross winds" since a court ruling last week that let some small refiners out of the program. "There's a little uneasiness about this small refinery exemption," he said. Today's "ruling isn't as big as the anti-dumping. It would probably provide an upward lift, but right now you have this downdraft related to small refinery exemption."

Just the first step in the trade dispute tango: A victory today for domestic producers would signal what may be a larger victory in October, when Commerce will rule on whether the two countries dumped biodiesel on the U.S. market in an effort to undermine U.S. production. Kloza said that one could potentially rattle biofuel markets. Neither decision will likely be finalized until next year.

A PRIZE PODCAST: This week's episode of Global POLITICO podcast features Dan Yergin, the Pulitzer-winning historian and expert on the geopolitics of energy, as well as Angela Stent, a former U.S. national intelligence officer for Russia, discussing the current "frigid, antagonistic, confrontational" relationship between U.S. and Russia. Yergin also discusses the dissolution of Trump's advisory council of business leaders last week, which he called very much "a comment about what's happening to our politics."

CALIFORNIA'S CLIMATE PUSH FUELS ECONOMIC GROWTH: Since the adoption of landmark climate legislation in 2006, California's gross domestic product growth has nearly

doubled what's been seen at the U.S. more broadly, but the rate of the state's emissions reductions have slowed recently due to a spike in transportation-related emissions, according to a new report out from the nonpartisan group Next 10. "Transportation sector emissions vastly outweigh other carbon-producing areas of California's economy, and the recent spike should alert policy-makers that despite our best efforts, more must be done," Adam Fowler, an economist at Beacon Economics, which prepared the report, said in a statement. Among the other findings: Energy-related carbon dioxide emissions in California were down 12.5 percent in 2016 from their 2006 levels and renewable energy made up 21.9 percent of total electricity generation in the state.

CHECK OUT THAT HASHTAG: Zinke's wife Lola raised a few eyebrows around Washington with a tweet of her and the secretary on a run to the Capitol that included the hashtag #senaterun. ME readers likely remember the Montana congressman was considered a likely Senate candidate against Democrat Jon Tester - who's up for reelection next year - prior to being tapped by the Trump administration for the Interior slot.

MAIL CALL! SCHATZ CRIES FOUL OVER EPA GRANT POLICY: Hawaii Democratic Sen. Brian Schatz sent a letter Monday to EPA's Pruitt urging him to reverse course on a new directive in which a political appointee - John Konkus within the Office of Public Affairs - now will evaluate grant solicitations. "I fail to understand the beneficial role a political appointee, without any meaningful scientific background, could have in the grant review process," Schatz wrote. He added the new policy appeared to be in "direct conflict" with the agency's scientific integrity policy.

THERE'S A HEARING! It may be August recess, but the Senate EPW Subcommittee on Superfund, Waste Management and Regulatory Oversight, chaired by Mike Rounds, today holds a field oversight hearing at his former office - the South Dakota state capitol. It'll examine efforts from the Army Corps of Engineers to manage the Missouri River to "make certain the agency is working in an appropriate and responsible manner." More information here.

DEMOCRATS TOUT ECONOMIC BENEFITS OF MONUMENTS: Ahead of Interior's Zinke's Thursday deadline to issue recommendations on the fate of nearly two dozen national monuments, the Joint Economic Committee Democrats released a series of fact sheets highlighting what they say are the substantial economic benefits the sites provide to local communities. "Removing designation in whole or in part from national monuments, as the Trump administration has proposed, would eliminate this economic engine," Sen. Martin Heinrich , the committee's ranking Democrat, said in a statement.

PUT UP YOUR DUKES: The nomination of one of their own, former New Jersey Rep. Scott Garrett, to run the Export-Import Bank has emerged as the latest battle in the Republican Party's civil war, POLITICO's Zachary Warmbrodt reports . Business groups are expected to ramp up efforts to block his appointment, while opponents of the bank are warning the Senate Banking Committee about the consequences of failing to advance Garrett's nomination."The divides among congressional Republicans appear to be deepening, and I am left with the sense that for some issues, the GOP is closer to a coalition government than a unified party," Compass Point analyst Isaac Boltansky said.

TAKE A GLANCE! DISSECTING NEW YORK'S ENERGY GOALS: The Manhattan Institute is out with a report today arguing, among other findings, New York's goal of reducing greenhouse gas emissions 80 percent from 1990 levels by 2050 is "unrealistic, unobtainable, and unaffordable." In addition, meeting renewable energy and GHG goals will mean shifting to electric-powered equipment across most sectors of the state's economy "adding many billions of dollars in costs in both the private and public sectors," the report argues. Lower-income New Yorkers would bear more of the brunt of those policies to hit the interim reduction goals, it says.

NOT A FAN: German Chancellor Angela Merkel slammed her predecessor Gerhard Schroeder for taking a high-paying post at Russian oil company Rosneft, POLITICO Europe's Victor Brechenmacher reports. "I do not find what Mr. Schroeder is doing appropriate," Merkel told German daily BILD. Schroeder has drawn criticism in Germany for his involvement in the Russian energy sector and his friendship with Russian President Vladimir Putin. He already holds a leadership role at Nord Stream AG, a gas-pipeline consortium set up by Gazprom, to transport Russian gas across the Baltic Sea and into Germany.

LET THERE BE REGIONAL ADMINISTRATOR! A former Alabama environmental regulator will serve as EPA's Region 4 Administrator, Pro's Alex Guillén reports. Trey Glenn was director of the Alabama Department of Environmental Management from 2005 through 2009 and has owned an engineering consulting firm in Birmingham for the last eight years. Alabama's ethics commission found "probable cause" back in 2007 that Glenn may have violated ethics laws but a grand jury in 2009 concluded there were no "provable violations." Regional administrators do not require Senate confirmation.

COURT REVIVES DUGONG SUIT: The 9th Circuit Court of Appeals has revived an environmentalist lawsuit dating back to 2003 alleging a plan to place a U.S. Marine Corps air base in Okinawa, Japan, threatens a local population of dugongs, which are similar to manatees. A lower court previously said the green groups did not have standing to bring the case, and the suit raised "political questions" the court could not answer. But the 9th Circuit reversed that Monday, saying the case must be heard. The green groups will now get to present their case that the new military base will threaten the Okinawa dugong, which is listed as endangered in the U.S. and Japan. However, they may still fail to change anything about the base; the 9th Circuit said the green groups "may face challenges in securing relief on the merits." The base construction has been controversial for reasons beyond dugongs, with the prefecture government taking Japan's central government to court this summer to halt work on seawalls and new land.

LOTS OF FREE TIME? Sebastian Gorka, Trump's deputy assistant, posted the personal phone number and other contact information of a blogger after he put up a post detailing how Gorka's son made an environmental documentary, Death and Taxes reports. The video at issue, made by 18-year-old Paul Gorka, looks at how plastic pollution contributes to water quality issues.

REPORT: NUCLEAR NEEDS CONGRESSIONAL HELP: Kirk Lippold, an energy policy expert who served as commanding officer of USS Cole, is out with a new report arguing Congress must extend a nuclear production tax credit for the U.S. to remain a worldwide leader in that energy sector. "It is incumbent for that leadership to continue through public support of

this clean energy source in order for it to remain a reliable power backbone for decades into the future," he writes in the paper for the Electric Reliability Coordinating Council.

QUICK HITS

- Most new Permian oil likely to be exported from Houston, Corpus Christi. Houston Chronicle.

- Coal country is ready for tech jobs - if techies will just give them a chance. Recode.

- Saudis Could Get $21 Billion Non-Oil Boost in 2018, BofA Says. Bloomberg.

- OPEC to discuss ending or extending production cut in November: Kuwait minister. Reuters.

- Support for climate change bill is haunting a California Republican leader. The Mercury News.

- UT System oil money is a gusher for its administration - and a trickle for students. Texas Tribune.

THAT'S ALL FOR ME!

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Subject: Today on Climate Beat

September 27, 2017

Today on Climate Beat . . .

. . . we checked in on the states, reporting that Democratic attorneys general from New York, Illinois and Maryland are vowing continued pressure on the Trump administration as it seeks to roll back climate policies, while also pledging to support state-led efforts to craft aggressive greenhouse gas reduction measures.

In NEPA news, four former Democratic White House Council of Environmental Quality officials are warning President Donald Trump and key Cabinet officials that their efforts to speed environmental reviews could open the door for such reviews to be rejected by courts.

In Congress, the top Democrat on the House energy committee is asking EPA's Office of Inspector General to provide a "comprehensive factual record" related to possible legal violations of anti-lobbying laws by EPA Administrator Scott Pruitt, citing concerns over his efforts to advocate for leaving the Paris climate deal.

And in auto news, our daily news roundup looked at reports that California is set to stage a "regulatory mutiny" on vehicle fuel economy standards, even as the state and the Trump administration appear to be inching toward negotiations on the issue.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 8/16/2017 12:12:25 AM
Subject: Aug. 15 -- Energy and Climate Report



Energy and Climate Report

August 15, 2017 - Number 157

News

Civil Infrastructure
Trump Said to Be Signing Order to Speed Up Public-Works Permits
President Donald Trump plans to sign an executive order August 15 designed to streamline the approval process for building roads, bridges and other infrastructure by establishing "one federal decision" for major projects and setting a two-year goal for permitting.

Climate Change
Trump to Speed Up Public-Works Permits, Drop Climate Order
President Donald Trump announced an executive order Aug. 15 that's designed to streamline the approval process for building roads, bridges and other infrastructure by establishing "one federal decision" for major projects and setting a two-year goal for permitting.

Energy
Energy Information Administration Acting Head to Depart
Howard Gruenspecht, the acting administrator of the Energy Information Administration, is leaving the post at the end of August, he told staff in an email Aug. 15.

Energy
Nuclear Power's Woes Imperil U.S. National Security, Moniz Says
The decline of the U.S. nuclear-power industry puts America's security at risk, according to a report being released Aug. 15 by former Energy Secretary Ernest Moniz that calls for greater federal investment.

Energy
Sinclair Oil Notches Win in Biofuel Mandate Exemption Battle
Sinclair Oil Corp. may no longer be required to fully comply with the EPA's biofuel blending mandate at two oil refineries in Wyoming, following a court decision to reverse a previous agency ruling.

Energy
Southern Wins Early Review of Nuclear Reactor Cost Overruns
Southern Co. may have a better idea of how much of an estimated $25 billion nuclear power project it will be allowed to charge Georgia customers before a reactor is even online.

Enforcement
Exxon Mobil's $2.6M Fine for Ruptured Pipeline Tossed
Exxon Mobil will get a break on a $2.6 million fine levied against it for a 2013 pipeline spill in Arkansas.

Fuel Efficiency

Profitable Pickup Trucks, SUVs May Get Break in Trump Review

A move under consideration by the Trump administration could ease tough fuel-efficiency standards set to take effect in 2021 on pickups, SUVs and other light trucks, the bulwark of U.S. auto industry sales and profits.

Renewable Energy

Brazil's Solar Expected to Grow With State's New Regulation

A new solar energy regulation in Brazil's Sao Paulo state is expected to encourage more small and large-scale solar systems to be built and help those under construction come online more quickly.

Sustainability

Big Oil Follows Silicon Valley into Backing Green Energy Firms

Major oil companies are joining Silicon Valley in backing energy-technology start-ups, a signal that that those with the deepest pockets in the industry are casting around for a new strategy.

Vehicle Fuels

How Elon Musk and Cheap Oil Doomed Push for Another Car Fuel

The idea was nothing short of revolutionary: convert the nation's millions of trucks, buses and other commercial vehicles to run on natural gas instead of gasoline and diesel.

Water Pollution

EPA to Rewrite Toxic Wastewater Limits Rule, No Deadline Set

American Electric Power, the nation's largest electric utility, hopes the EPA will delay all compliance deadlines for toxic wastewater limits on power plants in the wake of the agency's decision to rewrite limits for certain wastestreams.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 10/13/2017 12:45:27 PM
Subject: Oct. 13 -- EHS Federal Regulatory Alert



EHS Federal Regulatory Alert

October 13, 2017 - Number 197

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Summaries

AIR
Alabama SIP/Volatile Organic Compounds, Particulate Emissions
AIR

Final rule of the EPA approves revisions to the Alabama SIP that modify the definition of "volatile organic compounds" by adding tertiary butyl acetate and 1,1,2,2-tetrafluoro-1-(2,2,2-trifluoroethoxyl) ethane to the list of negligibly reactive compounds. The revisions also remove recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements for tertiary butyl acetate. In addition, the revisions remove particulate emission and opacity limits for wood waste boilers in Talladega County because no such sources exist in the county. The EPA also addresses an adverse comment on an Aug. 16, 2017, direct final rule (82 FR 38865) that adopted the changes. A concurrent notice of the EPA withdraws the direct final rule. The rule is effective Nov. 13, 2017. Contact: Richard Wong; EPA Region 4, Air, Pesticides and Toxics Management Division; 404-562-8726; wong.richard@epa.gov. Citations: 40 CFR 52.50

82 FR 47631 (10/13/2017)

Regulatory Update

AIR
Alabama SIP/Volatile Organic Compounds, Particulate Emissions
AIR

Notice of the EPA announces the withdrawal of an Aug. 16, 2017, direct final rule (82 FR 38841) that would have approved revisions to the Alabama SIP to modify the definition of "volatile organic compounds" by adding tertiary butyl acetate and 1,1,2,2-tetrafluoro-1-(2,2,2-trifluoroethoxyl) ethane to the list of negligibly reactive compounds. The revisions also remove recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements for tertiary butyl acetate. In addition, the revisions remove particulate emission and opacity limits for wood waste boilers in Talladega County because no such sources exist in the county. The withdrawal, which is due to receipt of an adverse comment, is effective Oct. 13, 2017. The agency addresses the comment in a concurrent final rule based on the related proposed rule

(82 FR 38865; 08/16/2017). Contact: Richard Wong; EPA Region 4, Air, Pesticides and Toxics Management Division; 404-562-8726; wong.richard@epa.gov. Citations: 40 CFR 52.50

82 FR 47635 (10/13/2017)

Regulatory Update

AIR
Connecticut SIP/New Source Review Requirements for 2008 Ozone NAAQS
AIR

Notice of the EPA announces the withdrawal of an Aug. 14, 2017, direct final rule (82 FR 37819) that would have approved a revision to the Connecticut SIP regarding nonattainment new source review permit requirements for the 2008 eight-hour ozone NAAQS for the Greater Connecticut area and the Connecticut portion of the New York-Northern New Jersey-Long Island nonattainment area. The revision addresses the change in classification of both nonattainment areas from marginal to moderate and specifies that the state's SIP complies with anti-backsliding requirements. The withdrawal is in response to an adverse comment. The agency will proceed with a final rule based on the related proposed rule (82 FR 37829; 08/14/2017). The withdrawal is effective Oct. 13, 2017. Contact: Donald Dahl; EPA Region 1, Office of Ecosystem Protection; 617-918-1657; dahl.donald@epa.gov. Citations: 40 CFR 51.1105, 52.377

82 FR 47630 (10/13/2017)

Regulatory Update

AIR
Florida SIP/Emissions Monitoring for Stationary Sources
AIR

Direct final rule of the EPA approves a portion of revisions to the Florida SIP concerning requirements and procedures for emissions monitoring at stationary sources. The revisions update supplementary test procedures and volatile organic compounds capture efficiency test procedures and remove redundant language and make technical corrections. Revisions concerning the general test requirement will be addressed in a separate action. The rule is effective Dec. 12, 2017, unless adverse comments are received by Nov. 13, 2017. Contact: Andres Febres; EPA Region 4, Air, Pesticides and Toxics Management Division; 404-562-8966; febres-martinez.andres@epa.gov. Citations: 40 CFR 52.520

82 FR 47636 (10/13/2017)

Regulatory Update

AIR
Florida SIP/Emissions Monitoring for Stationary Sources
AIR

Proposed rule of the EPA would approve a portion of revisions to the Florida SIP concerning requirements and procedures for emissions monitoring at stationary sources. The revisions update supplementary test procedures and volatile organic compounds capture efficiency test procedures and remove redundant language and make technical corrections. Revisions

concerning the general test requirement will be addressed in a separate action. A concurrent direct final rule adopts the revisions, effective Dec. 12, 2017. Comments are due Nov. 13, 2017. Contact: Andres Febres; EPA Region 4, Air, Pesticides and Toxics Management Division; 404-562-8966; febres-martinez.andres@epa.gov. Citations: 40 CFR 52.520

82 FR 47662 (10/13/2017)

Regulatory Update

AIR
Georgia SIP/Cross-State Air Pollution Rule
AIR

Final rule of the EPA approves portions of a revision to the Georgia SIP that establishes Cross-State Air Pollution Rule (CSAPR) state trading programs for annual nitrogen oxides, annual sulfur dioxide, and ozone season NOx emissions. The revision replaces the federal implementation (FIP) requirement for large electric-generating units (EGUs) to participate in the corresponding CSAPR federal trading programs. The rule eliminates the obligation of state EGUs under CSAPR FIPs addressing interstate transport requirements for the 1997 annual and 2006 24-hour fine particulate matter NAAQS and the 1997 eight-hour ozone NAAQS, as well as state trading programs adopted to comply with Clean Air Interstate Rules. The rule is effective Nov. 13, 2017. Contact: Ashten Bailey; EPA Region 4, Air, Pesticides and Toxics Management Division; 404-562-9164; bailey.ashten@epa.gov. Citations: 40 CFR 52.38, 52.39, 52.570

82 FR 47930 (10/13/2017)

Regulatory Update

AIR
North Carolina SIP/Air Curtain Burners
AIR

Notice of the EPA announces the withdrawal of an Aug. 17, 2017, direct final rule (82 FR 39027) that would have approved portions of revisions to the North Carolina SIP regarding the state's strategy to meet and maintain the NAAQS. The revisions address air pollution control requirements for air curtain burners. The agency did not propose to take action on air pollution control requirements for incinerators. The withdrawal is in response to an adverse comment. The agency will proceed with a final rule based on the related proposed rule (82 FR 39097; 08/17/2017). The withdrawal is effective Oct. 13, 2017. Contact: Sean Lakeman; EPA Region 4, Air, Pesticides and Toxics Management Division; 404-562-9043; lakeman.sean@epa.gov. Citations: 40 CFR 52.1770

82 FR 47634 (10/13/2017)

Regulatory Update

AIR
North Carolina SIP/Transportation Conformity Requirements
AIR

Notice of the EPA announces the withdrawal of an Aug. 16, 2017, direct final rule (82 FR 38838)

that would have approved revisions to the North Carolina SIP regarding transportation conformity requirements. The revisions specify that transportation conformity requirements apply to areas identified as nonattainment or maintenance areas by the EPA or to areas listed in state regulation. The revisions also clarify the statement that transportation conformity requirements apply to areas "not in compliance with the primary standard" by identifying the applicable fine particulate matter and ozone standards. The withdrawal is in response to receipt of an adverse comment, and the agency will proceed with a final rule based on the related proposed rule (82 FR 38864; 08/16/2017). Contact: Kelly Scheckler; EPA Region 4, Air, Pesticides and Toxics Management Division; 404-562-9222; sheckler.kelly@epa.gov. Citations: 40 CFR 52.1770

82 FR 47629 (10/13/2017)

Regulatory Update

AIR
South Carolina SIP/Air Pollution Control Standards
AIR

Notice of the EPA announces the withdrawal of an Aug. 16, 2017, direct final rule (82 FR 38828) that would have approved portions of revisions to the South Carolina SIP concerning air pollution control standards. The revisions would have addressed emissions from fuel burning operations and process industries. The rule takes no action on revisions regarding administrative and clarifying changes. The withdrawal is in response to the receipt of adverse comments. The agency will proceed with a final rule based on the related proposed rule (82 FR 38874; 08/16/2017). The withdrawal is effective Oct. 13, 2017. Contact: Richard Wong; EPA Region 4, Air, Pesticides, and Toxics Management Division; 404-562-8726; wong.richard@epa.gov. Citations: 40 CFR 52.2120

82 FR 47640 (10/13/2017)

Regulatory Update

AIR
South Carolina SIP/Miscellaneous Revisions
AIR

Notice of the EPA announces the partial withdrawal of an Aug. 21, 2017, direct final rule (82 FR 39537) that would have approved portions of revisions to the South Carolina SIP regarding the prohibition of open burning and related definitions. The withdrawal is due to the receipt of an adverse comment, and the agency will proceed with a final rule based on the related proposed rule (82 FR 39551; 08/21/2017). Contact: Brad Akers; EPA Region 4, Air, Pesticides and Toxics Management Division; 404-562-9089; akers.brad@epa.gov. Citations: 40 CFR 52.2120

82 FR 47636 (10/13/2017)

Regulatory Update

AIR
South Carolina SIP/State Trading Programs
AIR

Final rule of the EPA approves a revision to the South Carolina SIP concerning the Cross-State Air Pollution Rule (CSAPR). The revision replaces federal implementation plan requirements for large electricity generating units (EGUs) to participate in the federal trading program for annual emissions of nitrogen oxides (NOx) and in one of two federal trading programs for sulfur dioxide (SO2) with a substantively identical requirement for such EGUs to join a new state trading program for NOx and SO2. The revision also eliminates the FIP emission standards addressing interstate transport requirements for the 1997 fine particulate matter NAAQS. The rule is effective Nov. 13, 2017. Contact: Ashten Bailey; EPA Region 4, Air, Pesticides and Toxics Management Division; 404-562-9164; bailey.ashten@epa.gov. Citations: 40 CFR 52.38, 52.39, 52.2120

82 FR 47936 (10/13/2017)

Regulatory Update

AIR
South Carolina SIP/VOC and NOx Standards
AIR

Notice of the EPA announces the withdrawal of a portion of an Aug. 16, 2017, direct final rule (82 FR 38825) that would have approved portions of revisions to the South Carolina SIP concerning standards for volatile organic compounds and nitrogen oxides emissions from process industries. The revisions clarify the applicability of standard requirements for new sources and the exemption of combustion control devices. The revisions also modify the number of hours of operation for testing and maintenance for exempted emergency generators. The partial withdrawal concerns the control of nitrogen oxides. The withdrawal is in response to an adverse comment. The agency will proceed with a final rule based on the related proposed rule (82 FR 38865; 08/16/2017). The withdrawal is effective Oct. 13, 2017. Contact: Brad Akers; EPA Region 4, Air Planning and Implementation Branch; 404-562-9089; akers.brad@epa.gov. Citations: 40 CFR 52.2120

82 FR 47634 (10/13/2017)

Regulatory Update

AIR
Vermont SIP/Regional Haze Progress Report
AIR

Notice of the EPA announces the withdrawal of an Aug. 16, 2017, direct final rule (82 FR 38834) that would have approved a revision to the Vermont SIP regarding the state's regional haze five-year progress report. The revision addresses the state's finding that the Lye Brook Class I Wilderness area, in the Mid-Atlantic/Northeast Visibility Union region, is on track to meet the reasonable progress goals for 2018 based on observed visibility improvement. The withdrawal is in response to an adverse comment. The agency will proceed with a final rule based on the related proposed rule (82 FR 38864; 08/16/2017). The withdrawal is effective Oct. 13, 2017. Contact: Anne McWilliams; EPA Region 1, Air Quality Planning Unit; 617-918-1697; mcwilliams.anne@epa.gov. Citations: 40 CFR 52.2370

82 FR 47630 (10/13/2017)

Regulatory Update

ENDANGERED SPECIES
Alaska/Marine Mammal Incidental Take
ENDANGERED SPECIES

Notice of the National Marine Fisheries Service announces the receipt of a request from the Alaska Department of Transportation and Public Facilities for authorization to take marine mammals incidental to pile driving and pile removal activities of the Haines Ferry Terminal Modification Project in Haines, Alaska. The authorization would allow the take of the humpback whale, harbor seal, harbor porpoise, and Dall's porpoise by Level A and B harassment and the Steller sea lion and killer whale by Level B harassment during a four-month period between Oct. 1, 2018, and Sept. 30, 2019. The incidental take would not occur during the period of March 1 to May 31, 2019, due to the increased density of marine mammals in the inlet during those months. Comments are due Nov. 13, 2017. Contact: Jaclyn Daly; NMFS, Office of Protected Resources; 301-427-8401

82 FR 47700 (10/13/2017)

Regulatory Update

ENDANGERED SPECIES
Alaska/Marine Mammals Incidental Take
ENDANGERED SPECIES

Notice of the National Marine Fisheries Service announces the issuance of an incidental harassment authorization to the City and Borough of Sitka, Alaska, for authorization to take five species of marine mammals incidental to pile driving and removal activities at the Gary Paxton Industrial Park dock in Sawmill Cove, Alaska. The authorization allows take in the form of Level A and B harassment of the humpback whale, killer whale, harbor porpoise, Stellar sea lion, and harbor seal for 16 days from Oct. 1 through Dec. 31, 2017. Contact: Jaclyn Daly; NMFS, Office of Protected Resources; 301-427-8401

82 FR 47717 (10/13/2017)

Regulatory Update

FOOD SAFETY
Agricultural Biotechnology Education and Outreach Initiative Meetings
FOOD SAFETY

Notice of the FDA announces two meetings to discuss agricultural biotechnology education and outreach initiatives. The meetings are intended to assist in the development of education and outreach initiatives regarding the environmental, nutritional, food safety, economic, and humanitarian impacts of agricultural biotechnology. The agency will coordinate with the Department of Agriculture, other federal agencies, and both private and public organizations to develop the initiatives. The meetings are scheduled for Nov. 7 and 14, 2017, in Charlotte, N.C., and San Francisco, respectively, and via webcast. Comments are due Nov. 17, 2017. Contact: Juanita Yates; FDA, Center for Food Safety and Applied Nutrition; 240-402-1731; Juanita.yates@fda.hhs.gov

82 FR 47750 (10/13/2017)

Regulatory Update

FOOD SAFETY
Produce Safety Regulation/Agricultural Water
FOOD SAFETY

Notice of the FDA announces a correction to a Sept. 13, 2017, proposed rule (82 FR 42963) that would extend the deadlines for compliance with agricultural water provisions of the Produce Safety Regulation (80 FR 74354; 11/27/2015) for covered produce other than sprouts to four years after the relevant farm's compliance date for all other provisions of the regulation. The rule would establish the same deadlines for all agricultural water provisions as applied to nonsprout produce, while retaining date staggering based on farm size. The extension would provide additional time to address questions about implementation of certain provisions, including testing requirements for preharvest agricultural water. The rule is issued in compliance with Executive Orders 13563, 13771, and 13777, which require agencies to consider possible reductions in regulatory burden or increased flexibility for compliance. An Aug. 24, 2016, final rule (81 FR 57784) clarified the compliance dates for certain agricultural water testing provisions as originally established in the Produce Safety Regulation. The correction inserts an omitted description for the table that summarizes changes in benefits and costs as a result of the proposed rule. Contact: Samir Assar; FDA, Center for Food Safety and Applied Nutrition; 240-402-1636. Citations: 21 CFR 112.41-112.50

82 FR 47656 (10/13/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Abbreviated New Drug Approval Pathways
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the availability of a draft guidance for industry concerning submission of abbreviated new drug 505(j) and 505(b)(2) applications. The guidance will assist applicants in determining which of the abbreviated approval pathways is appropriate for the submission of a marketing application. Comments are due Dec. 12, 2017. Contact: Elizabeth Giaquinto; FDA, Center for Drug Evaluation and Research; 240-402-7930; elizabeth.giaquinto@fda.hhs.gov

82 FR 47749 (10/13/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Assessment for the Biological Control of Lily Leaf Beetle
GENERAL ENVIRONMENT AND SAFETY

Notice of the Animal and Plant Health Inspection Service announces the availability of the final environmental assessment and finding of no significant impact concerning the release of three parasitoids, Diaparsis jucunda, Lemophagus errabundus, and Tetrastichus setifer, for the biological control of the lily leaf beetle. The assessment addresses APHIS's plan to issue permits to the Washington State Department of Agriculture for the field release of the parasitoids to

reduce the severity of lily leaf beetle infestations. Contact: Colin Stewart; APHIS, Plant Protection and Quarantine; 301-851-2237; Colin.D.Stewart@aphis.usda.gov

82 FR 47694 (10/13/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
California, Hawaii/Military Readiness Activities
GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of the Navy announces the availability of a draft environmental impact statement/overseas environmental impact statement (EIS/OEIS) regarding military readiness activities in the Hawaii-Southern California Training and Testing Study Area. The study area consists of in-water areas of the Southern California Range Complex; in-water areas of Silver Strand Training Complex; the Hawaii Range Complex; areas on the high seas where training and sonar testing and maintenance may occur during vessel transit between the Hawaii and Southern California Range Complexes; the temporary operating area north and west of the Hawaii Range Complex; and specific Navy pierside, port, and harbor locations. The draft EIS/OEIS, for which the National Marine Fisheries Service is a cooperating agency, has been filed with the EPA. Meetings are scheduled for Nov. 6, 7, 8, 9, and 13, 2017, in Honolulu, Kahului, Lihue, Hilo, and San Diego, respectively. Comments are due Dec. 12, 2017. Contact: Naval Facilities Engineering Command Pacific; 808-472-1402

82 FR 47729 (10/13/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Children's Products, Children's Toys, and Child Care Articles
GENERAL ENVIRONMENT AND SAFETY

Proposed rule of the Consumer Product Safety Commission would determine that certain untreated and unfinished engineered wood products (EWPs), including particleboard, hardwood plywood, and medium-density fiberboard, made from virgin wood or preconsumer waste wood would not exceed limits for lead, the ASTM F963 elements, or specified phthalates for children's products, children's toys, or child care articles. Under the rule, products made with such EWPs would not be required to have third-party testing for compliance with requirements for lead, ASTM F963 elements, or phthalates. Comments are due Dec. 27, 2017. Contact: Jacqueline Campbell; CPSC, Office of Hazard Identification and Reduction; 301-987-2024; jcampbell@cpsc.gov. Citations: 16 CFR 1252.1, 1252.2, 1252.3

82 FR 47645 (10/13/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
DHS NEPA Procedures/Categorical Exclusions
GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Homeland Security, Office of Management, announces administrative

revisions to an instruction manual regarding procedures for implementing the National Environmental Policy Act (DHS Instruction 023-01-001-01, Rev. 01) (79 FR 70538; 11/26/2014). The revisions concern categorical exclusions and clarify the applicability of the requirement to prepare a record of environmental consideration. The revisions are effective Oct. 13, 2017. Contact: Jennifer Hass; DHS, Environmental Planning and Historic Preservation Program; 202-834-4346; SEP-EPHP@hq.dhs.gov

82 FR 47761 (10/13/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
New Jersey/Peckman River Basin Flood Risk Management Study
GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the U.S. Army Corps of Engineers, in partnership with the New Jersey Department of Environmental Protection, to prepare an integrated feasibility report/environmental impact statement for the Peckman River Basin Flood Risk Management Study in Passaic County, N.J. The study is assessing the feasibility of flood risk management alternatives to be implemented within the authorized study area with an emphasis on Little Falls Township and Woodland Park Borough. A meeting will be held in late November or early December 2017, to be announced at a later date. Comments are due 30 days after the meeting. Contact: Robert Greco; USACE New York District, Programs and Project Management Division; 917-790-8394; robert.m.greco@usace.army.mil

82 FR 47728 (10/13/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Orthopaedic and Rehabilitation Devices Panel Meeting
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a meeting of the Orthopaedic and Rehabilitation Devices Panel of the Medical Devices Advisory Committee. The agenda includes discussions and voting on information regarding Intrinsic Therapeutics' premarket approval application for the Barricaid Anular Closure Device, which is intended to be implanted following a limited disectomy to prevent reherniation and pain. The device is indicated for patients with radiculopathy, a posterior or posterolateral herniation, characterized by radiographic confirmation of neural compression, and a large annular defect post disectomy. The meeting is scheduled for Dec. 12, 2017, in Gaithersburg, Md. Comments are due Dec. 1, 2017. Contact: Sara Anderson; FDA, Center for Devices and Radiological Health; 301-796-7074; Sara.Anderson@fda.hhs.gov

82 FR 47752 (10/13/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Prescription Drug User Fee Act/Application and Program Fees
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces the availability of draft guidance for industry regarding the implementation of amendments to the Prescription Drug User Fee Act and associated policies and procedures. The guidance specifies when the application and program fees are incurred and the process for payment submission. The guidance also specifies the consequences for failing to pay such fees and the process for submitting a reconsideration and appeals request. Comments are due Dec. 12, 2017. Contact: Peter Chen; FDA, Center for Drug Evaluation and Research; 240-402-8605; Peter.Chen@fda.hhs.gov

82 FR 47748 (10/13/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Sale of Mineral Materials
GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of the Interior, Bureau of Land Management, announces the submission of a revised information collection to the OMB regarding contracts to purchase or use mineral materials from public lands. Comments are due Nov. 13, 2017. Contact: Stuart Grange; BLM; 202-912-7067; sgrange@blm.gov. Citations: 43 CFR 3600

82 FR 47763 (10/13/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
U.S. Army Corps of Engineers/Civil Monetary Penalties
GENERAL ENVIRONMENT AND SAFETY

Direct final rule of the U.S. Army Corps of Engineers adjusts for inflation civil monetary penalty amounts. The rule increases the Class I civil penalty under Section 309 of the Clean Water Act to $20,966 per violation and the maximum civil penalty and the judicial civil penalty to $52,414 per day for each violation. The rule also increases the Class I civil penalty under the National Fishing Enhancement Act to $22,957 per violation. The rule is effective Dec. 12, 2017, unless adverse comments are received by Nov. 13, 2017. Contact: Stacey Jensen; USACE; 202-761-5856; stacey.m.jensen@usace.army.mil. Citations: 33 CFR 326.6

82 FR 47623 (10/13/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Black Lung Benefits
OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of the Labor Department, Office of Workers' Compensation Programs, to seek OMB approval for a continuing information collection request concerning the representative payee report (CM-623), the representative payee–short form (CM-623), and the physician's/medical officer's statement (CM-787) for coal miners totally disabled with black lung disease. The forms collect expenditure data on the disbursement of the beneficiary's benefits by the representative payee, including when the representative payee is a family member residing

with the beneficiary, and gather information from the beneficiary's physician on the capability of the beneficiary to manage monthly benefits. Comments are due Dec. 12, 2017. Yoon Ferguson; DOL, Office of Workers' Compensation Programs; 202-354-9647; ferguson.yoon@dol.gov

82 FR 47772 (10/13/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Black Lung Benefits/Report of Changes
OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of the Labor Department, Office of Workers' Compensation Programs, to seek OMB approval for a continuing information collection request regarding the report of changes that may affect black lung benefits (CM-929 and CM-929P). The collection concerns the requirement for primary beneficiaries and representative payees to review information, including name, address, number of dependents on record, state workers' compensation information, and amount of current benefits, and report any changes. Comments are due Dec. 12, 2017. Contact: Yoon Ferguson; DOL, Office of Workers' Compensation Programs; 202-354-9647; ferguson.yoon@dol.gov. Citations: 20 CFR 725.533

82 FR 47773 (10/13/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Cotton Dust Standard/Pulmonary Function Testing Course Approval Program
OCCUPATIONAL SAFETY AND HEALTH

Notice of the National Institute for Occupational Safety and Health announces the submission of a revised information collection request to the OMB regarding the Pulmonary Function Testing Course Approval Program, which governs the approval of programs training cotton technicians to perform spirometry according to the OSHA cotton dust standard. The collection addresses applications submitted by potential program sponsors that seek NIOSH approval to conduct or renew courses. The collection also addresses additional obligations to notify NIOSH of subsequent course changes and the submission of voluntary annual reports on such changes. In addition, the collection addresses application submission requirements for approved courses seeking to offer spirometry refresher courses. Finally, the collection addresses a one-time customer satisfaction survey to course directors and sponsor representatives to evaluate agency service to courses, effectiveness of program changes, and the usefulness of potential program enhancements. Comments are due Nov. 13, 2017. Contact: Leroy Richardson; CDC, Office of Scientific Integrity; 404-639-7570; omb@cdc.gov. Citations: 29 CFR 1910.1043

82 FR 47737 (10/13/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Nevada State Plan/Private Sector Military Base Employees
OCCUPATIONAL SAFETY AND HEALTH

Notice of OSHA announces approval of a change to Nevada's state plan to reinstate federal enforcement authority over all private-sector employment on state military facilities and bases. The change was requested by the Nevada Occupational Safety and Health Administration in response to confusion over when state or federal authority is applicable. The action is effective Oct. 13, 2017. Contact: Douglas Kalinowski; OSHA, Directorate of Cooperative and State Programs; 202-693-2200; kalinowski.doug@dol.gov

82 FR 47772 (10/13/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Occupational Injury and Illness Classification System
OCCUPATIONAL SAFETY AND HEALTH

Notice of the Department of Labor, Bureau of Labor Statistics, announces the second major revision of the Occupational Injury and Illness Classification System (OIICS), Version 2.01. The OIICS is used to classify certain case characteristics associated with fatal and nonfatal work injury cases received by the programs into five code structures that describe the injury or illness and how it occurred. The revision updates the classification system to provide for workplace hazards that could result from an incident or exposure, new data aggregations, new coding structures, and changes to the OIICS manual. The BLS will review the International Statistical Classification of Diseases and Related Health Problems, 10th revision, and other comparable coding structures to help in reviewing occupational safety and health data. Comments are due Feb. 1, 2018. Contact: Christen Byler; BLS, Office of Safety, Health and Working Conditions; 202-691-6252; Byler.Christen@bls.gov

82 FR 47770 (10/13/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Online Training for Law Enforcement/Shift Work and Long Work Hours
OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of the National Institute for Occupational Safety and Health to seek OMB approval for a new information collection request regarding online training for law enforcement to reduce risks associated with shift work and long work hours. The training is intended to relay the risks linked to shift work and long work hours and give workplace strategies for employers and personal strategies for the officers to reduce the risks. The collection addresses a pilot test for the online training with 30 recent graduates of a police academy in their first field experience and 30 experienced officers and will be used to improve the training. Comments are due Dec. 12, 2017. Contact: Leroy Richardson; CDC, Office of Scientific Integrity; 404-639-7570; omb@cdc.gov

82 FR 47744 (10/13/2017)

Regulatory Update

OIL AND GAS INDUSTRY
OCS Oil and Gas Drilling Operations

OIL AND GAS INDUSTRY

Notice of the Bureau of Safety and Environmental Enforcement announces the submission of a continuing information collection request to the OMB regarding oil and gas drilling operations on the Outer Continental Shelf (OCS). The collection addresses the safety of drilling crews, proper use of equipment, environmental protection, and compliance with safety standards. The collection also addresses end-of-operation reporting (BSEE-0125) and well and status drilling operations (BSEE-0133/0133S). Comments are due Nov. 13, 2017. Contact: Nicole Mason; BSEE, Regulations and Standards Branch; 703-787-1607; kye.mason@bsee.gov. Citations: 30 CFR 250, Subpart D

82 FR 47765 (10/13/2017)

Regulatory Update

PESTICIDES
Nevada/Disapproval of Special Local Need Pesticide Registrations
PESTICIDES

Notice of the EPA announces the disapproval of four special local need pesticide registrations from the Nevada Department of Agriculture. The registrations concern the use of General Hydroponics Prevasyn, Exile, Defguard, and Azamax on cannabis to control various insect pests, mites, and plant diseases. The disapproval was issued July 3, 2017. Contact: Michael Goodis; EPA, Office of Pesticide Programs; 703-305-7090; RDFRNotices@epa.gov. Citations: 40 CFR 162.154

82 FR 47733 (10/13/2017)

Regulatory Update

PESTICIDES
Pesticide Program Dialogue Committee Meeting
PESTICIDES

Notice of the EPA announces a meeting of the Pesticide Program Dialogue Committee, which advises the administrator on issues related to pesticide regulatory development and reform initiatives, public policy and programs, and science associated with evaluating and reducing risks from the use of pesticides. The meeting is scheduled for Nov. 1-2, 2017, in Arlington, Va. Comments are requested, but a due date is not specified. Contact: Dea Zimmerman; EPA, Office of Pesticide Programs; 312-353-6344; zimmerman.dea@epa.gov

82 FR 47733 (10/13/2017)

Regulatory Update

RADIATION
Independent Storage of Spent Nuclear Fuel, Radioactive Waste
RADIATION

Notice of the NRC announces the submission of a continuing information collection request to the OMB concerning licensing requirements for independent storage of spent nuclear fuel, high-

level radioactive waste, and reactor-related greater than Class C waste. The collection addresses applications for new licenses; certificates of compliance; amendments; and applications for renewal of licenses to receive, transfer, and possess spent fuel and other radioactive materials associated with spent fuel storage in an independent spent fuel storage installation or a monitored retrievable storage facility. Comments are due Nov. 13, 2017. Contact: David Cullison; NRC; 301-415-2084; INFOCOLLECTS.Resource@NRC.GOV. Citations: 10 CFR 72

82 FR 47778 (10/13/2017)

Regulatory Update

RADIATION
Modified Small Quantities Protocol
RADIATION

Notice of the NRC announces a meeting to conduct an affirmation session regarding the publication of a final rule concerning the modified small quantities protocol. The rule would ensure that the U.S. government meets its obligations under the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean. The meeting is scheduled for Oct. 16, 2017, in Rockville, Md. Contact: Denise McGovern; NRC; 301-415-0981; Denise.McGovern@nrc.gov. Citations: 10 CFR 40, 70, 75

82 FR 47779 (10/13/2017)

Regulatory Update

RADIATION
Standard Specifications for Granting of Patent Licenses
RADIATION

Notice of the NRC announces the submission of a continuing information collection request to the OMB concerning standard specifications for granting of patent licenses. The NRC is authorized to grant nonexclusive licenses or limited exclusive licenses for patented inventions and to require periodic submission of reports on efforts to bring the invention to a point of practical application and the extent to which licensees are making the benefits of the invention reasonably accessible to the public. The collection addresses information from license holders seeking to extend their licenses, issue sublicenses, or transfer the licenses and the submission of pleadings or other papers filed in any patent infringement lawsuit and evidence from proceedings relating to a licensed patent. Comments are due Nov. 13, 2017. Contact: David Cullison; NRC; 301-415-2084; INFOCOLLECTS.Resource@NRC.GOV. Citations: 10 CFR 81

82 FR 47777 (10/13/2017)

Regulatory Update

TOXIC SUBSTANCES
TSCA Statements of Findings
TOXIC SUBSTANCES

Notice of the EPA announces the availability of seven statements of findings that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health

or the environment. The notice specifies that the statements apply to premanufacture notices, microbial commercial activity notices, and significant new use notices submitted to the EPA under TSCA Section 5(a) from July 1-31, 2017. Contact: Greg Schweer; EPA, Office of Pollution Prevention and Toxics; 202-564-8469; schweer.greg@epa.gov

82 FR 47731 (10/13/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Tue 8/1/2017 5:08:53 PM
Subject: Iowa, Nebraska governors ask EPA to pump up advanced biofuels

By Eric Wolff

08/01/2017 01:04 PM EDT

Iowa Gov. Kim Reynolds, and Nebraska Gov. Pete Ricketts, today asked EPA to increase the amount of biomass-based biodiesel and cellulosic ethanol in its final biofuels rule.

The two Republican governors, joined by Sen. Joni Ernst (R-Iowa), told a panel of EPA staff that companies had the capacity to produce 2.75 billion gallons of biodiesel in 2019, far more than the 2.1 billion gallons the agency proposed.

"When you set the bar high, the industry has the ability to jump," Ricketts said at the EPA hearing on its Renewable Fuel Standards targets for 2018.

The group also asked EPA to increase cellulosic volumes, which EPA proposed to reduce 23 percent in 2018 compared to this year.

"Reducing volumes for biodiesel and cellulosic would create uncertainty," Ernst said. "Especially as rural communities continue to experience a downturn in ag economy."

All three praised EPA for getting a proposal out approximately on time, a dig at the Obama administration, which missed deadlines so badly it set requirements for 2014 and 2015 at the end of 2015, in conjunction with a rule for 2016. And they were pleased the agency kept conventional biofuels, typically filled by corn-based ethanol, at the maximum level.

Ricketts and Reynolds told reporters after their testimony that they had each had an opportunity to speak with EPA Administrator Scott Pruitt both in person and on the phone on at least four occasions, and they were pleased with his accessibility.

WHAT'S NEXT: EPA will take comment on the proposed volumes through Aug. 31.

To view online:
https://www.politicopro.com/agriculture/whiteboard/2017/08/iowa-nebraska-governors-ask-epa-to-pump-up-advanced-biofuels-091341

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Tue 9/12/2017 6:34:19 PM
Subject: Pruitt: EPA had no emails communications with Icahn

By Eric Wolff

09/12/2017 02:28 PM EDT

EPA had no email communication with billionaire and former Trump adviser Carl Icahn, EPA Administrator Scott Pruitt told Sen. Sheldon Whitehouse (D-R.I.) in a letter this week.

In the letter sent Monday and provided to POLITICO by an EPA official, Pruitt said EPA searched the inboxes of 39 high-ranking officials for messages to or from Icahn between Feb. 17 and Aug. 18, and they found no emails on any subject.

Pruitt's letter was a response to four different letters from Whitehouse and other Senate Democrats seeking information on Icahn's efforts to modify the Renewable Fuel Standard to benefit his refining company. Icahn was an unpaid adviser to Trump until last month, when he resigned his title after questions arose about his advocating for policies that would help his businesses.

Pruitt did acknowledge meeting with Icahn as part of his vetting process to join the Trump administration.

"Mr. Icahn was one of many of the president's advisors that I met with during my confirmation process," he wrote. "During that meeting, I made no assurances with regard to the point of obligation or any other substantive issue."

To view online:
https://www.politicopro.com/financial-services/whiteboard/2017/09/pruitt-epa-had-no-emails-communications-with-icahn-092795

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Mon 9/4/2017 12:23:09 AM
Subject: BREAKING NEWS: Trump has decided to end DACA, with 6-month delay

President Donald Trump has decided to end the Obama-era program that grants work permits to undocumented immigrants who arrived in the country as children, according to two sources familiar with his thinking. Senior White House aides huddled Sunday afternoon to discuss the rollout of a decision likely to ignite a political firestorm - and fulfill one of the president's core campaign promises.

Trump has wrestled for months with whether to do away with the Deferred Action for Childhood Arrivals, known as DACA. He has faced strong warnings from members of his own party not to scrap the program and struggled with his own misgivings about targeting minors for deportation.

Conversations with Attorney General Jeff Sessions, who argued that Congress - rather than the executive branch - is responsible for writing immigration law, helped persuade the president to terminate the program, the two sources said, though White House aides caution that - as with everything in the Trump White House - nothing is set in stone until an official announcement has been made.

In a nod to reservations held by many lawmakers, the White House plans to delay the enforcement of the president's decision for six months, giving Congress a window to act, according to one White House official. But a senior White House aide said that chief of staff John Kelly, who has been running the West Wing policy process on the issue, "thinks Congress should've gotten its act together a lot longer ago."

Read more: http://www.politico.com/story/2017/09/03/trump-dreamers-immigration-daca-immigrants-242301

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 10/26/2017 8:43:05 PM
Subject: EDF sues EPA over delays in releasing public records

By Emily Holden

10/26/2017 04:41 PM EDT

The Environmental Defense Fund said today it is suing EPA for failing to release public records about Administrator Scott Pruitt's potential ethics conflicts, schedule or plans for agency science that the group has has sought under the Freedom of Information Act.

According to the lawsuit filed with the D.C. Circuit of the U.S. Court of Appeals, one of EDF's requests dates back to January, and the others are from March and June. A statutory deadline gives EPA 20 days to make a determination on whether to release information unless there are certain "unusual circumstances." EDF says EPA has not demonstrated those circumstances or sought an extension.

The agency has said it is receiving high volumes of public records requests. The Office of Public Affairs, for example, recently said it received 154 requests in fiscal 2017, compared to 14 in fiscal 2016. OPA has said some requests will take more than a year to fulfill.

An EPA spokesperson said the agency does not comment on pending litigation.

EDF is seeking information about an ethics agreement Pruitt signed while his nomination was pending, including why he determined he could work on a rule to withdraw the Clean Power Plan even though he brought lawsuits against it as attorney general of Oklahoma.

The group is seeking Pruitt's daily schedules, too. EDF argues that releases so far have included many redactions and that a recently published public calendar is brief and vague.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/10/edf-sues-epa-over-delays-in-releasing-public-records-094858

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Hadas Gold - POLITICO Media
Sent: Tue 8/8/2017 10:21:09 AM
Subject: Morning Media: Trump's vacation tweets -- Coalition campaigns against Sinclair merger -- Kayleigh McEnany named RNC spokesperson

By Hadas Gold | 08/08/2017 06:19 AM EDT

With Alex Weprin

PRESIDENT DONALD TRUMP TWEETED 13 TIMES ON MONDAY, 6 OF THEM ABOUT THE MEDIA. The president is at his Bedminster, New Jersey golf club on a working vacation, during which he clearly had some time for tweets about the media. He sent off screeds about the "fake news" ignoring his success and incorrectly reporting about the strength of his base, and he tweeted about The New York Times and other "Fake News" ignoring North Korean sanctions.

--This has become rote, but we'll do it again. Trump was wrong on a few points. At the same time he tweeted that "The Fake News Media will not talk about the importance of the United Nations Security Council's 15-0 vote in favor of sanctions on N. Korea!" CNN was covering those exact sanctions (their segment started about two minutes before the tweet).

--Trump slammed The New York Times several times as "totally inept" and asked "How much longer will the failing nytimes, with its big losses and massive unfunded liability (and non-existent sources), remain in business?" Let's assume Trump is responding to the Times' recent story about Republicans (and specifically Vice President Mike Pence) running a shadow 2020 primary. Jonathan Martin, one of the reporters on that piece, noted on Twitter that their story did not have a single anonymous quote. And, The New York Times has been having a bit of a Trump business boom as they also noted on Twitter: revenue is up 9 percent and subscriptions are growing 69 percent faster than same quarter last year, the newspaper announced last month. The stock was recently at its highest level since May of 2008.

TRUMP BASHES THE "MAINSTREAM MEDIA," BUT PAYS A STAFFER $89,000 TO SPOT AND DISTRIBUTE POSITIVE STORIES FROM THEM via my colleague Annie Karni: "The White House director of rapid response, Andrew Hemming, 31, spends his days immersed in cable television, Twitter, print and online media to suss out positive stories about Trump, which he blasts back out to his list of more than 1,000 influencers - mainly reporters, but also television talking heads - who together craft the overall story of Trump's presidency. There's nothing new about an administration trying to promote its wins. But in the Trump White House, where Hemming's job is not to discredit the mainstream media but to celebrate stories the administration likes, it can seem like he is trying to bail out a sinking boat with a teacup." Read the full piece, including White House Press Secretary Sarah Sanders saying the media doesn't "always get it wrong," here.

Good morning and welcome to Morning Media! I always want to hear from you -- **hgold@politico.com** / **@Hadas_Gold**. **Morning Media** is edited by **Alex Weprin** (**@alexweprin** / **alexweprin@gmail.com**) and produced with writing/reporting help from

Cristiano Lima. (clima@politico.com / @ludacristiano). Archives. Subscribe.

KAYLEIGH MCENANY IS THE RNC'S NEWEST NATIONAL SPOKESPERSON, my Playbook colleagues scooped yesterday. McEnany had just ditched her CNN contract and started filming videos for Trump's campaign arm as a pseudo-anchor showcasing the positive news from the Trump administration.

--The Trump TV initiative is being run by Trump's daughter-in-law Lara Trump, the Daily Beast reports. But, the RNC said they are not involved in producing the "Trump TV" videos, adding that they "think it's a great idea for the campaign to be putting out videos that talk about the president's accomplishments." It's not clear yet whether McEnany will continue making the "Trump TV" videos. The Daily Beast also reports that the Tomi Lahren, a former anchor for right-wing media network The Blaze and a current spokeswoman for pro-Trump nonprofit Great America Alliance, had been "strongly considered" for a position with the Trump TV production.

AT&T SAYS IT WON'T SELL CNN, by Alex Weprin: A top AT&T executive said that the company has no interest in selling CNN, alleviating concerns many inside the channel had about what would happen once AT&T's acquisition of Time Warner is approved by the federal government. John Stankey, who will lead Time Warner's businesses once the deal closes, told The Hollywood Reporter "It would be a strategically missed opportunity if we weren't in that [the news] business." Stankey also said that AT&T would not interfere with CNN's editorial content, noting "you can't run a national news organization with that importance to our society without maintaining its editorial independence."

--On a related note: CBS execs also poured cold water on the idea they might be interested in buying CNN. "We feel strategically complete," CBS COO Joseph Ianniello said on the company's earnings call Monday. CBS did announce that it plans to launch a 24/7 streaming sports channel, similar to CBSN, later this year.

PREET BHARARA PODCAST GETS PUBLIC RADIO PICKUP, by Alex Weprin: Former U.S. Attorney Preet Bharara is joining the ranks of the mainstream media. Bharara's podcast, "Stay Tuned with Preet," has been picked up by WNYC Studios, the podcast and public radio show collective that also produces "Radiolab" and Alec Baldwin's "Here's the Thing." Sun Spider Studios, founded by Bharara's brother Vinit, will also produce, as will Pineapple Street Media, best known for "Missing Richard Simmons."

COALITION CAMPAIGNS AGAINST SINCLAIR-TRIBUNE MERGER, my colleague Margaret Harding McGill reports for POLITICO Pro. A group comprised of One America News Network's president, a former FCC commissioner, and satellite TV giant DISH network among others is banding together to fight against Sinclair Broadcasting Group's proposed expansion. In a call with reporters on Monday OANN President Charles Herring argued that Sinclair is already too powerful and growing larger could shut out independent sources of programming (such as his channel), and will lead to higher prices for customers.

--"The concern is that with the market strength Sinclair will have post-merger, it could take pretty much any channel it wants, regardless of the merit of that channel with the consumers or

the cable company, and basically force it on the cable company and thus the consumers," Herring said.

TRUMP ISN'T HAPPY WITH JOSHUA GREEN'S NEW BOOK ABOUT STEVE BANNON: According to the Daily Caller, President Donald Trump is not pleased that Green's new book "Devil's Bargain" says Steve Bannon had a major role in Trump's electoral victory. "A source who spoke with the president recently told TheDC that Trump complained about the new book as well as the cover of a November copy of Forbes that claims Jared Kushner was the campaign's mastermind. 'I hate it when people take credit for an election I won,' Trump said, according to the source.

VOX STUDIED 17 MONTHS OF TRUMP'S FAVORITE SHOW "FOX & FRIENDS" and found that the show has increasingly changed its role as giving advice to the president. "An analysis of the show's transcripts reveal that about 8 to 9 percent of sentences before Trump's election were imperative sentences, which instruct or advise. In the first few months of his presidency, that number increased more than 50 percent." Read the full study here.

INVESTIGATION DISCOVERY RENEWS MARIA ELENA SALINAS' SHOW "The Real Story with Maria Elena Salinas." The news comes just days after Salinas announced last week she's leaving Univision after more than 30 years with the Spanish-language network. Sources suggested to me last week that Salinas may be looking to branch into more English-language anchor work, like the ID show. The second season will have 10 episodes and will follow Salinas as she "uncovers new evidence, unheard perspectives, and updates to national headline-making crimes to see what the media originally missed."

REVOLVING DOOR:

--Esquire is ending its digital features program.

--Twitter's former VP of global media, Katie Stanton, is joining the board of directors at Time Inc.

--Joe Yerardi is now a new data reporter at The Center for Public Integrity.

--On the homefront, POLITICO announced that Christine Haughney is joining the POLITICO newsletter family to run Morning Agriculture, and Jane Norman is joining as a multi-vertical editor for the pro side. The business side also announced that Rick Robinson has been hired as VP of Product and Judy DIaz has joined as VP of Marketing.

SOUNDBITES: "I'm with the news, dude!" [A Washington NBC reporter to a driver who dressed as a car's seat in order to make it look like the van he was driving was driverless].

"Circle of life: Trump cites a story broken by the NYT to call out Blumenthal in same Twitter frenzy that he called the paper 'totally inept'" [Justin Green]

TIL: A whopping 97 percent of digital-native news outlets have newsletters. [Pew]

EXTRAS:

--Fox News Senior VP and creative director Richard O'Brien, who helped create the look of the network, has died. [Fox News]

--The Financial Times is returning to the Apple App store six years after it abandoned the platform following disagreements with Apple over revenue and data sharing. [Wall Street Journal]

--Details are starting to be released about BuzzFeed's upcoming hour-long morning show, which will air on Twitter [Poynter]

--The AP's Hannah Dreier was the last U.S. journalist to get a work visa to cover Venezuela, she tells Susan Glasser what it was like watching the country breakdown. [POLITICO]

--"Facebook and Google Algorithms Are the New 'Useful Idiots'" [Bloomberg Businessweek]

-- Public radio saw revenue gains in 2016, and other new findings on public media from Pew Research [Pew]

-- Fox News' Seth Rich debacle could doom Rupert Murdoch's Sky dream. [Daily Beast]

-- And the channel's viewers are loyal, no matter what scandals are rocking Fox News internally. [Washington Post]

-- A CBS News crew was accused of being U.S. government agents while traveling in Russia. [CBS]

To view online:
http://www.politico.com/media/tipsheets/morning-media/2017/08/08/trumps-vacation-tweets-coalition-campaigns-against-sinclair-merger-kayleigh-mcenany-named-rnc-spokesperson-001327

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Wed 10/11/2017 2:03:52 PM
Subject: POLITICO's Morning Score: Democrats worry about Russian interference in '18 — Stewart considering Gillespie endorsement — California primary chatter

By Kevin Robillard | 10/11/2017 10:00 AM EDT

With Daniel Strauss, Zach Montellaro and Elena Schneider

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

THE NEXT HACK - "Senate Democrats worry Russia could jeopardize reelection bids," by Kyle Cheney, Elana Schor and Cory Bennett: "Democratic senators fighting to hold on to their seats next year are increasingly worried about a troubling reality: Russia appears set to mess with U.S. elections - again. ... 'If there isn't some effort to take steps against Russian interference, every campaign is going to have to be on guard and working against it,' said [Pennsylvania Sen. Bob] Casey, describing himself as 'very concerned.' ... Democrats say the president's disinterest has meant there's been little urgency behind preparing for the next wave of Russian threats, which U.S. intelligence has said included hacking and leaking Democratic operatives' emails and creating fake Facebook and Twitter accounts to push stories that hurt [Hillary] Clinton. ... 'We absolutely need to get ahead of this,' [North Dakota Sen. Heidi] Heitkamp, one of the GOP's top targets in the midterm elections, told POLITICO. 'We need to understand the threat. But more importantly, states need to understand this is real.'" **Full story.**

OL' VIRGINNY - "Corey Stewart in talks to endorse Gillespie at urging of Trump allies Bannon and Bossie," by the Washington Post's Laura Vozzella and Robert Costa: "Corey Stewart, who pilloried Republican Ed Gillespie during their GOP gubernatorial primary fight in Virginia, has been communicating with Gillespie about a potential endorsement at the urging of former White House chief strategist Steve Bannon and President Trump's former deputy campaign manager, David N. Bossie, according to five people familiar with the matter. ... At the time, Stewart declared that he would not back Gillespie unless the nominee took a harder line on protecting Confederate statues and against illegal immigration." **Full story.**

-FLASHBACK - Stewart to Campaign Pro earlier this week: "He's gotten better. He's moved to the right on Confederate statues and immigration. He's moving in the right direction."

-New Northam ad attacks Gillespie on environmental issues: Northam's campaign is airing a new television ad attacking Republican Ed Gillespie over environmental issues. "As a doctor, I trust the science on climate change," Northam say direct to camera in the ad. "But Ed Gillespie worked for a think tank that rejects climate science and fought to pull out of the global climate agreement. Now Ed's going right along with Donald Trump as he tries to roll back our clean air and water protections." **Watch the ad here.**

-Progressive Turnout Project ups investment: The Chicago-based group is adding $100,000 more to its turnout program, pushing its total spending over $600,000. The group is focusing on 10 competitive House of Delegates races, plus the three statewide contests. The group is sending digital ads, mail and text messages to inconsistent Democratic voters.

PRIMARY CONCERNS - "California old guard under siege," by Carla Marinucci and David Siders: "The state Democratic Party, until recently, has been caught in the throes of a bitter dispute over the chairmanship, pitting party veterans against the activist 'Berniecrat' wing. There are calls for Nancy Pelosi to step down as House Democratic leader. And Dianne Feinstein is now the target of progressives determined to prevent her from winning a fifth Senate term. ... Hours after she announced her reelection campaign Monday, Silicon Valley-based freshman Rep. Ro Khanna said he had urged fellow California Rep. Barbara Lee and former Secretary of Labor Robert Reich to challenge Feinstein. ... Following Feinstein's reelection announcement, Markos Moulitsas, founder of the liberal Daily Kos blog, said in a tweet directed at state Senate President Pro Tem Kevin de León, who is mulling running against the senator, 'Hey @kdeleon, let's talk! We share a common interest in this Senate race. Let's beat the most pro-Trump Blue-state Dem in the country!' On Twitter, some of the party's leftist activists began marshaling the hashtag #DraftReich, but also circulated names of other people they're hoping could be drafted for a primary contest against Feinstein - including progressive Democrat Rep. Ted Lieu, a regular tormentor of Trump on Twitter, and CNN political commentator Van Jones." **Full story.**

HOLD UP - "Twitter reverses decision, will allow Blackburn to promote Senate ad," by Kevin Robillard: "Twitter is reversing a decision to block Rep. Marsha Blackburn of Tennessee from promoting her Senate campaign launch video on the social network. ... A Twitter spokesperson said Tuesday: 'Our ads policies strive to balance protecting our users from potentially distressing content while allowing our advertisers to communicate their messages. Nowhere is this more difficult than in the realm of political advertising and the highly charged issues that are often addressed therein. ... While we initially determined that a small portion of the video used potentially inflammatory language, after reconsidering the ad in the context of the entire message, we believe that there is room to refine our policies around these issues.'" **Full story.**

MARK YOUR CALENDAR - "Senate swing vote Collins to announce Friday whether she'll run for governor of Maine," by CNN's Eric Bradner and Jamie Gangel: "Republican Sen. Susan Collins will announce Friday morning whether she will run for governor of Maine in 2018, a source with knowledge of the senator's plans told CNN. ... A source with knowledge of Collins' thinking said over the last year Collins has taken a serious look at running for governor. Collins values constituent services, felt she could do more in an executive role and, the source said, liked the idea of capping her political career as Maine's first female governor - the job she ran for unsuccessfully in 1994." **Full story.**

NEW THIS MORNING - AAN launches digital ads on tax reform: American Action Network is out with a new $550,000 digital ad buy effort to boost the GOP's tax reform plan. The ads, which run for the next two weeks targeting 42 House members, will "simulate a search query on tax reform to highlight tax cuts for middle-class families under the Tax Reform

Framework," per a memo from the group. **View the targeted districts here. Watch the digital ad here.**

Days until the 2017 election: 27.

Days until the 2018 election: 391

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

WELCOME TO THE RACE - "McCaskill tears into GOP challenger Hawley during Jackson County visit," by the Kansas City Star's Brian Lowry: "McCaskill, a Democratic incumbent in a state that went for President Donald Trump by double digits, railed against Hawley while talking to reporters after a town hall at the Truman Memorial Building in Independence. 'I want to congratulate (Senate Majority Leader) Mitch McConnell ,' she said. 'He got his candidate. Mitch McConnell worked very hard. I believe Josh Hawley has spent more times talking to the insiders in Washington in the last four months than he has Missourians. He's got a lot of questions to answer.'" **Full story.**

-Fellow Republican candidate Courtland Sykes released a video labeling Hawley "RINO NUMBER SIX."

Q3 FUNDRAISING - Wisconsin Senate: Republican Kevin Nicholson raised over $400,000 in the third quarter, the Milwaukee Journal Sentinel reported, while GOP primary opponent Leah Vukmir raised $250,000 in the race to take on Democratic Sen. Tammy Baldwin.

- MI-11: Democrat Haley Stevens announced that she raised $200,000 in the third quarter, finishing with $415,000 in cash on hand.

- MT-AL: Democrat John Heenan, an attorney, raised $325,000, including a $100,000 personal loan, while Democrat Grant Kier, a former land-trust manager, raised $192,000 since announcing his candidacy, KXLH reported.

- TX-32: Democrat Ed Meier raised $240,000 in the third quarter, closing the period with $440,000 in cash on hand, per a statement from his campaign.

- AL-05: GOP Rep. Mo Brooks, set to face a primary challenge next year, raised over $486,000, spent over $701,000 and had about $560,000 left on hand from July 27 to Sept. 30, during which time he lost in the special Senate primary in Alabama.

- AZ-08: Democratic physician Hiral Tipirneni raised over $165,000 and has over $123,000 on hand after the third quarter vs. GOP Rep. Trent Franks, who has a deep-red Republican district

and not faced a Democratic opponent with six-figure fundraising this decade.

- Florida governor: State Republican Sen. Jack Latvala raised over $800,000 between his campaign and leadership committee, via Florida Politics.

- New Mexico governor: Both Democrat Michelle Lujan Grisham and Republican Steve Pearce raised more than $1 million, via the Santa Fe New Mexican.

- South Carolina governor: Gov. Henry McMaster raised over $568,000 in the last three months, the Post and Courier reports.

PAGING SCOTT WALKER - "Democrat Matt Flynn Running For Governor," by Wisconsin Public Radio's Shawn Johnson: "Flynn, who made his announcement official Tuesday, said he respects all of the Democrats running for governor, but he said the most important question for voters is who could win in November. 'I know how to handle myself,' said Flynn, a retired Milwaukee attorney. 'I think that by training and demeanor and experience, I'm the best able to prosecute the case against Scott Walker.'" **Full story.**

NO NEED TO PAGE SCOTT WALKER - "Gov. Scott Walker's Son Alex Joining Vukmir's US Senate Campaign," by the Associated Press: "Vukmir's campaign confirmed Tuesday that Alex Walker will be working as deputy political director. ... The governor has not endorsed anyone in the race and typically does not get publicly involved in primaries. But his son's addition to Vukmir's campaign is the latest in a line of those close to Walker who have joined her side." **Full story.**

FIELD PROGRAM UPDATE - "To take back the House, Democrats 'arm the rebels' with new tools and manpower," via The Washington Post's Mike DeBonis: "... And on Tuesday, the organization is rolling out its latest effort to connect motivated activists with the national party's resources, takeitback.com, an online 'toolbox' that aims to put potential activists in direct touch with the party operatives on the ground in battlefield districts." **Full story.**

DEBATE NIGHT - "Sleepy New Jersey Governor's Race Turns Fiery in First Debate," by the New York Times' Nick Corasaniti: "Though the moderators tried to keep the two candidates from confronting each other, the personal invective at times overshadowed any attempts at addressing specific questions from the moderator or the audience. Lt. Gov. Kim Guadagno, the Republican candidate, repeatedly sought to bring up Goldman Sachs, the Wall Street bank where Philip D. Murphy, her Democratic opponent, worked for several years. The references drew boos at one time from the audience who seemed to view them as off topic. For his part, Mr. Murphy, over and over, tried to paint Ms. Guadagno as being attached to Gov. Chris Christie "every step of the way." **Full story.**

SHOP TALK - Screen Strategies and Talbot Digital team up: Screen Strategies, a Democratic media-buying firm, is teaming up with digital advertiser Talbot Digital. aiming to help clients save money by combing television buying and digital ad buying operations. "This partnership will ensure our clients have the best media plans across all media channels and devices, applying cutting edge tools and targeting techniques to tackle the rapidly changing

media landscape," Screen Strategies Media partner Kyle Osterhout said in a release. "We know that integrated media planning delivers more impact, and the combined approach of SSM and Talbot Digital finally brings that efficiency to the political realm: our clients can expect targeted, efficient, cross-channel media plans that get the very most out of every campaign dollar."

CODA - Quote of the Day: "Look, if you talk about an adult day care center, I'm sorry, but I think the Senate is an adult day care center." - House Budget Committee Chair Diane Black on the Hugh Hewitt Show, responding to Tennessee Sen. Bob Corker's description of the White House.

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To: Maisano, Frank[frank.maisano@bracewell.com]
From: Maisano, Frank
Sent: Mon 10/9/2017 5:33:46 PM
Subject: Oct 9 PRG Energy Update: CPP Repeal, Perry Hits Hill

Friends,

Happy Columbus Day from Washington. No traffic during a rain storm and free parking on the streets makes me wish every day was a Federal holiday… While I understand that there is some controversy regarding honoring Columbus, this is the special day for Italian-Americans like yours truly. To appreciate, I spent the weekend in the North End of Boston for a great meal at Giacomo's and some cannolis from Modern Pastry.

Wow… Was that a week or what? And no slow down on Friday as it seemed even busier with the CPP documents making their way out into the public. Then, *Hurricane Nate* roared ashore over the weekend with Mississippi Power and Alabama Power working hard to restore power, which as of Sunday seemed to be all back on other than a small area around hardest-hit Mobile which is supposed to be back on by noon today. *Nate* also forced offshore oil companies to curtail 92.61%, or 1.62 million barrels per day, of Gulf of Mexico oil production as of Sunday.

Back to CPP, we expect to have an announcement tomorrow after this morning's event in Kentucky. Administrator Pruitt said in a speech in Hazard, KY (by the way, yours truly is a Duke of Hazard thanks to former Mayor Bill Gorman) with Majority Leader Mitch McConnell that he will formally sign the proposal to withdraw the CPP tomorrow in Washington. My Colleague Jeff Holmstead can answer your questions. Email us at here or jeff.holmstead@bracewell.com.

SEJ in Pittsburgh was a great event, especially with all this important environmental activity making news… and Jeff just happened to be on a CPP/climate legal panel as the documents were coming out. Way to go Carolyn Whetzel. I knew that was your plan all along. And our reception was awesome...including the great, fun band that we hosted. Looking forward to Flint, but it seems like there will so many things between now and then.

In addition to the CPP activity this week, the big event on Capitol Hill with be Energy Secretary Rick Perry's visit to the House Energy Committee when he will get intense questions about his recent grid proposal to FERC. That's Thursday at 10:00 a.m. Other events include a

cybersecurity event tomorrow with rural Co-ops (featuring Arkansas Co-op leader, our friend and expert Duane Highley); a House Resources panel hearing on Wednesday to look at legislation to amend the OCS Lands Act featuring Mary Landrieu, Michael Bromwich and API's Erik Milito; Thursday CSIS hosts IEA's Renewable Energy Division head Heymi Bahar for a presentation of the IEA's Renewable Energy Market Report 2017; and Friday, House Resources returns to legislation focused on onshore energy.

Finally, stay tuned tomorrow for some more great hiring news at Bracewell's PRG. We are excited to make a big announcement on a new tax expert who is super smart on policy, very media savvy and well-connected in the nerdy tax world. He will be a huge help to those of you covering tax policy

Call with questions. Best,

Frank Maisano

(202) 828-5864

c. (202) 997-5932

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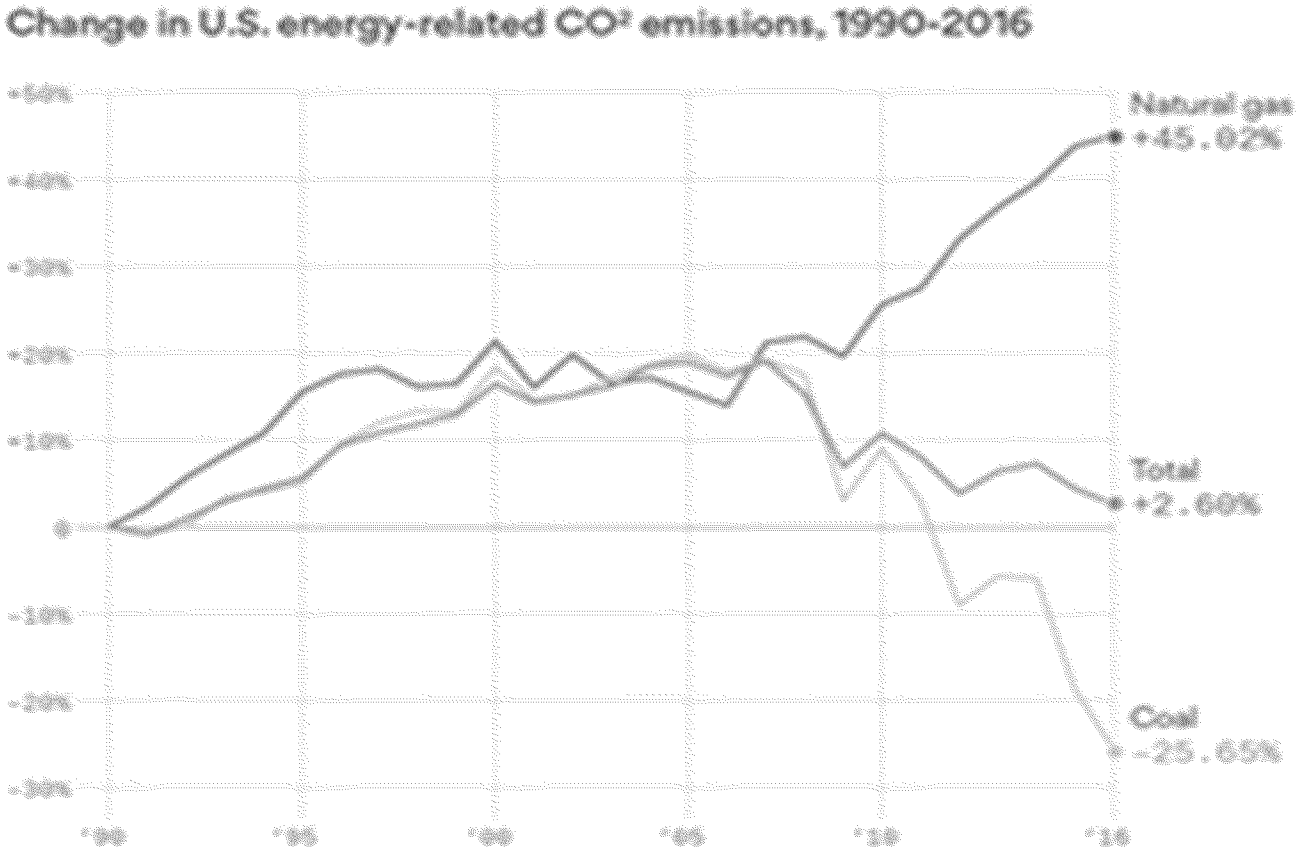
"I'm sympathetic with the 'hurry up and fix something'" attitude, said "But this is such a draconian way of fixing it that I'm assuming it's put out there to be a lightning rod to get people off their ass and get to focusing on proper solutions to this." He added: "Everything in our society has a shelf-life and then it goes into retirement."

Former FERC Chairman Pat Wood, a Republican who is a strong advocate for markets in Darius Dixon's POLITICO.

IN THE NEWS

PA Delegation Urges Trump to Protect Refinery Jobs – Following an event at a refinery in Philadelphia this morning, members of Congress and union officials released a letter from Pennsylvania's Congressional delegation urging President Trump support refining jobs in the Northeast. Signers including Sens. Casey and Toomey, as well as Reps. Doyle, Barletta, Evans, Kelly, Brady, Meehan, Boyle, Thompson, Perry, Shuster, Rothfus and Costello.

EIA: CO2 Emissions Headed Down – The Energy Information Administration has new data on energy-related CO2 emissions and they show a 1.7% decline in 2016. The data lowers energy-related emissions to 14% below 2005 levels and just 2.6% above 1990 levels, even though the economy is much larger than it was a quarter century ago. The trend of declining coal - fired electricity generation and increasing non - fossil fuel and natural gas - fired generation continued in 2016. Coal's share of total electricity generation fell from 53% in 1990 to 30% in 2016. The natural gas share of electricity generation grew from approximately 12% in 1990 to 30% in 2012 and to 34% in 2016. The non-fossil fuel electricity generation share (35%), including both nuclear and renewables, exceeded that of both coal and natural gas in 2016. See a bunch a great charts here.



EPA GHG Report Also Shows Decrease – Another new annual report from EPA says greenhouse gas emissions from America's largest industrial facilities fell 2% in 2016 to 2.99 billion tons, led by a large cut from the power sector. The decline in emissions in 2016 was led by a 4.6% reduction from U.S. power plants, an 18% decline from five years ago.

TX Utility to Retire Coal Plant – Speaking of emissions heading down, Texas utility Vistra announced on Friday plans to retire its Monticello Power Plant in Titus County, Texas. In total, approximately 1,800 MW of power will be taken offline in January of 2018. Vistra said the market's unprecedented low power price environment has profoundly impacted the plant's operating revenues and no longer supports continued investment. Vistra estimates that approximately 200 employees will be impacted by Monticello's retirement. More here.

Wheeler EPA Nom Finally in Motion – After months of expectation and speculation, President Trump late last Thursday appointed Faegre Baker Daniels Consulting energy and natural resources expert Andrew Wheeler to the #2 position at EPA. Wheeler previously worked for Sen. Jim Inhofe and the Senate Environment and Public Works Committee.

ON THE SCHEDULE THIS WEEK

Forum to Look at Clean Energy – Today at 3:15 p.m., as part of the State Innovation Exchange's annual SiX Legislator Conference, local and state leaders will gather in Washington, D.C., for a panel discussion on clean energy efforts in the States. More than 500 progressive state legislators and legislative staff from across the nation will gather for the 4th annual legislator conference. These state lawmakers, who are on the front lines of the resistance and policy making efforts across the country will gather to discuss and find solutions to some of the most pressing issues impacting the country as well as plan new strategies to further resist the efforts of the Trump administration. The conference goes through tomorrow.

Rural Co-Ops to Discuss CyberSecurity – The National Rural Electric Cooperative Association hosts a cybersecurity forum, "Insights on Cybersecurity for Electric Utilities," tomorrow at 10:00 a.m. The event will be in collaboration with the National Cyber Security Alliance and the Department of Homeland Security.

WRI to Host Forum – Experts from the Open Government Partnership and World Resources Institute will hold a forum tomorrow at 12:30 p.m. on climate action. The forum will profile a range of innovative approaches that open government advocates have taken to strengthen countries' climate commitments under the Paris Agreement. Together, they will unpack how improving transparency, accountability and public participation in climate decision-making processes can help governments and civil society leaders around the world achieve ambitious climate targets.

Forum to Look at US-China Relations – The Atlantic Council's Global Energy Center and the Brent Scowcroft Center's Asia Security Initiative will hold a timely conversation tomorrow on the role energy plays in the US-China relationship. The US administration's emerging diplomatic strategy and the upcoming nineteenth national congress of the Communist Party of China provide an opportunity to take stock of the role energy plays in the US-China relationship, as well as in how China views its future. Key issues in the US-China relationship include the role of liquefied natural gas (LNG) in the US-China Comprehensive Economic Dialogue, China's view of US energy exports, and how energy fits into the administration's trade agenda. Speakers include our friend Robert Fee of Cheniere Energy, ITC Assistant Secretary Alan Turley and DOE China advisor Maria DiGuilian with our friend Keith Johnson of *FP* moderating.

Report top Look at Highly-Enriched Uranium Facilities – On Wednesday at 10:00 a.m., the Fissile Materials Working Group and International Panel on Fissile Materials will launch of a major new IPFM research report, edited by Pavel Podvig, with contributions by six leading Russian experts on highly enriched uranium (HEU) facilities. The report describes in unprecedented detail Russian programs that use HEU as fuel in military and civilian applications. Further, it asses Russia's contribution to the effort to convert research reactors from HEU to non-weapon-usable low-enriched uranium fuel, and Russia's efforts to repatriate HEU fuel it had supplied to facilities abroad. Finally, it evaluates the organizational structure and regulations governing the security of HEU in civilian facilities in Russia. It makes recommendations for securing Russia's commitment to the goal of a comprehensive global HEU minimization strategy.

House Resources Look at Revenue Legislation – The House Natural Resources Committee's Subcommittee on Energy and Mineral Resources will hold a legislative hearing on Wednesday at 2:00 p.m. to look at a discussion draft of legislation to amend the Outer Continental Shelf Lands Act to distribute revenues from oil and gas leasing on the outer Continental Shelf to certain coastal States, and for other purposes. Witnesses will include former Louisiana Sen. Mary Landrieu, South Caroline State Senator Stephen Goldfinch, API's Erik Milito and former BOEM director Michael Bromwich.

Walden, DOE Official Headline Canadian Energy Efficiency Forum – On Thursday, the Canadian Embassy hosts the 28th annual Energy Efficiency Forum, featuring Dan Brouillette, deputy secretary at the Department of Energy, and Rep. Greg Walden (R-Ore.), chairman of the House Energy & Commerce Committee.

House Energy to Discuss Grid Proposal – Energy Secretary Rick Perry testifies before the House Energy Subcommittee on Thursday at 10:00 a.m. to offer his vision for managing and executing the department's missions and opportunities to update and align DOE's missions and operations with the emerging energy, national security, environmental, and technological challenges confronting the nation. Expect some interesting questions as a many energy industries have raised concerns about the DOE approach

ACORE Finance Forum Set – The American Council on Renewable Energy will hold forum on the state of the renewable energy public policy, financial markets and corporate renewables strategy when they hold ACORE Finance West on Thursday at the Bently Reserve in San Francisco. This annual conference convenes senior investors, industry executives, and other top transactional professionals to address market trends in the context of renewable investment opportunities in the Western U.S.

Bloomberg Hosts Sustainability Forum – Bloomberg holds its 3rd annual Sustainable Business Summit on Thursday and Friday in its New York offices to discuss how companies are yielding positive returns for investors, creating sustainably valuable products and processes, and developing innovative sustainable business models. Uniquely positioned at the intersection of sustainable business and sustainable investing, the summit will explore the challenges and even greater opportunities emerging across industries.

WAPA to Host Road Rally – The Washington Automotive Press Association holds its 2017 WAPA Rally on Thursday. This year's event will be a drive event on the roads just beyond the Chesapeake Bay Bridge on the scenic Eastern Shore of Maryland. The event provides the opportunity to drive or ride in the latest and greatest cars, trucks and SUVs provided by WAPA's automotive partners.

CSIS to Host IEA Renewable Energy Report Launch – The CSIS Energy and National Security Program is hosting Heymi Bahar, Project Manager of the Renewable Energy Division at the International Energy Agency (IEA), on Thursday at 9:30 a.m. for a presentation of the IEA's Renewable Energy Market Report 2017 (formerly titled Medium-Term Renewables Market Report). The report provides a detailed market analysis and overview of renewable electricity

capacity and generation, biofuels production, and heat consumption, as well as a forecast for the period between 2017 and 2022. This year's report also assesses the off-grid solar market in Africa and developing Asia and the contribution of electric vehicles to renewable road transport. Our friend Kevin Book will moderate.

Groups to Look at Nuclear Report – The Natural Resources Defense Council, the Union of Concerned Scientists, and the Heinrich-Böll-Stiftung will host a forum on Thursday at noon for the U.S. launch of the *World Nuclear Industry Status Report 2017.*

Women's Energy Groups Hold Reception – The Women's Energy Network hosts its October Happy Hour reception at Asia Nine on Thursday evening starting at 5:30 p.m. WEN DC is an organization that supports the professional development and advancement of women in the energy industry through relationships and networking. The events feature great food, drinks, networking, and socializing with your WEN members and other professionals from across the energy industry.

KB Hutchison to Address *WaPo* Forum – On Thursday at 6:30 p.m., U.S. Permanent Representative to NATO Kay Bailey Hutchison – former TX Senator and Bracewell colleague will speak one-on-one with columnist David Ignatius at *The Washington Post*. Hutchison will explore the future of NATO, mounting threats from Russia against Western allies and the ambassador's top priorities for military cooperation, intelligence-gathering and combating terrorism.This live, on-stage interview is a part of the ongoing "Securing Tomorrow" series.

House Resources Looks at Onshore Energy – On Friday at 9:00 a.m., the House Resources Committee's Subcommittee on Energy and Mineral Resources will hold a legislative hearing on a discussion draft of legislation looking at opportunities for to harness onshore resources to achieve domestic energy independence by empowering States to manage the development and production of oil and gas on available Federal land, and for other purposes.

Wilson Forum to Look at Mexico Energy Outlook – On Friday at 4:00 p.m., the Woodrow Wilson Center will hold a forum looking at Mexico's energy outlook. Mexico's landmark 2013 energy reform has caused a transformation for PEMEX from a monopolistic national oil company to a company with a competitive entity, with a more efficient business model. José Antonio González Anaya has been leading this effort since February 2016, and has emphasized the importance of partnerships along the breath and length of PEMEX activities. PEMEX is now fully engaged, since 2016, in exploration and production activities in partnership with private

and foreign companies. The event will feature a conversation with José Antonio González Anaya, where he will speak about the progress that has been made and the challenges the company will face in the next 12 months.

IN THE FUTURE

Wilson Center to Host Events on Resilience Week – The Wilson Center's Global Sustainability and Resilience Program is hosting the 2017 Resilience Academy Capstone Conference next week in cooperation with the Munich Re Foundation, UN University-Institute for Environment and Human Security, and International Centre for Climate Change and Development. Among the event will be three public sessions of the Academy, covering the many ways in which resilience is vital for communities around the world.

JHU to Host Sustainable Energy Institute – Next Monday, October 16th at Noon, Johns Hopkins University's SAIS will launch its Initiative for Sustainable Energy Policy (ISEP) to conduct policy analysis that will help governments universalize energy access at minimal environmental impact. Directed by Johannes Urpelainen, the Prince Sultan bin Abdulaziz Professor of Energy, Resources and Environment, ISEP offers bold ideas, rigorous policy analysis, and sustained engagement with policymakers and other change agents.

Wilson Forum to Look at Cities, Cars, Air – The Woodrow Wilson Center's China Environment Forum will host a forum next Tuesday at 9:30 a.m. on how cities are confronting the challenges of adapting a transportation system to new sustainability concerns. Simon Ng, an independent researcher formerly with Civic Exchange, will reflect on Los Angeles' and Hong Kong's quests for sustainable mobility and urban livability while also shedding light on the similar challenges faced by ever-growing Chinese megacities. Drawing on years of International Council on Clean Transportation (ICCT) engagement in the PRD lowering vehicular emissions, Zifei Yang will introduce the increasingly effective vehicle emission control programs that Shenzhen and other PRD cities have instituted.

National Bioenergy Day 2017 – The Department of Energy (DOE) will celebrate its 5th annual National Bioenergy Day on Wednesday October 18th to celebrate bioenergy, a form of renewable energy derived from biomass—organic material—that can be used to produce transportation fuels, products, heat, and electricity. This is an opportunity to showcase bioenergy facilities and

the bioenergy supply chain around the United States.

BPC to Host Moniz on Nuclear – The Bipartisan Policy Center will host former Energy Secretary Ernest Moniz a conversation on October 18th at 9:00 a.m. with BPC President Jason Grumet to discuss the vital role U.S. nuclear energy plays in achieving national security objectives. The conversation will highlight the key takeaways from *The U.S. Nuclear Energy Enterprise: A Key National Security Enabler*, a report issued by Sec. Moniz's new Energy Futures Initiative.

USEA Hosts Energy Transition Outlook – The US Energy Assn will roll out the DNV GL Energy Transition Outlook on Wednesday, October 18th at 9:00 a.m. in the Fourth Estate Room at the National Press Club. The Outlook provides a balanced forecast of our energy future through to 2050 and draws on DNV GL's independence and its broad involvement across the entire supply chain, spanning complex offshore infrastructure, onshore oil & gas installations, large-scale wind, solar and energy efficiency projects and the world's most advanced electricity transmission and distribution grids. The report forecasts energy demand and supply globally, and in 10 world regions.

Press Club to Host Comms Summit – On Wednesday, October 18, the National Press Club will host its annual Communicators' Summit at the Club's First Amendment Lounge. This year's theme is "Content is King." Leading experts will share insights on producing content suited to the unique strengths of different digital, online and social media channels, as well as emerging technologies. We'll discuss the challenges of developing credible and compelling content at a time when trust in corporations, government, NGO's and the media is being tested more than any time in a generation. Speakers will include AARP's Bill Walsh, AXIOS Editor Nicholas Johnston, Twitter's head of Global Public Policy Communications Emily Horne, Richard Levick, Scripps News Washington Bureau investigative correspondent Mark Greenblatt and several more. The Luncheon Keynote speaker will be Richard Edelman, President and CEO of Edelman. Special kudos to our friend Tim Brown of GE Renewable who is helping put the program together.

ELI Hosts Annual Dinner, Forums – The Environmental Law Institute holds its annual awards dinner honoring Achim Steiner, Administrator for the United Nations Development Program on Wednesday October 18th at the Omni Shoreham in DC. At 2:00 p.m., they will host a discussion about "cooperative federalism" and the need to ensure that environmental program administration reflects the significant expertise and experience state environmental agencies now

have after decades of administrating environmental protection laws. Panelists will include ECOS's Alexandra Dapolito Dunn, Chevron's Richard DeSanti, BNSF's John Lovenburg, Todd Parfitt of the Wyoming DEQ, C2ES's Janet Peace and Martha Rudolph, Director of Environmental Programs at the Colorado Department of Public Health and Environment. They will also hold the Miriam Hamilton Keare Policy Forum on cooperative Federalism, featuring GE's Neil Kemkar, Bob Martineau of the Tennessee DEC and several others.

JHU to Look at EVs – On Wednesday, October 18th at 5:00 p.m., Johns Hopkins University hosts a forum on electric cars. Speakers will address range, infrastructure, environmental impacts and other Issues.

CSIS to Look at Vehicle Issues – The CSIS Energy & National Security Program and Van Ness Feldman are pleased to announce a conference on the history of vehicle efficiency standards and electricity regulation in honor of the late Robert Nordhaus. This program looks at the evolution of two policy areas in which Bob made an important mark, and which raise issues of great significance today. Panels will include former Energy Committee Chair and RFF Head Phil Sharp, former Bush 43 CEQ chief Jim Connaughton and Alliance of Automobile Manufacturers CEO Mitch Bainwol, as well as former FERC Commissioners Tony Clark and Joe Kelliher.

DOE, NEI Host Nuclear Forum – The Department of Energy and the Nuclear Energy Institute will host the Millennial Nuclear Caucus on Thursday, October 19th at 5:00 p.m. in Washington, DC. Stay tuned for details.

Forum to Look at Storage, Micro Grids – On Thursday, October 19th at 5:30 p.m. at EEI, Leaders in Energy, along with Resilient Virginia, will be sponsoring a forum on improving resilience through microgrids and battery storage. The utilization of microgrids plus battery storage is seen increasingly by public and private organizations as the wave of the future to help ensure energy reliability and security in the age of intense hurricanes and cybersecurity threats. Topics include: technology that supports the utility/microgrid interface, tools for developers to assess microgrid viability based on existing infrastructure and regulations, how local governments in the DMV are working with private companies to make microgrid development financially feasible, and how our regional Department of Defense installations are utilizing microgrids as part of their energy security systems. Speakers include EEI's John Caldwell, USGBC's Brendan Owens, Dan Ton of DOE's Smart Grid R&D and Michael Yambrach, the Energy and Sustainability director in Montgomery County, MD.

Economists to Host Weather Hedge Specialist – The National Capitol Chapter of the US Assn Of Energy Economists will host their October forum with Munich Re's Edward Byrne on Friday October 20th at Carmines. Ed Byrns has specialized in weather hedging for many years. His talk focuses on how the new world of big data is creating innovative weather risk products to manage business exposure.

This presentation is a journey from the past to the present and on to the future. Throughout this journey, we will learn what weather risk management is, where market capabilities are today and how future solutions could target micro-level risks.

Renewable Tour Set for October Shenandoah Fall – JMU's Center for Wind Energy joins the nonprofit American Solar Energy Society (ASES) and hundreds of solar-savvy installers and grassroots organizations throughout America to showcase thousands of solar-powered homes, schools and businesses in Virginia and across North America -- for the 22nd Annual National Solar Tour, the world's largest grassroots solar event. The ASES National Solar Tour shows families and businesses real-life examples of how their neighbors are harnessing free energy from the sun to generate electricity, warm and cool their homes, heat water and slash monthly utility bills.

Green Bonds Conference Set for NYC – Environmental Finance will host Green Bonds 2017 at 10 on the Park in New York City on October 23rd. According to the Green Bonds Database, the American green bonds market has continued its rapid growth with over 17$ billion issued in the last twelve months.

At the conference this year we will look at the drivers behind this boom and how to ensure sustainable growth as the market matures.

AWEA Finance, Offshore Conferences Set for NYC – AWEA hosts its Wind Energy Finance & Investment Conference in NYC on October 24-26th at the Roosevelt Hotel. Wind energy continues to grow and is providing jobs, community value and, solid investment opportunities. The event will also be co-located with AWEA's annual Offshore WINDPOWER conference, which will feature Denmark's Minister of Energy, Utilities and Climate Lars Christian Lilleholt and DOE's Tim Unruh, Deputy Assistant Secretary for Renewable Power.

Women Renewable Energy Forum Set – The Women of Sustainable Energy and Renewable Industries (WRISE) Leadership Forum 2017 on November 6-7 in its inaugural year under the new brand (previously WoWE). Co-located with the AWEA Fall Symposium, this event will feature keynote speakers, professional development, networking, and expert panels on key issues

in the industry.

AWEA Fall Symposium Returns to New Mexico – On November 7th through the 9th , AWEA hosts its annual Fall Wind Energy Fall Symposium at the Hyatt Regency Tamaya Resort**,** where key strategic decisions are made to build the future of wind energy. The event will feature new executive insights, and actionable strategic plans to power your business in the upcoming year.

FRANK MAISANO
Partner
Ext. 5864
Policy Resolution Group

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 10/17/2017 12:27:43 PM
Subject: Oct. 17 -- EHS State Regulatory Alert

EHS State Regulatory Alert

October 17, 2017 - Number 199

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Alaska

WATER
APDES General Permit for Aquaculture Facilities
Alaska WATER

Notice of the Department of Environmental Conservation announces the availability of a draft Alaska Pollutant Discharge Elimination System general permit for discharges from aquaculture facilities. The general permit applies to all commercial and noncommercial concentrated aquatic animal production facilities that produce, hold, or contain 20,000 pounds or more of aquatic animals per year in ponds, raceways, or similar structures; feed 5,000 pounds or more of food during a calendar month; and discharge at least 30 days per year. The permit authorizes and sets conditions on the discharge of pollutants from such facilities, which include total suspended and settled solids, pH, ammonia, dissolved oxygen, and chlorine. The permit also limits the types and amounts of pollutants that may be discharged, provides best management practices, and requires effluent and receiving water monitoring. A hearing is scheduled for Nov. 13, 2017, in Anchorage and via conference call. Comments are due Nov. 20, 2017. Contact: Angela Hunt; DEC; 907-269-7599; angela.hunt@alaska.gov

—Alaska Regulations (10/13/2017)

Regulatory Update

California

HAZARDOUS MATERIALS TRANSPORTATION
Hazardous Materials/Explosives Routes and Stopping Places
California HAZARDOUS MATERIALS TRANSPORTATION

Proposed rule of the California Highway Patrol amends regulations under 13 CCR 1152.6.1 regarding commercial vehicle routes and stopping places for transportation of explosives. The

rule updates Map 16A of explosives routes for the San Diego area by removing 4.3 miles and extending 42.4 miles of currently designated routes. Hearing requests are due Nov. 13, 2017. Comments are due Nov. 27, 2017. Contact: Tian-Ting Shih; CHP, Commercial Vehicle Section; 916-843-3400; cvsregs@chp.ca.gov

—California Regulatory Notice Register (10/13/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Hazardous Waste Facilities/Postclosure Requirements
California HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Toxic Substances Control amends regulations under 22 CCR 66264.90, 66264.110, 66265.90, 66265.110, 66270.1, and 66270.14 and adopts regulations under 22 CCR 66264.121, 66265.121, and 66270.28 regarding hazardous waste permitted facilities and interim status facilities that have never received full authorization or a postclosure permit. The rule allows the DTSC to issue an enforcement mechanism in lieu of a postclosure permit as long as the enforcement mechanism is adequately protective of human health and the environment. The rule provides that such enforcement mechanisms may be used to address releases, to seek cost recovery, and to compel other responsible parties such as generators to carry out response or remedial activities. The rule also establishes public notice and comment requirements for the issuance of enforceable documents in lieu of permits. A workshop is scheduled for Nov. 2, 2017, and a hearing is scheduled for Dec. 1, 2017, both in Sacramento and via webcast. Comments are due Dec. 1, 2017. Contact: Mary Gaspari; DTSC; 916-255-6423; mary.gaspari@dtsc.ca.gov

—California Regulatory Notice Register (10/13/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Occupational Exposure to Beryllium
California OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Industrial Relations, Occupational Safety and Health Standards Board, amends regulations under 8 CCR 5155 and adopts regulations under 8 CCR 1535.1, 5205, and 8359.1 to align state requirements for occupational exposure to beryllium for construction; general industry; and ship building, repairing, and breaking with Jan. 9, 2017, federal amendments. The rule reduces the airborne permissible exposure limit to 0.2 micrograms per cubic meter (µg/m3) of air as an eight-hour time-weighted average and 2.0 µg/m3 as a short-term exposure limit determined over a sampling period of 15 minutes. The rule also establishes requirements for exposure assessment, methods for controlling exposure, respiratory protection, personal protective clothing and equipment, medical surveillance, hazard communication, and recordkeeping. In addition, the rule provides a list of nonmandatory control options that employers can use to comply with the rule in a number of specific beryllium operations. Finally, the rule specifies compliance dates for the three industry standards and requirements for change rooms and engineering controls. The rule is effective Oct. 2, 2017. Contact: Marley Hart; DIR, Cal-OSHA Standards Board; 916-274-5721

—California Regulatory Notice Register (10/13/2017)

Regulatory Update

PESTICIDES
Pesticides and Pest Control Operations/Filtering Facepieces
California PESTICIDES

Proposed rule of the Department of Pesticide Regulation amends regulations under 3 CCR 6000 and 6739 regarding pesticide worker safety. The rule clarifies that a filtering facepiece respirator is one that is approved by the National Institute for Occupational Safety and Health. The rule also removes the term "dust mask" from the definition of "filtering facepiece" and removes an obsolete reference to "dust mask" in voluntary respiratory protection provisions. Hearing requests are due Nov. 13, 2017. Comments are due Nov. 27, 2017. Contact: Linda Irokawa-Otani; DPR; 916-445-3991

—California Regulatory Notice Register (10/13/2017)

Regulatory Update

PESTICIDES
Structural Pest Control Board/Company Registration
California PESTICIDES

Final rule of the Structural Pest Control Board amends regulations under 16 CCR 1914 regarding restrictions on issuance of a company registration. The rule specifies that the board will not issue a company registration in the name of a firm whose company registration has been surrendered. The rule also provides that the use of a name style or telephone number of a company whose registration has been surrendered is grounds for disciplinary action. The rule is effective Jan. 1, 2018. Contact: David Skelton; Structural Pest Control Board; 916-561-8722; david.skelton@dca.ca.gov

—California Regulatory Notice Register (10/13/2017)

Regulatory Update

WATER
Department of Water Resources/Conflict of Interest Code
California WATER

Proposed rule of the Department of Water Resources amends regulations under 23 CCR 595 to revise the agency's conflict of interest code. The rule also addresses reorganizations, adds new disclosure categories, and makes other technical changes to reflect the current organizational structure of the department. Hearing requests are due Nov. 12, 2017. Comments are due Nov. 27, 2017. Contact: Amanda Jack; DWR; 916-651-6851; form700@water.ca.gov

—California Regulatory Notice Register (10/13/2017)

Regulatory Update

WATER
Domestic Water Quality and Monitoring Regulations
California WATER

Proposed rule of the State Water Resources Control Board adopts regulations under 22 CCR 64417 through 64420.7 to establish standards regarding the use of point-of-entry (POE) and point-of-use (POU) treatment devices by a public water system in place of centralized treatment. The rule adds definitions of POU and POE treatment devices and establishes permitting requirements. The rule also establishes economic feasibility criteria and requirements for monitoring, public hearings, and recordkeeping and reporting for POUs. The rule currently is in effect on an emergency basis, and expires Jan. 1, 2018, or upon the adoption of a permanent rule. A hearing is scheduled for Nov. 27, 2017, in Sacramento. Comments are due Nov. 30, 2017. Contact: Melissa Hall; SWRCB; 916-323-0373; melissa.hall@waterboards.ca.gov

—California Regulatory Notice Register (10/13/2017)

Regulatory Update

New York

WATER
Susquehanna River Basin Commission/Projects Approved for Consumptive Water Uses
New York WATER

Notice of the Susquehanna River Basin Commission announces a list of projects approved for consumptive use of water in July 2017. The notice addresses 15 projects approved by rule for consumptive use, including uses related to unconventional natural gas and other hydrocarbon development. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

—New York State Register (10/11/2017)

Regulatory Update

WATER
Susquehanna River Basin Commission/Projects Approved for Minor Modifications
New York WATER

Notice of the Susquehanna River Basin Commission announces a list of minor modifications approved for previously approved projects in July 2017. The notice addresses a project in Deerfield Township, Pa., approved by rule to change the design of the surface water intake with respect to intake location. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

—New York State Register (10/11/2017)

Regulatory Update

Pennsylvania

WATER

Susquehanna River Basin Commission Hearing

Pennsylvania WATER

Notice of the Susquehanna River Basin Commission announces a hearing to receive testimony regarding 18 projects, including new, renewed, and revised applications for groundwater and surface water withdrawals and consumptive water use. The hearing is scheduled for Nov. 2, 2017, in Harrisburg. Comments are due Nov. 13, 2017. Contact: Jason Oyler; SRBC; 717-238-0423

—Pennsylvania Bulletin (10/14/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Fri 7/28/2017 8:56:21 PM
Subject: BREAKING NEWS: Trump names Gen. John Kelly as chief of staff, Priebus out

President Donald Trump on Friday tweeted that Gen. John Kelly is his new chief of staff, replacing Reince Priebus.

"I am pleased to inform you that I have just named General/Secretary John F Kelly as White House Chief of Staff. He is a Great American...." Trump wrote.

Read more: http://www.politico.com/story/2017/07/28/trump-names-gen-john-kelly-as-chief-of-staff-priebus-out-241105

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Thur 9/7/2017 4:28:16 PM
Subject: EPA Approves Emergency Fuel Waivers for 38 States and Washington, D.C.

CONTACT: press@epa.gov

EPA Approves Emergency Fuel Waivers for 38 States and Washington, D.C.

WASHINGTON (September 7, 2017) – EPA Approves Emergency Fuel Waivers for 38 States and Washington, D.C.

As a result of the continuing impacts on Gulf Coast-area refineries and disruption to the fuel distribution system caused by Hurricane Harvey and the effects of large-scale evacuations in response to Hurricane Irma, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt today exercised EPA's emergency fuel waiver authority to help ensure an adequate supply of fuel throughout the country.

EPA has waived requirements for reformulated gasoline through September 26 and low volatility conventional gasoline through September 15 in the following states and the District of Columbia: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Delaware, Maryland, New Jersey, New York, Pennsylvania, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Wisconsin, Alabama, Arkansas, Louisiana, Mississippi, New Mexico, Texas, and the District of Columbia. Today's waiver supersedes the waiver issued on August 31.

Today's waiver also waives requirements for low volatility gasoline in El Paso County, Texas through September 16 and to a number of counties in Eastern Texas through September 26.

The waiver authority was exercised under the Clean Air Act and was granted by EPA Administrator Pruitt, in coordination with the U.S. Secretary of Energy Rick Perry.

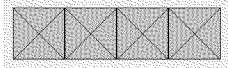
As required by law, EPA and the Department of Energy (DOE) evaluated the situation and determined that granting a short-term waiver was consistent with the public interest. EPA and DOE are continuing to actively monitor the fuel supply situation as a result of Hurricane Harvey and Hurricane Irma, and will act expeditiously if extreme and unusual supply circumstances exist in other areas.

The sale of gasoline containing up to 15 percent ethanol (E15) must continue to comply with federal rules, which are designed to minimize the potential for E15 being used in vehicles that are not designed to use this fuel.

To mitigate any impacts on air quality, the Clean Air Act provides strict criteria for when fuels waivers may be granted, and requires that waivers be limited as much as possible in terms of their geographic scope and duration.

More information: www.epa.gov/enforcement/fuel-waivers

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Mon 8/14/2017 2:06:58 PM
Subject: POLITICO's Morning Score: Missouri's $10M man — Why the Messer-Rokita primary got out of hand so quickly — State of play ahead of Alabama Senate, UT-03 primaries

By Daniel Strauss | 08/14/2017 10:00 AM EDT

With Scott Bland

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

CAMPAIGN IN WAITING - "Sources: Club for Growth raises $10M for Hawley," by Campaign Pro's Kevin Robillard: "The Club for Growth has raised $10 million to support a Senate run by Missouri Attorney General Josh Hawley, two Republicans with knowledge of the group's fundraising said. The 37-year-old Hawley, who has formed an exploratory committee but has not yet officially entered the race against Democratic Sen. Claire McCaskill , is the establishment Republican pick for the race. The Club for Growth and other prominent Republican outside groups have expressed excitement about his candidacy, and McCaskill is considered one of the Senate's most vulnerable Democrats. One major donor pledged to match millions of dollars in donations earmarked for Hawley, and the Club has been collecting donations against that pledge, the two Republican sources said."

- "Hawley, who was educated at Stanford and Yale and clerked for Supreme Court Chief Justice John Roberts, was a favorite of big national donors during his run for Attorney General in 2016. Tamko Building Products CEO David Humphreys and his sister Sarah Atkins combined to give $4 million to Hawley's 2016 state campaign, and a number of other Republican megadonors chipped in thousands, including Richard Uihlein, Randy Kendrick and Darwin Deason." **Full story.**

NOT INDIANA NICE - "The slugfest underway between Republican Reps. Luke Messer and Todd Rokita in Indiana isn't just for the right to compete for possibly the GOP's best opportunity to seize a Senate seat from Democrats in next year's midterms. It's a chance to finally settle the score between two ambitious pols who've been vying to outdo one another politically since they graduated from the same small college more than 25 years ago. Yes, this one is personal. Their campaign didn't officially get underway until last week, but Messer, 48, has already accused Rokita of attacking his wife and 'spreading lies' about his record. Rokita, 47, has questioned his rival's mental health, calling Messer 'unhinged' and a 'ticking time bomb.'"

- "More than a dozen professional colleagues and personal acquaintances painted the hostility between Rokita and Messer as the product of three decades of pent-up rivalry. The two men have climbed Indiana's political ladder alongside each other for years and even attended the same small, all-male Wabash College together in the early 1990s - a school whose unofficial motto, a former dean noted with a touch of irony, is 'competition without malice.' ... Over the years,

Messer has enjoyed the full embrace of Indiana's political elite, which appointed him to a seat in the state legislature and embraced him as part of its leadership. That same elite has always kept Rokita at bay." **Full story.**

ONE DAY 'TIL PRIMARIES - Curtis 31, Herrod 23, Ainge 15 in UT-03 poll, via the Deseret News' Lisa Riley Roche: "Provo Mayor John Curtis continues to lead former state lawmaker Chris Herrod and political newcomer Tanner Ainge in the 3rd Congressional District GOP primary, according to a poll released Thursday. The UtahPolicy.com poll comes as spending by so-called super political action committees supporting Herrod or Ainge approaches $1 million. Curtis is the main target of the advertising, which many have described as largely negative. ... Just over one-fourth of the voters - 26 percent - said they remain undecided in the three-way race for the GOP nomination." **Full story.**

MORE MOORE - "The GOP rebel threatening to snag Sessions' Senate seat" by POLITICO's Seung Min Kim: "Roy Moore lacks the war chest of two chief rivals in his bid to become the next senator from Alabama. He didn't land the coveted endorsement of President Donald Trump, and doesn't enjoy the advantages of incumbency. Yet the controversial former state Supreme Court justice is coasting over his Republican challengers in Tuesday's closely watched GOP Senate primary. Moore is set to easily secure a place in a September runoff, as the establishment-backed Sen. Luther Strange and Rep. Mo Brooks scrape for the second spot. ... 'I resent people from Washington, raising money in Washington, and sending negative ads to Alabama and trying to control the vote of the people,' Moore said in an interview after a GOP executive committee meeting here. 'If the Washington crowd wants somebody, the people of Alabama generally don't.'" **Full story.**

Days until the 2017 election: 85.

Days until the 2018 election: 449.

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

CHARLOTTESVILLE REACTIONS - NRSC Chair and Colorado Sen. Cory Gardner, on Twitter: "Mr. President - we must call evil by its name. These were white supremacists and this was domestic terrorism. Praying for those hurt & killed today in Charlottesville. This is nothing short of domestic terrorism & should be named as such."

- Alabama Sen. Luther Strange, on Twitter: "We as Americans must stand together in opposition to those who encourage hate or promote violence. I stand with President Trump and leaders from both parties condemning these actions."

- Virginia Lt. Gov. Ralph Northam, on CNN: "The governor and I have made it very clear to

white supremacists and other groups such as that, that they're not wanted in Virginia. And we strongly encouraged them ... to go home and don't come back."

- Virginia GOP gubernatorial nominee Ed Gillespie in a statement: "Having a right to spew vile hate does not make it right. It is painful to see these ugly events in Charlottesville last night and today."

- Virginia Sen. Tim Kaine, in a statement: "Virginia has come so far in recent decades to put division behind us. ... The fact that people like David Duke cited the President to justify their views is a disturbing reminder that divisive rhetoric has sadly contributed to a climate where individuals who espouse hate feel emboldened.

- Prince William County Board of Supervisors Chair and Virginia GOP Senate candidate Corey Stewart: "Democrats and the media never denounce the violence perpetrated by the unhinged left. Antifa is simply answering the call for violence in the streets by Loretta Lynch, so it's no wonder Tim Kaine refuses to denounce his son's participation in fascist Antifa riots, even as he exhorts leftists to 'fight in the streets.'"

NEW THIS A.M. - Super PAC backing Kelli Ward launches ad against Sen. Jeff Flake: "Once again Arizona conservatives are sold out by our senators plotting with liberals on amnesty and blocking Trump's conservative agenda," the ad's narrator says, before introducing "pro-America conservative Kelli Ward" and saying that "if Dr. Ward were in the Senate today, Obamacare would be repealed." Kelli PAC is paying over $100,000 to air the ad on broadcast and cable TV after taking in a big donation from Trump megadonor Robert Mercer recently. **Watch the ad here.**

- STAFFING UP - "2 Trump backers join Flake opponent Kelli Ward's campaign," the Associated Press reports: "A political operative who helped raise millions of dollars to support President Donald Trump's 2016 campaign is joining the U.S. Senate campaign of former Arizona state Sen. Kelli Ward. Thursday's announcement that Great America PAC founder Eric Beach was joining Ward's primary campaign to unseat Republican Sen. Jeff Flake comes a day after another Trump supporter, Robert Mercer, donated $300,000 to Ward's super-PAC.The political action committee Beach founded was independent but raised more than $28 million to back Trump. The announcement said Great America PAC executive director Brent Lowder is also joining Ward's campaign." **Full story**.

UN-RETIREMENT WATCH - "Rep. Ed Perlmutter is reconsidering a re-election bid," by ColoradoPolitics.com's Peter Marcus: "Multiple sources confirmed that after Perlmutter was approached by constituents and fellow colleagues in Congress about a re-election campaign, he began reconsidering running for re-election." Perlmutter had declared he would retire after dropping out of the governor's race. "Several Democrats have been running to replace Perlmutter in a tightly contested primary, including state Sens. Andy Kerr of Lakewood and Dominick Moreno of Commerce City, and state Rep. Brittany Pettersen, also of Lakewood. Also running in the race is former Obama-era U.S. ambassador Dan Baer. A re-election bid by the popular Perlmutter could cripple those campaigns." **Full story.** (The Denver Post has reaction from the Democratic primary field **here**.)

HIGHLY IMPORTANT - "Marijuana politics emerge as 2020 flashpoint" by Carla Marinucci: "Marijuana legalization just moved from the fringes of the last presidential campaign to center stage in 2020. Between a sweeping new package of legislation introduced last week by one of the top Democratic presidential prospects and, on the other end of the spectrum, Attorney General Jeff Sessions' vigorous opposition to recreational use of marijuana, the debate over legalization of cannabis is about to receive a full airing on the presidential campaign trail. ... While Bernie Sanders also supported medicinal use of marijuana and the decriminalization of recreational marijuana, drug policy stayed on the outskirts of the 2016 presidential debate, and growing action at the state level was barely acknowledged. Tom Angell, chairman of Marijuana Majority, a bipartisan nonprofit advocacy group, said New Jersey Sen. Cory Booker's introduction of "the farthest-reaching bill ever proposed" will have a catalytic effect on the politics of legalized marijuana and the myriad criminal justice issues related to it." **Full story.**

LINE IN THE SAND - "Megadonor Steyer vows to only back candidates that support abortion rights" by Gabriel Debenedetti: "Democratic mega-donor Tom Steyer said on Saturday that he and his NextGen America group do not intend to work on behalf of anti-abortion politicians, jumping into the Democratic Party's debate on the topic. "We're pro-choice," the hedge fund manager-turned-activist told POLITICO on the sidelines of the progressive Netroots Nation conference here. Asked if his group would help candidates or sitting lawmakers who don't support abortion rights, he said, "We do not work for a single candidate who is not pro-choice. I think people like to have litmus tests. We are explicitly pro-choice. We work a lot with Planned Parenthood, we work a lot with NARAL. We are absolutely committed to it." **Full story.**

MORE STAFFING - Rauner hires former Johnson campaign manager Betsy Ankney: NBC Chicago reported on Sunday that Illinois Gov. Bruce Rauner, whose campaign is set to spend record amounts, has hired Betsy Ankney, best known for running Wisconsin Sen. Ron Johnson's upset victory over Democrat Russ Feingold in 2016, an effort she won a campaign manager of the year award for from the American Association of Political Consultants. **Full story.**

CODA - QUOTE OF THE DAY: "The stakes are very high in September" - Tea Party Patriots chairman Jenny Beth Martin in a POLITICO story on the Trump administration's agenda for September.

To view online:
http://www.politico.com/tipsheets/morning-score/2017/08/14/missouris-10-million-man-221850

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 8/3/2017 4:05:16 PM
Subject: Interior, Energy nominations to get committee vote today

By Eric Wolff

08/03/2017 11:59 AM EDT

The Energy and Natural Resources Committee will hold an impromptu vote in the Capitol today to advance six nominees to serve in the departments of the Interior and Energy to the Senate floor.

The vote will take place in the Capitol, potentially in an effort to move the nominees directly to the floor soon after. The committee will assemble soon after a full floor vote on Energy Department nominee Dan Brouillette.

The committee is expected to advance nominees Mark Wesley Menezes, to be undersecretary of DOE; David Jonas, for DOE's general counsel; Paul Dabbar, to be DOE undersecretary for science; Brenda Burman, who would lead Interior's Bureau of Reclamation; Susan Combs, to be Interior's assistant secretary of policy management and budget; and Douglas Domenech, to be assistant secretary of insular affairs at Interior.

The committee vote had been planned for July 27, but Chairman Lisa Murkowski (R-Alaska) postponed it.

WHAT'S NEXT: The committee will vote early this afternoon in a brief session in the Capitol. Leaders from both parties are continuing to negotiate over what nominees will be confirmed by the full Senate before it adjourns for recess as soon as today.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/08/interior-energy-nominations-to-get-committee-vote-today-091465

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Wed 11/8/2017 11:25:45 AM
Subject: POLITICO Playbook, presented by Morgan Stanley: ONE YEAR since Donald Trump beat Hillary Clinton -- BUZZ: More Rs lining up to leave Congress -- DEMS SWEEP in Virginia and N.J. -- GOP congressman tells JMART and BURNS election was referendum on TRUMP

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Today's POLITICO Playbook presented by Morgan Stanley

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

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Driving the Day

ONE YEAR AGO TODAY, Donald Trump beat Hillary Clinton.

Happy Wednesday. WHAT WE'RE HEARING ... In the last 24 hours a pair of House Republicans retired: **NEW JERSEY REP. FRANK LOBIONDO** and **TEXAS REP. TED POE** . Several sources have told us there are likely to be more departures. Other lawmakers we hear could announce they will not seek reelection to their House seat: **REP. BOB GOODLATTE**, the Virginia Republican who is term limited atop the Judiciary Committee, and **REP. MARTHA MCSALLY (R-ARIZ.),** who is likely to run for a Senate seat. Goodlatte's office did not respond to a request for comment, and McSally's office did not have a comment.

THE BIG PICTURE -- BIG NIGHT FOR DEMOCRATS -- Democrats won the governor's mansions in New Jersey and Virginia. **DAVE WASSERMAN** (@redistrict) says that "raw votes cast" in Virginia were up 16% from 2013. Charlottesville was up 31%. Maine voted to expand Medicaid. Manchester, New Hampshire had its highest turnout this decade and elected a Democrat to its mayorship for the first time in 14 years.

PRESIDENT DONALD TRUMP's response to Republican Ed Gillespie's loss in Virginia? **@realDonaldTrump** at 8:40 p.m.: "Ed Gillespie worked hard but did not embrace me or what I stand for. Don't forget, Republicans won 4 out of 4 House seats, and with the economy doing record numbers, we will continue to win, even bigger than before!"

-- THE HOUSE SEATS that Republicans won were in all solidly red districts.

--THE MOOD: "Democrats euphoric after Tuesday election romp," by Gabe

Debenedetti: "Jubilant Democrats struck a defiant tone after sweeping victories across the country on Tuesday night, led by Democrat Ralph Northam's surprise pummeling of Republican Ed Gillespie in Virginia's gubernatorial race. Surveying their first electoral sweep in half a decade after a soul-crushing 2016 campaign and a desultory start to the Donald Trump era, Democratic leaders reset their expectations for the 2018 midterms.

"They're now expecting a fundraising and candidate recruitment surge, powered by grass-roots fury at the Trump administration. While most Democrats stopped short of predicting the party will take the House next year, they noted in Gillespie the failure of a candidate who tried balancing between Trump-style populism and establishment Republicanism." http://politi.co/2hRgLgM ... ***More from Kevin Robillard*** http://politi.co/2znbhnS

-- THE BIG PICTURE IN THE COMMONWEALTH: "Trumpism Without Trump: A Losing Formula in Swing-State Virginia," by NYT's Michael Tackett in Alexandria, Virginia: "For Ed Gillespie, Trumpism was an ill-fitting suit. His résumé was pure establishment -- national Republican Party chairman, counselor to President George W. Bush, well-connected K Street lobbyist. But the messaging of his campaign for governor of Virginia was that of a cultural flamethrower, emphasizing crimes by undocumented immigrants as well as monuments to Confederate heroes - and even suggesting that his opponent, a pediatric neurologist, supported child pornographers. As the Republican candidate, Mr. Gillespie tried to run in a very narrow lane by embracing some of the most divisive elements of President Trump's agenda while treating him like Voldemort and mostly refusing to utter his name." http://nyti.ms/2zqcgTS

-- RICHMOND TIMES DISPATCH: "Democrats erase 32-seat GOP advantage in House; recounts likely to determine control" http://bit.ly/2zqYX5r

JESSICA POST (@JessicaPost), executive director of the Democratic Legislative Campaign Committee: "Flipping 14 seats from red to blue in VA is the biggest Democratic pick-up since 1899."

QUOTE OF THE DAY, in **NYT's JONATHAN MARTIN** and **ALEX BURNS' A1 PIECE:** "Representative Scott Taylor, a Republican from Virginia Beach, said he considered the Democratic sweep in Virginia a repudiation of the White House. He faulted Mr. Trump's 'divisive rhetoric' for propelling the party to defeat, and said he believed traditionally Republican-leaning voters contributed to Mr. Northam's margin of victory.

"'I do believe that this is a referendum on this administration,' Mr. Taylor said of the elections. 'Democrats turned out tonight, but I'm pretty sure there were some Republicans who spoke loudly and clearly tonight as well.' Channeling the shock of Republicans across the state, Mr. Taylor voiced disbelief at the party's rout down ballot. 'I know folks that lost tonight who were going against candidates I'd never even heard of,' he said." http://nyti.ms/2zpBbVF

-- ROMP IN NEW JERSEY -- STAR-LEDGER: "Phil Murphy beats Kim Guadagno to

succeed Christie as N.J. governor": "As of about midnight, with 99 percent of districts reporting, Murphy led Guadagno by about 14 percentage points -- 56 percent to 42 percent, according to the Associated Press. Murphy was ahead by nearly 250,000 voters -- 1.12 million to 856,000." http://bit.ly/2j9o9Yk

-- ... AND IN THE NORTHEAST... PORTLAND PRESS HERALD: "Maine becomes first state to approve Medicaid expansion by popular vote," by Edward D. Murphy: "Maine voters passed a measure to expand Medicaid on Tuesday, giving about 70,000 Mainers health care coverage and making the state the first in the nation to approve Medicaid expansion at the ballot box. With 75 percent of Maine precincts reporting, the measure was favored by 59 percent of the voters." http://bit.ly/2hkLx4o

-- **@mviser:** "Good luck getting Susan Collins to ever vote to repeal Obamacare".

-- NEW HAMPSHIRE UNION LEADER: "History made in Manchester: Joyce Craig elected as Queen City's first female mayor," by Paul Feely: "Unofficial results from Tuesday's municipal election show Craig defeated incumbent Mayor Ted Gatsas by almost 1,500 votes to become the 48th mayor of Manchester. The largest turnout so far this decade helped Craig beat Gatsas, following her loss two years ago by just 64 votes. ... Craig is the first Democrat to be elected mayor of Manchester in 14 years." http://bit.ly/2zra5Q6

-- BY THE NUMBERS: "Exit polls: This was a message to Trump," by Steven Shepard: "This one was for Donald Trump. Exit polls revealed an unmistakable anti-Trump backlash Tuesday, as Democrats won resounding victories in governors races in Virginia and New Jersey. Majorities of voters in both states disapproved of the job Trump is doing as president, with significant numbers of voters in each state saying Trump was a reason for their vote. And far more of those voters said they made their choice to oppose Trump than to support him. ... [W]hat is unusual about Tuesday night is the extent to which the two races were about Trump. And the stark results cast fresh doubt on the health of Republican majorities in the House and Senate, in addition to gubernatorial races in next year's midterm elections." http://politi.co/2hSNeDf

CATCHING YOU UP ON TRUMP ABROAD ...

-- AFTER THE WHITE HOUSE CALLED a trip to the DMZ cliché in Washington, Trump attempted to go with the South Korean president but was thwarted by bad weather.

--HOW POOLER JULIE DAVIS REPORTED IT: "Your pool was summoned earlier than originally scheduled Wednesday morning and briefed by Press Secretary Sarah Huckabee Sanders about the president's surprise trip to the Demilitarized Zone. 'This is where we're going,' Ms. Sanders said, holding up a piece of notepaper on which the letters 'DMZ' were scrawled. She said that was the way she had been instructed to alert us to our destination. ... The pool boarded Chinook helicopters in a grassy field that had metal bleachers on one side.

"A half-dozen camouflage-clad guys in tactical gear were seated at the back of your press pool's bird, closest the open back door. Wheels up at 7:43a. The skyscrapers and dense neighborhoods of Seoul were barely visible through thick fog as we lifted. At 8:01, your pool was informed there had been a bad weather call and at 8:08a we landed back at Yongsan. Sanders said we would wait 10-20 mins and try again, weather-permitting. After nearly an hour of holding, we boarded the motorcade."

-- TRUMP at the South Korean national assembly, per the White House: "Today, I hope I speak not only for our countries, but for all civilized nations, when I say to the North: Do not underestimate us, and do not try us. We will defend our common security, our shared prosperity, and our sacred liberty."

****** **A message from Morgan Stanley:** Disruption in retail: Automation and digitalization are helping athletic footwear brands chase growth via fast fashion. Read more from Morgan Stanley. ******

THE PRESIDENT also congratulated Park Sung-hyun, who won the U.S. Women's Open this year at Trump National. "The Women's U.S. Open was held this year at Trump National Golf Club in Bedminster, New Jersey, and it just happened to be won by a great Korean golfer, Sung-hyun Park. An eighth of the top 10 players were from Korea. And the top four golfers -- one, two, three, four -- the top four were from Korea. Congratulations. (Applause.) Congratulations. And that's something. That is really something."

THE WHITE HOUSE described this speech as historic to reporters on Air Force One, per poolers Mark Landler of the NYT and our own Andrew Restuccia.

-- IN CHINA, Trump and Chinese President Xi Jinping toured the Forbidden City. ***Photo*** http://bit.ly/2hSgdqE

--"Jumping children, soldiers greet Trump at Beijing airport" -- AP/Beijing: "The ceremony accompanying Trump's arrival at Beijing's airport on Wednesday afternoon was elaborate even by China's lavish standards. ... As he exited Air Force One, Trump and his wife, Melania, were met by Chinese and American dignitaries, soldiers standing stiffly at attention, a band playing martial music and smartly attired children waving miniature Chinese and American flags while chanting 'Welcome, welcome.'

"As Trump's motorcade pulled away, the tempo increased, with children jumping up and down while they waved and chanted. The president and first lady appeared pleased, smiling and accepting flower bouquets, with Trump at one point throwing his arms open and appearing to exclaim 'Wow.'" http://bit.ly/2hkVFtR

--AP at 5:31 a.m.: "BEIJING (AP) - Chinese, U.S. companies sign deals the 2 sides say are worth $9 billion during Trump visit."

INSIDE TRUMPWORLD -- "Tee times, smoothie diets, and fat paychecks: A look

inside post-Trump life," by Josh Dawsey and Matt Nussbaum: "Steve Bannon now only flies by private plane - and has his own small security team that surrounds him 24 hours a day. Reince Priebus spends Friday afternoons at the swanky Belle Haven Country Club in Alexandria, sipping Heineken on the patio and trying to break 90 over 18 holes. He is charging at least $50,000 to give private talks about the White House to CEOs and carries a phone that seems to ring non-stop. ...

"There have been few constants in Trump's White House, but personnel churn has proven one. Much of his inner circle has turned over since he took office, a remarkable pace surpassing any other West Wing in decades. Among the departures are a dizzying array of names: Flynn, Priebus, Bannon, Sebastian Gorka, Michael Short, Marc Lotter, Anthony Scaramucci, Tom Price, Keith Schiller, George Gigicos, George Sifakis, Michael Dubke, Katie Walsh, Josh Pitcock, Ezra Cohen-Watnick and even the White House usher.

"Some are richer and cashing in on their work with the president. Some face significant legal risks. And some of them are just content to be out of the spotlight. But all of them seem happy about one thing: The morning tweets are no longer their problem." ***With mini profiles of Bannon, Priebus, Sean Spicer and Michael Flynn*** http://politi.co/2yfR3II

FOR THE RECORD BOOKS -- "Ryan breaks record for shutting down floor debate," by Rachael Bade: "Paul Ryan vowed an end to the much-despised, top-down approach of his predecessor when he took the speaker's gavel in 2015, promising a House that's 'more open, more inclusive, more deliberative, more participatory.' 'We're not going to bottle up the process so much and predetermine the outcome of everything around here,' he said in his first press conference as speaker. But two years later, the House Rules Committee, which is controlled by the speaker, just set a new record for the most closed rules in a session - barring lawmakers for the 49th time from offering amendments on a bill. Ryan has yet to allow a single piece of legislation to be governed by an open rule, which allows members to propose changes on the floor." http://politi.co/2yFWSn6

ON TAX REFORM -- "Trump, wooing Democrats, says he asked accountant how he'd be affected by GOP tax bill," by WaPo's Mike DeBonis and Ed O'Keefe: "President Trump on Tuesday made a personal appeal from across the globe to ask moderate Senate Democrats to support the emerging Republican tax plan, saying he has explored the impact of the plan on his personal finances and believes it won't help the rich. ... Trump pitched the plan as a benefit to the middle class that comes at the expense of the rich - an assessment at odds with independent tax experts who have analyzed the bill and concluded the bulk of its benefits go to corporations and the wealthy.

"Trump told the senators that he has spoken to his own accountant about the tax plan and that he would be a 'big loser' if the deal is approved as written, according to multiple people in the room who heard the president on the phone. 'The deal is so bad for rich

people, I had to throw in the estate tax just to give them something,' Trump said, according to the people, who spoke on the condition of anonymity to share details of the meeting." http://wapo.st/2zFF6ke

-- "Tax hike reports throw Republicans on political defensive," by Brian Faler: "House Republicans are on the defensive after a new analysis, the latest in a string, shows that some middle-income people would see tax increases under their plan to rewrite the tax code. While most taxpayers -- 61 percent -- would see their taxes fall in the next two years, almost one-fifth would pay higher taxes by 2027, the Joint Committee on Taxation said Tuesday. That year, 46 percent would get a tax cut while more than one-third would see only minimal changes in their tax bills, totaling less than $100. It promises to be an explosive issue, especially given President Donald Trump and other Republicans' promises to make the middle class the focus of their tax plans." http://politi.co/2hRgNoU

-- IMPORTANT: "Senate GOP tax bill could delay corporate tax cut and make other major changes that break sharply with House plan," by WaPo's Damian Paletta, Mike DeBonis and Ed O'Keefe: "Senate Republicans on Tuesday were considering a starkly different approach to overhauling the tax code than their House colleagues, weighing a delay in the implementation of a major corporate tax cut and other measures to alter the cost and impact of the plan.

"Senate leaders were exploring postponing the centerpiece of the effort -- an $845 billion corporate tax cut -- until 2019, according to four people familiar with a draft of the legislation. The move would make it easier to comply with Senate rules that aim to limit any legislation's impact on the debt.

"At the same time, Republican senators were planning to eliminate the state and local tax deduction, going further than the House, which retained part of the popular tax break, said the people familiar with the matter, speaking on the condition of anonymity because they were not authorized to discuss sensitive deliberations. Senators also were debating how to ensure that fewer of the plan's benefits flow to the wealthy and more flow to the middle class." http://wapo.st/2Ajhj5J

-- IT'S WORTH NOTING: The corporate rate is sacrosanct for many House Republicans, and behind the scenes, President Trump has taken a very hard line on the 20-percent rate. Eliminating the state and local tax deduction would be a big problem for the Republican lawmakers from New York, New Jersey and California. Keep in mind that the high-tax states are represented by Democrats in the Senate.

SOMETHING TO WATCH -- "Obamacare sign-ups surge despite Trump cuts," by Paul Demko: "Obamacare's open-enrollment season is off to a booming start despite widespread fears the Trump administration is seeking to sabotage the sign-up period. The number of individuals signing up for coverage through HealthCare.gov during the first week of open enrollment is 'roughly double' the pace of the previous year, according to an HHS source familiar with the enrollment data. It's way too early to

determine whether more Americans will ultimately sign up for coverage this season. One big reason to treat the initial surge with caution: The enrollment period is just six weeks long, half the length of last year's sign-up period." http://politi.co/2zpsuKN

TEXAS UPDATE -- "Texas church gunman escaped mental health facility in 2012 after threatening military superiors," by WaPo's Eli Rosenberg, Mark Berman and Wesley Lowery: "The gunman who killed more than two dozen people in a small church outside San Antonio on Sunday had a string of troubling episodes in recent years, including an escape from a mental health facility in 2012 after he was caught sneaking guns onto an Air Force base 'attempting to carry out death threats' against military superiors, according to a police report." http://wapo.st/2j8JvoB

--"Air Force secretary says Texas shooter was a 'serious problem' in the Air Force" - CBS News: http://cbsn.ws/2zFD1o3

-- "Senators look to bolster background check system after Texas shooting," by Seung Min Kim: "Senate Majority Whip John Cornyn (R-Texas) is speaking privately with at least three Democratic senators about legislation that would better ensure the criminal histories of potential gun buyers are properly transferred to the FBI's National Instant Criminal Background Check System. Separately, Sens. Jeff Flake (R-Ariz.) and Martin Heinrich (D-N.M.) said they are working on legislation meant to ensure all domestic violence convictions in the military are captured in the federal database." http://politi.co/2Aj7kxg

POLITICO GETS RESULTS -- "Congresswoman's top aide suspended after harassment claims," by Rachael Bade and Heather Caygle: "Rep. Brenda Lawrence has placed her chief of staff on leave following allegations of sexual harassment by former employees, her office confirmed to POLITICO. The Michigan Democrat suspended Dwayne Duron Marshall after POLITICO reported Tuesday on four former staffers' accounts of how Marshall treated women in the office. The aides said he made frequent comments about their looks and engaged in occasional unwanted touching - something Marshall firmly denied in a statement." http://politi.co/2zrSjtT

VP MIKE PENCE is going to Texas today to visit victims of the shooting. Flying with the VP: Karen Pence, Attorney General Jeff Sessions, Reps. Will Hurd (R-Texas) and Henry Cuellar (D-Texas). Local law enforcement will brief the group, and they'll participate in a prayer vigil.

Playbook Reads

PHOTO DU JOUR: Virginia Governor-elect Ralph Northam celebrates his campaign victory with Dorothy McAuliffe, wife of Virginia Gov. Terry McAuliffe (left), and his daughter and wife Aubrey and Pam (right), at the

Northam for Governor election night party at George Mason University in Fairfax, Va., on Nov. 7. | Cliff Owen/AP Photo

FIRST PERSON - "I Dined With Alwaleed in the Desert Days Before His Arrest: Watching soccer, talking politics, with the billionaire Saudi prince," by Bloomberg's Erik Schatzker: "On my first trip to Saudi Arabia in 2010, Alwaleed gave me a five-day tour of his business interests, properties and lifestyle. ... The prince let me explore his palace, with its 400-odd rooms, and we visited his apartment on a high floor of Riyadh's Kingdom Tower, the 'resort' overlooking a canyon on the outskirts of the city and his old desert camp.

"We ate meals together, played with his grandchildren, went on a bicycle ride and shot pool in his outdoor living room. We even got caught in a sandstorm. The prince depended on a staff that numbered in the hundreds: chefs, florists, travel coordinators, personal security, pilots and more. He didn't have one private jet; he had several, including a gold-trimmed Boeing 747." https://bloom.bg/2zqpxJZ

-- "Saudi Crackdown Targets Up to $800 Billion in Assets," by WSJ's Margherita Stancati in Beirut and Summer Said in Dubai: "The Saudi government is aiming to confiscate cash and other assets worth as much as $800 billion in its broadening crackdown on alleged corruption among the kingdom's elite, according to people familiar with the matter. ... The crackdown could also help replenish state coffers. The government has said that assets accumulated through corruption will become state property, and people familiar with the matter say the government estimates the value of assets it can reclaim at up to 3 trillion Saudi riyal, or $800 billion." http://on.wsj.com/2AjHmJX

NEW WOMEN RULE PODCAST -- What Actually Did Happen? -- 365 days later, POLITICO Editor Carrie Budoff Brown looks at Election Day 2016 through the perspectives of five women who worked for different presidential candidates. In this exclusive POLITICO Women Rule podcast, Symone Sanders, Pam Bondi, Jennifer Palmieri, Catherine Frazier and Jessica Ennis share their experiences, memories and takeaways from inside the campaigns and outline what they think the next woman who runs for president needs to do to win. ***Tune in*** http://politi.co/2gFsL7y

OBAMAWORLD -- "Barack Obama is building a library -- and grappling again with Chicago politics," by WaPo's Krissah Thompson in Chicago: "When the Barack Obama Presidential Center opens in 2021, it will sprawl across 20 acres on this city's densely packed South Side. A museum will occupy one towerlike building; another, dubbed 'The Forum,' will house a test kitchen, recording studio and auditorium. The library itself won't literally house his papers, since they plan to digitize everything, but will feature a rooftop park to complement the complex's community garden, sledding hill and playground. The 44th president says he wants it to serve not as a monument to himself but to bigger ideals -- democracy, citizenship, civic engagement. Still, Chicago Sun-Times columnist Lynn Sweet spoke for many when she predicted that the complex will one day be known around here as 'Obamaland.'" http://wapo.st/2zIlfVN

BEN WHITE talks with **LARRY SUMMERS** in Brookline, Mass., for his latest POLITICO Money podcast: "Larry Summers thinks it's 'crazy' that President Donald Trump spends so much time bragging about how great he's been for the stock market. The former Treasury secretary and current Harvard professor argues that Trump, who tweets regularly about new stock market records, is setting himself up for a crushing blow if markets tumble. 'It's crazy for a president to wrap himself in the stock market,' Summers said in an interview for the POLITICO Money podcast from his home in this leafy Boston suburb. 'The market goes up and the market goes down and if you take credit when the market goes up, I don't see how you can avoid taking responsibility when the market goes down.'" http://politi.co/2zG6iiD ... ***Listen to the podcast*** http://apple.co/2m4dOhp

****** **A message from Morgan Stanley:** Consumers want new and now, a trend pushing athletic-wear brands to rethink how fast they can design and manufacture footwear. The rise of "fast fashion" is pushing brands to continuously roll out new models. The shift poses both a challenge and an opportunity. Read more. ******

THE NEW GILDED AGE -- NYT A1, "How Business Titans, Pop Stars and Royals Hide Their Wealth: Records from an offshore hideaway show how an American billionaire grew one of the world's largest trusts and another owned part of a company accused of exploiting the poor," by Scott Shane, Spencer Woodman and Michael Forsyth: "Appleby had 31,000 American clients, the most common nationality by far. The firm's files include a who's who of the nation's wealthiest citizens: prominent Democrats like George Soros, the financier and philanthropist, and Penny Pritzker, commerce secretary in the Obama administration; and high-profile Republican supporters of President Trump, including Sheldon Adelson, the casino magnate, and Carl Icahn, the private equity investor." http://nyti.ms/2AjV4MX

HMM -- "Senator Menendez Juror Asks Trial Judge: 'What Is a Senator?'" by Bloomberg's David Voreacos and Neil Weinberg: "U.S. District Judge William Walls declined to answer the question, and he refused that juror's request for a transcript of Monday's closing argument by Menendez's attorney, Abbe Lowell. The panel had returned to the Newark, New Jersey, federal courthouse Tuesday after spending about 75 minutes deliberating the day before. Walls told jurors that they should rely on their individual and collective memories to determine how to define a senator." https://bloom.bg/2jdglzq

MEDIAWATCH -- @mlcalderone: "NYT terminates relationship with David Boies over his 'reprehensible' work for Weinstein to spy on paper's reporters" http://bit.ly/2zqDlpQ

-- REMEMBERING SARAH PORTLOCK - WSJ editor Gerry Baker emails the staff: "I'm deeply saddened to tell you that Sarah Portlock, our colleague who suffered a brain injury in March while pregnant with her daughter, died suddenly [Monday]. Our thoughts and prayers are with her husband, Sam, and daughter, Aviva ... Sarah will be remembered by colleagues in Washington and New York as a warm and kind colleague ... the organizer of cards and gifts when someone had a new baby or got married; the planner of team-building happy hours; and the cheerleader of friends and colleagues

when they landed a big scoop, finished a big project or received some recognition for work well done. ... Sarah joined The Wall Street Journal in June 2012 as an economics reporter, where she developed deep friendships with a number of colleagues." ***How to support her family*** http://bit.ly/2yhmUc5

PETER HAMBY writing for Vanity Fair's Hive: **"HOW TRUMP BROUGHT THE POLITICAL MEDIA CLASS TO ITS KNEES":** http://bit.ly/2zFTgSm

Playbookers

SPOTTED: Sen. Rob Portman (R-Ohio) with his wife Jane at Cava last night in Eastern Market ... Max Scherzer having lunch yesterday with Sen. Jeff Flake (R-Ariz.) at Bistro Bis ... former Rep. Patrick Murphy (D-Fla.) talking at DCA with Alex Castellanos after Castellanos deplaned on an American flight from Miami to Washington and Murphy waited to board.

TRANSITIONS -- Erin Collins has joined the NRCC as deputy press secretary. She previously worked for Rep. Bruce Poliquin (R-Maine).

BIRTHDAY OF THE DAY: "ABC World News Tonight" anchor **David Muir** is 44. He "celebrated over the weekend with some close friends at [NYC Vietnamese-French restaurant] Indochine. One of my favorite spots. And Kelly Ripa promised me a cake tonight. I'm not kidding." **A fun fact about David:** "I wear jeans every night at the desk. It's not a fun fact, but it's a comfortable one." **Read his Playbook Plus Q&A:** http://politi.co/2hTQPBb

BIRTHDAYS: Shushannah Walshe, deputy political director at ABC News ... Bush 43 alum Michael "Brownie" Brown, now a talk show host in Denver ... Richard Socarides ... Casey Hernandez (h/t fiancé Paul Rosen) ... Jill Shatzen Kerr ... Anthony Reedy ... Leon Fresco, partner in global immigration law and policy at Holland & Knight ... Wayne Berman, Blackstone senior advisor for global government affairs (h/t Lisa Lyttle) ... Ira Magaziner, vice chairman and CEO of the Clinton Health Access Initiative, is 7-0 (h/ts Jewish Insider) ... Politico's Roger Jeannotte ... Erin Cohan, director of state and local affairs at CAP, celebrating in Isla Mujeres, Mexico ... Carolyn Walser, director of scheduling for Sen. Baldwin, who "celebrated this weekend with many bottles of rosé at Maxwell" (h/ts Allison Preiss, filing from Mexico) ... Peter Kadzik (h/t wife Amy Weiss) ... Frank Jimenez ...

... WaPo's Tory Newmyer (h/t Tim Burger) ... Erin Galloway ... Lucy Bradlow, VP of GPG, "celebrating at Anthem with Grizzly Bear (the band, not the vicious animal)" (h/t Sean Kennedy) ... Politico Europe's Ivo Da Rocha Oliveira ... Courtney Stamm ... Karen Sherman (h/t Jon Haber) ... Nicholas Swails ... Tom Connors ... Charlie Posner, a CAP alum now an MBA candidate at Yale ... Samantha Sher ... Christopher Martin, an attorney at Cooley in DC, is 36 ... Gail Shea Nardi ... Karen Fragala Smith ... Bob Jones,

partner at Alston Bird ... Marissa Rauch ... Carolyn Walser ... Rich Taylor (h/t Dan Hewitt) ... Laurie Moskowitz ... George Twigg ... Beth Bernard ... Bill Wimmer (h/ts Teresa Vilmain)

****** **A message from Morgan Stanley:** It has become commonplace for consumers to see new footwear styles online and shop for them instantly-followed by speedy delivery. For the world's largest athletic brands, the shift toward "new and now" poses both a challenge and an opportunity. Revamping the lengthy design and manufacture process for footwear can be arduous, while streamlining the process to incorporate new technology for creating prototypes and 3D printing can speed production of key materials. These and other innovations could boost revenues, improve margins, reduce operational risk, and finally, win more market share in an already booming category. Since 2007, global sales of athletic wear have increased 61%, and faster supply chains can help sustain that growth for years to come. As brands shift investments toward digital design and automated manufacturing, digitization could have a significant impact on supply chains. Read more. ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Wed 8/9/2017 8:51:48 PM
Subject: PHOTOS: Administrator Pruitt Takes State Action Tour to North Dakota

Contact Information: press@epa.gov

PHOTOS: Administrator Pruitt Takes State Action Tour to North Dakota

Meets with Bipartisan Delegation of State Leaders

Fargo, N.D. (August, 9, 2018) – U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt continued his state action tour in North Dakota on Wednesday, visiting his ninth state in four weeks.

"As I've traveled state-to-state, farmers and landowners have told me firsthand the harmful impacts the 2015 WOTUS rule would have on American agribusinesses," **said Administrator Pruitt**. "EPA is no longer in the business of advancing unnecessary and burdensome regulations that harm the agriculture industry and do little to help keep water clean."

Administrator Pruitt began his trip with a stop at North Dakota State University in Fargo where he was joined by North Dakota Governor Doug Burgum, U.S. Senator John Hoeven, U.S. Congressman Kevin Cramer, North Dakota Lt. Governor Brent Sanford, North Dakota Attorney General Wayne Stenehjem, a representative from U.S. Senator Heidi Heitkamp's office, and other state officials. Together, they held a roundtable with the North Dakota Farm Bureau, North Dakota's Farmer Union, and other state agribusiness leaders where they discussed EPA's recent decision to begin the process of redefining 'Waters of the United States' (WOTUS) to better provide regulatory certainty for farmers and landowners while also helping empower traditional state governing powers.

"We're very grateful to host Administrator Pruitt in North Dakota and discuss how federal regulations impact energy, agriculture, and natural resources in our state, and to thank him for his efforts to roll back burdensome and overreaching regulations such as the Waters of the U.S.," **said Governor Burgum.** "We share the fundamental goals of protecting the environment, improving public health and bolstering our economy. We appreciate Administrator Pruitt's commitment to empowering states to solve our collective challenges through more innovation instead of more regulation."

"I appreciate Administrator Pruitt coming to North Dakota to hear from our agriculture and energy producers firsthand," **said Senator Hoeven**. "Their input is vital as we continue working to provide regulatory relief and certainty to empower economic growth and job creation, while ensuring good environmental stewardship."

Administrator Pruitt later traveled to Grand Forks, N.D. with Governor Burgum, Senator Hoeven, Congressman Cramer, Lt. Governor Sanford, and other state officials where they toured the University of North Dakota's Energy and Environmental Center that is working to implement solutions for the world's environmental and energy challenges. After the tour, Administrator Pruitt and the bipartisan North Dakota delegation held a roundtable with UND faculty and members of the local energy industry to discuss how EPA is working to advance environmental stewardship and encourage innovation for more efficient sources of energy.

Earlier today, Administrator Pruitt and Governor Burgum joined Scott Hennen on his radio show on AM 1100 The Flag. The interview can be listened to here:

http://podcast.flagfamily.com/?p=archive&cat=woym

North Dakota Governor Doug Burgum (left) and EPA Administrator Scott Pruitt (right) talk before joint interview on Flag 1100 AM with Scott Hennen.

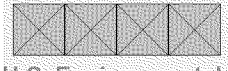
North Dakota Governor Doug Burgum (left), EPA Administrator Scott Pruitt (middle), and U.S. Senator John Hoeven hold WOTUS roundtable at North Dakota State University.

North Dakota agribusiness leaders discuss WOTUS at the roundtable.

U.S. Senator John Hoeven, EPA Administrator Scott Pruitt, and North Dakota Governor Doug Burgum tour University of North Dakota's Energy and Environmental Center.

EPA Administrator Scott Pruitt holds roundtable with North Dakota state officials, UND faculty and members of the local energy industry.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Tue 8/22/2017 2:03:56 PM
Subject: POLITICO's Morning Score: DNC preps 2020 opposition research on Pence, Kasich, Haley — NRSC launches digital ads vs. Rosen, Heitkamp — Abbe Lowell faces his toughest challenge yet in Menendez trial

By Elena Schneider | 08/22/2017 10:00 AM EDT

With Zach Montellaro and Kevin Robillard

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

2020 WATCH - "Dems prep for Trump primary challengers in 2020," by POLITICO's Gabriel Debenedetti: "The Democratic National Committee is conducting full-scale opposition research on multiple Republicans it believes could challenge President Donald Trump for reelection - or are likely to run if he does not. The effort, which began in late spring, covers Vice President Mike Pence, Ohio Gov. John Kasich, United Nations Ambassador Nikki Haley, and Nebraska Sen. Ben Sasse , among others. 'With Trump's tumultuous presidency in complete chaos, we are prepared for all scenarios,' said DNC research director Lauren Dillon, confirming the campaign to POLITICO. In the case of Republicans like Pence and Kasich, the team of over two dozen DNC researchers is mostly updating the existing research books they deployed in 2016, according to Democrats familiar with the arrangement. For the others, the operatives are combing through voting and governing records, compiling financial files, searching for conflicts of interest, and saving clips on their relationships with Trump." **Full story.**

- "Susan Collins: 'Too difficult to say' whether Trump will be 2020 GOP nominee," via POLITICO. Full story.

ABOUT LAST NIGHT - "Trump Advances New Strategy to Seek Victory in Afghanistan," by The New York Times's Maggie Haberman, Eric Schmitt and Michael R. Gordon: "President Trump on Monday pushed forward with a new strategy for the struggling United States-led campaign in Afghanistan, saying 'the American people are weary of war without victory.' Mr. Trump has been accused by lawmakers of dragging his feet on Afghanistan, and his strategy follows a detailed review that his military officials have said is likely to result in the deployment of up to 4,000 additional troops." **Full story.**

- "Trump's challenge: A wall of public skepticism on Afghanistan War," by POLITICO's Steven Shepard. Full story.

- And about tonight - "GOP on eggshells as Trump storms into Phoenix," by POLITICO's Alex Isenstadt in Phoenix: "President Donald Trump faces a decision on Tuesday evening with profound implications for his already strained relationship with the GOP: Whether to attack a vulnerable Republican senator on his home turf. While White House officials won't say exactly

what's on Trump's agenda when he holds a campaign-style rally here, there is a widespread expectation that he will go after GOP Sen. Jeff Flake, a loud critic of the president who recently published an anti-Trump manifesto, 'Conscience of a Conservative.' In the days leading up to Trump's Arizona trip, Senate GOP leaders have implicitly warned Trump that attacking Flake, who faces a treacherous path to reelection, would only serve to further rupture his relationship with a congressional GOP wing that he's grown increasingly isolated from in recent weeks." **Full story.**

NEW THIS MORNING - NRSC launches digital ads vs. Rosen, Heitkamp: The NRSC is launching new Facebook ads against North Dakota Sen. Heidi Heitkamp and Nevada Rep. Jacky Rosen, the start of month-long digital buys in both states. The North Dakota ad attacks Heitkamp for opposing President Donald Trump's agenda and "defending the swamp." **See it here.** The Nevada ad attacks Rosen for voting with House Speaker Nancy Pelosi and calls her "Pelosi's puppet." **See it here.**

2018 WATCH - "Schools superintendent Tony Evers to make run for Wisconsin governor official Wednesday," by the Milwaukee Journal-Sentinel's Jason Stein: "State schools superintendent Tony Evers will formally announce his gubernatorial run Wednesday, making him the third Democrat to commit to a bid and the first statewide office holder to challenge GOP Gov Scott Walker. Evers, who heads the state Department of Public Instruction, will announce his run at a suburban Madison park for children, according to an email sent to supporters Sunday and obtained by the Milwaukee Journal Sentinel. The venue at McKee Farms Park in Fitchburg will highlight Evers' main credential for voters - his years working on behalf of children as a local school leader and state education official. ... Evers has won three statewide elections as schools superintendent since 2009, beating challenger Lowell Holtz in April with 70% of the vote." **Full story.**

- Wisconsin GOP attacks with digital ads: Like it has done with previous Democratic challengers, the Wisconsin GOP welcomed Evers to the race with digital ads attacking him. The ad says Evers "allowed a middle-school teacher found guilty of spreading pornographic material at school to keep teaching students."

- "Beth Lindstrom, former Mitt Romney aide, says she's running against Sen. Elizabeth Warren in 2018," via MassLive: "Beth Lindstrom, whose resume includes top posts under former Gov. Mitt Romney and former US Sen. Scott Brown, is launching her US Senate campaign on Monday. Lindstrom joins a field of GOP candidates hoping to take on Elizabeth Warren, the Cambridge Democrat who is up for re-election in 2018." **Full story. Watch the annoucement video here.**

Days until the 2017 election: 77.

Days until the 2018 election: 441.

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

COURTROOM DRAMA - "Abbe Lowell faces his toughest challenge yet in Menendez trial," by POLITICO's Josh Gerstein: "Defense attorney Abbe Lowell, who has emerged as a fixture in criminal cases involving high-profile Washington politicians, is staring down one of his toughest challenges yet: helping a sitting United States senator beat a slew of federal bribery charges. The veteran white-collar Washington lawyer will travel to a Newark courtroom this week to helm the defense of New Jersey Sen. Bob Menendez. The 63-year-old Democrat faces corruption charges over his repeated interventions with the federal government on behalf of a Florida donor." **Full story.**

GUESS WHO'S BACK - Perlmutter announces reelection bid: "Colorado Rep. Ed Perlmutter will run for his House seat, doubling back on a promise to not run for reelection after he exited the governor's race last month. 'Over the last few weeks a lot has happened, both for me and in the world. I've taken some time to regroup and recharge, and in so doing I've had many meaningful conversations with friends, neighbors, supporters and family who have encouraged me to run again,' Perlmutter said in a statement. 'And I've come to the conclusion to run again for reelection.'" **Full story.**

- Update: Two of the four Democrats vying to replace Perlmutter dropped out of the race by Monday evening. State Rep. Brittany Pettersen said she was "disappointed," but she knows the district will be "well represented" by Perlmutter. State Sen. Dominick Moreno tweeted his support for Perlmutter, endorsing him for reelection. State Sen. Andy Kerr and former Obama administration official Daniel Baer have not released statements yet.

CHARLOTTESVILLE FALLOUT - "Democratic gubernatorial candidates plunge into Confederate fight," by Campaign Pro's Daniel Strauss and Negassi Tesfamichael: "The white supremacist march that turned violent in Charlottesville, Va., is spurring a wave of Democratic governors and gubernatorial candidates to call for Confederate monuments in their states to come down. The push offers Democrats an opportunity to take on President Donald Trump and mobilize the base ahead of the 2018 elections - though some strategists say the focus should be on bread-and-butter issues rather than a revived culture war. Democratic candidates in Maryland, Florida, Georgia, New Mexico and Tennessee have all called for Confederate statues or icons to be taken down. In New York, Gov. Andrew Cuomo tweeted last week that he had asked the secretary of the Army to "remove confederate names from the streets of Fort Hamilton in Brooklyn." In North Carolina, Gov. Roy Cooper said he wanted Confederate monuments around the state to be taken down. And in Montana, Gov. Steve Bullock hailed the Helena City Council's decision to remove a Confederate memorial fountain from a park there." **Full story.**

MORE ON 2020 - "This House Democrat Lost A Leadership Race To Nancy Pelosi. Now He May Run For President," by Buzzfeed's Alexis Levinson: "It's still more than three years until the next presidential election, and yet here was Ray Buckley - the chairman of the New Hampshire Democratic Party for the last decade - riding shotgun last Wednesday from Boston to Hopkinton, New Hampshire with Rep. Tim Ryan, the 44-year old Democrat from Youngstown,

Ohio. ... But despite the near-constant ribbing, last week's New Hampshire visit was not just a reunion of old friends. In June, Ryan campaigned for a Democratic candidate in South Carolina. Next month, he'll make his second trip of the year to Iowa. Which begs the question: what the hell is Ryan doing?" **Full story.**

EARLY POLLING DATA - "Kid Rock's favorables approaching Stabenow territory, polls show," by POLITICO's John Lauinger: "Sen. Debbie Stabenow's name recognition in Michigan is only slighter better than that of Robert Ritchie, aka Kid Rock, aka the Michigan-bred rocker who appears to be flirting with challenging the Senate Agriculture Committee's ranking member next year. An NBC News/Marist poll in Michigan , out Sunday, showed that 39 percent of registered voters polled from Aug. 13-17 had a favorable opinion of Stabenow, compared with 32 percent who said they held an unfavorable opinion. More than a quarter of those surveyed - 28 percent - were either uncertain or had never heard of Stabenow, who has been in office since 2001. The line for Kid Rock, by contrast, was 36 percent favorable versus 34 percent unfavorable, with 30 percent unsure or unfamiliar with him." **Full story.**

CODA - QUOTE OF THE DAY: "You must have been blinded by #eclispe2017 to not see the 'guns' !" - South Carolina Sen. Lindsey Graham jabbing back at Nebraska's Sasse, who teased him about his "upper arms," on Twitter.

To view online:
http://www.politico.com/tipsheets/morning-score/2017/08/22/dnc-preps-2020-opposition-research-on-pence-kasich-haley-221997

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From: POLITICO Pro Energy Whiteboard
Sent: Wed 9/27/2017 8:58:07 PM
Subject: Court delays coal ash arguments to November

By Alex Guillén

09/27/2017 04:54 PM EDT

The D.C. Circuit Court of Appeals today granted a one-month delay in arguments over EPA's 2015 coal ash rule following Administrator Scott Pruitt's decision to reconsider key parts of the regulation.

Arguments had been scheduled for Oct. 17, but a three-judge panel ordered them delayed until Nov. 20.

The judges ordered EPA to reveal by Nov. 15 which portions of the rule will be reconsidered "and setting forth with specificity the timeline for reconsideration." In addition, all sides, including industry and environmental challengers, are supposed to file new briefs by Oct. 11 addressing whether the new state-based coal ash permitting program that passed Congress as part of the Water Infrastructure Improvements for the Nation Act at the end of 2016 affect the broader lawsuit at all. And the court told attorneys to be ready at arguments to discuss whether a longer delay in the lawsuit is appropriate, opening up the possibility of further delay.

The court set 90 minutes' worth of arguments in total, split into four sections: Three dealing with various legal and technical challenges to the rule and one on whether the case should be delayed longer.

The case will be heard by Judges Karen LeCraft Henderson, a George H.W. Bush appointee, and two Obama appointees, Judges Patricia Millett and Cornelia Pillard.

WHAT'S NEXT: The parties must submit briefs regarding the permitting program by Oct. 11. Oral argument is scheduled for Nov. 20.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/09/court-delays-coal-ash-arguments-to-november-093566

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From: InsideEPA/climate
Sent: Tue 8/15/2017 10:45:15 PM
Subject: Today on Climate Beat

August 15, 2017

Today on Climate Beat . . .

. . . we pined for Congress, reporting that a conservative group that supports addressing climate change warns that the Obama administration's climate legacy may prove "unremitting" despite the Trump administration's efforts, and that only Congress could offer "durable" climate deregulation as part of a "compromise" bill to curb emissions through a carbon tax.

Speaking of climate rules, our daily news roundup noted that Detroit's "Big Three" auto companies could be the biggest winners if the Trump administration softens vehicle greenhouse gas standards in model year 2021, given that those companies sell a large percentage of light trucks.

In infrastructure news, a new executive order from President Donald Trump seeks to limit National Environmental Policy Act reviews to two years, while also creating "accountability" for federal agencies involved in the permitting process.

In the courts, a split panel of the U.S. Court of Appeals for the 10th Circuit rejected EPA's denial of a pair of requests from a small refiner in Wyoming for the agency to waive its renewable fuel blending requirements under the renewable fuel standard (RFS), potentially bolstering other pending challenges to EPA denials of RFS waiver requests.

And regarding climate science , one prominent scientist is offering the latest criticism of EPA Administrator Scott Pruitt's plan to conduct a "red-team, blue-team" review of climate science, saying the goal of such an approach is to disrupt climate policy rather than test scientific hypotheses.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Fri 10/13/2017 12:43:56 PM
Subject: Oct. 13 -- EHS State Regulatory Alert

EHS State Regulatory Alert

October 13, 2017 - Number 197

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

California Regions

AIR
GHG Emission Standards for Crude Oil and Natural Gas Facilities
California Regions AIR

Proposed rule of the San Joaquin Valley Air Pollution Control District adopts regulations under Rules 2260 and 3156 to establish registration requirements and fees for equipment subject to state greenhouse gas emission (GHG) standards for crude oil and natural gas facilities. The rule requires owners and operators to register existing, newly installed, and replacement equipment specified in the state rule, including certain separator and tank systems, circulation tanks for well stimulation treatments, reciprocating and centrifugal natural gas compressors, natural gas powered pneumatic devices and pumps, natural gas wells, well casing vents, and natural gas underground storage facilities. The rule establishes application requirements, registration content, and registration fees. A workshop is scheduled for Oct. 20, 2017, in Bakersfield, via video teleconference in Fresno and Modesto, and via webcast. Comments are due Oct. 30, 2017. Contact: Leonard Scandura; San Joaquin Valley APCD; 661-392-5500; leonard.scandura@valleyair.org

—California RegionsRegulations (10/12/2017)

Regulatory Update

AIR
Petroleum Refinery Emission Limits
California Regions AIR

Notice of the Bay Area Air Quality Management District announces that the district has suspended further action on a proposed rule to adopt regulations under Rule 12-16 regarding petroleum refining facilitywide emission limits. An initial proposal would have limited emissions of greenhouse gases (GHGs), particulate matter (PM-2.5 and PM-10), nitrogen oxides, and sulfur dioxide from petroleum refineries and associated facilities by setting a maximum annual emission rate based on emissions reported during a 2010-2014 baseline period, plus a 7 percent additional allowance. A subsequent revised proposal would have established a cap on GHG

emissions from petroleum refineries and associated facilities, and a rule to reduce emissions of criteria pollutants, including PM emissions, would have been proposed at a later date. The suspension is due to the adoption of Assembly Bill 398, which extends the state cap-and-trade program to 2030 and prohibits air districts from adopting carbon dioxide emissions reduction requirements for stationary sources that are also subject to the state cap-and-trade requirement. Contact: Gregory Nudd; Bay Area AQMD, Rule Development Section; 415-749-4786; gnudd@baaqmd.gov

—California RegionsRegulations (10/05/2017)

Regulatory Update

Florida

WATER
Southwest Florida WMD/Guidance and Minimum Levels for
Florida WATER

Notice announces the intention of the Southwest Florida Water Management District to amend regulations under FAC 40D-8.624 to remove existing guidance levels and add new minimum and guidance levels for Lake Aurora in Polk County. A comment due date is not specified. Contact: Mark Hurst; SWFWMD; 352-796-7211

—Florida Administrative Weekly (10/11/2017)

Regulatory Update

WATER
Southwest Florida WMD/Guidance and Minimum Levels for Deer Lake
Florida WATER

Notice announces the intention of the Southwest Florida Water Management District to amend regulations under FAC 40D-8.624 to remove existing guidance levels and add new minimum and guidance levels for Deer Lake in Hillsborough County. A comment due date is not specified. Contact: Mark Hurst; SWFWMD; 352-796-7211

—Florida Administrative Weekly (10/11/2017)

Regulatory Update

WATER
Southwest Florida WMD/Guidance and Minimum Levels for Lake Easy
Florida WATER

Notice announces the intention of the Southwest Florida Water Management District to amend regulations under FAC 40D-8.624 to remove existing guidance levels and add new minimum and guidance levels for Lake Easy in Polk County. A comment due date is not specified. Contact: Donna Campbell; SWFWMD; 352-796-7211

—Florida Administrative Weekly (10/11/2017)

Regulatory Update

WATER
Southwest Florida WMD/Guidance and Minimum Levels for Lake Eva
Florida WATER

Notice announces the intention of the Southwest Florida Water Management District to amend regulations under FAC 40D-8.624 to remove existing guidance levels and add new minimum and guidance levels for Lake Eva in Polk County. A comment due date is not specified. Contact: Mark Hurst; SWFWMD; 352-796-7211

—Florida Administrative Weekly (10/11/2017)

Regulatory Update

WATER
Southwest Florida WMD/Guidance and Minimum Levels for Saddleback, Round Lakes
Florida WATER

Notice announces the intention of the Southwest Florida Water Management District to amend regulations under FAC 40D-8.624 to remove existing guidance levels and add new minimum and guidance levels for Saddleback and Round Lakes in Hillsborough County. A comment due date is not specified. Contact: Jaime Swindasz; SWFWMD; 352-796-7211

—Florida Administrative Weekly (10/11/2017)

Regulatory Update

WATER
St. Johns River WMD/Consumptive Use Permits
Florida WATER

Notice announces the intention of the St. Johns River Water Management District to amend regulations under FAC 40C-1.603 to reduce certain small consumptive use permit (CUP) fees and base such fees on the amount of water proposed. The rule also establishes a free application fee category CUP renewals. A workshop is scheduled for Nov. 2, 2017, in Palatka and via teleconference and webinar. A comment due date is not specified. Contact: Thomas Mayton; SJRWMD; 386-329-4108; tmayton@sjrwmd.com

—Florida Administrative Weekly (10/11/2017)

Regulatory Update

Iowa

OCCUPATIONAL SAFETY AND HEALTH
Automated External Defibrillator Program
Iowa OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Public Health amends regulations under 641 IAC 143.1 through .3 and repeals regulations under 641 IAC 143.4 through .18 to remove outdated provisions concerning the automated external defibrillator (AED) program. The rule removes provisions concerning the purchase and placement of AED devices and reorganizes remaining provisions concerning AED maintenance. The rule also deletes provisions concerning fire department response with AED devices. The rule is effective Nov. 15, 2017. Contact: Rebecca Curtiss; DPH, Bureau of Emergency and Trauma Services; 515-242-5206; rebecca.curtiss@idph.iowa.gov

—Iowa Administrative Bulletin (10/11/2017)

Regulatory Update

RADIATION
Safety Requirements for the Use of Radiation
Iowa RADIATION

Final rule of the Department of Public Health amends regulations under 641 IAC 41.6 concerning safety requirements for the use of radiation machines. The rule requires physician mammography reports and patient lay letters to include language and educational references regarding the patient's breast density and resulting risk of cancer incidence and impacts on mammography interpretation related to increased tissue density. The rule is effective Nov. 15, 2017. Contact: Angela Leek; DPH, Bureau of Radiological Health; 515-281-3478; angela.leek@idph.iowa.gov

—Iowa Administrative Bulletin (10/11/2017)

Regulatory Update

WATER
Animal Feeding Operations/Manure Management Plan Updates and Fees
Iowa WATER

Final rule of the Environmental Protection Commission amends regulations under 567 IAC 65.16 regarding animal feeding operations. The rule allows for the electronic submittal of manure management plan updates and associated fees through the Department of Natural Resource's web application system. The rule also provides that impacted counties will receive the submittals electronically. The rule is effective Nov. 15, 2017. Contact: Kelli Book; DNR; 515-725-9572; kelli.book@dnr.iowa.gov

—Iowa Administrative Bulletin (10/11/2017)

Regulatory Update

New Hampshire

AIR

Sources of Hazardous Air Pollutants

New Hampshire AIR

Final rule of the Department of Environmental Services amends regulations under NHAR Env-A 501.01, 502.01, and 503.01; adopts regulations under NHAR Env-A 506; and readopts regulations under NHAR Env-A 504 and 505 regarding standards applicable to certain new or modified facilities and sources of hazardous air pollutants. The rule updates the incorporation by reference of new source performance standards (NSPS) and national emission standards for hazardous air pollutants (NESHAP) under 40 CFR 60, 61, and 63, as of July 1, 2016. The rule also incorporates the NSPS for municipal solid waste landfills (Subpart XXX), new residential wood heaters (Subpart AAA), and new residential hydronic heaters and forced air furnaces (Subpart QQQQ). In addition, the rule incorporates federal requirements under 40 CFR 62, Subpart LLL, concerning the federal plan requirements for existing sewage sludge incineration units. The rule is effective Sept. 22, 2017. Contact: Karla McManus; DES, Air Division; 603-271-6854; Karla.McManus@des.nh.gov

—New Hampshire Rulemaking Register (10/12/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Waiver of Procurement Provisions

New Hampshire GENERAL ENVIRONMENT AND SAFETY

Final rule of the Department of Environmental Services adopts regulations under NHAR Env-C 213 to establish procedures for waiver of the department's procurement provisions. The rule allows the agency to disregard normal procedures and public disclosure requirements concerning requests for bids, requests for proposals, requests for applications, or similar requests for the purpose of procuring goods and services in the event of an emergency or to prevent the loss of federal funds. The rule is effective Sept. 22, 2017. Contact: Peter Demas; DES; 603-271-2464; Peter.demas@des.nh.gov

—New Hampshire Rulemaking Register (10/12/2017)

Regulatory Update

North Carolina

HAZARDOUS WASTE MANAGEMENT

Assessment, Corrective Action for Petroleum USTs/Noncommercial USTs

North Carolina HAZARDOUS WASTE MANAGEMENT

Temporary rule of the Department of Environmental Quality, Environmental Management Commission, amends regulations under 15A NCAC 2L.0404, .0405, .0406, .0408, and .0409 regarding noncommercial underground storage tanks (USTs). The rule requires owners and operators to immediately respond to any release by trying to recover all accessible contamination and specifies that initial abatement action requirements apply for commercial UST releases. The

rule also addresses public notification, clarifies requirements for limited site assessments, revises the definitions of "high risk" and "intermediate risk," and updates assessment and remediation procedures. In addition, the rule describes the emergency response and reporting requirements for a release from a noncommercial UST and the initial abatement action requirements for a release from a noncommercial UST determined to represent a high risk. Finally, the rule differentiates the risk posed by a release of petroleum from a commercial UST, a release of motor fuel from a noncommercial UST, and a release from a noncommercial UST. The rule is effective Sept. 29, 2017, and expires March 28, 2018. Contact: Jared Edwards; DEQ, Environmental Management Commission; 919-707-8153; jared.edwards@ncdenr.gov

—North Carolina Register (10/16/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT

Hazardous Waste Management

North Carolina HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Quality, Environmental Management Commission, amends regulations under 15A NCAC 13A.0101 through .0119 regarding hazardous waste management. The rule updates references to standards applicable to generators of hazardous waste to align with Nov. 28, 2016, amendments to the Hazardous Waste Generator Improvements Rule under 40 CFR 262. The rule also clarifies provisions concerning hazardous waste permit requirements, identification and listing of hazardous wastes, and standards for operators and owners of hazardous waste facilities. In addition, the rule addresses financial assurance for corrective action and the fee schedule for commercial hazardous waste treatment, storage, and disposal facilities. A hearing is scheduled for Nov. 15, 2017, in Raleigh. Comments are due Dec. 15, 2017. Contact: Jenny Patterson; DEQ; 336-767-0031; jenny.patterson@ncdenr.gov

—North Carolina Register (10/16/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Tue 8/1/2017 5:03:34 PM
Subject: Playbook Power Briefing, presented by Morgan Stanley: W.H. turns to debt ceiling fight -- WRAY could be confirmed as FBI director as early as this afternoon -- Audio from KUSHNER meeting with interns leaked -- Jake and Anna interview HICKENLOOPER tonight

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Today's Playbook Power Briefing presented by Morgan Stanley

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman), DANIEL LIPPMAN (daniel@politico.com; @dlippman), ZACH MONTELLARO (zmontellaro@politico.com; @ZachMontellaro)

Good Tuesday afternoon from Denver. THE NEXT BATTLE -- "Mnuchin pushes for 'clean' debt ceiling boost," by John Bresnahan and Seung Min Kim: "Treasury Secretary Steve Mnuchin has begun lobbying congressional leaders for a 'clean' debt ceiling increase, according to Capitol Hill sources. But that debt increase -- needed sometime this fall -- will prove a tough vote for both parties, and neither GOP nor Democratic leaders have signed yet off on the Trump administration's plan to raise the debt limit without attaching other policy sweeteners. Mnuchin met Tuesday morning with Senate Majority Leader Mitch McConnell (R-Ky.) and Minority Leader Chuck Schumer (D-N.Y.) to discuss the issue, as well as other topics, per Senate aides.

"Mnuchin is seeking a clean debt ceiling increase by Sept. 29, according to a letter he sent to congressional leaders last week. To get it through Congress by then will require both the House and Senate to begin work soon after they return from the August recess. Democrats, however, are not sure that Mnuchin and the White House can line up a significant number of GOP votes for any such debt boost. Conservative Republicans frequently tried to use the debt ceiling increase during the Obama era to push for other spending cuts, though they faced stiff opposition from Democrats and former President Barack Obama. The 2011 debt limit showdown led to a downgrade in the U.S. credit rating." http://politi.co/2hkMfOg

-- THIS FIGHT is going to take up a lot of oxygen on Capitol Hill over the next several weeks. Republican aides for weeks have said they expect the Senate to pass a clean debt ceiling bill, and send it to the House, where it would be passed with a small number of House Republicans and a majority of House Democrats. This will inflame conservative Republicans, who want to extract something before the Congress raises the country's borrowing limit. **THE PROBLEM:** There is a split in the White House, where some aides want to try to extract some policy changes alongside the debt limit.

-- THE WASHINGTON POST'S Damian Paletta says there's been no progress in the debt ceiling talks. http://wapo.st/2u1rkG9

BREAKING -- "Former Fox News Executive Said to Be Considered for White House Job," by NYT's Michael Grynbaum: "Bill Shine, a former co-president of Fox News and top lieutenant to the network's founder, Roger Ailes, has spoken with White House officials about taking a position on President Trump's communications team, according to several people briefed on the discussions.

"Mr. Shine has no political experience outside of producing cable news , and he was forced out of Fox News in May after his name surfaced in lawsuits that accused him of abetting Mr. Ailes's harassing behavior toward women. (Mr. Shine has denied all wrongdoing, as did Mr. Ailes, who died in May.) But Mr. Shine has an influential ally in the Fox News host Sean Hannity, an informal adviser to Mr. Trump - and one of his most loyal on-air supporters - who dined with Mr. Shine, the president and the first lady at the White House last week." http://nyti.ms/2uVxbtO

-- IT'S WORTH NOTING: Shine was Hannity's first producer and they remain best friends.

STAFFING UP -- "Military academic Mike Bell promoted to top Middle East adviser on NSC," by Connor O'Brien and Andrew Restuccia: "Retired Army Colonel Michael Bell has been promoted to the top Middle East adviser on the National Security Council, two White House officials said. Bell, who was most recently the NSC director of Persian Gulf affairs, is now the senior director for the Near East. He succeeds Derek Harvey, who was dismissed last week by national security adviser H.R. McMaster, as the three-star Army general continues to overhaul an NSC he inherited from his predecessor, Michael Flynn." http://politi.co/2u0leoj

COMING ATTRACTIONS -- "Senate could confirm Wray to lead FBI on Tuesday," by Seung Min Kim: "The Senate could vote to confirm Christopher Wray to replace James Comey as head of the FBI as early as Tuesday afternoon, according to senators and aides. The top two party leaders have been negotiating a larger package of nominations to clear the Senate before the August recess begins after next week. But confirming Wray is something that senators would like to do independently of any major nominations deal, and the former Justice Department official and corporate lawyer has faced few hurdles as he waded through the confirmation process." http://politi.co/2u0tJRs

RETURNING FIRE -- "China's State Media Slams Trump's 'Emotional Venting' on Twitter," by NYT's Chris Buckley and Austin Ramzy: "After President Trump pilloried China in 48 tweeted words, accusing it of failing to tame its neighbor and longtime ally North Korea, Beijing issued its own rebuke to Mr. Trump - in a cutting editorial of 1,000 Chinese characters from Xinhua, the official news agency.

"'Trump is quite a personality, and he likes to tweet,' said the Xinhua response issued late Monday and widely displayed on Chinese news websites. 'But emotional venting cannot become a guiding policy for solving the nuclear issue on the peninsula,' it said, referring to the divided Korean Peninsula. The United States, it added, 'must not

continue spurning responsibility' for the volatile standoff with North Korea, 'and even less should it stab China in the back.'" http://nyti.ms/2ufMlrR

****** **A message from Morgan Stanley:** Growing disparities in income and more are among today's greatest socio-economic challenges. Private sector capital can help create prosperous communities and reduce inequality globally. Morgan Stanley, with The Economic Intelligence Unit, created a tool to rank 20 countries in terms of finance, healthcare, education and gender disparities. Read more. ******

MORE LEAKED AUDIO -- "Kushner on Middle East peace: 'What do we offer that's unique? I don't know,'" by WIRED's Ashley Feinberg: "ON MONDAY, WHITE House senior advisor Jared Kushner spoke to a group of congressional interns as part of an ongoing, off-the-record summer lecture series. During the question-and-answer portion of the event, Kushner may have inadvertently offered some insight into the negotiating tactics he is using in the Middle East. ...

"While the recording doesn't catch the entirety of the question, Kushner appears to be responding to a question about how he plans to negotiate peace between Israelis and Palestinians, as well as why he believes he'll be successful where every other administration has failed. He doesn't directly answer either question, but he does reveal that, from his extensive research, he's learned that 'not a whole lot has been accomplished over the last 40 or 50 years.' He also notes that he's spoken to 'a lot of people,' which has taught him that 'this is a very emotionally charged situation.' ...

"Finally, Kushner closed with the following statement of reassurance: 'So, what do we offer that's unique? I don't know... I'm sure everyone that's tried this has been unique in some ways, but again we're trying to follow very logically. We're thinking about what the right end state is. And we're trying to work with the parties very quietly to see if there's a solution. And there may be no solution, but it's one of the problem sets that the president asked us to focus on. So we're going to focus on it and try to come to the right conclusion in the near future.'" http://bit.ly/2ug6gqq

-- CHECK THIS OUT, from the same piece: "Prior to Kushner's talk, Katie Patru, the deputy staff director for Member Services, Outreach & Communications, told the assembled interns, 'To record today's session would be such a breach of trust, from my opinion. This town is full of leakers and everyone knows who they are, and no one trusts them. In this business your reputation is everything, I've been on the hill for 15 years. I've sat in countless meetings with members of congress where important decisions were being made. During all those years in all those meetings, I never once leaked to a reporter. ... If someone in your office has asked you to break our protocol and give you a recording so they can leak it, as a manager, that bothers me at my core.'"

HAPPENING TONIGHT -- Jake and Anna are interviewing Colorado Gov. John Hickenlooper at 8 p.m. eastern time in Denver. **EMAIL US** with questions for the governor. Can't make it? Tune in to our livestream here: http://politi.co/2ugbUsU

FOGGY BOTTOM WATCH -- JOSH ROGIN'S latest in WaPo: **"State Department considers scrubbing democracy promotion from its mission":** "Secretary of State Rex Tillerson has ordered his department to redefine its mission and issue a new statement of purpose to the world. The draft statements under review right now are similar to the old mission statement, except for one thing - any mention of promoting democracy is being eliminated. According to an internal email that went out Friday, which I obtained, the State Department's Executive Steering Committee convened a meeting of leaders to draft new statements on the department's purpose, mission and ambition, as part of the overall reorganization of the State Department and USAID. (The draft statements were being circulated for comment Friday and could change before being finalized.)" http://wapo.st/2ugEqKO

-- QUITE THE DATA POINT: "UN staff ran up a $9.5 million bill at the Four Seasons hotel in Damascus, co-owned by Syria's tourism ministry, according to the UN's annual report on procurement for 2016, a 739-page document published in June." https://bloom.bg/2hknUbk ... ***The report*** http://bit.ly/2uUqqIB

FROM THE WHITE HOUSE -- @realDonaldTrump at 8:49 a.m.: "Stock Market could hit all-time high (again) 22,000 today. Was 18,000 only 6 months ago on Election Day. Mainstream media seldom mentions!" ... **at 9:03 a.m.:** "'Corporations have NEVER made as much money as they are making now.' Thank you Stuart Varney @foxandfriends Jobs are starting to roar,watch!" ... **at 9:55 a.m.:** "Only the Fake News Media and Trump enemies want me to stop using Social Media (110 million people). Only way for me to get the truth out!"

-- The stock market closed at 18,333 on Election Day, which was about nine months ago. It closed at 19,891 six months ago on February 1.

FASCINATING -- "Behind Fox News' Baseless Seth Rich Story: The Untold Tale," by NPR's David Folkenflik: "The Fox News Channel and a wealthy supporter of President Trump worked in concert under the watchful eye of the White House to concoct a story about the murder of a young Democratic National Committee aide, according to a lawsuit filed Tuesday. The explosive claim is part of the lawsuit filed against Fox News by Rod Wheeler, a longtime paid commentator for the news network. The suit was obtained exclusively by NPR. Wheeler alleges Fox News and the Trump supporter intended to deflect public attention from growing concern about the administration's ties to the Russian government. His suit charges that a Fox News reporter created quotations out of thin air and attributed them to him to propel her story. Fox's president of news, Jay Wallace, told NPR Monday there was no 'concrete evidence' that Wheeler was misquoted by the reporter, Malia Zimmerman. ...

"The lawsuit focuses particular attention on the role of the Trump supporter, Ed Butowsky, in weaving the story. He is a wealthy Dallas investor and unpaid Fox commentator on financial matters, who has emerged as a reliable Republican surrogate in recent years. Butowsky offered to pay for Wheeler to investigate the death of the DNC aide, Seth Rich, on behalf of his grieving parents in Omaha. On April 20, a month

before the story ran, Butowsky and Wheeler - the investor and the investigator - met at the White House with then Press Secretary Sean Spicer to brief him on what they were uncovering.

"The first page of the lawsuit quotes a voicemail and text from Butowsky boasting that President Trump himself had reviewed drafts of the Fox News story just before it went to air and was published. Spicer now tells NPR that he took the meeting as a favor to Butowsky, a reliable Republican voice. Spicer says he was unaware of any contact involving the president. Butowsky now tells NPR he was kidding about Trump's involvement." http://n.pr/2u0p9T8

-- @chrisgeider: "Big story. But, a big caveat, too: This is simply a lawsuit being filed, which anyone can do at any time about anything. There's a lot in here, and a lot of people are going to be making claims about what different parts of it mean or meant. Just be careful."

MIDDLE EAST PEACE WATCH -- "Top PA official Saeb Erekat treated in Israel as he awaits lung transplant," by the Times of Israel: "Palestinian Authority chief negotiator and secretary general of the Palestine Liberation Organization Saeb Erekat has a serious lung disease and is currently on the waiting list for a transplant in Israel and the US, according to a report Tuesday on the Ynet news site. ... The chief PA negotiator has been receiving additional treatment at a hospital in central Israel, but doctors have warned that his condition cannot improve without an immediate transplant, the report said." http://bit.ly/2uglvQ8

TODAY'S BEYOND THE BELTWAY -- How the Olympics will shake up the California gubernatorial race -- de Blasio applies for matching funds for primary http://politi.co/2ugLQgV

MEDIAWATCH -- "How the Hollywood Reporter Became a Must-Read in DC," by Washingtonian's Elaina Plott: "Now with Trump in the White House, the Hollywood Reporter has earned almost as much real estate in Politico Playbook as many DC publications have. That's been good for the bottom line: Between November 2015 and November 2016, web traffic surged by more than 50 percent. Two of the magazine's highest-trafficked stories in the last two years weren't the kinds you'd normally associate with a La La Land publication but post-election exclusives with Megyn Kelly and Steve Bannon." http://bit.ly/2ug7aDo

SPOTTED: Former New York Gov. George Pataki in Russell today

REMEMBERING MARK SILVA -- "Mark Silva, longtime newsman, dies of brain cancer," by the Tampa Bay Times' Mary Ellen Klas: "Mark Silva, longtime Tallahassee bureau chief for the Miami Herald who went on to cover the White House for the Chicago Tribune, died early Tuesday at his home in Arlington, Va.. He was 63 and recently diagnosed with a brain tumor. Silva led the Herald's capital bureau from the mid-1980s through the 1990s and became the paper's political editor through the 2000

presidential election, a contest decided only after a pivotal Florida recount that brought Tallahassee global fame.

"He joined the Orlando Sentinel as political editor in 2001, moving to Washington three years later to cover the George W. Bush White House. Later, he was an editor with Bloomberg News and mostly recently an editor with U.S. News & World Report, where he led a new team examining politics and policies in the 50 states at the organization's Best States project. Silva leaves his wife of 33-years, Nina, and two children, Dylan and Lisa and a grandson, Noah.

"Silva was a force in Tallahassee during a newspaper heyday during which Florida dailies maintained robust capital bureaus that competed fiercely over every inch of political, legislative and policy territory. Silva was rarely beaten. But he often beat others. With a relentless work ethic and a passion for collecting news tips from lobbyists drinking 'see-through' at Clydes, Silva could power out a steady stream of dailies and weekenders. He also could turn a phrase." http://bit.ly/2vpYE9Q

****** **A message from Morgan Stanley:** The Morgan Stanley Institute for Sustainable Investing, with The Economist Intelligence Unit, created the Inclusive Growth Opportunities Index to explore technology investments that can increase access to finance, healthcare and education, and enhance gender inclusion. The report and interactive tool, which allows users to rank 20 emerging and developed countries, highlights the potential for investment opportunities that drive inclusive economic growth. See which countries indexed high on the list, and where there are opportunities to invest in inclusive growth. Read more from Morgan Stanley. ******

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Daily Environment Report

September 25, 2017 - Number 184

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Leading the News

Chemicals

Chemical Industry to Trump: Don't Kill the NAFTA Golden Goose

The overriding objective of negotiations resuming this weekend to overhaul the North American Free Trade Agreement should be to "do no harm," American Chemistry Council Director of Global Affairs Greg Skelton told Bloomberg BNA.

Climate Change

Are Hurricanes Winds of Change for Insurers' Climate Risk?

The insurance industry faces a dilemma when it comes to climate change: fundamentally, companies understand the risk natural disasters intensified by climate change can pose, but they see relatively little risk to their business in the near future.

Climate Policy

Storm Resiliency Enters Senate Debate on Flood Insurance

Senate Democrats who have been largely shying away from any debate about the role of climate change in worsening recent storms that hit Texas, Florida, Puerto Rico, and the U.S. Virgin Islands say they're ready to raise climate influence and the need for resilient infrastructure in an upcoming debate over reauthorizing the federal flood insurance program.

News

Air Pollution

Diesel Becomes Campaign Issue for Merkel in German Elections

Germans head the polls Sept. 24, and an unexpected issue has wedged itself into the campaign along with the usual themes of jobs and refugees: diesel.

Climate Policy

Trump Climate Confusion Is the New Brexit, Top UN Official Says

When U.K. Prime Minister Theresa May criticized President Donald Trump for taking the U.S. out of the landmark Paris climate change deal this week, she might as well have been talking about another kind of exit closer to home.

Climate Regulation

California Sets Demands for Talking Emissions Targets with Trump

California could be willing to re-open discussions on its greenhouse gas limits for cars and trucks for 2025—so long as automakers and the Trump administration embrace the significantly tougher targets it's contemplating for later years.

Coal-Fired Power Plants

Threats to Sue Duke Energy Shelved If Utility Hands Over Data

Recent lawsuit threats against Duke Energy will be dropped if the utility follows through on promises to provide additional information about coal ash hazards, the lawyer for an environmental group told Bloomberg BNA.

Dumping

International Trade Commission Votes to Tax U.S. Solar Imports

The U.S. International Trade Commission concluded that a flood of cheap, foreign solar panels is hurting U.S. manufacturers, teeing up an opportunity for President Donald Trump to impose tariffs and import quotas.

Duty to Indemnify

London Underwriters Can't Derail Amtrak's Cleanup Claims

London Market Insurers failed to shake Amtrak's claims to recoup hazardous waste cleanup costs at a maintenance and storage facility in Queens, N.Y. (Certain Underwriters at Lloyd"s v. Nat'l R.R. Passenger Corp., 2017 BL 334453, E.D.N.Y., No. 14-CV-4717, 9/21/17).

Emissions Trading

California, Quebec, Ontario Ink Deal to Join Carbon Markets

California, Quebec, and Ontario cemented plans Sept. 22 to launch North America's largest carbon allowance market next year.

Energy

A $21 Billion Failed Nuclear Project is Still Haunting Scana

Scana Corp. may have dropped a $21 billion plan to build a nuclear power plant in South Carolina, but washing its hands of the project altogether won't be so easy.

Energy

Lack of IRS Solar Tax Credit Guidance Clouds New Projects

Solar energy developers hoping to break ground on large-scale projects want the IRS to define new-construction requirements for a renewable energy tax incentive.

Enforcement

SolarCity to Pay $29.5M After Inflating Recovery Act Claims

SolarCity will pay $29.5 million to resolve allegations that it submitted inflated claims for itself and affiliated investment funds for grants under the Obama administration's stimulus plan, the Justice Department said Sept. 22

Hazardous Waste

EPA's Hazardous Waste Reporting System on Track

States and hazardous waste handlers say they are looking forward to ditching paper tracking documents as the EPA prepares a new electronic tracking system, which it will test-release this winter.

Hydraulic Fracturing

CORRECTION

A story published Sept. 21, "Obama Fracking Rule Restored Temporarily as Court Halts Case," misstated what intervening environmental advocacy groups sought. They wanted the district court's ruling to be vacated, not the rule as originally reported. The online version has been corrected.

Motor Vehicles

How Electric Cars Can Create the Biggest Disruption Since iPhone

It's 10 years since Apple Inc. unleashed a surge of innovation that upended the mobile phone industry. Electric cars, with a little help from ride-hailing and self-driving technology, could be about to pull the same trick on Big Oil.

Natural Gas

Twice-Rejected LNG Exporter Gives Project Another Shot

The developer of a liquefied natural gas export terminal in Oregon that has already twice been denied permits by U.S. regulators is giving it another shot.

Pesticides

Seasonal Ban on Popular Weedkiller Proposed in Arkansas

Arkansas is proposing a six-month ban on the use of a new type of weedkiller manufactured by Monsanto Co. and BASF Corp., hoping to resolve complaints that the pesticide is damaging thousands of acres of soybean crops.

Renewable Energy

Italy's Enel Group Starts Latin America's Two Largest Solar Parks

Latin America's two largest solar parks, which can provide enough power to meet the annual demand of more than half a million homes, are now online in Brazil.

Renewable Energy

The Most Expensive Teslas and the Policy 'Paradox' Behind Them

Fun fact: A poster child of green energy policies has cemented its place in Europe as the most expensive place to own a Tesla.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Tue 8/8/2017 9:44:01 AM
Subject: Morning Energy: Pruitt's new TSCA plan burns greens — Conservatives attack to defend Ex-Im pick — Dominion v. Kaine challenger

By Darius Dixon | 08/08/2017 05:42 AM EDT

With help from Ben Lefebvre and Matt Daily

EPA GOES NARROW WITH NEW TSCA POLICY: EPA says a new plan to evaluate the the safety of chemicals will ease the path for bringing new substances to market and increase transparency, Annie Snider reports . But environmentalists contend the plan will undermine critical safety measures that were included in last year's landmark bipartisan chemicals law overhaul. The 'operating principles' announced Monday will limit EPA's evaluation of new chemicals to solely the "intended uses" that the manufacturer identifies in its initial notice to the agency, Annie writes. If the agency decides that intended use is safe, the chemical could go on the market, even if EPA experts have concerns about other potential uses. Those concerns would be addressed through a later rulemaking, the agency said. Administrator Scott Pruitt said EPA "can either be a roadblock to new products, or it can be supporter of innovation and ever-improving chemical safety."

This is not the TSCA we were looking for: The the American Chemistry Council praised the move, but greens complained it's a major shift from the approach embraced by lawmakers when they updated the Toxic Substances Control Act, the country's primary chemical safety law, which pushed for chemicals to be evaluated as a whole for their safety, rather than breaking evaluations down into individual uses. "What your body cares about is not, 'How much was I exposed to by that use versus another use.' It's how much was I exposed to in totality," said Richard Denison, a lead senior scientist at the Environmental Defense Fund.

Annie adds: Internal documents obtained by POLITICO showed that career staffers disagreed with those changes to focus on the intended uses, which were made after the Trump administration put a former top expert for the chemical industry's top lobbying group in charge of TSCA implementation.

BRING ON TUESDAY! I'm your guest host, Darius Dixon. David Brown at Exelon was the first to name Frank Oppenheimer as the Manhattan Project physicist I was referring to who later founded the Exploratorium in San Francisco. That said, a lot of you, beginning with reader Craig Meyers, mentioned the Bradbury Science Museum in Los Alamos, N.M. That museum was founded by Robert Krohn, a Manhattan Project scientist. The more you know! Today's trivia: The U.S. Fermi award is one of the most prestigious for scientists, but in the first 20 years, its monetary prize was cut in half. That happened after who won it? And bonus points for naming the first person to get the skimpier check.

Send your guesses, tips, energy gossip and comments to Esther Whieldon, who will get you through the week, at ewhieldon@politico.com. Follow us on Twitter @esthernow, @aadragna, @Morning_Energy and @POLITICOPro.

CLIMATE REPORT LEAKS: In a bid to prevent the Trump administration from sitting on a new assessment of the impacts of climate change, sources have leaked to The New York Times a report from scientists at 13 federal agencies that says temperatures in recent decades are rising because of human activity. "It directly contradicts claims by President Trump and members of his cabinet who say that the human contribution to climate change is uncertain, and the ability to predict the effects are limited." One government scientist who worked on the document, part of the National Climate Assessment mandated by Congress, told the paper that he and others were concerned that the Trump administration may try to suppress it.

What we'll be comparing to the final version: The Times says the report finds it "extremely likely" that more than half of the global mean temperature increase since 1951 can be linked to human influence. The National Academy of Sciences has already gone over the report but several agencies have until Aug. 13 to approve it.

OPEC TRIES TO PLUG THE LEAKS: Washington may have gone quiet for August, but the oil industry is not exactly in a position to rest on its laurels. NYMEX crude oil futures turned sideways in the past few days after popping above $50 a barrel last week, and there seems to be little momentum to move back above that psychological barrier unless OPEC members, who are finishing a two-day meeting today in Abu Dhabi today, can crack down on the cheating among cartel members who are overproducing on their output quotas. Oil bulls are also hoping Russia steps forward to deepen its cuts, but as oil prices rise, the temptation for oil-producing OPEC nations to sell some extra supplies grows. A survey by Platts showed that OPEC nations were exporting more than 900,000 barrels per day above its agreed ceiling last month, hitting the highest production level of the year at 32.82 million bpd. Much of that is coming from Libya and Nigeria, which are not subject to the cartel's output cuts agreed to in November, but OPEC members have pledged to keep their current cuts in place in to March 2018 — and compliance among the cartel members tends to decline over time.

ANOTHER LOG ON THE EX-IM FIRE: Just when it didn't seem like the fight over former Rep. Scott Garrett's nomination to head the Export-Import Bank couldn't get any more heated, conservative groups lit a torch on Monday. In a letter to Senate Banking Chairman Mike Crapo, the leadership of organizations including the Club for Growth, Heritage Action for America and FreedomWorks denounced business groups that have been urging the White House to drop Garrett, Pro Financial Services' Zachary Warmbrodt reports . In fact, they plan to oppose any appointments to the agency's board if Garrett's name does not move forward. "We're extremely hopeful that President Trump will ignore the special interests that are so desperate for their Export-Import Bank gravy train to continue," they said in the letter.

THE TRIAL OF THE RECESS: Since Congress has skipped town for the rest of August, you'll have more time to watch the week-long hearings on the Keystone XL oil pipeline taking place at the Lincoln Marriott Cornhusker Hotel in Nebraska. The Nebraska Public Service Commission is taking testimony from TransCanada executives, local landowners and others on the potential impact of the project's proposed route through the state.

Most of Monday was taken up with lawyer Dave Domina, who represents the landowners in the

state and quizzed TransCanada execs on issues like the web of companies that own a piece of Keystone XL, how far below waterways the pipeline will be laid, and easements. Domina also asked TransCanada Pipelines Limited President Tony Palmer whether the company will decide later this year whether to actually build the pipeline. "Sir, we hope to do so," Palmer replied. The hearings start at 10 a.m. Eastern Time. Nebraska regulators are scheduled to rule on the route proposal by the end of this year. Just last month, TransCanada suggested that it may not build the project.

STATES PREP FOR ECLIPSE: California produces more solar power than any other state in the union, so when the total solar eclipse cruises across North America on Aug. 21, grid operators there say they expect to draw about 6,000 megawatts from other sources to cover the losses. The Golden State has a solar capacity of about 10,000 megawatts, which the state's ISO says can sometime cover 40 percent of its electricity demand. California has preparing for the eclipse for more than a year, the grid operator said. The path of the eclipse will affect 17 utility-scale solar PV generators, mostly in eastern Oregon, according to the Energy Information Administration. Meanwhile, hundreds of plants totaling about 4,000 MW of solar capacity — largely in North Carolina and Georgia — will be at least 90 percent obscured, the EIA said. The next solar eclipse isn't expected to cross the continent until 2024.

DOMINION OPENLY FEUDS WITH KAINE CHALLENGER: "Why is Corey Stewart putting politics over people?" reads a Dominion ad in several Prince William County, Virginia, newspapers. The Washington Post reports that the ad is meant to highlight the role Prince William Board of County Supervisors Chairman Corey Stewart, a Republican challenging Sen. Tim Kaine next year, had in blocking an alternative route for a controversial power line through a wetlands, leading to the plan to run it through a historic black community. The ad continues: "The residents of Carver Road should look no further than Corey Stewart for the reason their community was selected."

Stewart, who failed to win the GOP gubernatorial primary earlier this year, is relishing the battle: "It's bringing in people and donors who otherwise wouldn't support a Republican candidate," he said.

STATE LAWMAKERS PRESS DOE, CONGRESS ON EFFICIENCY RULES: The Energy Department's efficiency rulemaking operation got a big endorsement from state capitols on Monday. As part of its legislative summit this week in Boston, the National Conference of State Legislatures approved a resolution (it starts on page 42) urging Congress to "fully fund" DOE's efficiency standards program. It also urges Congress and DOE to stick to its so-called look-back schedule, which requires the agency to revisit each of its efficiency standards every six years to see if they can be tightened. We're told that Vermont state Rep. Curt McCormack sponsored the resolution.

DEMS PRESS FOR WAYS TO DECARBONIZE THE OCEANS: Sens. Sheldon Whitehouse and Heidi Heitkamp have asked the National Academy of Sciences to investigate ways of extracting carbon dioxide from ocean water. As carbon dioxide builds up in the atmosphere, greater amounts get infused into the planet's waters, a driver of ocean acidification. "As the committee on Developing a Research Agenda for Carbon Dioxide Removal and Reliable

Sequestration continues to develop your Carbon Dioxide Removal (CDR) report, we request that you consider expanding your focus to include ocean carbon capture technologies and processes," the two lawmakers wrote.

BENNET BILL TO DIVERSIFY 'COAL COMMUNITIES': Before skipping town last week, **Democratic** Colorado Sen. Michael Bennet introduced a bill aimed at promoting investment and business in areas that have lost jobs in the coal industry. The measure would designate 90 counties as "coal communities," including six in his home state, and create hiring credits, tax incentives and training grants.

QUICK HITS

— Here's how Carl Icahn's bet on Donald Trump went terribly wrong. CNBC.

— California pension fund divests from coal as industry rebounds. The Sacramento Bee.

— U.S. federal department is censoring use of term 'climate change,' emails reveal. The Guardian.

— Iowa Gov. Kim Reynolds: The red state with an energy blueprint. The Hill.

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Stories from POLITICO Pro

EPA plans narrower chemical reviews, critics see TSCA reversal Back

By Annie Snider | 08/07/2017 07:12 PM EDT

EPA announced a new approach to evaluate the safety of chemicals that it said would remove roadblocks to bringing new substances to market and increase transparency, but that environmentalists contend will undermine critical safety measures established under last year's landmark bipartisan chemicals law overhaul.

Under the "operating principles" the agency announced Monday, EPA will evaluate new chemicals based solely on the "intended uses" that the manufacturer identifies in its initial notice to the agency. If the agency decides that intended use is safe, the chemical could go on the market, even if EPA has concerns about other potential uses. Those concerns would, "as a general matter," be addressed through a later rulemaking, the agency said.

"EPA can either be a roadblock to new products, or it can be supporter of innovation and ever-improving chemical safety," EPA Administrator Scott Pruitt said in a statement.

This method is a major shift from the approach embraced by lawmakers under last year's bipartisan update to the Toxic Substances Control Act, the country's primary chemical safety law, which pushed for chemicals to be evaluated as a whole for their safety, rather than breaking evaluations down into individual uses. Under the law, If EPA has concerns about any of the ways that a chemical might reasonably be used, it should issue an order setting conditions on the substance before it comes onto the market.

"What your body cares about is not, 'How much was I exposed to by that use versus another use.' It's how much was I exposed to in totality," said Richard Denison, lead senior scientist at the Environmental Defense Fund. He argued that the approach laid out by EPA on Monday would return EPA's chemicals program to the way it was before last year's TSCA overhaul.

Environmentalists say that once a chemical is on the market, it is difficult for EPA to know how it is being used and to limit uses that may present hazards.

But chemical manufacturers prefer to have substances evaluated for the individual use that they are designing their product for, rather than for additional uses that may be outside of their control. The chemical industry's trade group lauded the newly announced changes.

"We strongly support the Administrator's commitment to a more predictable and transparent process for decision-making and look forward to continued collaboration in achieving these improvements," the American Chemistry Council said in a statement.

Monday's announcement follows a pair of rules finalized in July that laid out how EPA will evaluate the safety of existing chemicals. The Trump administration made significant changes to the rules originally proposed by the Obama administration's EPA.

Internal documents obtained by POLITICO showed that career staffers disagreed with those changes to focus on the intended uses, which were made after the Trump administration put a former top expert for the chemical industry's top lobbying group in charge of TSCA implementation.

Environmental groups — and congressional Democrats — opposed the final version of those rules pertaining to existing chemicals and still could challenge them in court.

The approach laid out by EPA for evaluating new chemicals, however, is not a formal agency action, so it is unclear whether it can be legally challenged. Denison said his group and others are still evaluating their options.

The agency also announced Monday that it has eliminated the backlog of new chemicals awaiting review. More than 600 new chemicals had piled up, awaiting review, as the agency got up to speed on implementing the new processes required under the new law passed by Congress last year. As of Aug. 1, the agency had decreased that backlog to 382, according to EPA's

website, which says the caseload typically hovers around 300.

EPA also said it would post weekly updates of program statistics on its website in a bid to improve transparency.

Pruitt has prioritized TSCA in his first months at the agency, with programs directly supporting the new law's implementation protected under the Trump administration's budget — although other related programs were targeted for cuts. The agency has also staffed up the offices reviewing chemicals and said Monday it will continue to redeploy employees from other parts of the agency to work on new chemical reviews.

To view online click here.

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Conservative groups threaten fight over Ex-Im nomination Back

By Zachary Warmbrodt | 08/07/2017 03:35 PM EDT

Conservative groups escalated the fight over former Rep. Scott Garrett's nomination to lead the Export-Import Bank, warning lawmakers today that they would oppose any appointments to the agency's board if Garrett's name did not move forward.

In a letter to Senate Banking Chairman Mike Crapo (R-Idaho), the leadership of groups including the Club for Growth, Heritage Action for America and FreedomWorks denounced business groups that have been urging the White House to drop Garrett.

"We're extremely hopeful that President Trump will ignore the special interests that are so desperate for their Export-Import Bank gravy train to continue," they said in the letter. "To that end, our groups and the people we represent will vocally oppose any nomination (or slate of nominations) to Ex-Im's board if Garrett's nomination is not considered."

The letter marked the latest skirmish in a battle for influence involving businesses that rely on the agency and critics who have fought to rein it in. At issue is Garrett's opposition to the existence of the bank while he served in Congress.

Separately, the Office of Government Ethics has released Garrett's financial disclosure form.

His finances are less complicated than other Trump economic appointees. He disclosed a checking account worth up to $50,000 and a savings account worth up to $100,000, as well as retirement investments, stock in Lakeland Bank and a mortgage with the Credit Union Mortgage Association. In an ethics agreement, Garrett said he would not participate in matters affecting Lakeland unless he obtained a waiver.

WHAT'S NEXT: The White House is giving Garrett a chance to secure support for his

confirmation. At least three GOP senators have indicated they're on the fence about confirming him.

To view online click here.

Back

Too soon to say whether Keystone XL will be built, TransCanada exec says Back

By Ben Lefebvre | 07/28/2017 02:20 PM EDT

The company behind the Keystone XL pipeline has not yet determined whether there is enough demand for the project to justify actually building it, a top executive said Friday.

It was the strongest acknowledgment from TransCanada to date that the nearly decade-long Keystone saga may end in failure — despite President Donald Trump's overwhelming support for the project, which he green-lit as one of his first acts in office. The company says it remains confident in the project. But it has been struggling to find enough customers, and it still needs approval from Nebraska regulators for the pipeline's route, which landowners and activists in the state have been fighting since the project was first proposed.

TransCanada on Thursday called for an "open season" on Keystone XL, a process in which potential customers are invited to bid for contracts to ship oil on the pipeline, which would connect oil sands in Alberta with refiners and export opportunities in the U.S. The open season will last until September, TransCanada Executive Vice President Paul Miller said during the company's second-quarter earnings call Friday.

A decision on whether to follow through with construction of the $7 billion pipeline will come later, he said.

"In November, we'll make an assessment of commercial support and [Nebraska] approval," Miller said. "In the event we do decide to proceed on the project, we'll need six to nine months" before construction could start.

It would be another two years once construction begins before the project comes online, Miller added.

If TransCanada decides to build, that schedule means oil would start flowing through the pipeline just before the 2020 presidential election — but any further delays could complicate Trump's ability to boast about Keystone when he runs for re-election.

On the campaign trail last year, Trump promised to green-light the pipeline, saying "I want it built, but I want a piece of the profits." When he approved the project in March, Trump did not apply any special conditions to his approval of the project that would have required TransCanada to share its profits, and he backed away from another promise to make the company use all U.S.-

made steel for the pipeline. He seemed caught off guard when TransCanada CEO Russ Girling told him in a televised Oval Office appearance that construction was not imminent.

Keystone XL would transport up to 830,000 barrels a day of heavy crude from oil sands in western Canada to Steele City, Neb. From there it would go to refiners in the Midwest and along the Gulf Coast, where it also could be exported thanks to Congress lifting the oil export ban in late 2015 after then-President Barack Obama had denied an earlier permit for the line.

But refiners have been able to take delivery of Canadian crude without Keystone XL, using either rail cars or alternative pipelines. Oil imports from Canada grew to 3.8 million barrels a day in 2016, up 52 percent from when TransCanada first proposed the pipeline in 2008, according to EIA data.

One problem facing TransCanada is that much of the new demand for oil is coming from Asia. Canadian oil shippers would most likely prefer to ship oil to the west coast via Kinder Morgan's proposed Trans Mountain pipeline or rail car for easier export to Asia, said Rusty Braziel, president of energy consulting firm RBN Energy.

"If you're a producer in Alberta, the conundrum you face here is you really want to go west. Do you want to take barrels to the Gulf Coast and fight with everyone else sending barrels through the Gulf Coast? Hell no."

TransCanada is also trying to woo back companies who had signed on for Keystone XL but then dropped away after Obama denied the cross-border permit it needed, Miller said.

"When the permit was decided in late 2015, many of our shippers reviewed other options," Miller said.

TransCanada spokeswoman Jacquelynn Benson said the company "maintains shipper support for the project and remains committed to Keystone XL. We are confident that we will have the support we need to move this project forward as we seek additional shipper commitments through the open season."

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Wed 10/11/2017 2:02:19 PM
Subject: POLITICO's Morning Transportation: Huerta to ATC opponents: 'Listen to each other' — Highways and Transit hearing on infrastructure today — Meanwhile, truckers to hear Trump talk taxes

By Brianna Gurciullo | 10/11/2017 10:00 AM EDT

With help from Tanya Snyder, Lauren Gardner and Stephanie Beasley

WHY CAN'T WE ALL GET ALONG? FAA Administrator Michael Huerta Tuesday called for collaboration among the camps waging war over whether to separate air traffic control operations from the FAA. "We must not allow ourselves to dig in so deeply to our own position that the debate becomes a volley of talking points that we lob past one another," Huerta told members of the National Business Aviation Association, according to his prepared remarks. "Disagreement can be a good thing when both sides listen to each other and agree to collaborate rather than draw lines in the sand."

Close to home: At the NBAA event in Las Vegas, Huerta highlighted the stories of two FAA employees who survived the Oct. 1 shooting. One employee "was shot and seriously injured as he attempted to shield his wife from gunfire," Huerta said. The other employee, an air traffic controller, "called the control tower and warned the crew to keep aircraft from straying into the line of fire."

ADS-Behind: Huerta, who has served as permanent administrator since 2013, thanked NBAA for urging the general aviation industry to install ADS-B, a key piece of NextGen. All planes need to have the technology installed by the start of 2020, but just around 30,000 general aviation planes have satisfied the requirement so far. FAA spokesman Paul Takemoto told us last month that an estimated 160,000 general aviation planes will need ADS-B by the first day of 2020 "in order to fly in certain controlled airspace."

So long: With his term set to expire in January, Huerta said his remarks Tuesday would be his last in front of NBAA. He praised NBAA President and CEO Ed Bolen, saying he "was one of the first people I met when I came to Washington after I joined the Department of Transportation in the early 1990s."

IT'S WEDNESDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Send along tips, feedback and lyrics to bgurciullo@politico.com or @brigurciullo.

"It's been two years since I let you go / I couldn't listen to a joke or a Rock and Roll / Muscle cars drove a truck right through my heart."

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) that are all about flying, driving, commuting and sailing?

LET'S HEAR IT: The House Transportation Highways and Transit Subcommittee is holding a

hearing this morning on infrastructure needs. MT drinking game: Drink every time the American Society of Civil Engineers infrastructure report card is mentioned (and by drinking, we mean coffee, of course). We expect lawmakers and witnesses to have their say on the ideas the Trump administration has presented so far, including the use of public-private partnerships and streamlining regulations. Chairman Sam Graves (R-Mo.) is sure to bring up the Highway Trust Fund and will probably signal again that he is open to all options for making it solvent. So, yes, there should be some talk about both raising the federal gas tax and VMT. Graves and his Democratic counterpart, D.C. Del. Eleanor Holmes Norton, want a tax overhaul to deal with the HTF.

The witnesses: Patrick McKenna, the director of Missouri's DOT, who will represent AASHTO; James Roberts, the president and CEO of Granite Construction, who will represent the Transportation Construction Coalition; Brent Booker, the secretary-treasurer of North America's Building Trades Unions; Ray McCarty, the president and CEO of Associated Industries of Missouri, who will represent NAM; and Peter Rogoff, the CEO of Sound Transit.

SPEAKING OF GAS TAXES: The California press has been all over the drama surrounding the Golden State's gas tax hike, which goes into effect Nov. 1. The Los Angeles Times has a good rundown here, but the abridged version is this: A majority of the state's GOP congressional delegation supports proposed ballot initiatives that would undo the higher tax, and a coalition of California business groups and construction companies is ready to wage war over it. Keep in mind that the Trump administration is advocating a "self-help" philosophy on infrastructure investment, encouraging state and local governments to do more to fund their own needs.

Back and forth: The Fix Our Roads coalition has alleged that the federal-level support from 11 Republicans, including House Majority Leader Kevin McCarthy and senior appropriator Ken Calvert, is linked to an effort "to protect all incumbent Republicans and increase the number of Republicans in the House as well as other elected bodies." The lawmakers shot back that the tax increase is bad policy and doesn't fix the underlying issues of the state's transportation gridlock.

Nota bene: California Rep. Jeff Denham, who's eyeing the T&I gavel next Congress (and who won a tight reelection race last cycle), didn't sign onto the Republican letter. Granite Construction's Roberts, who's testifying today, signed onto the coalition letter. Maybe it'll come up?

A HOT CUP OF VMT: Six states have gotten a new shot of money from FHWA to keep trying out VMT fees. The $15.5 million pot is largely being divided among the recipients of last year's round of Surface Transportation System Funding Alternatives grants. The states: California, Delaware, Missouri, Washington and Oregon. Colorado is also included this time, while Hawaii and Minnesota are out.

What's it for? The biggest grant, $4.6 million, goes to Washington's DOT and transportation commission for a public campaign to determine the best way to assess and collect mileage-based fees. Oregon's DOT and the Western Road User Charge Consortium will get almost $2.6 million to link the Oregon and California VMT pilot programs. Meanwhile, both Delaware and Missouri will study issues associated with VMT fees like privacy.

FOR YOUR RADAR: "Hundreds" of truck drivers will be in Harrisburg, Pa., for President Donald Trump's speech today on overhauling the tax code. "They keep our economy moving - literally," White House press secretary Sarah Huckabee Sanders told reporters during Tuesday's briefing. "And they are excited about the president's tax reform plan, which will create more jobs and empower workers and families to keep more of their hard-earned money."

ICYMI: In an op-ed, the head of Airlines for America slammed Senate appropriators for including a Passenger Facility Charge cap increase in their transportation spending bill. "A measure to significantly raise the airport tax on millions of flyers is being sprung on the American people with zero transparency, and the money that would flow to airports' coffers is not needed," A4A President and CEO Nicholas Calio wrote. "This issue could have been addressed, debated and voted on in the Senate Commerce Committee, where by jurisdiction it belongs." (h/t Jacob Fischler at CQ for spotting the op-ed.)

MT note: Kevin Burke, the president and CEO of Airports Council International-North America, told us in the summer that the Commerce Committee didn't touch the PFC issue as part of its FAA bill because it was already dealing with the controversial subject of pilot training.

PRETTY VACANT: In the transportation world, folks are getting antsy for Trump to nominate key officials including a NHTSA administrator. But the president indicated in a recent Forbes interview that he is lagging behind other presidents in his pace of nominations across the government on purpose and said he'll leave many spots empty. "I'm generally not going to make a lot of the appointments that would normally be - because you don't need them," Trump said. "I mean, you look at some of these agencies, how massive they are, and it's totally unnecessary. They have hundreds of thousands of people." (Of course, everyone expects Trump to nominate a NHTSA administrator at some point.)

HERE WE GO: Hawaii filed a motion Tuesday to impede parts of Trump's new travel ban, Ted Hesson reports for Pro Employment & Immigration. The state and a local imam argue that the new travel limitations still "reflect an intent to exclude Muslims from the United States."

GAME OVER: Beginning this month, TSA will tell travelers at airports in upstate New York to put their large electronics in separate bins when they reach security checkpoints. TSA will instruct passengers who don't have PreCheck to take any device bigger than a cell phone out of carry-on bags and put them in a bin for X-ray screenings. The new requirement will go into effect at both small and large airports "in the weeks ahead," TSA said in a release Tuesday. The agency initially unveiled plans to update U.S. screening procedures for portable devices in July, just weeks after then-Homeland Security Secretary John Kelly issued a directive for all international airports operating U.S.-bound flights to revamp their security.

REPORT ALERT: TransitCenter and the Eno Center for Transportation published a report Tuesday on transit agencies contracting with private operators to boost service and maintain labor safeguards at the same time. The report comes as Washington, D.C., and Boston are grappling with contracting issues. The organizations said in a release that contracting may be a way for cities to "engage in more transparent assessments of service levels, transit performance

and ways to improve them," but that it "is not a quick fix for lowering public costs."

MT MAILBAG: House Transportation Committee Democrats wrote to Transportation Secretary Elaine Chao this week to urge her to finalize a rule that would align DOT's drug test panel with recently revised HHS guidelines, which now include certain prescription opioids. DOT proposed that harmonization on Jan. 23, just as the incoming administration was ordering a freeze on most new regulations, but the comment period closed March 24. The letter was prompted by revelations that two Amtrak maintenance workers struck and killed had opioids or cocaine in their system, and that the engineer at the controls of the passenger train showed he'd been using marijuana.

ACROSS THE POND:

- After U.K. Prime Minister Theresa May said she is gearing up in the event of Britain withdrawing from the European Union with no free-trade agreement between them in place, the British Airline Pilots' Association said that situation would be "a total disaster for our world-leading U.K. aviation sector and beyond." Cathy Buyck has more.

- Meanwhile, Uber anticipates that by year's end a U.K. labor tribunal will decide on the company's appeal of a ruling that its drivers could qualify for a different status than "independent contractor." "As workers, they would gain additional rights, such as paid holiday leave and the national minimum wage," Joanna Plucinska reports.

THE AUTOBAHN:

- "It's no use honking. The robot at the wheel can't hear you." Bloomberg.

- "Uber riders in Dubai can now select electric-powered Tesla." The Associated Press.

- "GM's Mary Barra makes a U-turn on China." Fortune.

THE COUNTDOWN: DOT appropriations run out in 59 days. The FAA reauthorization expires in 172 days. Highway and transit policy is up for renewal in 1,086 days.

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Subject: POLITICO's Morning Transportation: Al Qaeda threatens U.S. rail — Kelly focuses Trump's policy agenda — NTSB investigates Charlottesville helicopter crash

By Stephanie Beasley and Brianna Gurciullo | 08/14/2017 10:00 AM EDT

EMERGING RAIL/TRANSIT THREAT: Al Qaeda is encouraging its terrorist followers to target the U.S. rail and transit system, according to the Middle East Media Research Institute. The group, which monitors Middle Eastern publications, said the latest issue of Al Qaeda's Inspire Magazine - released in English and Arabic - includes several articles urging followers to attack public transportation systems in the United States to undermine public security and cause economic harm. "It also lists some of the main passenger train lines across the country, such as the Washington DC-Boston Acela Express, the Amtrak Cascades, the Empire Builder from Chicago to the Pacific Northwest, the Coast Starlight, etc., with a map," MEMRI said in a statement released Sunday. MEMRI further noted that at least one of the articles appeared to have been written before President Donald Trump took office in January. TSA did not immediately respond to a request for comment.

Heavy load: This latest threat to U.S. transportation emerges just days after David Pekoske took over the top spot at TSA. During a June 21 nomination hearing, Sen. Cory Booker (D-N.J.) pressed Pekoske to prioritize modes other than aviation and specifically to implement a 9/11 Commission report recommendation to develop a more coordinated surface transportation security plan focusing on rail safety. "If confirmed, I would put a lot of effort in TSA into looking at the intelligence around the rail threat, in particular," Pekoske responded. "TSA has an exceptional intelligence and analysis operation. It's very well-coordinated with the intelligence community overall. And from my perspective, the intelligence community has done a very good job of keeping Americans safe."

WELCOME TO MONDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Don't forget to send tips, feedback, lyrics and your "Game of Thrones" reactions to sbeasley@politico.com or @Steph_Beasley and bgurciullo@politico.com or @brigurciullo.

"He said, 'Son, how long you been drivin' this rig? / You know I drove all shapes, forms, fashions and kinds / Here you are worried about this one little trip / Why, I drove a million miles and then some.'" (Matt Barron at MLB Research Associates)

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) that are all about flying, driving, commuting and sailing?

TWEET DU JOUR: "Nobody likes being regulated, but everything (cars, planes, food, drugs, etc) that's a danger to the public is regulated. AI should be too." - @elonmusk.

FALLING IN LINE: President Donald Trump is scheduled to lead an infrastructure discussion on Tuesday, and aides say they hope he'll have a better idea of how to proceed on that and other

issues after meetings in New York this week. While Trump mans that ship publicly, White House chief of staff John Kelly is quietly working behind the scenes to change the administration's policy operations to ensure Trump's "ambitious fall policy drive" - including an infrastructure package, a tax overhaul and possibly health care - actually gets off the ground, POLITICO's Nancy Cook reports. "Since arriving two weeks ago, Kelly has instructed White House aides to stay in their lanes and tackle policies only within their portfolios," Cook writes.

High hopes: But White House staffers and Republicans outside the administration say they are worried that despite Kelly's best efforts to rein in the chaos in the Oval Office, he still hasn't managed to stop Trump's policymaking via tweets. TIME Magazine recently declared Kelly "Trump's last hope," and we'll be watching to see if he can finally get the ball rolling on that infrastructure package.

And speaking of infrastructure plans: Texas Central announced today that it has hired Fluor Corp. and Lane Construction to help design and engineer a high-speed rail line between Dallas and Houston. Construction for the project should begin soon, a spokesman for the companies said.

SEE, WHAT HAD HAPPENED WAS ...: Customs and Border Protection has spent more than $5 million on polygraph tests for applicants whose backgrounds disqualified them as eligible hires. An IG report found that 20 percent of the 380 polygraph exams CBP administered from fiscal 2013 to 2016 was given to applicants who had already disclosed criminal behavior or drug use, which would knock them out of the hiring pool, our Mary Lee writes. The new findings come as CBP faces a hiring shortage that officials have connected to the challenge of finding qualified applicants who can pass the polygraph requirement. The agency is also facing pressure from the White House to hire 5,000 additional Border Patrol agents.

Get it together: The IG had two recommendations for CBP: interview applicants before giving polygraph exams, and make sure adjudicators flag disqualified applicants before they reach examiners. The Department of Homeland Security has said it is also considering exempting military veterans and some law enforcement officers from the polygraph requirement to help grow its pool of eligible applicants.

NTSB INVESTIGATING CHARLOTTESVILLE HELICOPTER ACCIDENT: NTSB launched an investigation into the crash of a Virginia State Police helicopter that left two policemen dead on Saturday near Charlottesville, Va. NTSB's Peter Knudson told MT that the crash of the Bell 407 was in a wooded area, and some parts of the helicopter were in the trees. A fire occurred after the crash, Knudson said. Investigators will focus today on retrieving all the parts to document and examine them.

LIFE IN THE SLOW LANE: Almost 150 of Trump's nominees have yet to be confirmed by the Senate, POLITICO's Elana Schor reports. By contrast, "President Barack Obama had 115 nonjudicial civilian nominees still waiting for Senate confirmation by Aug. 7 in his first term, while Bill Clinton had 87 and George H.W. Bush had 104," Elana writes, citing the Partnership for Public Service. As Elana notes, Sen. Tammy Duckworth (D-Ill.) put a hold on one of DOT's nominees: Steven Bradbury, chosen to be the agency's general counsel.

SHAKE IT UP: Amtrak has hired AECOM and Network Rail to review its repair work at Penn Station for an undisclosed sum, Dana Rubinstein reports for POLITICO Pro New York. The consultancies will examine daily management operations and ways to improve them through better coordination within the station. Former MTA CEO Tom Prendergast had been in charge of the review but decided to step down in July because of conflicts related to his previous post with MTA Long Island Rail Road.

KEEP DOIN' WHAT YOU'RE DOIN': The Association of American Railroads and GoRail are giving their Railroad Achievement Award to Rep. Peter DeFazio (D-Ore.) today. The groups said recipients of the award recognize "the need for safe and efficient operations made possible through sustained investment." Sens. John Thune (R-S.D.) and Bill Nelson (D-Fla.) received the award earlier this year.

SHIFTING GEARS: Margaret Anne Moore is now the House Homeland Security Committee's communications director, per Playbook Power Briefing. She was previously broadcast communications adviser to Senate Majority Leader Mitch McConnell (R-Ky.). ... And Playbook reports that Leacy Burke is joining Sen. Jim Inhofe 's (R-Okla.) office as communications director after serving in the same role for Rep. Joe Wilson (R-S.C.).

THE AUTOBAHN:

- "Read the letter Uber shareholders sent Benchmark asking the firm to step down from the company's board." Fortune.

- "A glorious infographic of North America's transit fleets." City Lab.

- "Texas scraps some toll roads while other states add more." The Associated Press.

- "America's buses lose riders, imperiling their future." The Wall Street Journal.

- "For electric cars to take off, they'll need place to charge." The Associated Press.

- "Pushing for a commute that would rise above the rest." The New York Times.

- "Amtrak's eclipse train in Illinois sells out in 22 hours." The Associated Press.

THE COUNTDOWN: DOT appropriations run out in 47 days. The FAA reauthorization expires in 47 days. Highway and transit policy is up for renewal in 1,143 days.

To view online:
http://www.politico.com/tipsheets/morning-transportation/2017/08/14/al-qaeda-threatens-us-rail-221861

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Thur 9/7/2017 4:25:31 PM
Subject: BREAKING NEWS: DeVos to revamp Obama-era schools sexual assault policy

The Trump administration will rewrite an Obama-era schools directive on sexual assault in an effort to balance the rights of victims and the accused, Education Secretary Betsy DeVos announced Thursday.

The Obama guidance for the first time pushed school district, college and university leaders to combat sexual harassment, including sexual violence, saying they were required to do so under Title IX, a federal law that prohibits sex discrimination. Women's groups hailed the 2011 policy as a crucial step in cracking down on sexual violence on college campuses, but critics said it trampled the rights of the accused.

The Trump administration will revamp the guidance through a rule-making process that likely will take months, DeVos said during a speech at George Mason University in which she blasted the current guidance for undermining the due process rights of those accused of sexual assault or harassment. She said the administration will give all sides a chance to deliver their opinions on how it should move forward.

Read more: http://www.politico.com/story/2017/09/07/betsy-devos-to-revamp-obama-era-schools-sexual-assault-policy-242444

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Fri 8/4/2017 9:16:54 PM
Subject: Today on Climate Beat

August 4, 2017

Today on Climate Beat . . .

. . . we checked in on Congress before its August recess, reporting that the Senate Judiciary Committee on a party-line 11-9 vote approved the nomination of Jeffrey Clark to lead the Justice Department's environment division, paving the way for Senate floor consideration.

Out West, former California Gov. Arnold Schwarzenegger (R) and the National Caucus of Environmental Legislators are launching an initiative to help spur states to pass new laws to combat climate change and reduce greenhouse gases.

In biofuel news, EPA appears poised to formally reject a petition from refiners that were seeking to shift the renewable fuel standard's compliance burden, or "point of obligation," from oil refiners and importers to other entities such as fuel blenders.

Our daily news roundup looked at what the newly constituted quorum at the Federal Energy Regulatory Commission means for state climate policies and energy storage.

And we also highlighted some of our must-read stories from this week, including coverage of methane litigation, EPA's vehicle GHG rules, the Clean Power Plan and new advocacy on the renewable fuel standard.

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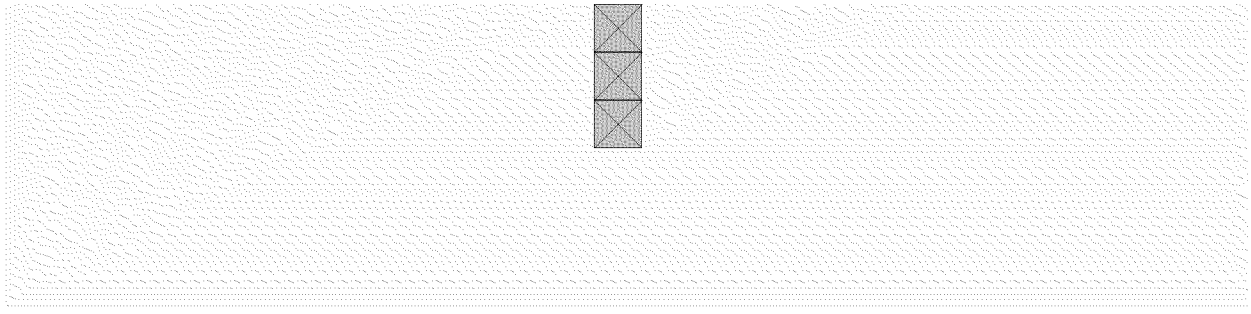
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Security Today
Sent: Wed 11/8/2017 11:26:19 AM
Subject: Active Shooter: Hard Questions & Harder Answers, DEA: 456 RX Tons, Public Safety Drones, Fingerprint Credit Cards





To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Thur 10/19/2017 12:36:00 AM
Subject: Today on Climate Beat

October 18, 2017

Today on Climate Beat . . .

. . . we went to Iowa, where Gov. Kim Reynolds (R) failed to extract a pledge from President Donald Trump not to cut levels of biofuels under the Renewable Fuel Standards (RFS) program.

Speaking of the RFS, our daily news roundup looked at reports that corn-state Republicans' concern over EPA's plans to scale back biofuel mandates under the program is the reason that the Senate environment committee postponed votes on the administration's nominee for EPA air chief and other agency picks.

And in regulatory news, a group seeking to boost clean energy is criticizing the Trump EPA's new approach to calculating the climate-related benefits of its Clean Power Plan that was released alongside a proposal to repeal the rule, charging that the agency ignored key economics principles in a bid to limit such projected benefits.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Sat 10/28/2017 2:22:07 PM
Subject: POLITICO Playbook, presented by Chevron: TRUMP says media isn't covering positive economic numbers, but it's on the front page of top newspapers -- IT BEGINS: Grand jury approves first charges in Mueller probe -- BRADY to sit down for PLAYBOOK INTERVIEW

View online version | Add politicoplaybook@politico.com to your address book.

Today's POLITICO Playbook presented by Chevron

By ANNA PALMER (anna@politico.com; @apalmerdc), JAKE SHERMAN (sherman@politico.com; @JakeSherman) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

Visit the online home of Playbook

Driving the Day

Good Saturday morning and happy weekend. **SHOT -- @realDonaldTrump at 8:22 a.m.:** "Very little reporting about the GREAT GDP numbers announced yesterday (3.0 despite the big hurricane hits). Best consecutive Q's in years!"

CHASER -- FRONT PAGES OF MAJOR AMERICAN NEWSPAPERS: WALL STREET JOURNAL: "U.S. Economy Picks Up Steam: Despite hurricanes, U.S. consumers and businesses drove a six-month expansion" http://bit.ly/2yUuQ4g ... **NEW YORK TIMES:** "Economy's 3% Spurt Emboldens Tax Cut Supporters (and Critics)" http://nyti.ms/2gHVAwt ... **TAMPA BAY TIMES**: "Jobs, stocks, growth add up: The economy posts a second quarter with 3 percent GDP. Can it be sustained?" http://bit.ly/2zM6Z5O ... **WAPO:** "Economy shows strong growth, could provide GOP m:omentum" http://bit.ly/2ibTZzd

-- ALSO FROM TRUMP: ... at 8:28 a.m.: "Just read the nice remarks by President Jimmy Carter about me and how badly I am treated by the press (Fake News). Thank you Mr. President!"

BUT, BUT, BUT ... NUMBERS TRUMP WON'T LIKE -- "Most Americans say divisions under Trump as bad as during Vietnam, poll shows," by WaPo's John Wagner and Scott Clement: "Seven in 10 Americans say the nation's political divisions are at least as big as during the Vietnam War, according to a new poll, which also finds nearly 6 in 10 saying Donald Trump's presidency is making the U.S. political system more dysfunctional. The Washington Post-University of Maryland poll - conducted nine months into Trump's tumultuous presidency - reveals a starkly pessimistic view of U.S. politics, widespread distrust of the nation's political leaders and their ability to compromise, and an erosion of pride in the way democracy works in America."

http://wapo.st/2y9l3sJ

POLITICO GETS RESULTS -- FRONT PAGE OF THE MIAMI HERALD: "In affair fallout, top Fla. Senate Democrat resigns" http://bit.ly/2ilyBFP

-- MARC CAPUTO, ALEXANDRA GLORIOSO and **MATT DIXON** in Tallahassee: "The incoming Florida Senate Democratic leader abruptly resigned Friday and acknowledged he's been in therapy after admitting to an extramarital affair with a lobbyist.

"State Sen. Jeff Clemens' decision to quit office came less than a day after Politico Florida first reported his tryst, prompting Republicans to accuse him of abusing his position of power while calls poured in from fellow Democrats who said it wasn't an isolated incident." http://politi.co/2yS1Dcr

IT BEGINS -- "First charges filed in Mueller investigation," by CNN's Pamela Brown, Evan Perez and Shimon Prokupecz: "A federal grand jury in Washington on Friday approved the first charges in the investigation led by special counsel Robert Mueller, according to sources briefed on the matter. The charges are still sealed under orders from a federal judge. Plans were prepared Friday for anyone charged to be taken into custody as soon as Monday ...

"On Friday, top lawyers who are helping to lead the Mueller probe, including veteran prosecutor Andrew Weissmann, were seen entering the court room at the DC federal court where the grand jury meets to hear testimony in the Russia investigation. Reporters present saw a flurry of activity at the grand jury room, but officials made no announcements." http://cnn.it/2ySQPsb

-- Garrett M. Graff (@vermontgmg): "Remember, FBI investigations rarely start at the top. First charges likely to be sure-fire cases at peripheral figures."

ABOUT TAX REFORM ...

-- "GOP tax bill shrouded in secrecy," by Aaron Lorenzo and Seung Min Kim: "Rank-and-file House Republicans are increasingly alarmed by the secrecy shrouding the massive tax bill their party leaders plan to ram through Congress next month. Just days ahead of the legislation's release, GOP members of the House Ways and Means Committee are still in the dark on numerous details being ironed out by the powerful tax-writing committee's chairman, Kevin Brady (R-Texas), and his staff. And they're blaming the panel's top-down approach for the uncertainty.

"'There are a lot of open issues,' said Rep. Jim Renacci (R-Ohio), echoing comments made by several of his colleagues on the committee. Heading into the weekend, question marks remained on at least two high-profile proposals to offset the cost of slashing individual and business tax rates: curbing federal deductions for state and local taxes and business interest as well as potential changes to taxing retirement savings.

"The uneasy feeling among members extends to their tax aides, who've been excluded from a recent series of hours-long member meetings with Brady and his tax counsels. Several personal office tax staffers to committee Republicans indicated that they're grappling with how to brace their bosses for the coming lobbyist wave. Well-funded special interests are ready to pounce on the tax bill when Brady brings it out Nov. 1; aides are worried about the onslaught, particularly over any surprises in the legislation." http://politi.co/2gJ5ttL

KEVIN BRADY LIVE! -- YOU'RE INVITED -- KEVIN BRADY, the chairman of the tax-writing Ways and Means Committee, will sit down with Jake and Anna **FRIDAY** (Nov. 3) at noon to discuss the Republicans' tax plan. The bill will be introduced this week, so we'll have plenty to talk about. The event will be at **THE NEWSEUM** (555 Pennsylvania Avenue, NW). ***RSVP*** http://bit.ly/politicobrady Outside cameras welcome!

L.A. TIMES: "GOP says lower-tax states are subsidizing California. It's the other way around, and tax overhaul could make it worse," by Jim Puzzanghera: "California is among 13 states that ship more tax money to Washington than they get back in federal spending, according to the Rockefeller Institute of Government, a public policy think tank in Albany, N.Y. They're known as donor states, a title California has held for years, mostly because of the state's relatively younger population and large number of high-income earners. Killing the state and local tax deduction, as President Trump and congressional Republican leaders have proposed, probably would tilt the equation even more against California." http://lat.ms/2yahdkq

****** **A message from Chevron:** When an endangered butterfly was found near a Chevron refinery, we protected the habitat and still plant the only thing they eat-buckwheat. Watch the video: http://politi.co/2xp19qf ******

RUSSIA REPORT -- NYT A1, "Conservative Website First Funded Anti-Trump Research by Firm That Later Produced Dossier," by Ken Vogel and Maggie Haberman: "The Washington Free Beacon, a conservative website funded by a major Republican donor, first hired the research firm that months later produced for Democrats the salacious dossier describing ties between Donald J. Trump and the Russian government, the website said on Friday. The Free Beacon, funded in large part by the New York hedge fund billionaire Paul Singer, hired the firm, Fusion GPS, in 2015 to unearth damaging information about several Republican presidential candidates, including Mr. Trump.

"But The Free Beacon told the firm to stop doing research on Mr. Trump in May 2016, as Mr. Trump was clinching the Republican nomination. Hillary Clinton's campaign and the Democratic National Committee had begun paying Fusion GPS in April for research that eventually became the basis for the dossier. The Free Beacon informed the House Intelligence Committee on Friday that it had retained the firm." http://nyti.ms/2ze4D3J

-- NYT A1, "Talking Points Brought to Trump Tower Meeting Were Shared With Kremlin," by Sharon LaFraniere and Andrew E. Kramer: "Natalia V. Veselnitskaya

arrived at a meeting at Trump Tower in June 2016 hoping to interest top Trump campaign officials in the contents of a memo she believed contained information damaging to the Democratic Party and, by extension, Hillary Clinton. The material was the fruit of her research as a private lawyer, she has repeatedly said, and any suggestion that she was acting at the Kremlin's behest that day is anti-Russia 'hysteria.'

"But interviews and records show that in the months before the meeting, Ms. Veselnitskaya had discussed the allegations with one of Russia's most powerful officials, the prosecutor general, Yuri Y. Chaika. And the memo she brought with her closely followed a document that Mr. Chaika's office had given to an American congressman two months earlier, incorporating some paragraphs verbatim.

"The coordination between the Trump Tower visitor and the Russian prosecutor general undercuts Ms. Veselnitskaya's account that she was a purely independent actor when she sat down with Donald Trump Jr., Jared Kushner, the president's son-in-law, and Paul J. Manafort, then the Trump campaign chairman. It also suggests that emails from an intermediary to the younger Mr. Trump promising that Ms. Veselnitskaya would arrive with information from Russian prosecutors were rooted at least partly in fact - not mere 'puffery,' as the president's son later said." http://nyti.ms/2ySzWAk

--"Manafort Realtor testified before grand jury in Russia probe," by Josh Gerstein: "The Realtor who helped former Trump campaign chairman Paul Manafort buy the Virginia condo that was recently raided by the FBI testified last week before the federal grand jury hearing testimony in Robert Mueller's Russia probe, POLITICO has learned. The real estate agent, Wayne Holland of Alexandria, Virginia-based McEnearney Associates, appeared before the Washington-based grand jury after a federal judge rejected the firm's lawyer's bid to quash subpoenas for testimony and records about various real estate transactions." http://politi.co/2zWtJkr

FOR YOUR RADAR -- "Mattis says threat of nuclear attack by N.Korea accelerating," by AP's Robert Burns in Seoul, South Korea: "In remarks in Seoul with South Korean Defense Minister Song Young-moo at his side, Mattis accused the North of illegal and unnecessary missile and nuclear programs - and vowed to defeat any attack. Mattis said North Korea engages in 'outlaw' behavior and that the U.S. will never accept a nuclear North. He added that regardless of what the North might try, it is overmatched by the firepower and cohesiveness of the decades-old U.S.-South Korean alliance." http://bit.ly/2yTcAbk

TRUMP'S DIPLOMACY -- "Trump finds golf isn't the way to Congress' heart," by Darren Samuelsohn: "The president found some early success using golf to his advantage in office, inviting Japanese Prime Minister Shinzo Abe to play with him at two of his South Florida courses in February to cement their personal relationship - a favor Abe is planning to repay by hosting a golf game when Trump visits Tokyo next weekend. But it has worked less well in Washington, where the president hasn't been able to leverage his nearby golf club into close relationships on Capitol Hill." http://politi.co/2xwj9iy

-- "Trump says he'll announce Fed chair pick 'sometime next week'," by Cristiano Lima: "'People are anxiously awaiting my decision as to who the next head of the Fed next week. I will be announcing it sometime next week,' the president said in a video posted on his official Instagram account. Trump added: 'It will be a person who hopefully will do a fantastic job. I have somebody very specific in mind. I think everybody will be very impressed.'" http://politi.co/2xujan6 ... ***The Instagram video*** http://bit.ly/2hjTLqt

OBAMA'S POST-PRESIDENCY LIFE -- "Former President Obama called to jury duty in Cook County and plans to serve," by Chicago Tribune's Steve Schmadeke: "Cook County ... Chief Judge Tim Evans told county commissioners during a budget hearing that Obama, who owns homes in Washington, D.C., and Chicago's Kenwood neighborhood, will serve next month. Evans later told the Tribune that adjustments would be made to accommodate Obama's security detail, but he could not say the date or courthouse location where the former president is expected to report." http://trib.in/2iGqkSQ

WITH FRIENDS LIKE THESE... -- "Likely Trump envoy nominee slams Senate Republicans," by Nahal Toosi: "Potential nominees usually choose their words with extreme care. But this week a conservative activist said to be President Donald Trump's likely foreign envoy for women's issues lashed out at two Senate Republicans who would have a major say in her confirmation. Democrats are already preparing to fight the expected nomination of Penny Young Nance, president and CEO of Concerned Women for America, to be Trump's ambassador-at-large for global women's issues.

"But they hope her recent Twitter swipes at GOP Senators Bob Corker and Jeff Flake - whom she likened to a 'middle school girl' - could kill her chances of a nomination. A congressional aide said that Nance is being considered for the ambassador's job, and a second congressional aide as well outside activists report hearing the same. The possibility has alarmed Democrats who say she is too fringe for a position that can address issues ranging from women in the workforce to family planning." http://politi.co/2xui4YL

CLICKER - "The nation's cartoonists on the week in politics," edited by Matt Wuerker - ***14 keepers*** http://politi.co/2i9YVF8

VIDEO DU JOUR -- @cspan: "President Trump with trick-or-treaters in Oval Office: 'I cannot believe the media produced such beautiful children.'" ***3-min. video*** http://bit.ly/2zM3ufO

Playbook Reads

PHOTO DU JOUR: President Donald Trump greets children dressed in their Halloween costumes in the Oval Office on Oct. 27. The White House invited members of the media to visit the president with their kids and to trick-or-treat. | Pablo Martinez Monsivais/ AP Photo

2020 WATCH -- "2020 hopefuls dodge Iowa and New Hampshire," by Gabe Debenedetti: "In the early run-up to 2020, would-be candidates are skipping Iowa and New Hampshire for a new set of must-stop destinations: big battleground states like Florida, Ohio and Michigan. Wary of planting a Trump-sized target on their backs so far out from the election, many potential 2020 hopefuls are avoiding headline-drawing trips to traditional primary-season destinations like Des Moines, Manchester, Columbia and Las Vegas.

"Instead, at least half a dozen Democrats with the potential to become serious contenders - including Sens. Elizabeth Warren of Massachusetts, Kamala Harris of California and Cory Booker of New Jersey - have been quietly visiting battleground states that will likely be front-and-center in the next presidential election. The official purpose of the trips is almost always to raise money for colleagues up for reelection in 2018. But the visits also provide White House wannabes an easy way to build in-state credibility and ties to local power-players and contributors who may prove influential three years down the line." http://politi.co/2yRaBXt

MORE ON HALPERIN - "Four more women accuse Mark Halperin of harassment, bringing total to at least a dozen," by CNN's Oliver Darcy: "[T]he number of accusers has grown to at least a dozen women, including four who are now sharing their accounts for the first time. ... The new accusations from the four women include that Halperin masturbated in front of an ABC News employee in his office and that he violently threw another woman against a restaurant window before attempting to kiss her, and that after she rebuffed him he called her and told her she would never work in politics or media.

"The alleged incidents occurred while Halperin was in a position of significant authority at ABC News, while the women were young and had little power. Halperin denies that he masturbated in front of anyone, that he physically assaulted anyone, or that he threatened anyone in the way described in this story. ... 'He put both hands on my arms and threw me against the window of the restaurant hard. So my head banged against the window hard, in a way I thought people inside were going to think something terrible had happened to me,' [one woman] said, adding, 'This was rough, and hard, and violent. And not in a seductive way -- in a way that telegraphs some anger and meanness.'" http://cnnmon.ie/2yUPZvi

FIRST PERSON -- LARA SETRAKIAN in WaPo, "I'm one of Mark Halperin's accusers. He's part of a bigger problem we need to fix": "I speak out now because I should have then. And because we need the broadcast industry -- everyone in it -- to acknowledge what happens to women in our newsrooms, including but beyond the physical abuse. Young television journalists in their 20s are often under intense pressure to look sexually attractive and physically flawless - as judged by their

supervisors. Intense anxiety, self-loathing and eating disorders can ensue. With time, newswomen in their 30s and 40s can feel terrorized by the same pressure; it implies a 'sell by' date to their time on air.

"Losing one's sex appeal can mean losing one's seat as a reporter. That fact stings even deeper when men can not only age gracefully, but lie, plagiarize, assault women and stay on air. I understand that television is a visual medium. But we are reporters, not fashion models. We are putting ourselves forward for our journalism. We should expect some dignity in how we are treated, both on air and off. Something toxic happens in the newsroom when men can comfortably comment on the sex appeal of their female colleagues." http://wapo.st/2iJvT37

RONAN FARROW on NewYorker.com, "Weighing the Costs of Speaking Out About Harvey Weinstein: Annabella Sciorra, Daryl Hannah, and other women explain their struggles with going public": "In March, Annabella Sciorra, who received an Emmy nomination for her role in 'The Sopranos,' agreed to talk with me for a story I was reporting about Harvey Weinstein. Speaking by phone, I explained that two sources had told me that she had a serious allegation regarding the producer. Sciorra, however, told me that Weinstein had never done anything inappropriate. ...

"But, two weeks ago, after The New Yorker published the story ... Sciorra called me. The truth, she said, was that she had been struggling to speak about Weinstein for more than twenty years. She was still living in fear of him, and slept with a baseball bat by her bed. Weinstein, she told me, had violently raped her in the early nineteen-nineties, and, over the next several years, sexually harassed her repeatedly.

"All told, more than fifty women have now levelled accusations against Weinstein, in accounts published by the New York Times, The New Yorker, and other outlets. But many other victims have continued to be reluctant to talk to me about their experiences, declining interview requests or initially agreeing to talk and then wavering. As more women have come forward, the costs of doing so have certainly shifted. But many still say that they face overwhelming pressures to stay silent, ranging from the spectre of career damage to fears about the life-altering consequences of being marked as sexual-assault victims." http://bit.ly/2ySOgGv

****** **A message from Chevron:** This is a story about DOERS, butterflies, and buckwheat. In '75, the endangered El Segundo Blue butterfly was found near a Chevron refinery. We protected the habitat and planted the only thing they eat-buckwheat. We're still planting and keeping an eye on our littlest neighbor. Watch the video: http://politi.co/2yKoarC ******

THE NEW MEDIA LANDSCAPE -- BUSINESS INSIDER: "A founder who sold his last startup for ~$50 million wants to make iconic TV for teens in the YouTube era" http://read.bi/2ySo3KL

GREAT WEEKEND READS, curated by Daniel Lippman:

--"Leon Wieseltier: A Reckoning," by The Atlantic's Michelle Cottle: "Women who once worked at The New Republic reflect on their experiences with the legendary literary editor, who is now facing allegations of workplace 'misconduct.' ... Whatever else he was aiming for, Leon delighted in making young women sexually uncomfortable." http://theatln.tc/2xvDIf3

--"The Very Busy, Very Unproductive Life of Leon Wieseltier," by Lloyd Grover in the March 1995 issue of Vanity Fair: "In [one] letter, he reported, 'Today I will write a bit, read a bit, receive friends and a few strangers who have phoned to say they admire my work (the fools! I do no work!)" http://bit.ly/2yV2qaq

-- "Cheater's Poker," by Charlotte Shane in Book Forum, reviewing "The State of Affairs: Rethinking Infidelity": "Esther Perel's suave, crowd-pleasing take on surviving infidelity." http://bit.ly/2zVakke ... ***$18.35 on Amazon*** http://amzn.to/2iGL9gU

-- "Boko Haram strapped suicide bombs to them. Somehow these teenage girls survived," by NYT's Dionne Searcey in Maiduguri, Nigeria: "The New York Times interviewed 18 girls who were captured by militants in Nigeria and sent into crowds to blow themselves up. Here are their stories." http://nyti.ms/2iCtRBv

-- "Did We Adopt A Jihadist?" by Scott Sayare in GQ: "When one family took in a Syrian refugee, they did it out of compassion, to help a kid who said he'd escaped an ISIS prison. But then the boy got caught up in lies about his terrifying past, and they realized they no longer knew who was living in their home." http://bit.ly/2gHO8Bt (h/t Longform.org)

-- "The Wonder Drug for Aging (Made From One of the Deadliest Toxins on Earth)," by Cynthia Koons on the cover of Bloomberg Businessweek: "It's based on the substance that causes botulism. That's part of what protects Allergan's $2.8 billion Botox empire." https://bloom.bg/2hhQPL0 ... ***The cover*** http://bit.ly/2llgMO1

-- "A Second Look at the Steele Dossier-Knowing What We Know Now," by John Sipher, a former member of the CIA's Senior Intelligence Service, in JustSecurity.org: "Sipher examines the Steele dossier using methods that an intelligence officer would to try to validate such information. Sipher concludes that the dossier's information on campaign collusion is generally credible when measured against standard Russian intelligence practices, events subsequent to Steele's reporting, and information that has become available ... since Steele's final report" was published. http://bit.ly/2gI53DX

-- "The Man Who Thought He Could Fix Afghanistan," by May Jeong in the Friday cover of POLITICO Magazine: "To get something done in Afghanistan, you need to know Scott Guggenheim. But even the ultimate fixer isn't sure anyone can solve the country's problems." http://politi.co/2zeED8r

-- "Robert Sapolsky's 'Behave' is a tour de force of science writing," by Henry

Marsh in the New Statesman: "You will learn more about human nature than in any other book I can think of." http://bit.ly/2yRWjDI ... ***$23.79 on Amazon*** http://amzn.to/2zKk6EH

-- "We're All Mad Here: Weinstein, Women, and the Language of Lunacy," by Laurie Penny in Longreads: "'He has demons.' The language of madness is the last resort for a society that can no longer deny the evidence of structural oppression and violence." http://bit.ly/2zc1bGz

-- "It Takes a Boom," by Blaire Briody in Proximity Magazine: "'All men and no families live here [in the Bakken in North Dakota]. A few women that are the housekeepers do live here. I don't venture out. I don't make a lot of local friends. I don't especially like the cleaning ladies. A couple of them are quite the bar party girls. I'm not. I can't afford to be. Because what's she going to do? She's going to get up and vacuum in the morning. I'm going to go drive a 100,000-pound truck.'" http://bit.ly/2i8r4ML

-- "The slow train to Tallinn," by Matthew Engel in the New Statesman: "Estonia is as due for an invasion as California is for an earthquake. Nowhere has had so much geopolitics dumped on it. Of the past 750 years Estonia has been independent for just 49: 1918 to 1940 and again since 1991. Otherwise, it has been sat on by the Danes, the Teutonic Knights, the Swedes, the tsars, the Nazis and the communists." http://bit.ly/2ib03YT (h/t TheBrowser.com)

-- "Mark Twain's Get-Rich-Quick Schemes," by Alan Pell Crawford in the Paris Review - per ALDaily.com's description: "Mark Twain had one goal: Make money. By the age of 50, he was rich. 'I am frightened by the proportions of my prosperity,' he said, and he was right to be afraid." http://bit.ly/2yZeERr

-- "'Reality shrivels. This is your life now': 88 days trapped in bed to save a pregnancy" - The Guardian: "Months before she was due to give birth, disaster struck for Katherine Heiny. Doctors ordered her to lie on her side in bed and not move - and gave her a 1% chance of carrying her baby to term." http://bit.ly/2gQ6t30

Playbookers

SPOTTED: Sarah Huckabee Sanders last night at Fiola ... OMB senior advisor Russ Vought and Mary Vought with their daughters Ella and Porter yesterday at the White House trick or treat event - ***pic of the family in the OMB offices in EEOB*** http://bit.ly/2gKcafh

BUSH ALUMNI -- DAVID MCCORMICK, who served in the Treasury Department and the Bush 43 White House and now is co-CEO of Bridgewater Associates, has been named chairman of the Atlantic Council's International Advisory Board, replacing General Brent Scowcroft.

SPOTTED eating raclette at London's newest La Fromagerie last night at Sara Latham's birthday party: Joe Lockhart, Geoff and Ann Morrell, Hannah Pawlby, and Joel Johnson.

WELCOME TO THE WORLD - BEN TERRIS, political reporter for the Style section of the Washington Post, and **Rachel Pfeffer Terris,** a D.C.-based jeweler (RachelPfeffer.com), on Tuesday welcomed Ralph David Terris. "He came in four days ahead of schedule, and was named for his maternal grandfather (Ralph) and his paternal grandfather (David), on a frantic drive to Sibley hospital in the middle of the night. His mom ... already has more energy than her worn out husband (me)." ***Pic*** http://politi.co/2yaXTU0

BIRTHDAYS: Matt Drudge is 51 ... Bill Gates is 62 ... David Ford, Fusion's SVP of corporate comms. and PR ... Doug Band ... Teresa Vilmain, the pride of Cedar Falls, Iowa (hat tip: Jon Haber) ... Max Cummings, COO of Smoot Tewes Group, is 32 ... David Finkel ... Bridget Walsh, VP of federal gov't relations at Pfizer ... E&E's Dylan Brown ... Jonny Slemrod, associate director for legislative affairs at OMB, is 3-0 ... Matt Patton, analytical lead at Google ... Jeanie Figg ... Devex's Chadwick Vincent ... CNN senior photojournalist Peter Morris ... Ansley Rhyne ... Alison Starling ... Nikki Collins ... Susan E. Roberts ... Robert Bush ...

... Helena Andrews ... Zach Hunter, comms director for House Energy & Commerce (h/t Jordan Davis) ... Stefanie Christensen ... Andrew Lee ... Louise Dodsworth ... Adam Bozzi ... Acee Agoyo ... Margaret Given (h/t Jacqueline Klimas) ... Alex and Brett Harris ... Brian Witkofsky is 5-0 ... Uber's Alix Anfang ... Peter Savodnik ... Sam Weston ... Jason Rodriguez ... CBS News' Meghan Zusi ... Alex J. Harris ... Zach Williams ... Asher Hildebrand, COS for Rep. David Price ... Simon Pereira ... Griffin Anderson ... former Rep. Zach Wamp (R-Tenn.) is 6-0 ... Justin Discigil ... former president of Iran Mahmoud Ahmadinejad is 61 ... Darlene Setter ... Scott Harrington ... Connie Wimer ... Nadia Garnett ... Sarah Beaulieu (h/ts Teresa Vilmain)

THE SHOWS, by @MattMackowiak, filing from Austin:

--CNN's "State of the Union": Sen. Angus King (I-Maine) ... Gov. Chris Christie. Panel: Jennifer Granholm, Rick Santorum, Charlie Sykes and Nina Turner

--NBC's "Meet the Press": Sen. Rob Portman (R-Ohio) ... Sen. Claire McCaskill (D-Mo.) ... Opioid segment Huntington, W.Va. Fire Chief Jan Rader and a preview of Netflix Original "Heroin(e)" (***trailer:*** http://bit.ly/2iJEump). Panel: Al Cardenas, Eliana Johnson, Chris Matthews and Amy Walter

--CBS's "Face the Nation": Sen. Bob Corker (R-Tenn.) ... Sen. Susan Collins (R-Maine) ... Gov. Chris Christie. Panel: Ben Domenech, Ruth Marcus, David Nakamura and Julie Pace ... "The Late Show with Stephen Colbert" bandleader Jon Batiste on his reinterpretation of the "Battle Hymn of the Republic"

--"Fox News Sunday": Gov. John Kasich ... Rep. Trey Gowdy (R-S.C.). Panel: Michael Needham, Woodrow Jane Harman, Ari Fleischer and Mo Elleithee ... "Power Player of the Week" with "Thank You for Your Service" director Jason Hall and actor Miles Teller -- ***trailer*** http://bit.ly/2yAq660

--ABC's "This Week": Rep. Adam Schiff (D-Calif.) ... Gov. Chris Christie. Panel: Matthew Dowd, Karen Finney, Brian Kilmeade, Roland Martin and Katie Walsh Shields

--Fox News' "MediaBuzz": Joe Trippi ... Emily Jashinsky ... Anna Palmer ... Marc Lotter ... Ed Henry ... Francesca Chambers

--CNN's "Reliable Sources": Carl Bernstein and Bruce Bartlett ... Oliver Darcy and Jessica Valenti ... Jake Sherman and Manu Raju ... author and CBS News 60 Minutes executive producer Jeff Fager ("Fifty Years of 60 Minutes: The Inside Story of Television's Most Influential News Broadcast")

--Fox News' "Sunday Morning Futures": House Majority Leader Kevin McCarthy (R-Calif.) ... Ian Bremmer ... Rep. Peter King (R-N.Y.) ...Mike Huckabee. Panel: Caitlin Huey Burns and Jon Hilsenrath

--CNN's "Inside Politics" with John King: Panel: Julie Pace, Jen Jacobs, Karoun Demirjian and Perry Bacon

--CNN's "Fareed Zakaria GPS": Bill Browder ... Larry Summers ... Kevin Hassett ... Walter Isaacson

--Univision's "Al Punto": Adryana Aldeen and Astrid Silva ... journalist and Mexicans Against Corruption and Impunity's Raul Olmos and Mexican Institute for Competitiveness anticorruption director Max Kaiser ... Venezuelan opposition leader María Corina Machado ... salsa singer Luis Enrique ... musical duo Ibeyi

--C-SPAN: "The Communicators": Microsoft's Ethan Jackson, Eric Horvitz, and William Mendoza, Phone2Action co-founder Ximena Hartsock and Bansen Labs CEO Ray Abel ... **"Newsmakers":** NAACP president and CEO Derrick Johnson (from Los Angeles), questioned by the Washington Post's Eugene Scott and AP's Jesse Holland ... **"Q&A":** Middlebury College's Allison Stanger

--Washington Times' "Mack on Politics" weekly politics podcast with Matt Mackowiak (download on iTunes, Google Play, or Stitcher or listen at http://bit.ly/2omgw1D): MSNBC anchor Chris Hayes.

****** **A message from Chevron:** This is a story about DOERS, butterflies, and buckwheat. In '75, the endangered El Segundo Blue butterfly was found near a Chevron refinery. We protected the habitat and planted the only thing they eat-buckwheat. We're still planting and keeping an eye on our littlest neighbor. Watch the video: http://politi.co/2h8caGw ******

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Wed 9/27/2017 8:28:34 PM
Subject: EPW to host EPA, NRC nomination hearing Oct. 4

By Anthony Adragna

09/27/2017 04:25 PM EDT

The Senate Environment and Public Works Committee will hold a confirmation hearing Oct. 4 on a host of President Donald Trump's picks for posts at EPA and the Nuclear Regulatory Commission.

The session will include four EPA nominees: Matthew Leopold to be general counsel, William Wehrum to run the air office, Michael Dourson to run the Office of Chemical Safety and Pollution Prevention and David Ross to run the water office. Lawmakers will also consider Jeff Baran's re-nomination to the NRC.

The committee shelved a hearing planned for last week on the picks after the Senate adjourned earlier than expected for Rosh Hashanah. Wehrum's and Dourson's nominations have attracted the most controversy from Democrats and the environmental community.

WHAT'S NEXT: The full EPW Committee will consider the nominees at the Oct. 4 hearing.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/09/epw-to-host-epa-nrc-nomination-hearing-oct-4-093485

Was this Pro content helpful? Tell us what you think in one click.				
Yes, very	Somewhat	Neutral	Not really	Not at all

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Fri 10/13/2017 12:36:12 PM
Subject: BREAKING NEWS: Collins declines run for Maine governor

Republican Sen. Susan Collins announced Friday that she would not run for governor of Maine, ending weeks of speculation with a decision to stay in the Senate.

Collins' decision preserves her role as a key moderate and swing vote in the Senate. She had considered running for governor for months and faced pressure from fellow Republicans and moderates to stay in the chamber. Collins said her decision was based on where she could do the most good.

Maine Gov. Paul LePage, a Republican, is barred from running again due to term limits. Collins would have been the best-known candidate in the race to replace him, which includes several current and former legislative leaders and Democratic Attorney General Janet Mills.

Collins announced her decision at a local Chamber of Commerce event, where she touted her Senate seniority and "persistent advocacy" for Maine in the Senate.

Read more: http://www.politico.com/story/2017/10/13/collins-no-run-for-maine-governor-243747

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Tue 8/1/2017 2:06:08 PM
Subject: POLITICO's Morning Score: Rosendale jumps into Montana Senate race — Barletta planning Pennsylvania run — Ryan, Walker tout Foxconn deal — Mid-year campaign finance reports

By Daniel Strauss | 08/01/2017 10:03 AM EDT

With Zach Montellaro, Kevin Robillard, Elena Schneider, Scott Bland and Maggie Severns

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

REPUBLICANS JUMP IN - "State auditor Rosendale enters Montana Senate race," by Campaign Pro's Elena Schneider: "Montana State Auditor Matt Rosendale is formally launching his campaign to challenge Democratic Sen. Jon Tester today, Rosendale confirmed to POLITICO. 'I've always said that I will serve wherever Montanans feel I can be the most effective, and I've gotten calls from the across the entire state from people who are not satisfied with the job that Tester is doing,' Rosendale said. 'He acts like a farmer when he's here, but he goes back to Washington and votes just like Chuck Schumer.' A handful of Republicans are already in the race, including businessman Troy Downing and state Sen. Al Olszewski. But Rosendale is the first statewide officeholder to jump into the race against Tester, a two-term incumbent who is one of the GOP's top Senate targets of 2018." **Full story.**

- "Sources: Barletta planning Pennsylvania Senate run" by Campaign Pro's Kevin Robillard: "Rep. Lou Barletta plans to challenge Democratic Sen. Bob Casey in 2018, according to two Republican sources. Barletta, an early supporter of President Donald Trump and the former mayor of Hazelton, is an immigration hard-liner serving his fourth term in the House. Trump has publicly suggested that Barletta challenge either Casey or Democratic Gov. Tom Wolf ... Barletta won his House seat during the 2010 GOP wave, in his third run for Congress. With this move, he becomes the biggest name in a large Republican field that has formed to challenge Casey. State Reps. Rick Saccone and Jim Christiana are also running in the Republican primary, as is businessman Jeff Bartos. Rep. Pat Meehan has already passed on a run for Senate." **Full story**.

FIRST IN SCORE - Ryan launches local digital ads touting Foxconn investment in Wisconsin: The House speaker is tending the home fires, where Democrat Randy Bryce is raising a lot of money online to challenge Ryan in 2018, as he also raises millions to help protect House Republicans in other districts. Ryan's campaign is launching digital display and search ads praising Ryan as "delivering on Wisconsin jobs" in the wake of the deal, which involved President Donald Trump, Gov. Scott Walker and Ryan, to bring a Foxconn plant to the state. The ads direct to Ryan's website and a video touting the state economy, with Ryan saying, "What this Foxconn announcement showcases is the fact that southern Wisconsin can become an epicenter for high-tech manufacturing." Team Ryan executive director Kevin Seifert, in a statement: "In Wisconsin, you are judged on results - if you are actually improving people's lives. Well, this

Foxconn announcement is a big win for Wisconsinites because it will bring good-paying jobs to our state and I can tell you this - it makes Paul so proud to advocate for the state and the people he loves"

- And so does Scott Walker: Wisconsin Gov. Scott Walker's political operation is launching a targeted statewide digital ad campaign to promote the FoxConn deal. The ads link to a fact sheet promoting the deal and an e-mail sign-up list. The group says it's the "centerpiece of centerpiece of Friends of Scott Walker's digital spending ahead of the fall," and says the ads will run on a variety of platforms. **Read the Walker sheet here.**

Days until the 2017 election: 98.

Days until the 2018 election: 462.

Thanks for joining us. You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

POLITICO Pro Policy Summit, Sept. 14: An all-day summit featuring deep-dive conversations and incisive interviews that explore policy trends inside and outside government. Space is limited to current Pro customers at the director level or above. Learn More.

BIG MONEY - About yesterday's mid-year campaign finance filings: The Democratic Governors Association raised $21 million in the first half of 2017, while the Republican Governors Association raised $36 million ... **The Trump-aligned super PAC America First Action** reported raising $204,277 and spending $26,099 during the first six months of the year - $200,000 of which was raised from a single donor, Michigan GOP chairman Ronald Weiser. ... **The anti-incumbent group Justice Democrats** reported raising $923,803 and spending $499,634 during the first half of this year. Most of Justice Democrats' spending was in the form of transfers to anti-incumbent Brand New Congress and was labeled as "strategic consulting." ... **Jason Kander's voting rights 527 group Let America Vote** raised $1,768,331 and spent $681,771 during the first half of the year. The Let America Vote PAC reported raising an additional $402,449 and spent $288,939. ... **Wisconsin-based GOP megadonor Richard Uihlein** poured $1.5 million into his Solutions for Wisconsin PAC during the second quarter of 2017. Solutions for Wisconsin distributed $750,000 each to two other groups, Restoration PAC and Americas PAC. ... **The Democratic Attorneys General Association** raised $2.96 million and spent $2.59 million during the first six months of the year.

- Senate Leadership Fund takes in $1M from Steven Cohen, $700K from Chevron: Senate Leadership Fund complemented its usual array of big-dollar individual donors with some big corporate donations on its way to raising $8.3 million in the first six months of the year. Chevron donated $700,000, private prison company GEO Corrections donated $100,000 and Nextera Energy donated $500,000. Oft-quoted-friend-of-Trump and NewsMax CEO Christopher Ruddy

donated $50,000, hedge funder Steven Cohen donated $1 million and Zuffa CEO Lorenzo J. Fertitta and Red Rock Resorts CEO Frank Fertitta each donated $500,000. The group has $9.6 million on hand.

- Senate Majority PAC takes big money from unions, shopping mall heiress: Deborah Simon, the daughter of shopping mall pioneer Melvin Simon, was the biggest individual donor to Senate Majority PAC in the first six months of the year, sending a $1 million check. Former hedge fund manager and scientist David E. Shaw donated $500,000. The committee also got nearly $660,000 in ActBlue donations. The National Association of Letter Carriers' political fund donated $250,000, as did the political arm of the American Federation of Teachers. Actor Dennis Haysbert chipped in $600. The group raised $4.6 million and has $4.5 million on hand.

- CODA - Perez paid more to Harrison than other DNC chair opponents: Several weeks ago, POLITICO reported that DNC Chairman Tom Perez covered $22,270 in debt of Jamie Harrison, his opponent in the DNC race who dropped out and endorsed him shortly before the chairmanship election. Perez had covered debt for two other DNC rivals, and yesterday in his FEC filing the full amounts he covered became clear. Perez gave Sally Boynton Brown and Jehmu Greene $5,000 each to help cover their campaign debts-- less than he gave Harrison. **See the original story** here . All together, Perez raised $755,677 and spent $779,248 through the 527 group he established for his run for DNC chair, according to the filing.

ECHOING PELOSI... - "Dem campaign chief vows no litmus test on abortion," by The Hill's Ben Kamisar and Reid Wilson: "Democrats will not withhold financial support for candidates who oppose abortion rights... [DCCC chair] Ben Ray Luján (D-N.M.) said there will be no litmus tests for candidates as Democrats seek to find a winning roster to regain the House majority in 2018. ... 'Throwing weight behind anti-choice candidates is bad politics that will lead to worse policy,' said Mitchell Stille, who oversees campaigns for NARAL Pro-Choice America. 'The idea that jettisoning this issue wins elections for Democrats is folly contradicted by all available data.' ... Luján, a close ally of Pelosi, would not rule out supporting a candidate who does not back Pelosi's bid to become Speaker. 'We want to win back the House. Once we win back the House we can have the conversation as to who we're going to elect as the new Speaker of the House,' Luján said. 'The only way that we're able to have that real conversation is if we're able to put the majority in play and win it back.'" Full story.

DAILY WAR EAGLE - "New Strange ad ties him to Trump, Sessions," by Campaign Pro's Daniel Strauss: "Sen. Luther Strange's campaign released a new TV ad today, framing him as an opponent to "never-Trump insiders" who's working closely with President Donald Trump and Attorney General Jeff Sessions to fight illegal immigration...Sen. Luther Strange's campaign released a new TV ad today, framing him as an opponent to "never-Trump insiders" who's working closely with President Donald Trump and Attorney General Jeff Sessions to fight illegal immigration." Full story.

- The top three candidates in the Alabama Republican primary for Senate highlighted endorsements on Monday. Rep. Mo Brooks announced in a press release the support of Ann Coulter. Former Alabama chief justice Roy Moore's campaign emailed supporters to highlight being endorsed by the Alabama Republican Assembly last week. Meanwhile, Sen. Luther

Strange's campaign, released a new ad, reported by Strauss, reminding voters that he had been endorsed by the NRA. Watch the ad here.

HMM... - "LePage rallies his supporters against Susan Collins," by the Bangor Daily News' Michael Shepherd: "Gov. Paul LePage looks to be leading a Republican civil war against U.S. Sen. Susan Collins' 2018 gubernatorial bid before anyone's sure she'll declare one and as she sits at the center of the national health care debate. The governor railed against the moderate Republican senator at a Saturday pig roast put on by the Somerset County Republican Committee in Canaan, where an attendee said LePage repeatedly mentioned working to defeat Collins if she runs for governor next year." **Full story.**

ADMINISTRATION SPEED READ - "Scaramucci's short, wild ride through Trump's White House," by POLITICO's Josh Dawsey, Annie Karni, and Tara Palmeri: "Financier Anthony Scaramucci came into his new role as White House communications director threatening "to fire everybody."Ten days later, he was pushed out before lunch by John Kelly, the chief of staff who replaced the chief of staff Scaramucci was instrumental in pushing out...The reality, described in interviews by more than a half-dozen administration officials and others close to the White House, was even more complicated. Scaramucci's arrival in the West Wing six months into Trump's presidency seemed to herald a return to the visceral and brash New York ways of the campaign-and a rejection of the clubby, more buttoned-up instincts of Republican operatives brought into the administration by Priebus from the RNC. Instead, it brought more chaos to a White House defined by disorder." **Full story.**

CODA - QUOTE OF THE DAY: "Those are immediate things, but in the longer term, Republicans have some ideas, we have some ideas, and we'll sit down and try to hash them out as Congress should do." - Sen. Chuck Schumer on Obamacare.

To view online:
http://www.politico.com/tipsheets/morning-score/2017/08/01/rosendale-jumps-into-montana-senate-race-221629

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From: Bloomberg BNA
Sent: Fri 9/22/2017 11:56:41 PM
Subject: Sep. 22 -- Energy and Climate Report

Energy and Climate Report

September 22, 2017 - Number 184

Environment & Safety News. Redefined.

Get a sneak peek into the enhancements coming to your news subscription. Check it out at www.bna.com/ehs-news.

News

Air Pollution

Diesel Becomes Campaign Issue for Merkel in German Elections

Germans head the polls Sept. 24, and an unexpected issue has wedged itself into the campaign along with the usual themes of jobs and refugees: diesel.

Climate Change

Are Hurricanes Winds of Change for Insurers' Climate Risk?

The insurance industry faces a dilemma when it comes to climate change: fundamentally, companies understand the risk natural disasters intensified by climate change can pose, but they see relatively little risk to their business in the near future.

Climate Policy

Storm Resiliency Enters Senate Debate on Flood Insurance

Senate Democrats who have been largely shying away from any debate about the role of climate change in worsening recent storms that hit Texas, Florida, Puerto Rico, and the U.S. Virgin Islands say they're ready to raise climate influence and the need for resilient infrastructure in an upcoming debate over reauthorizing the federal flood insurance program.

Climate Policy

Trump Climate Confusion Is the New Brexit, Top UN Official Says

When U.K. Prime Minister Theresa May criticized President Donald Trump for taking the U.S. out of the landmark Paris climate change deal this week, she might as well have been talking about another kind of exit closer to home.

Climate Regulation

California Sets Demands for Talking Emissions Targets with Trump

California could be willing to re-open discussions on its greenhouse gas limits for cars and trucks for 2025—so long as automakers and the Trump administration embrace the significantly tougher targets it's contemplating for later years.

Coal-Fired Power Plants

Threats to Sue Duke Energy Shelved If Utility Hands Over Data

Recent lawsuit threats against Duke Energy will be dropped if the utility follows through on promises to provide additional information about coal ash hazards, the lawyer for an environmental group told Bloomberg BNA.

Dumping

International Trade Commission Votes to Tax U.S. Solar Imports

The U.S. International Trade Commission concluded that a flood of cheap, foreign solar panels is hurting U.S. manufacturers, teeing up an opportunity for President Donald Trump to impose tariffs and import quotas.

Emissions Trading

California, Quebec, Ontario Ink Deal to Join Carbon Markets

California, Quebec, and Ontario cemented plans Sept. 22 to launch North America's largest carbon allowance market next year.

Energy

A $21 Billion Failed Nuclear Project is Still Haunting Scana

Scana Corp. may have dropped a $21 billion plan to build a nuclear power plant in South Carolina, but washing its hands of the project altogether won't be so easy.

Energy

Lack of IRS Solar Tax Credit Guidance Clouds New Projects

Solar energy developers hoping to break ground on large-scale projects want the IRS to define new-construction requirements for a renewable energy tax incentive.

Enforcement

SolarCity to Pay $29.5M After Inflating Recovery Act Claims

SolarCity will pay $29.5 million to resolve allegations that it submitted inflated claims for itself and affiliated investment funds for grants under the Obama administration's stimulus plan, the Justice Department said Sept. 22

Hydraulic Fracturing

CORRECTION

A story published Sept. 21, "Obama Fracking Rule Restored Temporarily as Court Halts Case," misstated what intervening environmental advocacy groups sought. They wanted the district court's ruling to be vacated, not the rule as originally reported. The online version has been corrected.

Motor Vehicles

How Electric Cars Can Create the Biggest Disruption Since iPhone

It's 10 years since Apple Inc. unleashed a surge of innovation that upended the mobile phone industry. Electric cars, with a little help from ride-hailing and self-driving technology, could be about to pull the same trick on Big Oil.

Natural Gas

Twice-Rejected LNG Exporter Gives Project Another Shot

The developer of a liquefied natural gas export terminal in Oregon that has already twice been denied permits by U.S. regulators is giving it another shot.

Renewable Energy

Italy's Enel Group Starts Latin America's Two Largest Solar Parks

Latin America's two largest solar parks, which can provide enough power to meet the annual

demand of more than half a million homes, are now online in Brazil.

Renewable Energy

The Most Expensive Teslas and the Policy 'Paradox' Behind Them

Fun fact: A poster child of green energy policies has cemented its place in Europe as the most expensive place to own a Tesla.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Wed 10/4/2017 2:08:46 PM
Subject: POLITICO's Morning Score: Supreme Court eyes gerrymandering — Blackburn, Haslam on collision course — Pence aide floats 'purge' of anti-Trumpers

By Maggie Severns | 10/04/2017 10:00 AM EDT

With Zach Montellaro, Elena Schneider and Scott Bland

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

REDISTRICTING WATCH - "Supreme Court eyes partisan gerrymandering," by POLITICO's Josh Gerstein: "The politically explosive high court fight over so-called partisan gerrymandering has the potential to radically reshape the political scene by thrusting courts across the country into the role of vetting district maps for excessive partisan bias. Critics of that idea say judges are ill-suited to that complex task, while proponents say the practice of legislators essentially picking their voters has gotten out of control. ... The arguments Tuesday were tailored almost entirely to an audience of one: Justice Anthony Kennedy. He's widely believed to be the only Republican-appointed justice who might side with the court's Democratic appointees to invalidate a redistricting plan Wisconsin adopted for its state assembly in 2011. Kennedy was cryptic about how he might rule in the case, but gave no sign that he has abandoned his view that extreme partisan gerrymandering might - at least in theory - violate the Constitution."

"Chief Justice John Roberts, who's known for a desire to safeguard his court's reputation, was unusually blunt about his concern that opening the door to partisan gerrymandering cases would drag the justices into a political morass. He said voters will look askance at the notion that districts failed to meet a complex formula that assesses wasted votes and a so-called efficiency gap." **Full story.**

- Read the oral argument transcript here. **The Roberts quote on the "efficiency gap" that's riling proponents:** "The whole point is you're taking these issues away from democracy and you're throwing them into the courts pursuant to, and it may be simply my educational background, but I can only describe as sociological gobbledygook."

- Republican attorney Jason Torchinsky, a senior adviser at the new National Republican Redistricting Trust, told Score: "Obviously everybody interested in this area is interested to see what Justice Kennedy has to say. There were some zinger quotes from justices on both sides this morning, but without Kenendy tipping his hand it's tough to know" what the outcome will be.

- UC Irvine's Rick Hasen on his Election Law Blog: "Justice Kennedy asked questions only to those defending Wisconsin's gerrymander, and the questions suggested he believed, as he

suggested in *Vieth*, that Wisconsin's redistricting plan violated the First Amendment associational rights of Democrats."

- "Holder-led group challenges Georgia redistricting, claiming racial bias," by The New York Times' Alexander Burns: "A Democratic group led by the former Attorney General Eric H. Holder Jr. has accused the State of Georgia of flouting the Voting Rights Act, claiming that Georgia Republicans reshaped two state legislative districts to minimize the electoral influence of African-American voters. Mr. Holder's group, the National Redistricting Foundation, is expected to file suit in Federal District Court in Atlanta on Tuesday. The complaint charges that race was the 'predominant factor' in adjusting two districts - the 105th and 111th - in the Atlanta area where white lawmakers had faced spirited challenges from black Democrats." **Full story.**

PRIMARY WATCH - "Blackburn, Haslam on primary collision course in Tennessee," By POLITICO's Kevin Robillard: "Tennessee Rep. Marsha Blackburn and Gov. Bill Haslam are on a potential collision course in the race to replace retiring Sen. Bob Corker... Republicans in Tennessee believe both are seriously considering the contest and see the two as the most likely entrants. Andy Ogles, a former director of Americans for Prosperity in Tennessee, had entered the primary even before Corker's retirement.

A person who spoke to Blackburn said she plans to enter the contest, and said she would need to raise $10 million for a run, with that number increasing to $15 million if Haslam enters the contest. Her supporters are hopeful she can clear the field and unite traditional hard-line conservatives like the Club for Growth and nationalist Trump supporters like former White House chief strategist Steve Bannon - all without alienating establishment donors and groups. ... Haslam isn't moving as quickly toward a run, but Republicans in the state are surprised at how seriously he is considering a bid. **Full story.**

FIRST IN SCORE - Tiffany Shedd announces House bid in AZ-01: Lawyer and farmer Tiffany Shedd announced today she's running for Congress in Arizona's 1st District. Shedd has a family history in the rural district dating back more than 100 years. She refers to herself as a "constitutional conservative" and a "Washington outsider" in her announcement video. Arizona's 1st District is currently represented by first-term Democratic Rep. Tom O'Halleran . Other Republicans currently running for Congress in the district include Pinal County deputy sheriff Kevin Cavanaugh and GOP state Sen. Steve Smith. "I cannot sit idly by while rural Arizona is forgotten, her values are lost, and her people, my people, are struggling and discouraged. I will not let the western way of life be destroyed until it only exists in history books. " Shedd says in her announcement video. Watch Shedd's announcement video here.

PARTY INFIGHTING - "Pence's chief of staff floats 'purge' of anti-Trump Republicans to wealthy donors," by POLITICO's Andrew Restuccia and Matt Nussbaum: "Vice President Mike Pence's chief of staff railed against congressional leaders in closed-door remarks to wealthy donors and called for a 'purge' if GOP lawmakers don't quickly rally behind President Donald Trump's agenda. In remarks at a Republican National Committee event at the St. Regis Hotel in Washington on Tuesday morning, Nick Ayers also warned that Republicans are 'on track to get shellacked' in next year's midterm elections if GOP lawmakers don't pass Trump's legislative priorities." **Full story.**

Days until the 2017 election: 34.

Days until the 2018 election: 398.

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

Q3 CAMPAIGN FINANCE -

- FL-18: Former Obama administration foreign policy adviser Lauren Baer launched her campaign and announced raising over $250,000 since starting an exploratory committee in August, via Florida Playbook. (Meanwhile, Palm Beach County State Attorney Dave Aronberg told the Palm Beach Post he's not running.)

- KY-06: Democrat Amy McGrath raised $768,000 with $550,000 on hand, POLITICO Playbook first reported.

- NY-19: Jeff Beals raised $111,000, including a $56,000 candidate loan, and has over $82,000 on hand in the crowded Democratic primary to take on GOP Rep. John Faso.

- TN-07: Democrat Justin Kanew, who's seeking Blackburn's seat, raised more than $100,000 last quarter, per a statement from his campaign.

BAD HEADLINES - GOP Rep. Tim Murphy faces scathing internal staff memo, reportedly urged abortion in affair: Pennsylvania Rep. Tim Murphy is facing a bombshell report from The Pittsburgh Post-Gazette, which reported that text messages show that Murphy, who is anti-abortion rights, urged a woman he was having an affair with to have an abortion. The Post-Gazette also released an internal staff memo, reportedly written by his chief-of-staff, that details verbal abuse towards staffers.

- Democrats in the state believe that this report "puts this race in play," said Mike Mikus, a Democratic strategist. He acknowledged that it's a red district - Trump won it by nearly 20 points - but, "I think you'll see more Democrats taking a look at this and considering jumping in now. With the right Democrat, with the right message who fits the district, they could do well," Mikus added. A handful of Democratic candidates are in the race, including Pam Iovino, a veteran. National Democrats, however, voiced much more skepticism. "[Murphy] is certainly weaker today than he was yesterday, but it'd be a stretch to say this is a Democratic pickup opportunity," a national Democratic strategist said. Given Murphy's baggage, J.J. Balaban said that "at first blush," it's "hard not to see this and think that the Republicans have a greater chance of holding an open seat rather than Murphy's" reelection.

CASH RACE - Mike Braun raises $1M for Indiana Senate bid: Mike Braun, a state legislator and businessman running against Reps. Todd Rokita and Luke Messer in Indiana's GOP Senate primary, will announce today he raised $1 million in the third quarter. "This campaign will receive support from a combination of grassroots donors and my own resources to ensure we can battle the money flowing from the DC swamp to my opponents," Braun said in a statement. "When I go to the US Senate, I will not owe anything to anyone other than the Hoosiers I want to represent."

ON THE AIR - Campbell airs ad touting charity work: Tom Campbell, the wealthy farmer and GOP state legislator challenging North Dakota Sen. Heidi Heitkamp, is up with his fifth ad of the campaign, this one touting his charity work, including running a prison ministry and volunteering at a homeless shelter. Watch the ad here.

- WHOOPS: Say Anything blog points out some female nudity is accidentally visible in a shot of the prison in the ad.

DAILY ROLL TIDE - Alabama automated poll has Moore at 48, Jones at 40, POLITICO's Daniel Strauss reports: "Republican nominee Roy Moore leads Democrat Doug Jones by 8 points in the latest poll of the Alabama Senate special election. The JMC Analytics and Polling survey released today found Moore with 48 percent and Jones at 40 percent, with 11 percent undecided. The poll's findings are the latest in a string of polls showing a closer-than-usual race between Moore, a former state Supreme Court justice, and Jones, a former U.S. attorney." **Full story.**

GOLDEN STATE UPDATE - NextGen, California Labor Federation aim to flip 7 California seats: NextGen America, a group founded by Tom Steyer, and the California Labor Federation announced a "multimillion-dollar program" to create "sustained filed organizing efforts" to flip seven House seats in California, per a statement from the group, Uniting California. The targeted districts include Rep. Jeff Denham (CA-10), Rep. David Valadao (CA-21), Rep. Steve Knight (CA-25), Rep. Ed Royce (CA-39), Rep. Mimi Walters (CA-45), Rep. Dana Rohrabacher (CA-48) and Rep. Darrell Issa (CA-49).

FROM THE COURTROOM - "Former judge admits concealing payments he got from Brady campaign," via The Philadelphia Inquirer's Jeremy Roebuck: "A onetime challenger to U.S. Rep. Bob Brady has agreed to cooperate - and potentially testify - in an ongoing federal investigation into $90,000 he says the congressman's campaign gave him to drop out of a 2012 primary race. But Jimmie Moore, a former Philadelphia municipal court judge, remained tight-lipped Monday on whether his testimony could implicate Brady, one of Philadelphia's most powerful Democrats, in a crime." **Full story.**

HAPPENING TODAY - Pelosi does CNN 'town hall': House Minority Leader Nancy Pelosi is scheduled for a town hall event with CNN at 9 p.m. tonight. Pelosi will take questions from voters, per CNN.

- AAN circulates anti-Pelosi billboard: American Action Network, never one to pass up a chance to focus on Pelosi, will circulate a mobile billboard around Washington today that urges

Pelosi to cut taxes.

QUOTE OF THE DAY: "If I'd have watched ["Game of Thrones"] two years ago, I would've been president," Marco Rubio joked at a Congressional Hispanic Leadership Institute event. "It's got a lot of good strategies."

To view online:
http://www.politico.com/tipsheets/morning-score/2017/10/04/supreme-court-eyes-gerrymandering-222640

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Tue 9/26/2017 2:03:21 PM
Subject: POLITICO's Morning Transportation, presented by Coalition for Future Mobility: House FAA extension stumbles — Next steps on the bill — FMCSA has a new chief-to-be

By Tanya Snyder, Stephanie Beasley and Brianna Gurciullo | 09/26/2017 10:00 AM EDT

With help from Lauren Gardner and Adrienne Hurst

NOTHING IS EASY: Not even an extension, apparently. An attempt to pass a six-month FAA patch failed Monday night in the face of opposition from House Democrats. House Minority Leader Nancy Pelosi panned the measure (H.R. 3284) Monday morning, saying it was "laden with completely unrelated and inadequate items" and that the House should be voting on an immigration bill. Her statement was followed by a Dear Colleague letter from House Minority Whip Steny Hoyer, top Transportation Committee Democrat Peter DeFazio (D-Ore.) and other Democratic committee leaders opposing what they described as a "partisan package of extraneous provisions." House Speaker Paul Ryan fired back, saying Dems "are willing to shut down air traffic control to make a political point."

Procedural note: The evening vote was scheduled to happen under suspension of the rules, a process requiring two-thirds of those present and voting for passage, which was impossible with the number of Democrats voting no. But Republicans should be able to pass an extension under normal simple majority procedures with most of the caucus on board, plus perhaps a few Democrats. Expect to see the House Rules Committee act to set up floor action in the next day or two.

Notable defections: Twenty-six Democrats -- including many from the hurricane-ravaged states of Texas and Florida -- voted for the bill, while eight Republicans opposed. Transportation Committee member Dan Lipinski (D-Ill.) and FAA overhaul bill co-sponsor Kyrsten Sinema (D-Ariz.) supported the extension; Committee Republicans Mark Sanford of South Carolina and Garret Graves of Louisiana opposed it, as did two opponents of Transportation Chairman Bill Shuster's air traffic control overhaul bill: Ralph Abraham of Louisiana and Ron Estes of Kansas. (Abraham said in a statement that he objected to the short length of the extension as well as the flood insurance and "disaster tax relief" measures in the bill.) Also of note: Oklahoma Republican Steve Russell , another detractor of the ATC spin-off plan, voted for the bill -- after telling reporters last week he planned to vote "no."

Case in point? Before the vote, Shuster (R-Pa.) said on the House floor that "progress is being made every day" on his FAA reauthorization bill (H.R. 2997 (115)). "The very fact that we have passed this bill today is one of the many reasons why we need a fundamental comprehensive FAA reform," Shuster said.

IT'S TUESDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Send tips, feedback and lyrics to bgurciullo@politico.com or @brigurciullo.

"You gave your heart to me / And soon the world will see / Our graffiti love / Spray-paint on my glove / They'll wonder who you are / On every subway car." (h/t Jennifer Kalczuk at AlphaVu)

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) that are all about flying, driving, commuting and sailing?

IT'S MARTINEZ FOR FMCSA HEAD: President Donald Trump is set to nominate Raymond Martinez, the New Jersey Motor Vehicle Commission's chairman and chief administrator, to be the head of FMCSA. Martinez is also a New Jersey State Planning Commission member. He formerly served as deputy U.S. chief of protocol during the George W. Bush administration. Before that, he was commissioner of the New York State Department of Motor Vehicles. The American Trucking Associations came out in support of Martinez's nomination Monday night.

KEEPING SCORE: The CBO published a longer cost estimate Monday for Shuster's multi-year FAA bill. The analysis said that a nonprofit corporation taking on the costs of managing air traffic control "would not materially change the overall magnitude of federal spending," but only "if future appropriations are reduced." Jeff Davis at the Eno Center for Transportation has a more thorough breakdown.

MORNING TRANSPORT THEFT: From our cousins at Pro EU Transport: Emirates CEO Tim Clark spoke out against a new European Commission plan intended to fight "unfair" competition in the aviation sector in an interview with Dutch newspaper Financiele Dagblad . "We have aviation agreements with all EU member states. I see no reason to change that," Clark said. "We suspect that the Germans and the French try to stop us because they do not want competition for their own airlines. We don't receive state aid. Anyone with doubts can look into our administration." The Commission set out a plan for new "868" rules giving Brussels the power to slap penalties on non-EU entities or airlines that harm the bloc's own carriers.

- The Trump problem: Clark said he is worried about growing political interference in the aviation industry. "Just look at the new U.S. government. If those sentiments grow, some countries may perhaps give in to their protectionist instincts. Then it will be harder for us [to operate]." Emirates saw its profit decline by 82 percent as a result of developments in the aviation industry including the U.S. laptop ban and a Qatar boycott.

** **A message from the Coalition for Future Mobility**: Driving Safety: Human error. It's a factor in 94% of all crashes according to government data. So imagine how much safer our roads would be with Autonomous Vehicles. By reducing risky and dangerous driving behaviors, AVs will help save lives. Tell Congress to greenlight Autonomous Vehicle testing and deployment. http://bit.ly/gl-sd **

WHAT DO WE WANT? A JONES ACT WAIVER: Seven Democrats asked the Trump administration Monday for a one-year Jones Act waiver to expedite hurricane relief aid to Puerto Rico. In a letter to Acting DHS Secretary Elaine Duke, they noted that the island already faced a severe financial crisis and crumbling infrastructure before the hurricane, which has left the entire island without power that could take months to restore."Temporarily loosening these requirements - for the express purpose of disaster recovery - will allow Puerto Rico to have more

access to the oil needed for its power plants, food, medicines, clothing, and building supplies," the lawmakers wrote.

BACK IN BUSINESS: The FAA is permitting more than a dozen daily commercial flights to operate at Luis Munoz Marin International Airport in San Juan, Puerto Rico. The agency said Monday that although efforts to restore radars and navigational tools at the airport continue, the airport has been able to handle nearly 100 arrivals and departures, including military and relief flights. FAA has instituted a slot system and expects San Juan's capacity for commercial flights to increase soon, though it did not provide a timeline for when it expected service to be fully restored.

STORM-DRAINED: The Coast Guard took an estimated $1 billion hit from Hurricanes Harvey, Irma and Maria, Commandant Adm. Paul Zukunft said Monday. Harvey alone caused about $380 million worth of damage to Coast Guard assets. Pro Defense's Jacqueline Klimas has more for Pros.

REVERSE, REVERSE: After being hit by lawsuits from environmental groups and Democratic attorneys general, DOT is letting an Obama-era greenhouse reduction rule to go into effect, Pro Energy's Alex Guillen reports . The Trump administration initially delayed implementation of a rule aimed at reducing emissions from major highways before eventually placing it on indefinite hold earlier this year. However, DOT is now planning to publish the rule this Thursday. "In a letter to a federal judge in New York, the Justice Department said the rule has been submitted to the Federal Register and is expected to run Sept. 28," Alex writes.

CHANGE OF PLANS: The Supreme Court on Monday nixed oral arguments on Trump's travel ban after the administration unveiled new travel limits for individuals from eight countries the previous day, POLITICO's Josh Gerstein reports.

STB DOWN A MEMBER: Daniel Elliott, the vice chairman of the Surface Transportation Board, will resign, effective Saturday. Elliott was the board's chairman until Trump picked Ann Begeman to be acting chairwoman.

LETHALISH WEAPON: A new report from the Mineta Transportation Institute shows that while vehicle-ramming incidents are on the rise, they aren't as lethal as other terrorism tactics. The institute found that victims of the 37 vehicle-ramming incidents recorded since 1970 accounted for just two percent of the total number of fatalities from surface transportation attacks. Nevertheless, the number of incidents have greatly increased since 2014, analysts said. Steph has more details on the report's findings for Pros.

DHS RAMPS UP TRANSIT SURVEILLANCE: Recent metro bombings throughout Europe, last month's vehicle attacks in Spain and Al Qaeda's threats to target U.S. railways have raised questions about the Department of Homeland Security's efforts to prevent similar attacks in the United States. The department announced Monday that it is testing new tools, including technology that could remotely screen subway or rail commuters and their bags as well as allow authorities to scan hours of surveillance video footage more quickly. DHS said that with the new technology, it can better address the "unique security challenge" posed by transit systems, which

typically lack security checkpoints. Check out videos explaining the initiative on the DHS website.

CAN UBER WIN LONDON BACK? Just a few days after announcing that Uber was "not fit and proper to hold a private hire operator license," London authorities are showing signs of softening. London Mayor Sadiq Khan said Monday that he wants Transport for London to meet with Uber. Khan said he "welcomed" Uber CEO Dara Khosrowshahi's apology and that "London should be a place for innovation," but that companies have to "play by the rules." In revoking its license, TfL had cited Uber's inadequate approach to "reporting serious criminal offenses" and its use of software to throw law enforcement off the scent of illegal operators.

MOVING FORWARD: The head of ICAO has called on the governments of member states affected by the hurricane season to upgrade their infrastructure as they recover, emphasizing the role of public and private investment in tourism and aviation development. "ICAO encourages local leadership to seek to ensure that more robust infrastructure and facilities are rebuilt so that these important economic benefits are less exposed to future risks," Secretary General Fang Liu said in her address to the Directors General of Civil Aviation for ICAO's North and Central America and Caribbean region.

IT'S WORLD TOURISM DAY EVE... and ICAO and a host of industry groups have dropped a joint report on the economic benefits of aviation - an industry that's expected to see a 122 percent jump in U.S. GDP between 2014 and 2034, according to the report. Targeting mainly government officials and national planners, the report details air transport's contributions to both global and regional economies, and it recommends steps leadership can take to "maximize air transport's socio-economic influence," according to a press release. (One takeaway: Aviation has contributed to the global economy about the equivalent of the U.K.'s overall GDP.)

SHIFTING GEARS: Will Otero is Volvo's new government affairs director for the Americas, per POLITICO Influence. Otero formerly worked for the Alliance of Automobile Manufacturers and, prior to that, NHTSA.

THE AUTOBAHN:

- "Flight plan for failure." The Boston Globe.

- "Dubai begins testing drone taxi service." ZDNet.

- "Allegiant Air jet has emergency at California airport." The Ledger-Enquirer.

- "Professional drivers fear job loss to self-driving vehicles." The Detroit News.

- Millions of drivers lost licenses over unpaid court fees. The Washington Post.

- Air France tries under-$50 fares to attract millennials. *(But do they serve avocado toast?)* CNBC.

- Thai authorities warn: Don't buzz the casket. Bangkok Post.

THE COUNTDOWN: DOT appropriations run out in 74 days. The FAA reauthorization expires in 5 days. Highway and transit policy is up for renewal in 1,101 days.

** **A message from the Coalition for Future Mobility**: Driving Safety: Human error. It's a factor in 94% of all crashes according to government data. So imagine how much safer our roads would be with Autonomous Vehicles. By reducing risky and dangerous driving behaviors, AVs will help save lives. Tell Congress to greenlight Autonomous Vehicle testing and deployment.http://bit.ly/gl-sd **

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Daily Environment Report

August 08, 2017 - Number 151

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Leading the News

Pesticides
Scotts Miracle-Gro Leads Pack in Cutting Bee-Harming Pesticides
Scotts Miracle-Gro Co. made an unusual move last year when the company announced it would remove a class of insecticides linked to bee deaths from its Ortho brand of home and garden products by 2021.

News

Biodiversity
Soy and the Cerrado: Exports, Ecology Collide in Brazil's Savanna
Soybean cultivation cutting deep into the Cerrado is turning Brazil's vast wooded savanna into farmland, a transformation so swift that endemic species are being pushed to extinction and even the country's water supply could be affected, scientists and environmental groups warn.

Biofuels
Trump Foiling Bid to Shun Unwanted Ethanol Spat with Brazil
President Donald Trump's America First rhetoric is doing no favors for U.S. ethanol producers, who are hoping to avoid a trade fight with fuel buyers in Brazil.

Chemicals
Clearing EPA's New Chemicals 'Backlog' Cheered by Industry
The EPA says it eliminated the backlog of new chemicals it's reviewing, drawing praise from an industry that would still like to see the agency do more to ensure chemical innovations reach the marketplace.

Chemicals

Monsanto Wins Stay in San Francisco Bay Area PCB Claims

Public nuisance claims that three California cities filed against Monsanto Co. over PCB contamination in San Francisco Bay are on hold—for now.

Climate Policy

Merkel Climate Goal in Doubt with Greenhouse Gases on the Rise

More than 12 straight months of rising greenhouse gas pollution in Germany are casting doubt on whether Chancellor Angela Merkel's government can meet climate targets.

Endangered Species

Interior Department Calls for Changes in Sage Grouse Conservation Plans

Federal policy on the greater sage grouse in 11 states has much room for changes, including modification of guidelines on oil and gas leasing as well as reconsideration of the strictest protections aimed especially at mining, according to an Interior Department report released Aug. 7.

Energy

Big Oil's Dream of $65B Hidden Off Norway Is Fading Away

Norway's oil industry has been salivating for years over the Arctic Lofoten islands, which could hold billions of barrels of crude. It will likely have to keep dreaming.

Energy

Electric Car Boom Drives Rush to Australia's Lithium Hub

A scramble by the lithium market's biggest players to tie up supply of the high-tech metal is gathering pace in the 170-year-old heartland of Australia's $90 billion mining industry.

Invasive Species

Asian Carp Plan Wouldn't Shut Down Lake Michigan Shipping

The Army Corps of Engineers wouldn't shut down a crucial shipping channel between the Mississippi River and Lake Michigan as part of a draft plan to halt the spread of an invasive fish species.

Oil & Gas

Obscure New Mexico Shale Source Means Big Results for BP

As U.S. gas drillers pay up for prime assets in Texas and Pennsylvania, BP PLC may have just found a gem in a largely ignored New Mexico source.

Perchlorate

SQM North America Must Defend Again in Pomona Water Suit

SQM North America Corp. must again defend water contamination claims by the city of Pomona, Calif., the Ninth Circuit ruled (City of Pomona v. SQM North America Corp., 9th Cir., No. 15-cv-56062, 8/7/17).

Pipeline Safety

Pipeline Safety Agency Hires Deputy Administrator

The Pipeline and Hazardous Materials Safety Administration has a new deputy administrator.

Process Safety

California's Most Protective Oil Refinery Rules Will Cost Millions

California oil refinery operators including Chevron Corp., Andeavor Inc., and Valero, could spend about $58 million during the next year to comply with the state's new refinery safety rules, the state says.

Regulatory Policy

Democrats Probing Regulatory Overhaul Task Forces

Top Democrats on House Oversight and Judiciary committees are seeking a full list of names and detailed information by Aug. 25 about task forces set up in each federal agency that are charged with recommending rules for repeal, replacement or modification.

Renewable Energy

U.K. Clears $5.5 Billion Offshore Wind Farm for Scottish Power

The U.K. government gave the green light to ScottishPower Renewables Ltd. to build a 1.2-gigawatt wind farm off the coast of Norfolk that may cost as much as $5.5 billion.

Toxic Substances

Orange County Water District's State Superfund Claims Revived

The Water District of Orange County, Calif., may pursue state Superfund claims against a host of companies for ground water contamination, a California appeals court ruled (Orange Cty. Water Dist. v. Sabic Innovative Plastics US, LLC, 2017 BL 272719, Cal. Ct. App., 4th Dist., No. D070553, 8/4/17).

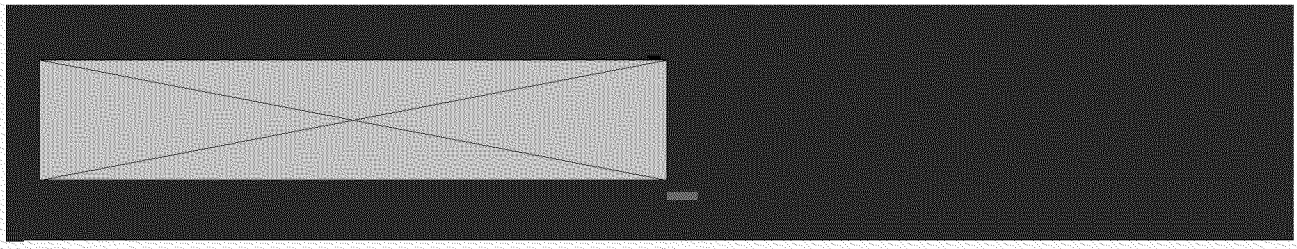
CORRECTION

The story, "Pasadena Liable for Water Treatment Site Contamination," published August 4, originally misidentified Pasadena, Texas, as Pasadena, Calif., in the first paragraph. The online version has been updated.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: The Washington Post
Sent: Mon 10/9/2017 4:02:07 PM
Subject: Federal Insider: Trump tries to weaken federal unions, but their membership grows in reaction to GOP actions



Trump tries to weaken federal unions, but their membership grows in reaction to GOP actions

By Joe Davidson

(Pool photo by Eliot Blondet via Agence France-Presse/Getty Images)

President Trump and Capitol Hill Republicans have been good for federal unions, even as they attempt to undermine the labor organizations and the public servants they represent.

With the GOP running the White House and Congress, membership in federal unions is on the rise, fed by an administration and legislature that leaves the workforce anxious about budget cuts, layoffs and an erosion of civil service protections.

The American Federation of Government Employees (AFGE), the biggest federal employee union, had a net increase of 1,022 members last month alone, part of almost 5,000 new members since January. Three of the four other major unions also reported growth — the National Treasury Employees Union (NTEU) did not provide membership information — with the National Federation of Federal Employees on pace to achieve 7 percent growth this year.

While membership has grown previously, important factors currently are White House and congressional proposals that would cut government contributions to federal employee benefits, significantly devaluing the 1.9 percent pay raise that staffers are slated to get in January. The union growth occurred even

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before Thursday's House approval of a budget proposal that would reduce subsidies to the Federal Employees Health Benefits Program. The budget plan calls for $32 billion in cuts targeted at feds over 10 years. While unspecified in the House budget resolution, those hits could include damaging retirement proposals previously offered by Trump.

At the same time AFGE recorded impressive growth in September, Trump was doing his best to weaken federal unions through his executive order revoking the labor/management forums created by predecessor President Barack Obama.

The forums "have consumed considerable managerial time and taxpayer resources, but they have not fulfilled their goal of promoting collaboration in the Federal workforce," the order argues. "Public expenditures on the Council and related forums have produced few benefits to the public, and they should, therefore, be discontinued."

The governmentwide council and agency forums were designed to foster cooperation between unions and management. Discussions included such things as workplace safety, productivity and data security.

Trump's action is "a major step backward in the relationship between managers and front-line federal employees [that] will weaken efforts to make government more efficient and effective," according to NTEU.

"This is an ominous sign for the future of federal labor-management relations," NTEU President Tony Reardon added.

It's not the only one.

After Trump announced his appointees to the Federal Services Impasses Panel in July, union leaders were aghast. The panel resolves disputes between agencies and federal labor organizations. With Trump's appointees, labor leaders feel the deck is stacked against them.

"The Trump administration pulled out all of the stops on this one," said Randy Erwin, president of the National Federation of Federal Employees (NFFE). "The diversity of this panel ranges from people who publicly campaign against unions to people that actively litigate against unions. I have little faith that this panel can properly evaluate a dispute without inherent bias or personal

The proposal was approved, 219 to 206, by the House last week, with no Democratic support and 18 Republicans defecting from their party line. It's a measure that's worked as a way for Republicans against "official time." Now, they can argue, there is less reason for it.

On a related front, Trump's plan to weaken government through personnel cuts and reductions in benefits could have significant effects on unions. Federal employees who are paid by the government while representing everyone in a bargaining unit, even those who don't pay dues. That degradation led NTEU's Reardon to ask: "Since when is it acceptable to reward employees who are providing taxpayers and stakeholders the services they deserve?"

The law also limits what "union work," such as recruiting members, is not allowed. Official time covers working with management on issues involving represented employees, union members or not, such as safety and efficiency.

[Trump's budget director says he wants federal workers to join unions for protection. A law affecting the Department of Veterans Affairs, for example, weakens due process for all employees and eliminates the ability of VA employees to appeal disciplinary actions outside the agency, as other feds can.

[Trump's budget director says he wants federal workers to join unions for protection.]

"From private sector to federal, Congress has acted with the latest example being the House-passed budget," said Matt Biggs, legislative director of the International Federation of Professional and Technical Engineers.

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More from Federal Insider

PowerPost • Perspective

Federal employees pay more for insurance, but it's still a good deal

There are no dramatic changes in the 2018 Federal Employees Health Benefits Program, and its premium increase "is not out of line," said Walt Francis, an independent health economist.

By Joe Davidson | Columnist • Read more »
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Subject: Today on Climate Beat

July 28, 2017

Today on Climate Beat . . .

. . . we went to court, where environmental groups challenging the Bureau of Land Management's stay of the Obama-era regulation limiting venting and flaring of "waste" methane are asking a federal court to grant summary judgment against the stay, arguing that the bureau's action violates the law by its "plain terms."

In personnel news, EPA finally responded to the controversial op-ed in Inside EPA from former agency transition official David Schnare, calling his claims about Administrator Scott Pruitt "wildly untrue."

And we also highlighted several must-read stories from this past week, including news about EPA criticism from a former agency transition official, as well as updates on fuel economy standards, California cap-and-trade, a renewed carbon tax push and the social cost of carbon.

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Subject: Aug. 14 -- EHS State Regulatory Alert

EHS State Regulatory Alert

August 14, 2017 - Number 155

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

California

OIL AND GAS INDUSTRY
Oil Spill Prevention and Response Planning/Definitions, Inland Facility Contingency Plans
California OIL AND GAS INDUSTRY

Notice of the Department of Fish and Game, Office of Oil Spill Prevention and Response, announces the second readoption of a Sept. 18, 2015, emergency rule that amended regulations under 14 CCR 790 and adopted regulations under 14 CCR 817.04 to revise definitions and abbreviations. The rule also establishes requirements for oil spill contingency plans, response strategies, and equipment delivery time frames for inland facilities. The readoption was filed Aug. 7, 2017. Contact: Christine Kluge; OSPR; 916-327-0910; Christine.Kluge@wildlife.ca.gov

—California Regulatory Notice Register (08/09/2017)

Regulatory Update

OIL AND GAS INDUSTRY
Oil Spill Prevention and Response Planning/Drills and Exercises
California OIL AND GAS INDUSTRY

Notice rule of the Department of Fish and Game, Office of Oil Spill Prevention and Response, announces the second readoption of a July 18, 2015, emergency rule that adopted regulations under 14 CCR 820.02 to establish drills and exercises requirements for inland oil facilities. The rule establishes facility tiers and specifies drill and exercise scheduling, design, and documentation requirements. The readoption was filed Aug. 7, 2017. Contact: Christine Kluge; OSPR; 916-327-0910; Christine.Kluge@wildlife.ca.gov

—California Regulatory Notice Register (08/09/2017)

Regulatory Update

OIL AND GAS INDUSTRY

Oil Spill Prevention and Response Planning/Financial Responsibility
California OIL AND GAS INDUSTRY

Notice of the Department of Fish and Game, Office of Oil Spill Prevention and Response, announces the second readoption of a Sept. 18, 2015, emergency rule that amended regulations under 14 CCR 791 through 797 and adopted regulations under 14 CCR 798 regarding oil vessel and facility certificates of financial responsibility. The rule revises the definition of "reasonable worst case spill," revises the process for obtaining and renewing a certificate of financial responsibility, and adds application forms for certificates of financial responsibility for railroads and inland facilities. The rule also reflects the expansion of the Oil Spill Act and the authority of the administrator to cover all waters of the state. In addition, the rule requires a certificant with multiple vessels or facilities to demonstrate to the satisfaction of the administrator financial responsibility for the vessels or facilities not associated with a spill. The readoption was filed Aug. 7, 2017. Contact: Christine Kluge; OSPR; 916-327-0910; Christine.Kluge@wildlife.ca.gov

—California Regulatory Notice Register (08/09/2017)

Regulatory Update

OIL AND GAS INDUSTRY
Oil Spill Response Organization Rating Program
California OIL AND GAS INDUSTRY

Notice of the Department of Fish and Game, Office of Oil Spill Prevention and Response, announces the second readoption of an Oct. 23, 2015, emergency rule that amended regulations under 14 CCR 819 through 819.07 regarding the oil spill response organization (ORSO) rating program. The rule specifies that ORSOs with a terrestrial response services rating do not have to demonstrate on-water recovery capability and revises ORSO application requirements. The rule also requires inland facility owners or operators who do not contract with a rated ORSO for the terrestrial service requirements and capabilities and intend to meet such requirements with owner-operator-owned equipment and personnel to obtain a terrestrial services rating. In addition, the rule requires ORSOs to periodically conduct announced and unannounced drills to test response and cleanup operations, equipment, contingency plans, and procedures. Finally, the rule specifies that ORSOs rated for only a terrestrial service do not need to submit a drill schedule, specifies that unannounced drills must only include equipment and personnel inspections, and revises performance standards for ORSOs to meet during drills. The readoption was filed Aug. 7, 2017. Contact: Christine Kluge; OSPR; 916-327-0910; Christine.Kluge@wildlife.ca.gov

—California Regulatory Notice Register (08/09/2017)

Regulatory Update

Colorado

WATER
Section 303(d) List/Monitoring and Evaluation List
Colorado WATER

Proposed rule of the Department of Public Health and Environment, Water Quality Control

Commission, amends regulations under 5 CCR 1002-93 to update the list of water quality-limited segments requiring total maximum daily loads (TMDLs) under Section 303(d) of the Clean Water Act and the monitoring and evaluation list. Water segments that were added to, removed, or retained on the lists are specified by analyte. The rule also defines an allowable cumulative impact for water temperature and includes segments with exceedances of the temperature standards on the list. In addition, the rule removes water segments from the list due to recent approval by the EPA of TMDLs or based on recent assessment of water quality data. Finally, the rule reformats the list to allow generation directly from the state's assessment tracking database. A hearing is scheduled for Dec. 11, 2017, in Denver. Various deadlines and prehearing conference dates are specified for those seeking party status. Comments are due Nov. 29, 2017. Contact: Sarah Wheeler; DPHE, Water Quality Control Commission; 303-692-3436; sarah.wheeler@state.co.us

—Colorado Register (08/09/2017)

Regulatory Update

Indiana

AIR
Air Pollution Control/Ozone NAAQS
Indiana AIR

Final rule of the Department of Environmental Management, Air Pollution Control Division, amends regulations under 326 IAC 1-3-4 to revise the eight-hour national ambient air quality standards (NAAQS) for ozone to 0.070 parts per million. The rule complies with an Oct. 26, 2015, EPA final rule that amended regulations 40 CFR 50 and 53. The rule is effective Aug. 11, 2017. Contact: Keelyn Walsh; DEM, Office of Legal Counsel; 317-232-8229; kwalsh@idem.in.gov

—Indiana Register (08/09/2017)

Regulatory Update

AIR
Burning Regulations/Outdoor Hydronic Heaters
Indiana AIR

Proposed rule of the Department of Environmental Management, Air Pollution Control Division, amends regulations under 326 IAC 4-3-1 through -6 regarding outdoor hydronic heaters. The rule eliminates particulate emissions requirements for new installations that are superseded by federal new source performance standards under 40 CFR 60, Subpart QQQQ. The rule also removes exemptions for homemade units and clarifies requirements for stack heights. A hearing is scheduled for Oct. 11, 2017, in Indianapolis. A comment due date is not specified. Contact: Keelyn Walsh; DEM, Office of Legal Counsel; 317-232-8229; kwalsh@idem.in.gov

—Indiana Register (08/09/2017)

Regulatory Update

PESTICIDES
Storage and Secondary Containment of Pesticides
Indiana PESTICIDES

Notice announces the intention of the Office of the State Chemist to amend regulations under 355 IAC 5-1 regarding storage and secondary containment of pesticides. The rule adds the definition of "antimicrobial pesticide" and updates the definition of "liquid pesticide" to exempt from the provisions end users of antimicrobial pesticides that store products for use in containers designed to hold more than 55 gallons of liquid. A comment due date is not specified. Contact: David Scott; Office of the State Chemist; 765-494-1593

—Indiana Register (08/09/2017)

Regulatory Update

WATER
Concentrated Animal Feeding Operations/Confined Feeding Operations
Indiana WATER

Final rule of the Department of Environmental Management, Water Pollution Control Board, amends regulations under 327 IAC 15-16-1 through -16-10 (nonconsecutive) and 19-1-4 through -15-2 (nonconsecutive) regarding concentrated animal feeding operations (CAFOs) and confined feeding operations (CFOs). The rule updates references to the state's nutrient management conservation practice standards and the construction specification for concrete construction. The rule also updates references to federal regulations and makes formatting and typographical corrections. The rule is effective Aug. 11, 2017. Contact: Lauren Aguilar; DEM, Office of Legal Counsel; 317-234-8559

—Indiana Register (08/09/2017)

Regulatory Update

WATER
Water Quality Standards
Indiana WATER

Notice of the Department of Environmental Management, Water Pollution Control Division, announces editorial corrections to regulations under 327 IAC 2-1-8.8 through 19-6-1 (nonconsecutive) regarding water quality standards. The corrections are effective Sept. 14, 2017. Contact: DEM, Water Pollution Control Division; 317-232-8603

—Indiana Register (08/09/2017)

Regulatory Update

New Jersey

AIR

Motor Vehicle Inspection and Maintenance/Autocycles

New Jersey AIR

Proposed rule of the Motor Vehicle Commission amends regulations under NJAC 13:20-7.2 through :21-8.14 (nonconsecutive) to add autocycles to the list of vehicles exempt from inspection requirements, including enhanced emissions inspection requirements. The rule also clarifies provisions for issuance and placement of license plates for autocycles. In addition, the rule applies existing safety standards for motorcycles concerning goggles, face shields, and helmets and the motorcycle registration fee to autocycles. Comments are due Oct. 6, 2017. Contact: Kate Tasch; MVC; 609-777-1407

—New Jersey Register (08/07/2017)

Regulatory Update

North Carolina

AIR

Air Pollution Control/Air Quality Permit Procedures

North Carolina AIR

Proposed rule of the Department of Environmental Quality, Environmental Management Commission, amends regulations under 15A NCAC 2D.1204 and 2Q.0106 through 2Q.0902 (nonconsecutive) and readopts regulations under 15A NCAC 2Q.0101 through .0903 (nonconsecutive) regarding air pollution control requirements and air quality permit procedures. The rule incorporates federal emissions guidelines for existing facilities, including limits for sewage sludge incineration units located at wastewater treatment facilities designed to treat domestic sewage sludge for nine pollutants. The rule also deletes a nitrogen oxides and volatile organic compound emissions reporting requirement for a portion of the former 1997 eight-hour ozone maintenance area. In addition, the rule updates references and definitions, defines "responsible official," clarifies the definitions of new and modified facilities, and specifies record maintenance and submission requirements for the individual source category. Finally, the rule deletes obsolete provisions and references, clarifies the submittal of test reports concerning temporary crushers, and updates the necessary number of copies of letters and applications regarding construction and operation permits. A hearing is scheduled for Sept. 27, 2017, in Winston-Salem. Comments are due Oct. 16, 2017. Contact: Joelle Burleson; DEQ, Division of Air Quality; 919-707-8720; daq.publiccomments@ncdenr.gov

—North Carolina Register (08/15/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT

Soil Remediation

North Carolina HAZARDOUS WASTE MANAGEMENT

Proposed rule of the Department of Environmental Quality, Environmental Management Commission, amends regulations under 15A NCAC 2T.1502, .1505, and .1507 and readopts regulations under 15A NCAC 2T.1501 and .1503 through .1506 regarding the remediation of

contaminated soils originating from underground storage tanks. The rule requires closures or cleanup based on either the "soil-to-groundwater" or the residential maximum soil contaminant concentrations, rather than nondetection levels of soil contamination, for closures of soil remediation permitted facilities. A hearing is scheduled for Aug. 30, 2017, in Raleigh. Comments are due Oct. 16, 2017. Contact: Jeremy Poplawski; DEQ, Division of Waste Management/Underground Storage Tank Section; 919-707-8151; jeremy.poplawski@ncdenr.gov

—North Carolina Register (08/15/2017)

Regulatory Update

WATER

Division of Mitigation Services/Rate Schedules for In-Lieu Fee Programs

North Carolina WATER

Proposed rule of the Department of Environmental Quality, Environmental Management Commission, amends regulations under 15A NCAC 2R.0102 through .0602 (nonconsecutive) and repeals regulations under 15A NCAC 02R.0101, .0201, and .0401 to update methods for calculating rate schedules for the in-lieu fee (ILF) programs offered by the Division of Mitigation Services. The rule establishes a flat fee for the coastal wetland mitigation category, based on coastal land costs and credit pricing in other states that offer a coastal marsh mitigation credit. The rule also provides that the flat fee will be applied for the category until sufficient data exists to apply the actual cost method (ACM). In addition, the rule specifies the ACM currently used to calculate rates for nutrient ILF program is applicable to the statewide stream and wetland ILF and the riparian buffer ILF programs. Finally, the rule reflects recent name changes for the department and division. Hearings are scheduled for Sept. 27 and Oct. 4, 2017, in Wilmington and Raleigh, respectively. Comments are due Oct. 16, 2017. Contact: Kelly Williams; DEQ, Division of Mitigation Services; 919-707-8915; kelly.williams@ncdenr.gov

—North Carolina Register (08/15/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Thur 9/7/2017 4:11:12 PM
Subject: Sep. 07 -- EHS State Regulatory Alert

EHS State Regulatory Alert

September 07, 2017 - Number 172

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Maryland

WATER
Susquehanna River Basin Commission Meeting
Maryland WATER

Notice of the Susquehanna River Basin Commission announces a meeting to discuss the adoption of alternatives analysis guidance, amendment of delegation authority to the executive director, a report on delegated settlements, and amendments to bylaws. The agenda also includes discussion of waiver requests submitted by Middletown Borough, Peak Resorts Inc./Greek Peak Mountain Resort, and the Carrolltown Borough Municipal Authority. In addition, the agenda includes discussion of requests for extension of emergency certificates for Sunset Golf Course, Sunoco Pipeline LP, and Furman Foods Inc. The meeting is scheduled for Sept. 7, 2017, in Elmira, N.Y. Comments on agenda items other than the regulatory program projects, the alternatives analysis guidance, and the request for waiver by Middletown Borough, are due Aug. 31, 2017. Contact: Jason Oyler; SRBC; 717-238-0423

—Maryland Register (09/01/2017)

Regulatory Update

New Jersey

ENDANGERED SPECIES
Division of Fish and Wildlife/Game Code
New Jersey ENDANGERED SPECIES

Final rule of the Department of Environmental Protection, Division of Fish and Wildlife, amends regulations under NJAC 7:25-5.1 through -5.35 (nonconsecutive) regarding the 2017-2018 Game Code to address requirements for how game birds, game animals, and fur-bearing animals may be pursued, taken, killed, or possessed. The rule revises season opening and closing dates and

bag limits and establishes requirements for apprentice licenses. The rule also prohibits the liberation of northern bobwhite quail by private individuals in certain wildlife management areas. The rule is effective Sept. 5, 2017. Contact: DEP, Division of Fish and Wildlife; 609-292-2965

—New Jersey Register (09/05/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Department of Environmental Protection Organization
New Jersey GENERAL ENVIRONMENT AND SAFETY

Final rule of the Department of Environmental Protection readopts with amendments regulations under NJAC 7:1-1.3 and -1.4 concerning department organization. The rule updates organizational units and contact information. The rule is effective Aug. 10, 2017. Contact: DEP, Office of the Commissioner; 609-292-2885

—New Jersey Register (09/05/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
Proposed Consent Order/Don Longo Inc.
New Jersey HAZARDOUS WASTE CLEANUP

Notice of the Department of Environmental Protection, Site Remediation and Waste Management Program, announces a proposed consent order with Don Longo Inc. for recovery of cleanup and removal costs associated with the County Towing 634-638 Route 46 Site in Morris County. The consent order requires the company to pay $8,750 to settle alleged liability for past and future cleanup and removal costs at the site. The agreement also includes a covenant not to sue. Comments are due Nov. 6, 2017. Contact: Kevin Kratina; DEP; 609-292-8761

—New Jersey Register (09/05/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP
Proposed Consent Order/Shell Oil Co.
New Jersey HAZARDOUS WASTE CLEANUP

Notice of the Department of Environmental Protection, Office of Natural Resource Restoration, announces a proposed consent order in New Jersey Department of Environmental Protection v. Atlantic Richfield Co. (No. 08-CIV-00312) concerning alleged contamination of state waters with the gasoline additive methyl tertiary butyl ether. The consent decree requires Equilon Enterprises LLC, Motiva Enterprises LLC, Shell Oil Co., and related entities to pay approximately $68.5 million to settle alleged liability for damages, past cleanup, and removal costs at over 6,000 sites. Comments are due Nov. 6, 2017. Contact: DEP, Office of Natural Resource Restoration; 609-984-5475; MTBESettlement@dep.nj.gov

—New Jersey Register (09/05/2017)

Regulatory Update

SOLID WASTE
Sanitary Landfills
New Jersey SOLID WASTE

Final rule of the Department of Environmental Protection, Site Remediation Program, amends regulations under NJAC 7:26-1.4 through :27A-3.10 (nonconsecutive), repeals and readopts regulations under NJAC 7:26-2A.3, and adopts regulations under NJAC 7:27-7.3 regarding solid waste, recycling, air pollution control, and air administrative procedures and penalties for sanitary landfills. The rule establishes requirements for legacy landfills and closed landfill facilities that accept new materials after closure for reuse or redevelopment. The rule also addresses closure and post-closure plan requirements, state-licensed professional engineers, and municipal site plan approval. In addition, the rule addresses post-closure evaluation, financial assurance, legacy landfill escrow accounts, liability insurance, limits on ambient concentration of hydrogen sulfide gas, and definitions. The rule is effective Sept. 5, 2017. Contact: Alice Previte; DEP, Office of Legal Affairs; 609-292-9398

—New Jersey Register (09/05/2017)

Regulatory Update

South Dakota

WATER
Surface Water Discharge, Concentrated Animal Feeding Operation Permits
South Dakota WATER

Proposed rule of the Department of Environment and Natural Resources, Water Management Board, amends regulations under ARSD 74:52:01:01 through :52:11:16 (nonconsecutive), :57:01:04, and :57:01:05 and adopts regulations under ARSD 74:52:01:02 and :52:01:05 to update surface water discharge and concentrated animal feeding operation permitting standards. The rule primarily reflects amendments to federal permitting standards as of July 1, 2016, that address the National Pollutant Discharge Elimination System, analysis of pollutants, use or disposal of sewage sludge, hazardous substances, existing and new sources of pollution, and toxic pollutant effluent standards. A hearing is scheduled for Oct. 5, 2017, in Pierre. Comments are due Oct. 4, 2017. Contact: DENR, Water Management Board; 605-773-4254

—South Dakota Register (09/05/2017)

Regulatory Update

Utah

AIR

Air Quality/Nonattainment and Maintenance Areas for Particulate Matter
Utah AIR

Final rule of the Department of Environmental Quality, Division of Air Quality, amends regulations under R307-309-3 through -12 and repeals regulations under R307-309-13 regarding fugitive emissions and fugitive dust in nonattainment and maintenance areas for particulate matter (PM-10) and fine particulate matter (PM-2.5). The rule clarifies that the provisions apply to fugitive dust sources one-quarter acre or more. The rule also clarifies the method for observing fugitive emissions to allow for observations at varying lengths of duration. In addition, the rule requires that sources keep compliance records for a two-year period and removes unnecessary language concerning compliance schedules. The rule is effective Aug. 4, 2017. Contact: Ryan Stephens; DEQ, Division of Air Quality; 801-536-4419; rstephens@utah.gov

—Utah State Bulletin (09/01/2017)

Regulatory Update

AIR
Heavy-Duty Vehicle Tax Credit
Utah AIR

Final rule of the Department of Environmental Quality, Division of Air Quality, amends regulations under R307-122-2 and -4 regarding general requirements for the heavy-duty vehicle tax credit. The rule adds heavy-duty vehicles that have hydrogen-electric and 100 percent electric drivetrains to the definition of a "qualified heavy duty vehicle." The rule is effective Aug. 3, 2017. Contact: Mat Carlile; DEQ, Division of Air Quality; 801-536-4116; mcarlile@utah.gov

—Utah State Bulletin (09/01/2017)

Regulatory Update

AIR
Nitrogen Oxide Emission Limits for Natural Gas-Fired Water Heaters
Utah AIR

Final rule of the Department of Environmental Quality, Division of Air Quality, adopts regulations under R307-230-1, -2, and -3 to specify nitrogen oxide emission limits for natural gas-fired water heaters sold or installed on or after July 1, 2018. The rule is effective Aug. 3, 2017. Contact: Ryan Stephens; DEQ, Division of Air Quality; 801-536-4419; rstephens@utah.gov

—Utah State Bulletin (09/01/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Class IV and VI Landfill Requirements
Utah HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Quality, Division of Waste Management and Radiation Control, amends regulations under R315-305-3 regarding Class IV and VI landfill requirements to align with Nov. 28, 2016, amendments to the Hazardous Waste Generator

Improvements Rule under 40 CFR 257. The rule revises definitions to change the title of the lowest category of hazardous waste generation from "conditionally exempt small quantity generator" to "very small quantity generator." The rule is effective Aug. 31, 2017. Contact: Rusty Lundberg; DEQ, Division of Waste Management and Radiation Control; 801-536-4257; rlundberg@utah.gov

—Utah State Bulletin (09/01/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Hazardous Waste Generators
Utah HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Quality, Division of Waste Management and Radiation Control, amends regulations under R315-262-10 through -17 (nonconsecutive), adopts regulations under R315-262-1 and -230 through -265 (nonconsecutive), and repeals regulations under R315-262-12 and -34 regarding requirements for hazardous waste generators to align with Nov. 28, 2016, amendments to the federal Hazardous Waste Generator Improvements Rule under 40 CFR 262. The rule revises generator requirements and changes the title of the lowest category of hazardous waste generation from "conditionally exempt small quantity generator" to "very small quantity generator." The rule is effective Aug. 31, 2017. Contact: Rusty Lundberg; DEQ, Division of Waste Management and Radiation Control; 801-536-4257; rlundberg@utah.gov

—Utah State Bulletin (09/01/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Hazardous Waste Management System
Utah HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Quality, Division of Waste Management and Radiation Control, amends regulations under R315-260-10 and -11 regarding definitions relating to the state hazardous waste management system to incorporate Nov. 28, 2016, amendments to the Hazardous Waste Generator Improvements Rule under 40 CFR 260. The rule adds and revises definitions and revises the title of the lowest category of hazardous waste generation from "conditionally exempt small quantity generator" to "very small quantity generator." The rule is effective Aug. 31, 2017. Contact: Rusty Lundberg; DEQ, Division of Waste Management and Radiation Control; 801-536-4257; rlundberg@utah.gov

—Utah State Bulletin (09/01/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Hazardous Waste Permit Program
Utah HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Quality, Division of Waste Management and Radiation Control, amends regulations under R315-270-1 regarding the hazardous waste permit

program to align with Nov. 28, 2016, amendments to the federal Hazardous Waste Generator Improvements Rule under 40 CFR 270.1. The rule revises generator requirements and changes the title of the lowest category of hazardous waste generation from "conditionally exempt small quantity generator" to "very small quantity generator." The rule is effective Aug. 31, 2017. Contact: Rusty Lundberg; DEQ, Division of Waste Management and Radiation Control; 801-536-4257; rlundberg@utah.gov

—Utah State Bulletin (09/01/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Hazardous Waste TSD Facilities
Utah HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Quality, Division of Waste Management and Radiation Control, amends regulations under R315-264-1 through -1101 (nonconsecutive) regarding standards for owners and operators of hazardous waste treatment, storage, and disposal (TSD) facilities. The rule aligns requirements with Nov. 28, 2016, amendments to the federal Hazardous Waste Generator Improvements Rule under 40 CFR 264. The rule also clarifies the applicability of provisions for on-site accumulation of hazardous wastes by generators, owners or operators who ship hazardous waste generated at their facility, or operators consolidating waste from very small-quantity generators. In addition, the rule updates biennial reporting requirements for owners or operators. The rule is effective Aug. 31, 2017. Contact: Rusty Lundberg; DEQ, Division of Waste Management and Radiation Control; 801-536-4257; rlundberg@utah.gov

—Utah State Bulletin (09/01/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Identification and Listing of Hazardous Waste
Utah HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Quality, Division of Waste Management and Radiation Control, amends regulations under R315-261-1, -4, -6, -33, and -420 and repeals regulations under R315-261-5 regarding the identification and listing of hazardous waste to align with Nov. 28, 2016, amendments to the federal Hazardous Waste Generator Improvements Rule under 40 CFR 261. The rule revises generator requirements and changes the title of the lowest category of hazardous waste generation from "conditionally exempt small quantity generator" to "very small quantity generator." The rule also establishes personnel training requirements for proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies. The rule is effective Aug. 31, 2017. Contact: Rusty Lundberg; DEQ, Division of Waste Management and Radiation Control; 801-536-4257; rlundberg@utah.gov

—Utah State Bulletin (09/01/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT

Industrial Solid Waste
Utah HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Quality, Division of Waste Management and Radiation Control, amends regulations under R315-301-2 regarding definitions relating to industrial solid waste to align with Nov. 28, 2016, amendments to the federal Hazardous Waste Generator Improvements Rule under 40 CFR 258. The rule updates definitions and changes the title of the lowest category of hazardous waste generation from "conditionally exempt small quantity generator" to "very small quantity generator." The rule is effective Aug. 31, 2017. Contact: Rusty Lundberg; DEQ, Division of Waste Management and Radiation Control; 801-536-4257; rlundberg@utah.gov

—Utah State Bulletin (09/01/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Industrial Solid Waste Landfills
Utah HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Quality, Division of Waste Management and Radiation Control, amends regulations under R315-304-3 regarding definitions relating to industrial solid waste landfill requirements to align with Nov. 28, 2016, amendments to the federal Hazardous Waste Generator Improvements Rule under 40 CFR 257. The rule revises definitions to change the title of the lowest category of hazardous waste generation from "conditionally exempt small quantity generator" to "very small quantity generator." The rule is effective Aug. 31, 2017. Contact: Rusty Lundberg; DEQ, Division of Waste Management and Radiation Control; 801-536-4257; rlundberg@utah.gov

—Utah State Bulletin (09/01/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Interim Status Standards for TSD Facilities
Utah HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Quality, Division of Waste Management and Radiation Control, amends regulations under R315-265-1 regarding interim status standards for owners and operators of hazardous waste treatment, storage, and disposal (TSD) facilities. The rule incorporates by reference Nov. 28, 2016, amendments to the federal Hazardous Waste Generator Improvements Rule under 40 CFR 265. The rule is effective Aug. 31, 2017. Contact: Rusty Lundberg; DEQ, Division of Waste Management and Radiation Control; 801-536-4257; rlundberg@utah.gov

—Utah State Bulletin (09/01/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Land Disposal Restrictions

Utah HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Quality, Division of Waste Management and Radiation Control, amends regulations under R315-268 regarding land disposal restrictions to align Nov. 28, 2016, amendments to the federal Hazardous Waste Generator Improvements Rule under 40 CFR 268. The rule revises generator requirements and changes the title of the lowest category of hazardous waste generation from "conditionally exempt small quantity generator" to "very small quantity generator." The rule also addresses storage of hazardous waste restricted from land disposal and adds hazardous waste container labeling requirements. The rule is effective Aug. 31, 2017. Contact: Rusty Lundberg; DEQ, Division of Waste Management and Radiation Control; 801-536-4257; rlundberg@utah.gov

—Utah State Bulletin (09/01/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Management of Specific Hazardous Wastes/Spent Lead-Acid Batteries
Utah HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Quality, Division of Waste Management and Radiation Control, amends regulations under R315-266-80 regarding applicability and requirements for spent lead-acid batteries being reclaimed. The rule aligns requirements with Nov. 28, 2016, amendments to the federal Hazardous Waste Generator Improvements Rule under 40 CFR 266.80 regarding spent lead-acid batteries being reclaimed. The rule is effective Aug. 31, 2017. Contact: Rusty Lundberg; DEQ, Division of Waste Management and Radiation Control; 801-536-4257; rlundberg@utah.gov

—Utah State Bulletin (09/01/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Standards for Universal Waste Management
Utah HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Quality, Division of Waste Management and Radiation Control, amends regulations under R315-273-8 and -81 regarding standards for universal waste management to align with Nov. 28, 2016, amendments to the federal Hazardous Waste Generator Improvements Rule under 40 CFR 273. The rule revises generator requirements and changes the title of the lowest category of hazardous waste generation from "conditionally exempt small quantity generator" to "very small quantity generator." The rule is effective Aug. 31, 2017. Contact: Rusty Lundberg; DEQ, Division of Waste Management and Radiation Control; 801-536-4257; rlundberg@utah.gov

—Utah State Bulletin (09/01/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Standards for the Management of Used Oil

Utah HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Quality, Division of Waste Management and Radiation Control, amends regulations under R315-15-1, -10, -12, -13, and -17 regarding standards for the management of used oil to align with Nov. 28, 2016, amendments to the federal Hazardous Waste Generator Improvements Rule under 40 CFR 279. The rule clarifies requirements for sudden accidental and nonsudden accidental releases and changes the title of the lowest category of hazardous waste generation from "conditionally exempt small quantity generator" to "very small quantity generator." The rule also adds mixed mode transit systems to the list of North American Industry Classification System codes to allow qualifying transit systems to transport their own used oil to a permitted used oil recycler. The rule is effective Aug. 31, 2017. Contact: Rusty Lundberg; DEQ, Division of Waste Management and Radiation Control; 801-536-4257; rlundberg@utah.gov

—Utah State Bulletin (09/01/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Transfer Facility Requirements
Utah HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Quality, Division of Waste Management and Radiation Control, amends regulations under R315-263-12 regarding hazardous waste transporters and other hazardous waste handlers to align requirements with Nov. 28, 2016, amendments to the federal Hazardous Waste Generator Improvements Rule under 40 CFR 263. The rule provides that transporters storing manifested shipments of hazardous waste that meet applicable packaging requirements at a transfer facility for 10 days or less are not subject to hazardous waste storage requirements. The rule also requires transporters, when combining and consolidating compatible hazardous wastes in containers of 119 gallons or fewer, to mark containers as hazardous waste. The rule is effective Aug. 31, 2017. Contact: Rusty Lundberg; DEQ, Division of Waste Management and Radiation Control; 801-536-4257; rlundberg@utah.gov

—Utah State Bulletin (09/01/2017)

Regulatory Update

Washington

AIR
Puget Sound Clean Air Agency/Civil Penalties
Washington AIR

Proposed rule of the Puget Sound Clean Air Agency amends Regulation I, Sections 3.11 and 3.25, regarding civil penalties and federal regulations. The rule adjusts the maximum civil penalty to account for inflation and revises the reference date for federal standards to July 1, 2017. A hearing is scheduled for Sept. 28, 2017, in Seattle. Comments are due Sept. 27, 2017. Contact: Carole Cenci; PSCAA; 206-689-4061

—Washington State Register (09/06/2017)

Regulatory Update

COASTAL ZONE
Shoreline Management Act
Washington COASTAL ZONE

Final rule of the Department of Ecology amends regulations under WAC 173-18-040 through -27-170 (nonconsecutive); adopts regulations under WAC 173-26-104, -27-044, -27-085, -27-125, and -27-215; and repeals regulations under WAC 173-22-060 through -22-0678 regarding implementation of the Shoreline Management Act. The rule clarifies the shoreline master program (SMP) review process and simplifies the process for approving minor updates to SMPs. The rule also clarifies the planning process for water-dependent uses, including salmon net pens, and adds provisions concerning coastal hazard planning. In addition, the rule updates the list of shorelines of the state and clarifies the scope of periodic review. The rule is effective Sept. 7, 2017. Contact: Tim Gates; Department of Ecology; 360-407-6522

—Washington State Register (09/06/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Military Department/Rulemaking Agenda
Washington GENERAL ENVIRONMENT AND SAFETY

Notice of the Military Department announces the availability of the semiannual rulemaking agenda for July through December 2017. The topics to be addressed include updating standards for hazardous chemical emergency response planning and community right-to-know reporting. Contact: Dan Banks; Military Department; 253-512-7065; dan.banks@mil.wa.gov

—Washington State Register (09/06/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Citation and Notice Appeals
Washington OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Labor and Industries amends regulations under WAC 296-900-17005 to update procedures for appealing a citation and notice for workplace safety and health violations. The rule increases the appeal extension period to up to 45 working days and increases the total reassumption time period to up to 75 days working days if all parties agree to the 45-day extension. The rule also allows appeals to be filed electronically. The rule is submitted for expedited amendment. Objections are due Oct. 24, 2017. Contact: Chris Miller; DLI; 360-902-5516

—Washington State Register (09/06/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Electrical and Telecommunications Licenses/Scope of Work
Washington OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of the Department of Labor and Industries to amend regulations under WAC 296-46B-920 to update provisions concerning electrical and telecommunications license and certificate types and scope of work. The rule will modify the scope of work for the residential specialty to allow electrical work in multifamily occupancies of buildings up to seven stories. The rule also will modify the scope of work for the sign specialty to allow energy efficient retrofitting of exterior luminaries that are mounted on a pole or other structures. The rule is issued in response to two rulemaking petitions. Comments are requested, but a due date is not specified. Contact: Alicia Curry; DLI; 360-902-6244; Alicia.Curry@Lni.wa.gov

—Washington State Register (09/06/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Logging Operations Safety Standards
Washington OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Labor and Industries amends regulations under WAC 296-54-501 through -99003 Appendix 2 (nonconsecutive); adopts regulations under WAC 296-54-520, -52001, -52003, -52005, -52007, and -99015 Appendix 6; and repeals regulations under WAC 296-54-595, -59510, -59520, -597, -59710, -59720, and -59730 to update logging operations safety standards. The rule revises standards for personal protective equipment, accident prevention, first-aid, lockout/tagout procedures, falling and bucking, rigging and anchoring, and radio signaling. The rule also adds standards for chain shot awareness, prevention, and training; cutting system inspection, maintenance, and operation; and the sample chain shot training program. In addition, the rule removes provisions concerning transportation crews; speeders and trailers; and railroad construction, maintenance, and operations. The rule is issued in response to petitions from the Washington Contract Loggers Association in 2010 and 2014. The rule is effective Oct. 22, 2017. Contact: Chris Miller; DLI, Division of Occupational Safety and Health; 360-902-5516

—Washington State Register (09/06/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Manufactured Homes Installer Training and Certification Program
Washington OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Labor and Industries amends regulations under WAC 296-150I-0210 and -3000 regarding the Manufactured Home Installer Training and Certification Program. The rule replaces the mandatory $1,000 penalty for infractions with discretionary authority to issue a monetary penalty of up to $250 for a first infraction and $1,000 for subsequent infractions. A hearing is scheduled for Oct. 16, 2017, in Tumwater. Comments are due Oct. 16, 2017. Contact: Craig Sedlacek; DLI; 360-902-5218

—Washington State Register (09/06/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Petrochemical Refining Facilities/Process Safety Management
Washington OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of the Department of Labor and Industries to amend and adopt regulations under WAC 296-67 to update safety standards for process safety management of highly hazardous chemicals. The rule will update provisions regarding petrochemical refining facilities to reflect current industry practices. Comments are requested, but a due date is not specified. Contact: Tari Enos; DLI; 360-902-5541; tari.enos@lni.wa.gov

—Washington State Register (09/06/2017)

Regulatory Update

WATER
Drinking Water State Revolving Fund Loan Program
Washington WATER

Final rule of the Department of Health amends regulations under WAC 246-296-090 regarding eligible public water systems under the drinking water state revolving fund loan program. The rule aligns provisions with federal requirements to allow tribal governments to apply for and receive a loan for water system infrastructure improvements to provide safe and reliable drinking water for communities served by state tribes. The rule is effective Sept. 22, 2017. Contact: Theresa Phillips; DOH; 360-236-3147; theresa.phillips@doh.wa.gov

—Washington State Register (09/06/2017)

Regulatory Update

WATER
Emergency Drought Relief
Washington WATER

Notice announces the intention of the Department of Ecology to amend regulations under WAC 173-166 regarding emergency drought relief. The rule will reflect current practice, remove provisions that conflict with statutory authority, clarify language, and update agency contact information. Comments are requested, but a due date is not specified. Contact: Rebecca Inman; Department of Ecology, Water Resources Program; 360-407-6450; Rebecca.Inman@ecy.wa.gov

—Washington State Register (09/06/2017)

Regulatory Update

WATER
Reclaimed Water Use
Washington WATER

Proposed rule of the Department of Ecology adopts regulations under WAC 173-219-010 through -390 regarding the production, distribution, and use of reclaimed water. The rule codifies existing practices concerning commercial and industrial uses, land applications, direct recharge,

discharge, surface percolation, wetlands, and stream flow. The rule also updates and clarifies permitting processes, replaces the 1997 water reclamation and reuse standards, and designates a lead permitting agency. The rule replaces a July 1, 2015, proposed rule. Hearings are scheduled for Sept. 27, Oct. 3, and Oct. 5, 2017, via webinar, in Spokane, and in Lacey, respectively. Comments are due Sept. 20, 2017. Contact: Jocelyn Jones; Department of Ecology; 360-407-6321; jocelyn.jones@ecy.wa.gov

—Washington State Register (09/06/2017)

Regulatory Update

WATER
Surface Water Quality Standards
Washington WATER

Notice announces the intention of the Department of Ecology to amend regulations under WAC 173-201A-020, -200, -210, -600, -602, -610, and -612 to update water quality standards for surface waters to conform to 2012 federal recommended recreational water quality criteria. The rule will add new recreational use indicators and numeric criteria, update recreational use categories, and update location information in the use designation tables. Comments are requested, but a due date is not specified. Contact: Bryson Finch; Department of Ecology, Water Quality Program; 360-407-7158; bryson.finch@ecy.wa.gov

—Washington State Register (09/06/2017)

Regulatory Update

WATER
Water Pollution Control Revolving Fund, Centennial Clean Water Program
Washington WATER

Final rule of the Department of Ecology amends regulations under WAC 173-95A-015 through -98-970 (nonconsecutive) and repeals regulations under WAC 173-98-130, -560, and -820 regarding the uses and limitations of the water pollution control revolving fund and the Centennial Clean Water Program. The rule revises provisions concerning loans to acquire land for constructing treatment facilities to provide for loan terms of up to 30 years. The rule also clarifies provisions and removes provisions regarding green project reserves, approval of plans and specification, and declaration of construction after project completion. In addition, the rule clarifies that the department may work with stakeholders to develop a program for the further adjustment of interest rates. The rule is effective Sept. 9, 2017. Contact: Daniel Thompson; Department of Ecology; 360-407-6510; daniel.thompson@ecy.wa.gov

—Washington State Register (09/06/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: EPA Press Office
Sent: Thur 8/17/2017 7:51:56 PM
Subject: EPA Announces Intent to Revisit Provisions of Phase 2 Heavy-Duty Rules

Contact Information: press@epa.gov

EPA Announces Intent to Revisit Provisions of Phase 2 Heavy-Duty Rules

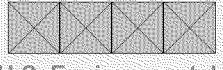
WASHINGTON (August 17, 2017) —The U.S. Environmental Protection Agency (EPA) announced today its intent to revisit provisions of the Phase 2 Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines following concerns raised by stakeholders in the trailer and glider industry.

"In light of the significant issues raised, the agency has decided to revisit the Phase 2 trailer and glider provisions," **said EPA Administrator Scott Pruitt**. "We intend to initiate a rulemaking process that incorporates the latest technical data and is wholly consistent with our authority under the Clean Air Act."

Background:

In September 2011, EPA and the National Highway Traffic Safety Administration (NHTSA) issued greenhouse gas (GHG) emissions and fuel efficiency standards for medium- and heavy-duty vehicles for model year 2014-2018 ("Phase 1"). These standards applied to newly manufactured engines, tractors, vocational vehicles, large pickups, and vans. In October 2016, EPA and NHTSA updated the standards for medium- and heavy-duty vehicles MY 2021-2027 ("Phase 2"), and regulated trailers and gliders – for the first time under the GHG program – with compliance deadlines beginning in 2018.

Visit The EPA's Newsroom

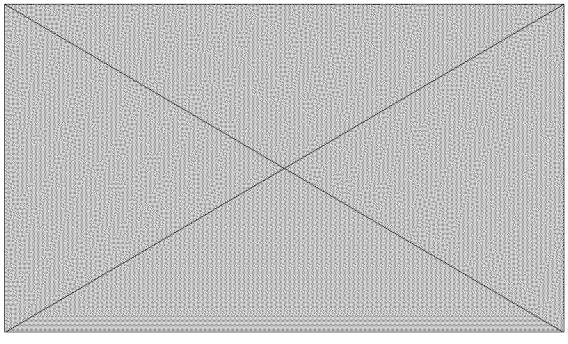


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Washington, D.C. 20004
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
Sent: Wed 11/8/2017 11:05:11 AM
Subject: AEI Today: One year out, setting the stage for the 2018 midterm races

Virginia and New Jersey voters went to the polls yesterday in two of the first statewide elections following Donald Trump's surprising 2016 victory.

AEI's daily publication of independent research, insightful analysis, and scholarly debate



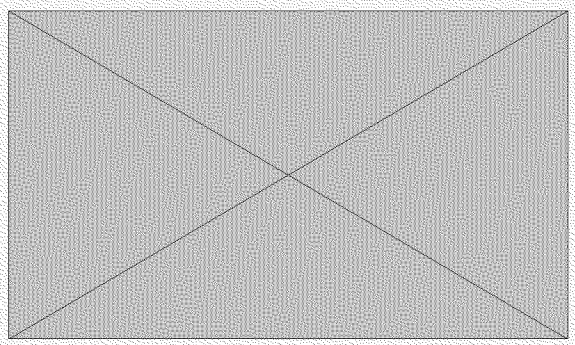
Reuters

One year out, setting the stage for the 2018 midterm races

Karlyn Bowman and Eleanor O'Neil | AEI

Virginia and New Jersey voters went to the polls yesterday in two of the first statewide elections following Donald Trump's surprising 2016 victory. With the much-anticipated 2018 midterms a year out, let's look at the landscape. There are 34 Senate contests next November, with Democrats holding 23 of those seats. Republicans, for their part, will need to defend 24 of 35 governors' mansions and 239 House seats. Nearly all polls give Democrats

the edge.

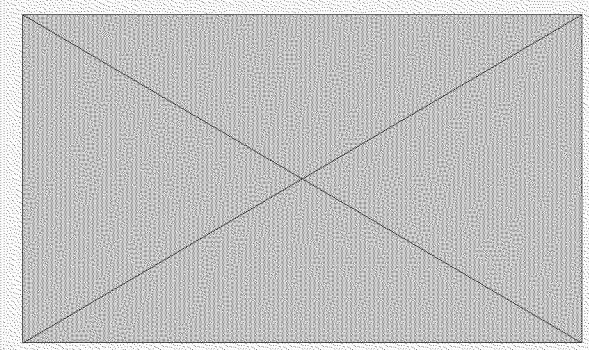


Reuters

Tax reform gets heated. The GOP plan is an opportunity.

Aparna Mathur | The Hill

Tax policy often faces the challenge of a trade-off between equity and efficiency. It may not be efficient to redistribute money from high-income taxpayers to low-income taxpayers, but it does lead to a more equitable society. So how does the Republican tax plan, in its current iteration, perform on those key metrics? The biggest boost to household incomes is expected to come from the private sector through corporate tax reform.

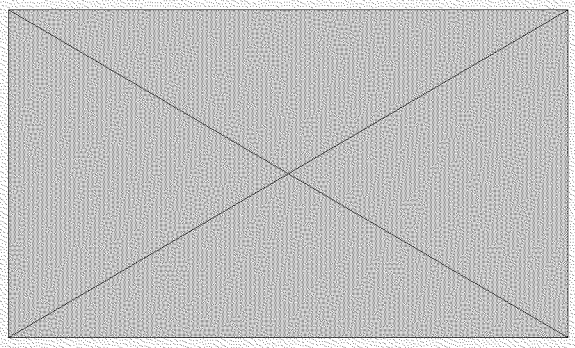


Reuters

Game of thobes: Saudi Arabia

Danielle Pletka | AEIdeas

Over the weekend, Saudi Crown Prince Mohammad bin Salman launched a new anti-corruption commission, arrested at least 11 senior government officials and super-rich Saudis, and axed the head of the Saudi Arabian National Guard. A busy weekend indeed, and Middle East watchers worldwide seized the opportunity to gossip wildly. So what does it all mean?



Reuters

A real strategy for success in Libya

Emily Estelle | AEI

America needs a new policy in Libya. The current approach is failing and will likely leave a permanent safe haven for the Islamic State and al Qaeda on Europe's southern border. This future will strengthen the global Salafi-jihadi movement, facilitate further attacks against the US homeland and Europe, and require a perpetual American counterterrorism campaign in Libya.

MORE FROM AEI

Qualcomm and the risk of valuable American technology being transferred to China
Derek Scissors | AEIdeas

Tax reform's losers can afford the loss
Ramesh Ponnuru | Bloomberg View

Testimony: The best housing finance reform would completely eliminate the government's role
Peter J. Wallison | Testimony before the House Financial Services Committee

The price of learning in Liberia
Nat Malkus | US News & World Report

In 1988, Democrats paid the price for attributing policy differences to racism. In Virginia, it's a problem they still have.
Ramesh Ponnuru | Bloomberg View

When government picks winners and losers, customers pay the price
Mark Jamison | AEIdeas

Watch live today: Redefining America's role in Libya for a brighter future
Frederick W. Kagan, Emily Estelle, and Katherine Zimmerman | AEI event today at 2:30 PM ET

An unfunded tax cut poses real risk to the US and world economies
Desmond Lachman | US News & World Report

Why gun control loses? Motivated opponents and ambivalent supporters
Ramesh Ponnuru | National Review

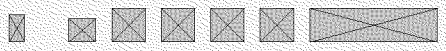
Around the web: That oft-quoted Burke speech you should know
Matt Winesett | AEIdeas

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 10/18/2017 9:22:04 PM
Subject: Inhofe waiting for deal on EPA picks before lifting his FERC hold

By Darius Dixon

10/18/2017 05:19 PM EDT

Sen. Jim Inhofe said he doesn't plan to release his hold on Democratic FERC nominee Richard Glick until senators reach a larger deal to move ahead with President Donald Trump's nominees to the EPA.

"I've still got a hold on Glick," the Oklahoma Republican told POLITICO. He said he is "concerned that we don't have our nominees confirmed on the EPA."

Inhofe said that he has raised the issue with Senate leadership and that he hopes there might be an arrangement to consider the EPA and FERC nominees within the next month or so. Both Republicans and Democrats have raised concerns about EPA nominees.

"I don't think it could happen as one package, but it could be an agreement that they will bring those up prior to the next recess," he said of the nominees.

FERC nominees traditionally move in bipartisan packages, so Trump's pick for FERC chairman, Kevin McIntyre, will likely be stuck until Glick's nomination gets floor time.

Senate Energy and Natural Resources Chairwoman Lisa Murkowski (R-Alaska) attempted to have both FERC nominees approved just before the Senate's most recent recess earlier this month, but Inhofe objected.

WHAT'S NEXT: The Senate's next extended recess is Thanksgiving week.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/10/inhofe-waiting-for-deal-on-epa-picks-before-lifting-his-ferc-hold-094481

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This email was sent to jackson.ryan@epa.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Tue 8/22/2017 2:02:29 PM
Subject: POLITICO's Morning Transportation: Senate Dems want answers on sleep apnea — Pugliese leaves DOT for FERC — New drone regulations on tap for next year

By Stephanie Beasley | 08/22/2017 10:00 AM EDT

With help from Lauren Gardner, Eric Wolff and Tanya Snyder

SOME 'SPLAINING TO DO: New York and New Jersey's senators urged DOT Monday to reconsider its decision to withdraw an ANPRM on obstructive sleep apnea among train operators and commercial truck drivers, a disorder that has been linked to 10 highway and rail crashes since 2000, including deadly derailments in New York and New Jersey. In a letter to Transportation Secretary Elaine Chao, Sens. Cory Booker, Chuck Schumer, Robert Menendez and Kirsten Gillibrand demanded access to the data behind DOT's "decision to vacate this potentially life-saving rule."

WORKING ON THOSE STAFF MOVES: Anthony Pugliese has left DOT to join the Federal Energy Regulatory Commission as its chief of staff, our Lauren Gardner scooped for Pros. He was the department's senior White House adviser - a role deployed across federal agencies that was intended to help 1600 Pennsylvania Ave. keep tabs on agencies' goings-on, but ended up irritating Cabinet secretaries instead (some POLITICO colleagues broke down the "shadow Cabinet" here). Pugliese has a background in energy policy, working as a consultant on those issues in Pennsylvania after a stint with former Gov. Tom Corbett, according to FERC's hiring announcement.

THE MITCH MCCONNELL CONNECTION: Pugilese served next to Elaine Chao, who readers know is married to Senate Majority Leader Mitch McConnell - and the two may not have gotten along. POLITICO reported in May how Pugliese informed Chao that he expected her to check in with him on all policy moves, a declaration that got a chilly reception. Now Pugliese has a job as the top staffer for newly anointed FERC chairman Neil Chatterjee, for years McConnell's top energy policy aide. The FERC announcement says Pugliese learned energy matters from his time working for Pennsylvania Gov. Tom Corbett, where he spent a year working for the department of Community and Economic Development, and as a consultant for Pugliese Associates, a Pennsylvania lobbying shop founded by Pugliese's father, Rocco. The company's website shows only Tesla Motors, a filling station chain, and an energy efficiency non-profit for energy-related clients. Pugliese's lobbying disclosure form for the state of Pennsylvania show his only energy client was Tesla.

Wait, there's more: Some birdies tell MT that Jane Williams is starting this week as FTA's deputy administrator. That would make her the most senior political appointee at the agency, since the White House has yet to nominate anyone to the administrator post. Williams comes from the Maryland Department of Transportation, where she was director of the Washington Area Transit Office. She previously worked for Rep. Andy Harris (R-Md.) and did stints in other GOP administrations.

HAPPY TUESDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Be sure to send tips, feedback, lyrics, and solar eclipse reflections to sbeasley@politico.com or @Steph_Beasley.

Now the soft new snows of December / Lightly fall my cabin 'round / And the last train from Poor Valley / Takin' brown haired Becky Richmond bound (h/t Dan Gurley North Carolina State Ports Authority)

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) that are all about flying, driving, commuting and sailing?

TWEETS DU JOUR: Check out Rep. Hal Rogers (R-Ky.) and company gazing up at yesterday's solar eclipse from his home state; meanwhile, ABC News nabbed footage of a huge traffic jam resulting from the celestial event in Oregon.

WELCOME BACK: DOT updated its monthly "significant rulemaking" report for the first time since the change in administrations. Among upcoming actions listed is an NPRM for operating small commercial drones over people, which was initially submitted to OMB last November. FAA is expected to publish that NPRM by Feb. 28, 2018 and also issue a final rule requiring registration and marking for drones by Feb. 26, 2018. A revised metropolitan planning organization coordination rule is expected by the end of next month. Read more here. (h/t to Jeff Davis at the Eno Center)

QUIET AS IT'S KEPT: White House aides, the Treasury Department and congressional leaders have significantly expanded a tax overhaul plan since President Donald Trump put out a six-paragraph framework in July. However, they have yet to hammer out key details like whether a tax bill should add to the deficit or if any tax cuts should be permanent, POLITICO's Nancy Cook reports . They are also finding it hard to stay focused on the tax overhaul, along with other policy issues, given the recent controversy over the president's response to violence in Charlottesville, Va and disruptive personnel changes in the West Wing.

THE ROCK HITTING THE WINDSHIELD: And speaking of distractions, Republican Party insiders say they worry that policy goals for taxes, spending and health care could be derailed by divisions within the party. "Loyalty to Trump has quickly become the most potent issue within the Republican base, according to a dozen candidates and strategists immersed in 2018 races," writes POLITICO's Kevin Robillard. Many Republican Senate campaigns are reportedly preparing to "bludgeon" primary opponents seen as disloyal to Trump.

KEEPING SCORE: Conservative advocacy group FreedomWorks said it plans to score senators based on whether they vote to confirm former Rep. Scott Garrett as president of the Ex-Im Bank and Kevin Hassett as chairman of the White House Council of Economic Advisers, according to Pro Trade's Zachary Warmbrodt. The Senate Banking Committee has yet to schedule a nomination hearing for Garrett who, like FreedomWorks, has proposed abolishing the Ex-Im Bank. The committee approved Hassett but he has not been confirmed by the full Senate.

CONGESTION PRICING A.K.A. THE DARK HORSE: New York City Mayor Bill de

Blasio remains optimistic that he can get enough support to institute a tax on the wealthy to help fund the city's transit system but said congestion pricing - which seems to have Governor Andrew Cuomo's approval - isn't "politically viable," report POLITICO New York's Dana Rubinstein and Gloria Pazmino. De Blasio said he was doubtful that state leadership would back the idea and that the need for MTA funding was too urgent to bet on a losing horse, so to speak.

In the eye of the beholder: But transportation funding groups say de Blasio's preferred fundraising method seems even less likely to go anywhere with state lawmakers. "This is like the third millionaire's tax, right?" said Jon Orcutt of the Transit Center, which supports congestion pricing.

NOT TODAY: Fiat Chrysler is downplaying rumors that China's Great Wall Motors is seeking to buy it or its Jeep Unit, POLITICO Europe's Hans von der Burchard writes. Fiat Chrysler said in a statement Monday that it had not received a bid from the Chinese automaker, though that might not be enough to quell market anxieties. The news "comes at a sensitive moment as Germany, Italy and France are pushing the European Commission to screen buyouts from Beijing more strictly, saying some are politically driven and heavily subsidized by state money."

ID ON THE GO: Nowadays people, especially Millennials, like being able to access everything from their phone and that includes their driver's licenses, MorphoTrust USA reveals in a new study out today. The company, which is involved with TSA PreCheck enrollment, surveyed 3,835 people over the age of 16 and also hosted 10 focus groups to assess their reactions to the concept of a mobile driver's license. People under the age of 39 were more open to the idea than those over 40, according to MorphoTrust. Though - 80 percent of survey respondents said they would be interested in a mobile ID.

SPOTLIGHT ON OPEN SKIES: U.S. Airlines for Open Skies Coalition released a new fact sheet on the economic, consumer and job benefits of the agreements in the United States. The group said that, among other things, Open Skies agreements support more than 16 million jobs. Partnership for Open & Fair Skies Spokeswoman Jill Zuckman responded by saying the fact sheet was part of a "misinformation campaign to try to trick people about the number of American jobs at stake" while the United Arab Emirates and Qatar were "cheating on their trade agreements with the United States."

A ROCK'S TALE: The Bureau of Land Management published an Interior Solicitor's opinion that overrides policy that prevented the agency from selling minerals materials such as gravel, rock and sand from public lands for federal highway projects. (h/t to Morning Energy)

SHIFTING GEARS: Melissa Froelich was named chief counsel of the House Energy and Commerce Committee's digital commerce and consumer protection subpanel. Froelich most recently served as counsel for the subpanel and was previously counsel for the subpanel on commerce, manufacturing and trade.

THE AUTOBAHN:

- "U.S. board to vote on likely cause of Tesla 'Autopilot' crash." Reuters.

- "Can GE's former chief executive turn Uber around?" The Washington Post.

- "Businesses keep on truckin' through solar eclipse." The Wall Street Journal.

- "Insider Q&A:General Motors learning the rental business." The Associated Press.

- "Trump administration: Rail funds not at risk for 'sanctuary' communities." Miami Herald.

- "US Navy collisions stoke cyber threat concerns." McClatchy DC.

- "Maryland to get $900-million federal full funding agreement for Purple Line." The Washington Post.

- "Feds say brake problems preceded derailment in Pennsylvania." The Associated Press.

THE COUNTDOWN: DOT appropriations run out in 39 days. The FAA reauthorization expires in 39 days. Highway and transit policy is up for renewal in 1,135 days.

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http://www.politico.com/tipsheets/morning-transportation/2017/08/22/senate-dems-want-answers-on-sleep-apnea-222007

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 9/27/2017 8:17:39 PM
Subject: Sep. 27 -- Energy and Climate Report - Afternoon Briefing

Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Hurricane Maria May Be U.S. Preview of Climate-Fueled Migration

Posted September 27, 2017, 01:28 P.M. ET

By Christopher Flavelle

Hurricane Maria's devastation of Puerto Rico may offer a preview for Americans of one of the most jarring potential consequences of global warming: the movement of large numbers of people pushed out of their homes by the effects of climate change.

The storm, which destroyed houses, washed away roads and cut off power to the commonwealth's 3.4 million residents, risks accelerating an exodus that's already under way as people flee economic stagnation and rising taxes brought on by a fiscal and debt crisis.

Puerto Rico Governor Ricardo Rossello warned Sept. 26 that without "unprecedented relief" from the U.S. government, "thousands if not millions" of residents could leave the island for the mainland. That would strain housing and job markets in the cities that received those people, as well as local government services.

In Puerto Rico, a further drop in population would make it harder to reverse its economic decline. The commonwealth declared bankruptcy in May and has stopped making payments on much of its more than $70 billion in debt. Fewer residents would mean less economic activity, further reducing tax revenue and leaving officials even less able to repay Puerto Rico's loans.

Scientists say higher water and air temperatures, as well as rising sea levels, increase the intensity and destructive power of hurricanes, a trend that will continue as the concentration of greenhouse gases in the atmosphere increases.

Researchers at the International Monetary Fund, in a report released Sept. 27, looked at the links between extreme weather and emigration in more than 100 countries over three decades. They found that "a rise in temperature and greater incidence of weather-related disasters increase out-migration," according to Petia Topalova, the IMF researcher and lead author of the report.

It describes migration as an "adaptation strategy for households hurt by weather shocks" and predicts that "substantial migration flows, potentially spilling across country borders, could arise if climate change causes a significant rise in sea levels."

In some parts of the world, that's already happening. In Africa, climate change forced an estimated 1 million people to leave their homes in 2015; in the Pacific, the World Bank has urged Australia and New Zealand to open their doors to residents forced off small island nations such as Tuvalu and Kiribati. Even in Syria, internal migration sparked by a historic drought contributed to the civil war, which has added to the wave of people trying to enter Europe in recent years.

Whole U.S. Open to Puerto Ricans

Maria, which struck Puerto Rico Sept. 20, could expose the U.S. to a similar dynamic. The scale of destruction on the island, combined with its large population and Puerto Ricans' legal right to move anywhere in the U.S., could prompt migration on a larger scale than other natural disasters.

That raises questions about the country's ability to handle such a movement of people. The housing market in those cities may not be able to accommodate that kind of influx, according to Jesse Keenan, an expert on climate adaptation at Harvard University.

"Let's say just 350,000 leave," Keenan said. Of those, he added, "let's say just half end up in cities. It's a major housing crisis. We don't have that much slack in housing inventory."

Keenan used the example of New York, which has the largest concentration of Puerto Ricans outside of the island. The city's traditionally Puerto Rican neighborhoods, where new arrivals might settle -- East Harlem, Bushwick, parts of the Bronx -- already have low vacancy rates and high rental costs, Keenan said.

"The city of New York right now needs to set up a plan to house these people," he said. If they're forced to stay with friends or relatives, "you're talking about housing being burdened by having too many people legally in the unit," Keenan said, leading to fire risks, domestic strife and other problems.

Large numbers of newcomers also would place "a tremendous burden on social service delivery, at least for a couple of years," Keenan said.

Big Employment Challenges

Topalova, the IMF researcher, said that people who leave Puerto Rico because of Maria may have a harder time finding their feet in their new homes.

"Previous IMF work suggests that people who were forced to depart their home country due to various events outside their control may be different, in terms of demographics and skills, than economic migrants," she said. "They may face greater challenges integrating in the job market relative to economic migrants who -- by definition -- chose their destination to maximize employment outcomes."

With enough planning and foresight, the U.S. "will be able to absorb and put to good work a wave of climate refugees," said Giovanni Peri, an economist at the University of California, Davis, who studies climate migration.

Natasha Lycia Ora Bannan, an associate counsel at LatinoJustice, an advocacy group in New York, got a call Sept. 26 from a friend on the island, asking if she could help him find a job in the city. She described him as "somebody I never imagined asking that."

For those who feel they need to leave the island, "this promise of economic opportunity elsewhere often does not lead to a job, or the job that they thought they would encounter," she said. "I call it the forced migration."

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Climate Shocks May Cost U.S. $1 Billion a Day as Planet Heats Up

Posted September 27, 2017, 12:17 P.M. ET

By Joe Ryan

Stronger hurricanes, hotter heat waves, more frequent wildfires and more severe public-health issues are all adding to the costs of climate change, which will reach almost $1 billion a day in the U.S. within a decade, according to a report released Sept. 27.

Total costs to address the impact of rising temperatures will swell 50 percent by 2027, to $360 billion annually, according to the study from the Universal Ecological Fund. That equates to about 55 percent of expected economic growth in the U.S.

The report comes as the U.S. continues to reel from one of the costliest hurricane seasons in history. Hurricanes Harvey, Irma and Maria have inflicted an estimated $173 billion in damage in Texas, Florida, Puerto Rico, and the U.S. Virgin Islands. On the West Coast, record dry conditions and heat have triggered wildfires in nine states. Unless the U.S. cuts fossil fuel use, the economic toll from such events will continue to rise, the study concludes.

"The increasing damage from climate-change related storms, wild fires, human health, agriculture loss and the like are taxing the potential of economic growth," said James McCarthy, a Harvard University professor whose co-authors included Robert Watson, former chairman of the Intergovernmental Panel on Climate Change. The researchers weren't paid for their work.

The study's conclusion that fossil fuels exacerbate global warming and create a drag on economic growth runs counter to the view of the White House.

President Donald Trump, who has called climate change a hoax, has put oil, natural gas and coal production at the center of his economic agenda. Energy Secretary Rick Perry told a meeting of the National Petroleum Council Sept. 25 that fossil fuels are even saving lives in developing nations by increasing access to energy.

The economic toll of climate change is not limited to storms. Droughts in states including California, Texas and Oregon have led to $56 billion in crop losses since 2012, according to the study, which used data from the National Oceanic and Atmospheric Administration, the Centers for Disease Control and Prevention, and other federal agencies. If global warming goes unchecked, corn and soybean production may fall as much as 30 percent in the next three decades, costing farmers as much as $25 billion annually, according to the study.

For years, policy makers argued it was impossible to grow the economy without increasing fossil fuel use. Renewable energy has become more common, challenging that notion.

"That's no longer true," McCarthy said.

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World's First Green Exchange Lists $74 Billion in Its First Year

Posted September 27, 2017, 9:13 A.M. ET

By Anna Hirtenstein

The Luxembourg Green Exchange, the world's first bourse for securities related to climate change, listed 63 billion euros ($74 billion) of bonds after one year.

"This far outstripped what we expected," Jane Wilkinson, head of sustainable finance at the Luxembourg Stock Exchange, said in a phone interview. "It clearly outstrips the growth we've seen in Luxembourg on the regular market, which was stable."

The Luxembourg Green Exchange, also known as the LGX, was set up as a place where investors could be certain that what they were buying was really a green bond. The industry is unregulated to date, although issuers can voluntarily follow frameworks such as the Green Bond Principles or the Climate Bond Initiative. The LGX obliges its issuers to provide full documentation, both before and after issuance.

The 63 billion euros makes up about 1 percent of the Luxembourg Stock Exchange, in terms of value of listed assets, according to Wilkinson. The global green bond market reached $95 billion last year. After a record-breaking 2017 first half, Bloomberg New Energy Finance raised its 2017 forecast for issuance to $130 billion from $123 billion. Wilkinson said the figure could be as much as $140 billion.

The LGX receives as many as two to three questions and requests daily from parties such as treasury departments and law firms that are interested in issuing green bonds, according to Wilkinson.

"There's definitely an increased interest by potential issuers," Wilkinson said. "New players that are waking up and thinking this could be an interesting market for us and starting to do their homework."

There is rising interest in China, U.S. municipalities and Latin American financial institutions, she said. Corporate issuers are also getting more involved.

"It's still a bit of a nascent market, if you're a big company I feel like they should lead the way," Wilkinson said. "I understand that they don't need to list because they have enough interest, but that kind of issuer can use their influence."

Some large companies in the clean energy industry haven't labeled their bonds as green, even if they could, such as Tesla Inc.'s recent $1.8 billion offering. This may be because of the additional reporting that's generally expected from investors to prove that the funds raised are only being used for environmentally-focused projects, Wilkinson said.

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Now One of the World's Energy Powerhouses Has a Coal Squeeze

Posted September 27, 2017, 10:14 A.M. ET

By Perry Williams and Ben Sharples

Australia's energy crisis keeps getting stranger.

The world's second-biggest seller of liquefied natural gas is already threatening producers with export curbs as it struggles to find enough supply for its own use. Now the country that ships more thermal coal overseas than almost any other is scrambling to replenish stockpiles at some power plants after they dwindled following a surge in demand and constrained supply.

It's the latest twist in the saga of how a global energy powerhouse is struggling to sustain reliable and affordable electricity for its own population. Power price spikes and gas shortages have already frustrated businesses and homes across the nation and put pressure on the government and generators to prioritize domestic customers over sometimes more lucrative export markets.

Coal inventories at Australia's three largest electricity providers—AGL Energy Ltd., Origin Energy Ltd. and CLP Holdings Ltd.'s EnergyAustralia—have shrunk over winter as they use more of the fuel to compensate for natural gas shortages. The closure of the Hazelwood coal-fired power plant in Victoria state also put further pressure on the nation's remaining generators to produce more power, eating through their stockpiles at a faster pace.

Against this backdrop, the power producers have struggled to get sufficient supplies as they compete with overseas buyers for lower-quality coal that was once considered too poor to export. Miners in Australia can command higher prices for coal known as high ash in China, South Korea and India.

"The high ash market has developed in North Asia over a number of years and that has caused complications for some power stations," said Robin Griffin, a research director at Wood Mackenzie Ltd. in Brisbane. "It means that miners can actually sell a much lower quality product into the export market."

Griffin estimates miners can probably sell coal to international customers at double the price sold to domestic utilities. Australia exported 116.1 million metric tons of thermal coal during the first seven months this year, compared with 114.4 million in the same period last year, according to government data.

"The local power producers have got a set delivery amount and they may be asking for more coal," he said. "It's going to be very difficult to convince miners to sell coal at a lower price to domestic utilities, it's just a no-brainer."

Strong Chinese imports and the price gap Australian producers can achieve by exporting coal rather than selling to local plants was a factor contributing to low stockpiles, according to Gavin Wendt, a senior resource analyst at MineLife Pty.

There's growing concern power supply disruptions may trigger blackouts during the peak summer demand period. Three of the biggest LNG producers on Wednesday guaranteed to supply more of the fuel to alleviate domestic shortages and lower spiraling prices after Prime Minister Malcolm Turnbull threatened to impose export curbs from their projects.

Australia has been scrambling to find additional sources of electricity since the national market operator said in March that gas-fired power shortfalls may be possible next year. The warning

spurred Turnbull to propose rules to restrict gas exports in the eastern state of Queensland amid concern outbound shipments had contributed to supplies being crimped and a tripling of Australia's wholesale gas price in the past two years.

'Historic Lows'

Coal accounts for 76 percent of Australia's power generation. Stockpiles at AGL's Liddell and Bayswater plants in New South Wales state fell to "historic lows" over winter as consumption rose due to limited natural gas supplies and the loss of power from the Engie SA-owned Hazelwood, an AGL spokesperson said in an emailed statement. International coal demand has also placed pressure on the rail lines that thread through the Hunter Valley region of the state, adding to constraints.

EnergyAustralia and Origin have struggled to procure sufficient quantities of the fossil fuel. The Mt. Piper power station, which supplies 15 percent of electricity demand in New South Wales, only has stockpiles to operate at "very low production levels" for a few months due to a legal dispute impacting mine supplies, EnergyAustralia said in an emailed statement.

Origin said its Eraring power station in the state "ran very hard" to meet demand over winter that created an issue with coal stockpiles, which now "needs to be managed." It has since sourced additional supply to replenish stocks and expects record coal to be delivered by rail to Eraring in September, according to Origin's general manager for energy supply and operations, Greg Jarvis.

The New South Wales government is working with the Australian Energy Market Operator to ensure there is sufficient fuel supplies this summer while also looking at how it may reduce demand on the power grid during heatwaves.

"There are many parallels with what is happening in the gas space and what's happening in the coal space right now and I think it's taken the market by surprise," MineLife's Wendt said in an interview Sept. 27.

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S.C. Regulators Asked to Review Rate Hikes for Canceled Project

Posted September 27, 2017, 9:43 A.M. ET

By Jim Polson

South Carolina utility regulators are weighing a request to suspend previously approved rate increases for Scana Corp. related to its canceled V.C. Summer nuclear plant expansion.

The request by staff of the Public Service Commission of South Carolina cites a state attorney general's opinion that rate hikes for unfinished or abandoned power plant projects were approved under a "constitutionally suspect" state law. Customers may be due credits or refunds should the law be amended or deemed unconstitutional, according to the filing Tuesday. Scana will "vigorously contest the request," the Cayce, South Carolina-based utility owner said Sept. 27 in a separate filing.

Scana and its partner, state-owned utility Santee Cooper, halted construction on two new reactors at the Summer plant after costs ballooned to over $20 billion, a decision that leaves Southern Co. as the only utility building a nuclear plant in the U.S. Scana had asked utility regulators for permission

to recover $4.9 billion in expenses for the project before withdrawing the request in August to give officials more time for review.

"This would be a severe, a huge financial blow to the utility," Kit Konolige, a New York-based utility analyst for Bloomberg Intelligence said by phone Wednesday. "My guess would be, the commission won't want to do that."

Scana shares fell 2.1 percent to $54.41 at 9:43 a.m. in New York.

The utility's South Carolina Electric & Gas utility is collecting about $445 million a year for the Summer project, Konolige said. Suspending rate hikes would save the average residential customer about $27.03 a month, according to the staff filing.

The commission staff also cited allegations that Scana failed to disclose information that would have appeared to provide a basis for challenging rate increases. The utility "should not be allowed to continue to benefit from nondisclosure," it said.

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Amazon.Com for Fuel Is How China Oil Wolves Battle State Tigers

Posted September 27, 2017, 8:18 A.M. ET

By Alfred Cang and Serene Cheong

China's oil-industry "wolves" want to help fuel buyers get rid of paperwork, and instead provide them with the Amazon.com experience.

Dongming Petrochemical Group, the biggest of China's private refiners in the eastern province of Shandong, has set up a website where traders, factories and pump stations within a 300 kilometer radius can ask for fuel to be delivered within 12 hours. They can also choose to place orders via an app or even through instant messaging service WeChat. There's a digital wallet payment option too. Chambroad Petrochemicals Co., another independent processor in the region, also has a similar service.

The strategy is part of their plan to take on more powerful state-owned refining giants such as Sinopec amid increased competition in the domestic market, while fuel demand is threatened by everything from electric vehicles to shared bikes. Moreover, while the state behemoths have government approval to export their oil products, the private companies, known as teapots, don't—meaning they can't access overseas markets for their merchandise.

Dongming says it's having to sell fuel to its bigger state rivals at a discount of 1,200-1,500 yuan ($180-$226) per metric ton to market prices. Other private refiners outside Shandong province, such as Rongsheng Petrochemical Co., are also seeking to make their mark and are posing a threat to the independent processors within the region. Dongming will be part of a new $5 billion group that's banding together to better take on rivals and have support from the regional government.

"Independent refiners in Shandong think of themselves as wolves, alongside tigers that are the national oil companies," Zhang Liucheng, vice president of Dongming Petrochemical, said in an interview in Singapore during the S&P Global Platts APPEC conference. "But with the emergence of other bigger independents that will soon bring new capacity online, they will become the wolves,

while the tigers remain, and we will be the sheep in their presence."

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China's New Silk Road Seen as Spur for Electric Cars in Europe

Posted September 27, 2017, 02:16 P.M. ET

By Jonathan Tirone

China's new silk road stretching into the heart of Europe may be what ultimately delivers more climate-friendly technologies like batteries and electric cars.

The trade route known in Beijing as the Belt and Road Initiative is spurring $1 trillion of investment on rail, highways and ports linking Europe and Asia. China's renewable-energy companies already are using the initiative to open new markets in southern Asia, the Middle East and Africa, according to Bloomberg New Energy Finance.

Austrian executives gathered outside Vienna to discuss the future of energy are banking on similar market-making effects in Europe. They anticipate the scale of manufacturing from China and quicker market access through the Belt and Road links to drive down the costs of electric cars and energy storage technologies in Europe.

"It's not a question of if but when, because it's happening," Verbund AG Chief Executive Officer Wolfgang Anzengruber said Sept. 27 at a green energy conference in the small Alpine town of Fuschl, Austria. "If China says it, it is so."

China's market-making role in Europe extends beyond developing EVs and is striking at the heart of traditional European businesses, according to Wolfgang Hesoun, chief executive officer of Siemens AG's Austrian unit, which employs 2,500 workers making trains and trolleys.

"The best ideas come from outside," Ramon Vullings told the energy executives gathered in Austria. The Dutch consultant said he traveled China's ancient silk road for 1 1/2 years in a bid to bring back new ideas to help Europe's companies deal with transition to renewables.

European companies will only be able to challenge Chinese companies by developing "locally-oriented" supply chains that cultivate customer loyalty, Hesoun said at the event a day after Siemens merged its rail unit with Alstom SA.

Similarly, just how quickly European companies can develop things like the lithium-ion batteries—used in electric cars and grid-balancing systems— depends on how much demand there is for those things consumers in China at the other end of the Belt and Road.

Automakers who employ 300,000 in Austria—and supply German giants Volkswagen AG and Daimler AG—are looking for ways to use electric cars to tap into China's market of 1.4 billion people.

"We need to start developing these technologies because if we don't, others will," World Energy Institute Secretary General Christoph Frei said, adding that China's huge market is leading the green energy shift.

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Brazil Gets $3.8 Billion Boost to Budget from Power Auction

Posted September 27, 2017, 02:28 P.M. ET

By Vanessa Dezem and Rachel Gamarski

Brazil raked in 12.1 billion reais ($3.8 billion) in revenue from a power plant auction that was key for efforts to hit a closely-watched budget goal.

The government sold concessions to operate four hydroelectric plants previously run by state-owned utility Cemig in an auction Sept. 27 that lasted less than an hour and beat policy makers' expectations of 11 billion reais in revenue. A separate auction for 287 oil exploration blocks is also underway, with that sale seen raising around 500 million reais.

The power auction results boost chances that President Michel Temer's administration will deliver its 2017 fiscal goal of a 159 billion reais deficit. Even after announcing plans to target a wider budget gap than previously forecast, policy makers are facing an up-hill battle as Latin America's largest economy recovers slowly from recession.

"In the short-term, the income will help deliver the target," Leonardo Costa, an economist at Rosenberg Associados, said in an interview. "But the pressure continues."

Since assuming the presidency last year, Temer has placed fiscal responsibility at the center of his strategy to woo back investors and spark growth. His government has cut spending, announced plans to postpone civil servant pay raises and said it will sell other assets including a lottery service run by state-controlled bank Caixa Economica.

Still, a series of corruption allegations against Temer have hindered the agenda. Lawmakers are now focused on voting on the second round of charges against the president, which will likely further delay deliberations on his flagship pension reform.

After the results were announced, Temer said on his Twitter account confidence in Brazil has been recovered. The government will use additional funds from the sale to help compensate any future disappointment in tax income, according to an official with direct knowledge of the matter.

The government expected to raise at least 11.05 billion reais with auction, while analysts from Goldman Sachs had an estimated range of 14.45 billion reais to 17.99 billion reais

China's State Power Investment Corp., known as SPIC, won the rights to operate the biggest of the hydroelectric dams being auctioned, Sao Simao. The bid was 7.18 billion reais, 6.51 percent above the set minimum

Engie SA won the contracts for Jaguara and Miranda plants, paying 2.171 billion reais and 1.36 billion reais, respectively. The company paid the highest premiums for the assets in the auction

Enel SpA, Italy's biggest utility, had the winning bid on the Volta Grande dam for 1.419 billion reais

The plants have a combined 2,922 megawatts of installed capacity and are located in the states of Minas Gerais, Goias, and Sao Paulo. They were previously operated by Cia. Energetica de Minas

Gerais, a state-run utility known as Cemig

—With assistance from Ana Carolina Siedschlag.

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U.K. Opposition Steps Up Push to Nationalize Energy Companies

Posted September 27, 2017, 01:14 P.M. ET

By Jessica Shankleman

Jeremy Corbyn's Labour Party is talking more about nationalizing Britain's energy companies, suggesting it could "take control" of major utilities like SSE Plc and Centrica Plc if the opposition wins the next election.

Key figures at the party's conference in Brighton the week of Sept. 25 hinted that Labour is poised to go beyond its current pledges of renationalizing local grid networks, a move they say would bring down costs for consumers and expand clean energy supplies.

To a standing ovation, Corbyn pledged "to take utilities back into public ownership" during his speech to the party conference Sept. 27. Shadow Chancellor John McDonnell on Sept. 26 vowed to bring energy companies under the "ownership and control" of "the people who use and work in them."

Their promises are broader than the manifesto pledge published in May to only change the licensing arrangements for regional grids in order to take them into public ownership and to make new publicly-owned grid companies that would compete with the Big Six utilities.

Rebecca Long-Bailey, the party's lawmaker who speaks on business, energy, and industrial strategy, explained some of these details at a energy-policy meeting on the sidelines of the conference. The party leadership may be banking on many members confusing the finer points of the manifesto with more popular pledges made on stage.

"We've said we want to set up regionally owned energy companies to rival the 'Big Six' energy companies and create competition in the market. But that's not the only thing we want them to do," Long-Bailey said. "In time we want them to be able to harness the ability to generate electricity on a local level alongside other business in the area."

CBI business group, which represents British industry, bristled at the idea.

"Forced nationalization of large parts of British industry will send investors running for the hills and puts misplaced nostalgia ahead of progressive vision," said Carolyn Fairbairn, the CBI's director-general.

The Conservative Party said Labour's entire nationalization plan of rail, mail, water, and energy networks listed in the manifesto could add at least 134 billion pounds ($180 billion) to the public debt, citing figures from the non-partisan Institute for Fiscal Studies.

Chi Onwurah, a Labour lawmaker speaking on industrial strategy, said nationalizing energy companies wasn't "a backward step."

"What isn't working is what we have now," Onwurah said at an event at the conference on Monday. "Where we have private sector generation and distribution and a market which is supposed to be competitive but isn't."

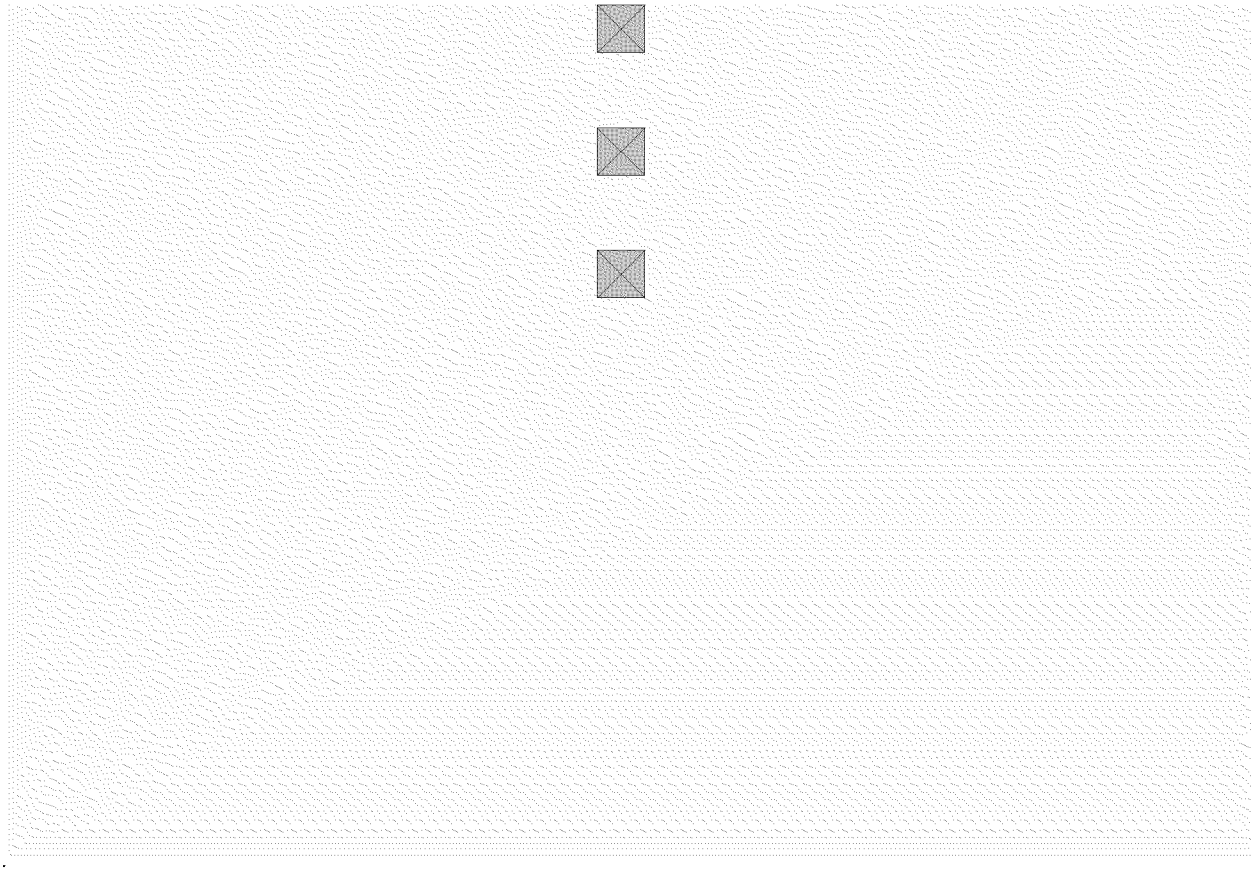
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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Security Today
Sent: Fri 10/13/2017 12:25:24 PM
Subject: 2017 'ASTORS' Awards Finalists - AST Oct 2017 *Fully Interactive* Magazine





To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Tue 9/12/2017 5:05:06 PM
Subject: Playbook Power Briefing, presented by CTIA: CASSIDY, GRAHAM to meet with MCCONNELL -- MNUCHIN says TRUMP's 15 percent corporate tax rate difficult to achieve -- HOPE HICKS now permanent White House comms director

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Today's Playbook Power Briefing presented by CTIA

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TWO BITES OF NEWS ...

-- SENS. LINDSEY GRAHAM (R-S.C.) and **BILL CASSIDY (R-LA.)** are meeting with **SENATE MAJORITY LEADER MITCH MCCONNELL (R-KY.)** this afternoon about their health care proposal.

-- THE WHITE HOUSE seems pretty confident that they will be able to release a tax-reform framework from the Big Six at the end of the month. But we're sensing some skepticism from House and Senate sources that they'll be able to meet that deadline.

STEVEN MNUCHIN spoke at CNBC's "Delivering Alpha" conference -- "[M]nuchin insisted that a tax overhaul would happen this year. 'We're going to get this done by the end of the year,' Mnuchin said, adding that the administration is 'super focused' on the goal following the three-month debt limit and government funding extension passed last week. ...

"Mnuchin said that President Donald Trump's goal of chopping the corporate tax rate to 15 percent could be difficult to achieve. 'I don't know if we'll be able to achieve that given the budget issues. But we're going to get this down to a very competitive level,' Mnuchin said." http://cnb.cx/2wYcUEY

-- OTHER HIGHLIGHTS: Mnuchin said he thought it was "a mistake" to break up the CEO councils. ... Repealing and replacing Obamacare is not the focus at the moment, he said.

Good Tuesday afternoon. STORY OF THE DAY -- MCCONNELL SPEAKS to NYT's **CARL HULSE -- "McConnell Says Democrats' Glee on Debt Limit Deal Was Premature":** "'Let's put it this way,' Mr. McConnell, the Kentucky Republican and majority leader, said Monday in an interview for The New York Times podcast 'The New Washington.' 'The deal is not quite as good as my counterpart thought it was.' The reason? Mr. McConnell said that he insisted the newly passed legislation preserve

Treasury's ability to apply 'extraordinary measures' and shift money within government accounts to pay off debt and extend federal borrowing power. That will delay the need for another increase in the debt limit well beyond the December deadline that Democrats have been trumpeting as their big moment of leverage. And Mr. McConnell said he did so over the objections of Senator Chuck Schumer of New York, the Democratic leader and aforementioned counterpart. ...

"Clearly irked by the perception that he got rolled by Democrats when President Trump accepted their proposal for a three-month extension of the debt limit and government funding, Mr. McConnell, an avid college football fan, said Democrats 'spiked the ball in the end zone a little too early.' Instead, he said, he used his majority leader's position to make something of an end run. 'One of the advantages of being the majority leader is you control the paper,' Mr. McConnell said, referring to legislation. 'I wrote it in such a way that it does not prevent what is frequently done, which is the use of extraordinary measures. The minority leader and his team were trying to get us not to write it that way, but I did write it that way and that is the way it passed.'" http://nyti.ms/2xu0KGT

-- LET'S UNPACK THIS A BIT: McConnell is right. He, along with Speaker Paul Ryan and Treasury Secretary Steven Mnuchin, tried to convince Trump that he didn't want another debt ceiling vote this year. What ended up happening didn't really anger Ryan and McConnell, which is why they didn't put up a fight. But now the debt limit will likely be pushed to 2018 -- due to the extraordinary measures we've explained here a few times -- and that could stunt Trump's legislative agenda.

MCCAIN TO CONTINUE TREATMENT -- Statement from his office: "Senator McCain received an MRI at the National Institutes of Health (NIH) in Bethesda, Maryland yesterday. Following the advice of his doctors, Senator McCain will continue to receive targeted radiation and chemotherapy treatments at the NIH will maintaining a regular work schedule in the United States Senate."

THE FOUR SEASONS BREAKFAST CROWD -- JACK QUINN with George Crowley ... Bill Kennard, former U.S. ambassador to the EU, with Robert Mandell, former U.S. ambassador to Luxembourg ... Don Baer ... former U.S. ambassador to Belgium Howard Gutman with Andrew Smith of McGuire Woods ... former U.S. ambassador to Slovakia Tod Sedgwick

HOPE HICKS IN CHARGE, PERMANENTLY -- Bloomberg's **JEN JACOBS** and **JUSTIN SINK:** "Hicks, who has been serving as interim communications director, will now lead the communications team on a permanent basis, two White House officials said. She's viewed by staff as a strong leader because she is one of the president's most trusted aides and therefore secure in her standing."

STOP US IF YOU'VE HEARD THIS BEFORE -- BLOOMBERG -- SELLING TAX REFORM: "President Donald Trump plans an aggressive travel schedule, taking him to as many as 13 states over the next seven weeks, to sell the idea of a tax overhaul as

the administration tries to avoid repeating the communications failures of its attempt to repeal Obamacare. ... The strategy was revealed by top advisers to about 40 allies during a closed-door meeting last week. It calls for the president to visit states he won where a Democratic senator is up for re-election next year, including Florida, Indiana, Michigan, Montana, Ohio and Pennsylvania, said three people who attended." https://bloom.bg/2h0Gge0

****** **A message from CTIA and America's wireless industry:** The global race to deploy 5G wireless is on-and America needs to win. Government action on spectrum and infrastructure policy will allow U.S. wireless companies to invest $275 billion, create more than 3 million jobs, and add $500 billion to the economy, according to Accenture. Learn more at CTIA.org. ******

ON THE PRESIDENT'S MIND -- @realDonaldTrump at 8:56 a.m.: "Fascinating to watch people writing books and major articles about me and yet they know nothing about me & have zero access. #FAKE NEWS!"

THE LATEST ON THE HURRICANE -- 12:06 p.m. -- MIAMI (AP): "Utility says much of Florida's east coast could have power back by Sunday; other areas could take 10 days or more."

TODAY'S MUST READ -- WAPO'S PAUL KANE speaks to **LIN-MANUEL MIRANDA -- "Lin-Manuel Miranda comes to Washington - with lessons from the era of Hamilton"** http://wapo.st/2xuEVa5

--HAPPENING TONIGHT -- MIRANDA is getting the 2017 Freedom Award from the U.S. Capitol Historical Society at 6 p.m. in Statuary Hall.

TRUMP INC. -- "Trump Beach Resort Wants More Foreign Guest Workers," by BuzzFeed's Jessica Garrison, Jeremy Singer-Vine and Ken Bensinger: "The Trump International Beach Resort, in Sunny Isles Beach, Florida, has asked the government for permission to hire more temporary foreign workers to labor as housekeepers, according to records posted by the Department of Labor on Monday. The resort, which is near Miami, licenses President Donald Trump's name but is owned by the International Resorts Management Group. It asked for permission to bring in 10 housekeepers, claiming no Americans wanted the jobs. The positions pay $10.64 an hour." http://bzfd.it/2ffHke1

A BANNON UPDATE ...

-- THE BANNON/TRUMP BACKCHANNEL: WSJ's Julie Steinberg and Steven Russolillo, with a Hong Kong dateline: "Mr. Bannon said he talks to Mr. Trump every two to three days, and that the pair last spoke the previous night for an hour, according to two people who attended the closed-door meeting with the former presidential adviser. The gathering, at a Grand Hyatt hotel restaurant, included a group of about 20 money managers. ... Mr. Bannon at the Tuesday lunch described himself as a 'schmendrick'

engineer -- invoking the Yiddish word for 'foolish person' -- while Mr. Trump was the architect of the campaign, the attendee said. Mr. Bannon said while he had influence before in the White House, he now has 'power' at Breitbart." http://on.wsj.com/2jlNVYN

-- BANNON'S MEDIA FOOTPRINT: "How Steve Bannon Is Preparing For War," by BuzzFeed's Tarini Parti and Adrian Carrasquillo: "What sources close to him say they are most confident about are Bannon's plans to increase his media footprint, with his team discussing how to ramp up the broadcasting of Bannon's economic nationalist ideas through television and radio. A confidante who recently spoke to Bannon said he is working on a book and his three hours of airtime on SiriusXM will now double to six hours with the addition of a nightly show.

"A separate source close to Bannon said Bannon has talked with Christopher Ruddy, a Trump friend and the CEO of Newsmax Media, about bringing him on to work on a TV effort. The Sinclair Broadcast Group, a conservative-leaning television company with a growing presence in local markets around the country, also reached out to Bannon about possibly producing content for their networks." http://bzfd.it/2h1oIP6

AIR FORCE ONE WATCH -- "Trump is visit U.S. Virgin Islands in wake of Irma," by The Virgin Islands Consortium's Ernice Gilbert: "President Donald Trump will visit the U.S. Virgin Islands 'within the next six or seven days,' Governor Kenneth Mapp said during a press conference at Government House late Monday. Mr. Mapp said he had a conversation with the president today, and Mr. Trump expressed his full support for the territory in providing disaster relief, following the calamitous state Hurricane Irma left St. Thomas and St. John in.

"Mr. Trump wants 'to see firsthand the damages of the territory, and to get on-ground reports of the federal operation, to ensure that the people of the Virgin Islands are receiving recovery as fast as humanly possible, and that the assets of the federal government were being appropriately deployed,' the governor said. Mr. Trump said he loves the U.S. Virgin Islands, Mr. Mapp added." http://bit.ly/2xuwuLR

OOPS -- "Ted Cruz blames staffer for 'liking' porn tweet," by Louis Nelson and Burgess Everett http://politi.co/2y2sMXb

HMM... -- "Billionaire Tom Steyer's PAC donates $1 million to help Virginia immigrant groups mobilize for November election," by WaPo's Antonio Olivo: "California billionaire Tom Steyer is giving $1 million to immigrant advocates in Virginia to mobilize voters in November's state elections, part of an effort to fuel a Democratic resurgence in the Trump era by focusing on a swing state that has embodied the nation's polarized political climate. The contribution by Steyer's super PAC, NextGen America, aims to tap into voter resentment over President Trump's immigration policies, in particular the travel ban against immigrants from six Muslim-majority countries and plans to phase out an Obama administration program that protected from deportation 800,000 undocumented immigrants who arrived here illegally as children." http://wapo.st/2h1MQ44

JOB OF THE DAY: Fraud analyst for Equifax. "The Fraud Monitoring Analyst is responsible for analysis and controls maintaining review of systems and processes supporting identity and fraud. These analysts are responsible for monitoring; analyzing and investigating interactions to identify fraudulent access or attempted access to Equifax consumer facing systems in near real-time ... This function is a critical line of defense for Equifax and integral to business goals." ***District Daybook has the listing*** http://bit.ly/2jkNKgI

-- "Ousted NSC Official Takes Job at Oracle," by Just Security's Kate Brannen: "Ezra Cohen-Watnick, who was fired from the National Security Council in August, has landed a new job at the Washington, D.C. office of Oracle, the Silicon Valley software giant, according to two sources with knowledge of his move. His new job title is not confirmed and the company declined a request for comment." http://bit.ly/2w5tZiR

TOP-ED - "You Won't Like Mexico When It's Angry: President Trump's insults are pushing the Mexican political system into dangerous territory," by Jorge Guajardo, former Mexican ambassador to China, in POLITICO Magazine: "[W]hat would happen if Mexico were to break with the U.S. on NAFTA? ... The first item off the table would likely be cooperation on issues of migration. ... Next up would be cooperation on the drug war. ... The fight against terrorism would suffer. Since 9/11, Mexico has arguably been the biggest obstacle against terrorists trying to reach U.S. soil. ... The list goes on: health, environment, transportation, water, disease control. No two countries in the world cooperate in as many areas as Mexico and the United States." http://politi.co/2xuSfLP

TODAY'S BEYOND THE BELTWAY -- Blagojevich gives two interviews -- Florida starts Irma recovery http://politi.co/2y2cNs1

FIRST-PERSON -- MARC CAPUTO in POLITICO Magazine, "This Is What It's Like to Ride Out a Hurricane: Why do people stay behind? This is why I didn't evacuate": "Over the years, these storms taught me to respect nature and fear man. I covered them as a reporter; I endured them as a Florida resident. They showed me how wind can wrap steel around a tree and how boats get flung on dry land while cars submerge. ... How desperate people without power, food or gas can be far more dangerous than any storm. And, perhaps most importantly, how something will go wrong if it can-but you're never sure what that something is.

"Hurricane Irma would teach me that lesson, again, like no other. People who have never lived through a hurricane often have a hard time understanding why anyone would stay in the path of one. Are you stupid? Get out of there! But everyone has their reasons, or rationalizations. And when you've survived a few of these things, you figure: What's one more?" http://politi.co/2y2gEoP

MEDIAWATCH -- JAMES ASTILL, Washington correspondent for The Economist, has started writing the magazine's Lexington column about American politics. He previously was political editor and Bagehot columnist. **David Rennie** will be moving to Asia for The

Economist next year.

SPOTTED: Former FBI Director James Comey dining at Capital Grille last night ... former Sen. Gordon Smith (R-Ore.), Dennis Wharton, Ted Johnson, and Kim Hart at lunch at Greenhouse at the Jefferson Hotel ... At Bombay Club yesterday: Matt Viser, Rick Klein, James Hohmann, AB Stoddard, Jen Epstein, Jonathan Last, Jen Rubin, Doyle McManus and David Catanese for a media lunch sponsored by the New Center (http://bit.ly/2eTC7YM) with speakers Bill Kristol and Bill Galston

TRANSITIONS -- OBAMA ALUMNI -- ERIC FANNING, former Secretary of the Army, has joined the Board of Advisors of the Truman Center for National Policy.

--"RNC Announces First Wave Of State Director Hires" for 17 states: http://bit.ly/2f2VYZj

WELCOME TO THE WORLD - OBAMA ALUMNI -- Michael Pan, special adviser at the Open Society Foundation and former director for strategic planning at the NSC and alum of the U.S. mission to the U.N. under Susan Rice, and **Eva Bonime,** deputy political director at SEIU 32BJ, welcomed Cassie Safir Pan over the weekend, at 6lb. 15oz, 19.5 inches. "Big sister 3-year old Edie came up with the name."

****** **A message from CTIA and America's wireless industry:** Tomorrow's 5G networks will create 3 million jobs, add $500 billion to the economy, and fuel innovation and entrepreneurialism across every sector. If policymakers move quickly to release more spectrum and modernize infrastructure rules, the wireless industry stands ready to invest $275 billion to build these next-gen networks, according to Accenture. This will drive breakthrough advancements in remote health care, connected vehicles, energy, education and beyond-making our lives better and safer. But the race to deploy 5G wireless networks is underway-and we're at a critical moment. The EU, China, Japan, South Korea and others are doing everything they can to win. If policymakers act now, the U.S. can continue our global leadership in wireless. Learn how at CTIA.org. ******

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Subject: POLITICO's Morning Energy: EPA to get earful on corn ethanol — Court orders EPA to reinstate methane rule immediately — Trump finding tough balance on coal, nuclear — Mnuchin won't rule out blocking Venezuelan oil imports

By Alex Guillén | 08/01/2017 10:00 AM EDT

With help from Eric Wolff, Doug Palmer, Annie Snider and Esther Whieldon

RFS HEARING WILL BE POPPING LIKE CORN: EPA is throwing its annual Renewable Fuel Standard bash today, an all-day hearing for the agency to get feedback on its proposed rule that will set the amount of biofuel that must be blended into the nation's fuel supply. The agency kept the ethanol mandate at the legal maximum of 15 billion gallons, but it dramatically cut the amount of advanced biofuels, and it will surely get an earful on that.

A-listers of biofuels: EPA will hear from Iowa Gov. Kim Reynolds and Nebraska Gov. Pete Ricketts, Chris Bliley of Growth Energy, Bob Dinneen of the Renewable Fuels Association, Frank Macchiarola of the American Petroleum Institute, and Donnell Rehagen of the National Biodiesel Board. Reynolds, whose state leads the nation in ethanol production, will tell EPA she's glad they're on track for an on-time rule (they're actually a bit behind schedule). But "I urge the EPA to raise the advanced biofuel, biodiesel and cellulosic volumes. The RFS is a bold policy, and Iowans and the industry as a whole have always risen to the challenge," she plans to add.

If you go: L'affaire du RFS will be at the Hyatt Regency Washington, 400 New Jersey Avenue NW. It will start at 9 a.m. and end when everyone who wants to has had their say.

COURT REVIVES EPA METHANE RULE, AGAIN: The full D.C. Circuit Court of Appeals on Monday ordered EPA to resume enforcing its methane rule for new oil and gas wells, a potentially temporary but important loss for EPA Administrator Scott Pruitt's deregulatory agenda. A three judge panel reversed Pruitt's stay, but gave EPA time to appeal. The agency hasn't done so, but industry groups have. The court's order was issued by a 9-2 vote. Judges Janice Rogers Brown, who will retire from the court effective Aug. 31, and Brett Kavanaugh voted against reinstating the rule immediately. More here.

For those keeping track at home: EPA's methane rule has been on, off, on again, off again, and now back on again. Plus, it's likely to be off again within a couple months, once Pruitt's proposed two-year hold is finalized - and then possibly back on following a new judicial review.

TRUMP STRUGGLES TO BOOST BOTH COAL, NUCLEAR: President Donald Trump has promised to revive the nuclear industry and put more coal miners back to work, but he is already finding it difficult to do both at the same time. Dueling announcements on Monday illustrated how difficult it will be for the Trump administration to square its support for nuclear power - whose main attribute is its ability to deliver reliable, carbon-free electricity - with its position that reducing carbon emissions are no longer a priority for the federal government. A

pair of South Carolina utilities said Monday that they would be pulling the plug on two unfinished new nuclear reactors; Santee Cooper, one of the companies, pointed out that "the current political landscape has reduced the urgency for emissions-free base load generation" among the reasons for the decision. That announcement came just a few hours after Trump Cabinet members trumpeted newly announced exports from a Pennsylvania coal mine to Ukraine, a deal the administration said it helped to negotiate. Darius Dixon explains it all.

HAPPY TUESDAY AND WELCOME TO AUGUST. I'm your special guest host Alex Guillén. The NRDC's Joan Matthews was first to correctly name all five former presidents who were the same height as Trump (6 feet, 2 inches): George Washington, Chester A. Arthur, Franklin D. Roosevelt, George H.W. Bush and Bill Clinton. For today: How many presidents were born in August, and how many have died in August? Sadly, my time as guest ME host was even shorter than Anthony Scaramucci's time as White House communications director, so please welcome your guest host for the rest of the week, Annie Snider. Send your tips, energy gossip and comments to asnider@politico.com. Or follow us on Twitter @AnnElizabeth18, @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

MNUCHIN WON'T RULE OUT BLOCKING VENEZUELAN OIL IMPORTS: After taking the dramatic step Monday of slapping sanctions on Venezuelan President Nicolás Maduro, the Trump administration kept open the possibility of also shutting down oil trade with the South American country to punish Maduro's government. The U.S. "will continue to monitor the situation and consider additional sanctions," Treasury Secretary Steven Mnuchin said told reporters at a White House briefing Monday, one day after what U.S. officials called a sham election to give the Venezuelan government sweeping new powers.

The United States imports about 700,000 to 800,000 barrels per day of Venezuelan heavy crude oil to refineries in Texas, Louisiana and Mississippi. It also exports about 30,000 barrels per day of oil to Venezuela for blending with the heavier product. Mnuchin deflected questions on whether the Trump administration could impose an embargo on oil imports from Venezuela or shut down U.S. oil exports to the country. "This president is not going to advertise what he's going to do in the future. So, all options are on the table and we will consider everything," Mnuchin said.

BERNHARDT STARTS AT INTERIOR TODAY: Today is former lobbyist David Bernhardt's first day as Interior Deputy Secretary. Bernhardt had worked at Interior in several roles, including solicitor, during the George W. Bush administration and was a lobbyist for Westlands Water District.

TRUMP PICKS HEALTH COMPANY LAWYER FOR KEY INTERIOR POST: President Donald Trump plans to nominate Ryan Nelson to be the Interior Department's solicitor, its top lawyer and third in command. Nelson since 2009 has been general counsel for Idaho-based Melaleuca, an online "wellness shopping club." Nelson previous was the deputy assistant attorney general for the Environment and Natural Resources Division and a lawyer at the Office of Management and Budget. Melaleuca CEO Frank VanderSloot is a noted GOP donor who at first clashed with Trump on the campaign trail (even garnering a scornful tweet when he initially backed Marco Rubio) before backing Trump after he secured the GOP nomination. Donald

Trump Jr., who has shown influence over and interest in Interior nominees, then visited the company last September.

Trump will also nominate John Henderson to be assistant secretary of the Air Force for installations, environment and energy, the White House said. Henderson previously commanded the Army Corps of Engineers' Omaha district, where he oversaw work related to the Dakota Access pipeline - and recommended its approval under the Obama administration.

API: BORDER TAX, SHMORDER TAX, AS LONG AS WE PROMOTE GROWTH: API CEO Jack Gerard told ME Monday he was pleased Republicans in Congress and the White House had agreed to drop a border adjustment tax from plans to rewrite the tax code. He instead wants tax writers to give oil and gas companies the means to recoup their investments quicker with tools like accelerated depreciation. "We're encouraged they listen to the public and the consumers, leaving behind the border adjustment tax," he said. Gerard believes a pro-growth tax policy would replace the lost income from the proposed BAT. "The best tax policy is a job creation policy. If you want to grow taxes, you want people who are in a position to pay taxes." Gerard was touting a report sponsored by API that showed the oil and gas industry supported millions of jobs and added billions of dollars to the economy.

KOCH BACKS PRO-MORRISEY SUPER PAC IN WEST VIRGINIA: Koch Industries has been a major early contributor to a super PAC supporting West Virginia Attorney General Patrick Morrisey's campaign to challenge Sen. Joe Manchin. The group, 35th PAC, which was formed to boost Morrisey against his key Republican opponent, Rep. Evan Jenkins , reported to the FEC Monday that $10,000 of the $20,500 it raised as of the end of June came from Koch Industries. Koch is a contributor to the Republican Attorneys General Association, where Morrisey is currently chairman, and Morrisey is one of the most frequent challengers of Obama-era environmental regulations. Morrisey's actual campaign was only formed a couple of weeks ago and hasn't filed any FEC reports yet. Jenkins' campaign, meanwhile, has about $1.2 million thanks to his previously existing House campaign chest and more than $680,000 in donations this year.

CONTENTIOUS ASIAN CARP STUDY COMING NEXT WEEK: The Army Corps of Engineers has alerted lawmakers it will release a draft plan for halting the spread of dangerous Asian carp into the Great Lakes on Aug. 7. The study was originally due out Feb. 28, but was put on hold by the Trump administration amid concerns from the barge industry that it could hamper navigation between Lake Michigan and the Mississippi River. Both Republican and Democratic lawmakers have been pushing for the study's swift release, through methods including policy riders inserted in pending appropriations measures.

THE POSTMAN ALWAYS RINGS THRICE: Letters from ME's mailbag.

FERC quorum: The Electric Reliability Coordinating Council would very much like the Senate to approve the nominations of Robert Powelson and Neil Chatterjee to seats on FERC to get the commission back to a quorum. The group says $50 billion in capital is "hamstrung" in projects requiring FERC approval, with another $25 billion starting applications. "Every week's delay compounds the problem as seasonal windows for pipeline analyses close and potential for energy

price spikes increase," wrote ERCC Director Scott Segal.

'Red team' climate science review: The American Association for the Advancement of Science and 15 other science groups have asked for a meeting with EPA Administrator Scott Pruitt to talk over his forthcoming "red team" climate science review program. The existing peer review system is already "a multi-dimensional, competitive "red team/blue team" process whereby scientists and scientific teams are constantly challenging one another's findings for robustness," they write.

Monuments: The Northwest Guides and Anglers Association wants Interior Secretary Ryan Zinke to leave the Cascade-Siskiyou National Monument in Oregon and California intact.

GROUP LAUNCHES ZINKE-TARGETED ADS: The watchdog group Center for Western Priorities is launching a six-figure ad buy today pressuring Zinke against shrinking or revoking any national monuments. The spot will air in Washington starting today, with an online campaign running through the month.

Another watchdog group, the Western Values Project, will launch a website today cataloguing "the revolving door between special interest lobbyists and political appointees at the Department of the Interior." WVP's "Department of Influence" site has found 21 political appointees with backgrounds in oil, gas, coal or another resource extraction industry and three with conservation or recreational backgrounds. A dozen served in the Trump campaign.

INTERIOR SAW 79 NEW EMPLOYMENT DISCRIMINATION COMPLAINTS: The Interior Department on Monday posted its fiscal 2017 third quarter report on employee and job applicant discrimination complaints. In the last quarter, during which Interior Secretary Ryan Zinke was in office, the agency received 79 new complaints, 58 percent of which involved retaliation allegations. A former Interior senior staffer filed a whistleblower retaliation complaint earlier this month. The agency has received 260 discrimination complaints thus far this fiscal year. The numbers are largely in line with the data from the past five fiscal years.

ENVIRO ATTORNEY RUBIN DIES: Noted Washington energy attorney Jim Rubin died Friday just weeks after being diagnosed with cancer, reports Greenwire. Rubin spent almost 15 years at DOJ working on environmental trial issues and on a Clinton-era climate change task force. He spent the last decade at several D.C. law firms, most recently Dorsey & Whitney.

LOS ANGELES OLYMPICS PUT PRESSURE ON CITY POLLUTION: Los Angeles reached a deal with the IOC to host the 2028 Summer Olympics, giving the city about a decade to work on its historically high levels of smog and other pollution the world's athletes will be sucking into their lungs. The American Lung Association says Los Angeles has the worst smog pollution of any U.S. city, and despite significant strides in recent years, the area has a long way to go, ALA's Bonnie Holmes-Gen told ME. "In some parts of LA, we have over 140 bad air days every year," she said. "The good news is there are a lot of important initiatives underway. But the state of California and the South Coast air district need to step up the work to move away from polluting fossil fuels, which is the No. 1 cause of pollution in the LA region."

Smog-choked cities have hosted Olympics before - Beijing in 2008, for example. But China resorted to some serious steps to clear the skies for the games, including shutting down factories and construction projects and limiting car usage, none of which would likely go over well in La La Land. That may help temporarily, but Los Angeles' smog chronically plagues millions of residents. Coincidentally, Beijing organizers learned some of their smog reduction techniques from the 1984 Olympics in Los Angeles, when car-crazy L.A. implemented new vehicle restrictions and longtime residents were astounded to see haze clear and reveal mountain ranges.

MOVER, SHAKER: Vince Griffin is the new executive director of Indiana Advanced Energy Economy, the state branch of the national group with a similar name that promotes renewables and other advanced energy technologies. Griffin retired last year from the Indiana Chamber of Commerce, where he was vice president of energy and environmental policy.

Morning read: FERC has issued new guidelines for "reporting on culture resources investigations for natural gas projects," for compliance with laws protecting historic and preserved sites.

QUICK HITS

- Billionaire Behind the Dakota Access Is 'Baffled' by Complaints About His New Pipeline. Bloomberg

- Californians urged to save energy during solar eclipse. Fox News

- Alphabet Wants to Fix Renewable Energy's Storage Problem - With Salt. Bloomberg

- Devon Energy sells shale oil assets in Texas. USA Today

- Big Oil weighs in on Texas 'bathroom bill,' warning it will threaten state's economy. Los Angeles Times

- Suicides of nearly 60,000 Indian farmers linked to climate change, study claims. Guardian

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http://www.politico.com/tipsheets/morning-energy/2017/08/01/epa-to-get-earful-on-corn-ethanol-221630

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By Anthony Adragna | 10/04/2017 10:00 AM EDT

With help from Alex Guillén, Eric Wolff, Darius Dixon and Ben Lefebvre

SCRUTINY MOUNTS OF PRUITT'S HABITS: Critics of EPA Administrator Scott Pruitt increasingly see a chief who avoids contact with the broader public and distrusts even his own agency's career staff, opting instead for meetings with like-minded industry and political leaders that could prove useful in a future political run, Pro's Emily Holden and Alex Guillén report. The Trump administration doesn't consider Pruitt's $58,000 in charter and military flight expenses to be as troubling as former HHS Secretary Tom Price's and now consider the controversy resolved after Price's resignation last week, one administration official said.

Environmentalists and other critics say Pruitt's spending is at best tone-deaf given agency budget reductions and at worst speaks to paranoia. Christine Todd Whitman, a Republican who ran EPA during President George W. Bush's first term, said she recalls taking chartered planes only while visiting remote areas of Alaska that were otherwise inaccessible. "Most people have to wait in line for a long time for planes," Whitman said. "The fact that you just turn around and order a private plane ... that starts to look really problematic. It's a lot of money." The agency said the flights were all cleared by ethics officials and say Pruitt's unprecedented around-the-clock security protection is necessary given increased threats.

Others point to who he met with as especially revealing. An analysis of Pruitt's broader schedule shows he's met most often with oil and gas executives, followed by agriculture and farming interests. And the former Oklahoma attorney general has paid especially close attention to his home state. Of at least 30 meetings or speaking engagements Pruitt had with oil and gas executives or trade groups, seven appear to have connections to Oklahoma. He's also spoken at events or held calls with right-wing policy groups that spend little of their time on environmental issues, such as the Family Research Council, Council for National Policy, State Policy Network and Federalist Society.

PRUITT LIEUTENANTS HOP ONTO HOTSEAT: Sparks are guaranteed to fly as Senate Environment and Public Works Committee hears from four EPA nominees and an NRC candidate today. Expect Democrats to pay close attention to William Wehrum, the EPA air nominee, and his long history as an industry attorney, the same issue that kept him from this post in the pre-nuclear option George W. Bush era. Since leaving EPA a decade ago, Wehrum's client list is a who's who of industry groups, including the American Petroleum Institute, American Fuel & Petrochemical Manufacturers and the Utility Air Regulatory Group. Wehrum just last week helped industry groups challenge OSHA's silica rule in court - though the judges indicated they weren't buying his arguments that the agency had failed to prove new health benefits.

Heavy focus expected on Dourson: The other nominee likely to face heat is Michael Dourson, nominee for EPA chemicals and pesticides chief. The job will be vital as EPA works to implement the reformed Toxic Substances Control Act. Critics were also incensed when Pruitt earlier this year rejected agency scientists' suggestion to ban the pesticide chlorpyrifos. Dourson's work as an independent toxicologist often concluded that safe levels of various chemicals and pesticides were significantly higher than the findings of government and university scientists. Dourson is also the author of a series of self-described "science-Bible stories."

Also slated to attend: Matt Leopold, the nominee for EPA general counsel, and David Ross, the pick to run EPA's water office. Leopold is a Florida lawyer who was previously the Florida Department of Environmental Protection's general counsel. Ross heads the Wisconsin Department of Justice's Environmental Protection Unit and previously helped challenge the Obama administration's WOTUS rule, which EPA is working to repeal and replace. Joining the EPA nominees is Democrat Jeff Baran, who is up for renomination to the NRC through 2023.

If you go: Chairman John Barrasso will gavel in the hearing at 10 a.m. in Dirksen 406.

WHAT ABOUT THE BOSS?: Pruitt himself hasn't been to an EPW hearing since he was confirmed in February, and the committee's top Democrat Tom Carper is out of patience. "It's almost nine months into the administration and we're still waiting for the head of EPA to come in and defend the administration's budget for EPA, which is appalling," Carper told ME.

The House Energy and Commerce Committee has never heard from Pruitt in a public hearing, though it is traditional for the EPA boss to testify there at least once a year. Illinois Republican John Shimkus , who chairs the E&C environment subcommittee, says a visit is overdue, especially in light of the heightened scrutiny of his spending. Shimkus said he thinks Cabinet officials should fly commercial, just like members of Congress do. "We're also stewards of taxpayers' dollars and these agencies, we're asking them to do more with less," Shimkus told ME Tuesday. "It probably would have been better had he come earlier than later."

WELCOME TO WEDNESDAY! I'm your host Anthony Adragna, and the Joyce Foundation's Ed Miller first identified Rep. Fred Grandy, aka Gopher from *The Love Boat*, as the Iowa congressman. For today: Who did Nancy Pelosi succeed when she first won election to Congress in 1987? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

ADMINISTRATION PICKS ARMY CORPS CHIEF: Trump announced late Tuesday his choice of R.D. James to lead the Army Corps of Engineers. He's previously served on the Mississippi River Commission where he's provided water resources advice to several administrations and Congress. James has also served as president of the Southern Cotton Ginners Association. Among other responsibilities, James would have a major role as the Trump administration revamps the Waters of the U.S. regulation. An April report made it sound like James was lukewarm on taking the post: "I'm a country boy, and I can't imagine living up there, but, if chosen, I will, and I will do my very best."

TRUMP STRIKES HARSH TONE IN PUERTO RICO: Visiting the devastated island of Puerto Rico Tuesday, President Donald Trump warned the island's millions of residents - many of whom have been told not to expect electricity or potable drinking water for months - they had "thrown our budget a little out of whack because we've spent a lot of money on Puerto Rico" and avoided a "real catastrophe" like Hurricane Katrina. As POLITICO's Matthew Nussbaum and Nolan D. McCaskill note, Trump maintained his boasts about a wildly successful response effort that hasn't matched the reality of the hurricane-ravaged island.

At a stop later in the day Trump insisted residents didn't need flashlights (it's unclear what he meant) even though 95 percent of the island lacks electricity. "The power grid, honestly, was devastated before the hurricanes even hit. And then the hurricanes hit and they wiped them out," Trump said, as he repeatedly seemed to blame the island for its poor infrastructure and financial situation. Joining him on the trip were Pruitt and Energy Secretary Rick Perry.

POLITICO's Burgess Everett and Seung Min Kim report the administration will today ask for $13 billion in hurricane recovery funding, $16 billion in flood insurance relief and more than $500 million for wildfires with congressional consideration likely in mid- to late-October.

BISHOP PROBES YEARS OF NON-COMMERCIAL TRAVEL: House Natural Resources Chairman Rob Bishop and Rep. Bruce Westerman sent a letter to Interior Secretary Ryan Zinke Tuesday asking for all records of non-commercial travel by the Interior secretary since the start of the Obama administration, as well as copies of department policies on the matter. "When partisan opportunists conflate diligent conformance to scandal, no one wins," they wrote. "Let's get all facts on the table, ensure taxpayers are protected and proceed with the peoples' business."

More questions raised for Zinke: A group of 26 House Democrats, led by Nanette Barragan and Don Beyer, asked Zinke in a Tuesday letter to immediately disclose all details of his use of charter aircraft.

Zinke doesn't plan to repay the government for his charter flights, the Associated Press reports.

NUCLEAR WASTE BILL ON ICE - FOR NOW: Shimkus said plans to bring a committee-passed nuclear waste package, H.R. 3053 (115), to the House floor are on hold for now as Nevada lawmakers, some of the most vocal opponents of the measure, deal with Sunday's massacre. "In light of the tragedy, there's no desire to move quickly," he said.

BISHOP: SILENCER CONTROVERSY 'SILLY': Delaying a broad sportsmen's package over language loosening gun silencer restrictions amid the response to the Las Vegas tragedy would be silly, Bishop told reporters. As your ME host reports, Bishop added: "If that's a hang-up, that's sad that that's a hang-up." GOP sources have previously indicated the SHARE Act, H.R. 3668 (115), likely won't come to the floor anytime soon after the shooting that killed 59 people and injured hundreds others.

COAL, NUCLEAR CAUTIOUSLY BACK PERRY'S PLAN: Representatives of the coal and nuclear industries offered qualified support before a House Energy and Commerce subcommittee for Perry's plan to extend their plants a lifeline through FERC, Pro's Darius Dixon reports.

Nuclear Energy Institute CEO Maria Korsnick voiced support for an extended public comment period while Paul Bailey, who heads the American Coalition for Clean Coal Electricity, said he'd back the proposal if forced to answer yes or no with "a huge caveat [that] we're still looking at it."

Lotsa wiggle room: FERC General Counsel James Danly told Senate lawmakers Tuesday the commission intends to act on DOE's resiliency pricing rulemaking proposal within the 60 days outlined by Perry, but he left plenty of room to tease out what that might look like, Pro's Darius Dixon reports.

Not giving up: Three new groups - the Energy Storage Association, the American Biogas Council, and the Business Council for Sustainable Energy - have linked arms with the other 11 energy groups asking DOE and FERC to slow down. The groups were spooked by FERC's decision on Monday to take comments on DOE's proposal even before the rulemaking was published but it's unclear how the processes will mesh. They have asked FERC to respond by Friday to their request for an extended comment period and technical conference.

** **A message from Chevron**: Advanced technology is helping us find safer ways to deliver energy. We're piloting a program that uses drones to monitor tanks and pipelines. Watch the video: http://politi.co/2xO60oe **

GREENS PLAN SUIT OVER MISSED OZONE DEADLINE: A group of 10 environmental groups said Tuesday they plan to sue Pruitt after he missed a deadline to decide which parts of the U.S. do or do not meet the 2015 ozone, standard, Pro's Alex Guillén reports. In response, an agency spokesman told ME: "The agency is continuing to work closely with the states to work through the designations process for the 2015 ozone standard."

SEIA GOES TO THE WHITE HOUSE: The Solar Energy Industries Association has a meeting today at the White House with presidential aides and staff from DOE, USTR and other cabinet agencies, Abigail Ross Hopper from the Solar Energy Industries Association said Tuesday. SEIA is trying to ward off tariffs on imported solar panels that will ultimately be decided by the president. The group would not specify who they'd be meeting with. "We are speaking with all of those folks who have a seat at the table and will help advise the president what the right decision is," Hopper said. "This is a conversation about American jobs, American blue collar jobs from many of the states that voted for our president."

LET'S GET TOGETHER, ROYALLY: Interior convenes the initial meeting of its new Royalty Policy Commission today. Counselor to the Secretary for Energy Policy Vincent DeVito will chair the commission, which he said will help with "looking at financial elements [at Interior] that have not been looked at in quite some time." The department caught flak earlier this year for stacking the commission with industry representatives but failing to fill slots reserved for public interest groups. NGOs said they will provide public comments, however, with The Wilderness Society set to ask Interior to increase royalty rates for oil and gas developed on public land from the current 12.5 percent. "Remarkably, for oil and gas, this rate has not changed since the 1920s," TWS said in prepared remarks seen by ME.

MORE JABS AT MANCHIN FROM BLANKENSHIP: Former West Virginia coal executive Don Blankenship released an ad Tuesday attempting to link Sen. Joe Manchin to both the Benghazi consulate attack and the deaths at Upper Big Branch Mine, Campaign Pro's Kevin Robillard reports . The spot, airing on state television, provocatively asks: "Does Manchin have blood on his hands?" Blankenship, who served a year in prison for conspiring to violate mine safety standards, has previously mused about challenging Manchin for his Senate seat as a Republican.

MURRAY JOBS SUIT REACHES SUPREME COURT: Coal producer Murray Energy asked the Supreme Court Tuesday to conclude Section 321(a) of the Clean Air Act requires EPA to produce a detailed study of its effects on coal jobs, Pro's Alex Guillén reports . A federal appeals court said that study represents a discretionary duty after a district court judge originally called it a mandatory one. But keep your expectations in check: It'll likely take the administration months to respond and there's no guarantee SCOTUS will ultimately hear the appeal.

AHEAD OF THE CLASS: Solar energy capacity in 2016 was 4,500 percent higher than the government thought it would be 10 years earlier, and wind supply is 350 percent above projections, the Natural Resources Defense Council finds in a report out Tuesday. "When you look at how clean energy development has exploded beyond official government projections from just 10 years ago, it offers hope that its potential will continue to far surpass expectations and we'll meet our U.S. climate goals," Amanda Levin, co-author of the report, said.

CEI SUES FOR PARIS DOCUMENTS: The Competitive Enterprise Institute filed a lawsuit Tuesday seeking emails and text messages concerning the communications of three former Obama-era State Department officials in the lead up to the Paris climate agreement being reached. In particular, the lawsuit seeks records related to Todd Stern and Sue Biniaz's communications with officials at NRDC and the World Wildlife Fund.

LAWSUIT FILED OVER ADVISORY BOARD RECORDS: The Center for Biological Diversity filed a lawsuit Tuesday seeking NOAA records concerning its decision to end a federal climate change advisory panel - Advisory Committee for the Sustained National Climate Assessment - over the summer. Copy of the filing here.

MOVERS, SHAKERS: State Energy & Environmental Impact Center at NYU School of Law, which aims to help state attorneys general fight Trump environmental rollbacks, today announced the additions of **Elizabeth Klein** as deputy director and **Chris Moyer** as communications director. Klein was most recently Interior's associate deputy secretary under the Obama administration and Moyer was most recently deputy communications director for California Attorney General Xavier Becerra.

Former FERC Commissioner Colette Honorable has joined the Bipartisan Policy Center as a senior fellow.

QUICK HITS

- EPA Asks Drillers and Miners for Advice on Regulating Them. Bloomberg.

- Pipeline wins federal OK to carry hazardous liquids across Kentucky. Lexington Herald-Leader.

- Former DEP official tapped to lead EPA regional office. State Impact.

- 'The new OPEC bromance': How Saudi Arabia and Russia are bonding over oil. CNBC.

- Coal-state lawmakers introduce bill to shore up pensions for miners. Washington Examiner.

- Miles of Algae Covering Lake Erie. New York Times.

THAT'S ALL FOR ME!

** **A message from Chevron**: Advanced technology is helping us find better and safer ways to deliver energy to America. We're piloting a program that uses drones, HD imaging, and thermal mapping capabilities to monitor Chevron wells, tanks, and miles of pipeline. Watch the video: http://politi.co/2xO60oe **

To view online:
http://www.politico.com/tipsheets/morning-energy/2017/10/04/pruitts-flight-meeting-habits-raise-eyebrows-222634

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Tue 9/26/2017 2:03:23 PM
Subject: POLITICO's Morning Score: Five things to watch in the Alabama runoff election — Trump takes on Bannon in Alabama Senate showdown — New NRCC senior adviser

By Daniel Strauss | 09/26/2017 10:00 AM EDT

With Zach Montellaro, Elena Schneider and Maggie Severns

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (http://www.politicopro.com/proinfo)

DAILY ROLL TIDE - "5 things to watch in Alabama's Senate race" by Campaign Pro's Daniel Strauss: "President Donald Trump and Senate Majority Leader Mitch McConnell have put their political muscle on the line in Alabama's Senate race - and they've done it for the clear underdog in Tuesday's primary. Not a single public poll has shown appointed Sen. Luther Strange beating former state Supreme Court Justice Roy Moore for the Republican nomination. But the super PAC aligned with McConnell has spent millions of dollars trying to boost Strange past his controversial opponent, and Trump lent Strange his personal endorsement in a Friday rally in Alabama, where the president enjoys sky-high popularity among Republicans. If it doesn't work, Strange could become the first senator since 2012 to lose a primary. Here are POLITICO's five things to watch when the polls close in the GOP primary at 8 p.m. Eastern time." **Full story.**

- **Last-minute spending roundup:** A number outside groups disclosed spending money during the final days of the runoff, though none came close to matching the more than $5 million that Senate Leadership Fund has disclosed spending so far to the FEC. The biggest spenders in recent days were all on Team Strange: pro-Trump America First Policies reported spending $452,254 on Strange's behalf over the last five days. The NRSC dropped $200,000 in support of Strange during that time. And the U.S. Chamber of Commerce dropped $350,000 on billboards and advertising, bringing the Chamber's total spending in Alabama close to $1 million.

BANNON BET - "Bannon to Alabama: 'They think you're a pack of morons'" by POLITICO's Alex Isenstadt : "Steve Bannon barreled onstage at a raucous rally inside a barn here to deliver a warning to the national Republican establishment ahead of Tuesday's special Senate election: I'm just getting started. In a thundering 20-minute speech Monday night that was partly a rally for insurgent Senate candidate Roy Moore but equally a declaration of war on the Republican Party hierarchy, Bannon made clear that this next act of his political career could make the Republican civil war of recent years look tame. 'For Mitch McConnell and Ward Baker and Karl Rove and Steven Law - all the instruments that tried to destroy Judge Moore and his family - your day of reckoning is coming,' Bannon said, referring to the Republican Senate leader and a trio of prominent GOP strategists backing incumbent Sen. Luther Strange. 'But more important, for the donors who put up the [campaign] money and the corporatists that put up the money, your day of reckoning is coming, too.'" **Full story.**

FIRST IN SCORE - NEW NRCC ADVISER - "New NRCC senior adviser Joe King expected to lead IE unit" by Campaign Pro's Elena Schneider: "The National Republican Congressional Committee is naming Joe King, an Ohio-based strategist with close ties to NRCC Chairman Steve Stivers, as a senior adviser to the committee - with the expectation that King will later lead the committee's independent expenditure unit in the 2018 election, according to a source close to the committee. King will advise the committee on races by 'surveying the battlefield, determining what's important to us,' and developing a 'winning strategy,' he said in an interview. But, in his expected future role leading the NRCC's outside-spending unit, King will be charged with overseeing tens of millions of dollars of TV advertising and polling in what could be the most expensive midterm election ever." **Full story.**

FLORIDA FUNDRAISERS - Sen. Marco Rubio, former Sen. Connie Mack and a number of top Republicans are hosting a fundraiser for Florida state Rep. Mike Miller's bid to replace Rep. Stephanie Murphy. Other names listed on the host committee include Rep. Pete Sessions, lobbyist Brian Ballard, Rep. John Rutherford, and Rep. Vern Buchanan. Read the invite **here**.

Days until the 2017 election: 42.

Days until the 2018 election: 406.

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

You can also follow us on Twitter: @politicoscott, @ec_schneider, @politicokevin, @danielstrauss4 and @maggieseverns.

PENNSYLVANIA POLLING - A McLaughlin & Associates poll conducted for state Sen. Scott Wagner's gubernatorial campaign finds him leading Republican primary rival Paul Mango 45 percent to 16 percent with 39 percent undecided. The poll was conducted between Sept. 18 and 20 and had a margin of error of plus or minus 4.9 percentage points. Read the full results **here**.

... AND VIRGINIA NUMBERS - A poll from Christopher NewPort University's Wason Center has Democrat Ralph Northam leading his Republican opponent Ed Gillespie 47 percent to 41 percent in the gubernatorial race. The poll was in the field from Sept 12 to 22, with an MoE of 3.7 percent. **More here.**

- AAN out with polling on tax reform: American Action Network's Middle-Class Growth Initiative is highlighting that 73 percent of surveyed voters call "passing comprehensive tax reform" a top or important priority, as Republicans are expected to roll out their plan soon. AAN also noted that "the survey found Americans, across party lines, view lowering the middle-class tax rate as the most important tax reform initiative." **Read the full polling memo here.**

AIR WAR - TV ads kick off against Rep. Rod Blum: Not One Penny, a progressive group, is

going up with a six-figure ad buy against Iowa Rep. Rod Blum, urging him to oppose the Republican tax reform plan "that rigs the tax code in favor of of millionaires like Blum," per a memo from the group. "Congressman Rod Blum has a tall stack of votes that only benefit millionaires like him - like this one, which will give a huge tax break for health insurance CEOs already making over half a million each year," says the ad, which will air in the Cedar Rapids market. **Watch the ad here.**

NO CORDRAY HERE - The Ohio Democratic Party announced Virginia Gov. Terry McAuliffe will be the keynote speaker at its second gubernatorial debate, scheduled for Sunday, October 29th. Democrats on the stage include former Ohio state Rep. Connie Pillich, former Ohio state Senate Minority Leader Joe Schiavoni, former U.S. Rep. Betty Sutton and Dayton Mayor Nan Whaley.

INVITING A PRIMARY - Coffman taunts Tancredo: Colorado Rep. Mike Coffman asked former Rep. Tom Tancredo to "come after me" in a GOP primary. Coffman said that he decided to challenge him after Tancredo "defended a group called VDARE, which serves as an online platform for racist and white supremacist viewpoints," 9News reported. "We could define what the Republican party is for a generation to come," Coffman said. Tancredo, for his part, has "openly advocated" for a conservative challenge to Coffman, but when asked said he didn't plan to personally challenge him.

GETTING THE NOD - NewDem PAC adds a dozen candidates to 'watch list': The NewDem PAC named a dozen Democratic House challengers to its "Candidate Watch List" on Monday: Dave Min (CA-45), Hans Keirstead (CA-48), Harley Rouda (CA-48), Paul Davis (KS-02), Elissa Slotkin (MI-08), Angie Craig (MN-02), Brad Ashford (NE-02), Mikie Sherrill (NJ-11), Anthony Brindisi (NY-22), Jana Lynne Sanchez (TX-06), Jay Hulings (TX-23) and RD Huffstetler (VA-05).

QUOTE OF THE DAY: "I'm here tonight to say, I stand with Luther. I stand with President Donald Trump. And I will always stand for our national anthem." - Vice President Mike Pence speaking at a rally for Sen. Luther Strange in Birmingham.

To view online:
http://www.politico.com/tipsheets/morning-score/2017/09/26/five-things-to-watch-in-the-alabama-runoff-election-222486

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 8/8/2017 12:21:42 AM
Subject: Aug. 07 -- Energy and Climate Report



Energy and Climate Report

August 07, 2017 - Number 151

News

Biodiversity
Soy and the Cerrado: Exports, Ecology Collide in Brazil's Savanna
Soybean cultivation cutting deep into the Cerrado is turning Brazil's vast wooded savanna into farmland, a transformation so swift that endemic species are being pushed to extinction and even the country's water supply could be affected, scientists and environmental groups warn.

Biofuels
Trump Foiling Bid to Shun Unwanted Ethanol Spat with Brazil
President Donald Trump's America First rhetoric is doing no favors for U.S. ethanol producers, who are hoping to avoid a trade fight with fuel buyers in Brazil.

Climate Policy
Merkel Climate Goal in Doubt with Greenhouse Gases on the Rise
More than 12 straight months of rising greenhouse gas pollution in Germany are casting doubt on whether Chancellor Angela Merkel's government can meet climate targets.

Endangered Species
Interior Department Calls for Changes in Sage Grouse Conservation Plans
Federal policy on the greater sage grouse in 11 states has much room for changes, including modification of guidelines on oil and gas leasing as well as reconsideration of the strictest protections aimed especially at mining, according to an Interior Department report released Aug. 7.

Energy
Big Oil's Dream of $65B Hidden Off Norway Is Fading Away
Norway's oil industry has been salivating for years over the Arctic Lofoten islands, which could hold billions of barrels of crude. It will likely have to keep dreaming.

Energy
Electric Car Boom Drives Rush to Australia's Lithium Hub
A scramble by the lithium market's biggest players to tie up supply of the high-tech metal is gathering pace in the 170-year-old heartland of Australia's $90 billion mining industry.

Oil & Gas
Obscure New Mexico Shale Source Means Big Results for BP
As U.S. gas drillers pay up for prime assets in Texas and Pennsylvania, BP PLC may have just found a gem in a largely ignored New Mexico source.

Pipeline Safety

Pipeline Safety Agency Hires Deputy Administrator

The Pipeline and Hazardous Materials Safety Administration has a new deputy administrator.

Process Safety

California's Most Protective Oil Refinery Rules Will Cost Millions

California oil refinery operators including Chevron Corp., Andeavor Inc., and Valero, could spend about $58 million during the next year to comply with the state's new refinery safety rules, the state says.

Renewable Energy

U.K. Clears $5.5 Billion Offshore Wind Farm for Scottish Power

The U.K. government gave the green light to ScottishPower Renewables Ltd. to build a 1.2-gigawatt wind farm off the coast of Norfolk that may cost as much as $5.5 billion.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Sat 11/4/2017 2:58:35 PM
Subject: POLITICO Playbook, presented by BP: NEW BUDGET NUMBERS on INDIVIDUAL MANDATE expected MONDAY and savings expected to shrink -- WHAT TRUMP is doing in HAWAII -- BUSHES unload on TRUMP -- OBAMA's post-presidency letter -- WEEKEND READS -- B'DAY: Ben Smith

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Today's POLITICO Playbook presented by BP

By JAKE SHERMAN (sherman@politico.com; @JakeSherman), ANNA PALMER (anna@politico.com; @apalmerdc) and DANIEL LIPPMAN (daniel@politico.com; @dlippman)

Visit the online home of Playbook

Driving the Day

FIRST IN PLAYBOOK -- SOME HEALTH CARE/TAX NEWS -- THE CONGRESSIONAL BUDGET OFFICE is expected to release a new report **MONDAY** detailing the budgetary impact if Congress were to repeal the individual mandate as part of tax reform. House Ways and Means Chairman Kevin Brady told us that it was a priority for President Donald Trump -- Trump has called him twice and mentioned it in person once. Insiders estimate repealing the mandate would bank $400 billion in savings. But the new estimate is expected to be far less, which might make it less attractive to include gutting the provision as part of tax reform.

-- Here's how Brady put it to us yesterday during a Playbook Interview: "There are pros and cons to this. Importing health care into a tax reform debate has consequences, especially one where the Senate has yet to produce 50 votes on anything related to health care that I'm aware of. And so there is all those considerations to think about as we're looking at this. So, no decisions have been made. We're listening to the members, and certainly the president, as well."

BULLETIN at **7:13 a.m.:** "BEIRUT (AP) - Lebanon's Prime Minister Saad Hariri says he is resigning as premier, blames Iran for meddling in Arab affairs." ***AP's story*** http://bit.ly/2h6gCF7

YOWZA! -- NYT's PETER BAKER -- "President Trump is not a favorite in the extended Bush household. Former President George Bush considers him a 'blowhard,' only interested in feeding his own ego. Former President George W. Bush, his son, thinks Mr. Trump fans public anger and came to office without any understanding of the job. ... In 'The Last Republicans,' Mark K. Updegrove chronicles an era that feels almost dated

in today's reality-show politics, when the Republican establishment controlled the party and Washington, and when a single family could occupy the presidency and vice presidency for a combined 20 years. ...

"Neither of the two Republican former presidents voted for Mr. Trump -- the father voted for Hillary Clinton and the son voted for 'none of the above,' as he told Mr. Updegrove. Indeed, at one point during the 2016 presidential campaign, the younger Mr. Bush confided to the author, 'I'm worried that I will be the last Republican president.' ...

"In discussing Mr. Trump, the elder president was blunter. 'I don't like him,' Mr. Bush said in May 2016. 'I don't know much about him, but I know he's a blowhard. And I'm not too excited about him being a leader.' Rather than being motivated by public service, Mr. Bush said Mr. Trump seemed to be driven by 'a certain ego.'" http://nyti.ms/2A6YXEU ... ***Pre-order -- $19.49 on Amazon*** http://amzn.to/2hbgx79

THE TRUMP ONE-YEAR ANNIVERSARY STORIES BEGIN -- "Trump's year of anger, disruption and scandal," by Annie Karni and Eliana Johnson: "It was after midnight on Nov. 9, 2016, and Donald Trump was sitting at the kitchen table of his Trump Tower penthouse. ...

"'Now it is time for America to bind the wounds of division.' He paused. 'To bind? To heal? Which is better?' he asked his campaign manager, Kellyanne Conway, who was hovering close by. It was the mirror image of the scene unfolding in Hillary Clinton's hotel room, where the Democratic nominee had a victory speech ready to go, but no concession to deliver. Trump had been glued to the television, watching what was supposed to be Clinton's Javits Center victory party -- and taking note of the shocked faces in the crowd.

"'I think he was aware of how unexpected this was,' said his longtime aide, Hope Hicks, now the White House communications director, explaining the un-Trumpian unity rallying cry. 'He wanted to give a speech that would de-escalate everything and, while the whole world was watching, be a leader for all.' Onstage, Trump would say: 'To all Republicans and Democrats and independents across this nation, I say it is time for us to come together as one united people. It's time.' It was a glimpse of a presidency that could have been." http://politi.co/2AjqKTp

****** **A message from BP: We sell enough natural gas to meet the daily needs of every home in the U.S.** *Check out what else we're doing across the country.* ******

HARASSMENT FALLOUT -- "Congressional leaders call for sexual harassment training," by AP's Erica Werner and Juliet Linderman: "On Friday, Ryan sent lawmakers a letter urging them to undergo sexual harassment training and make it mandatory for their staffs. 'Any form of harassment has no place in this institution. Each of us has a responsibility to ensure a workplace that is free from discrimination, harassment, and retaliation,' wrote Ryan, R-Wis. 'We can and should lead by example.'

House Democratic leader Nancy Pelosi called for passage of Democratic-sponsored legislation that would require anti-harassment training, enhance anti-retaliation protections for staffers who report harassment, and streamline dispute resolution." http://bit.ly/2zeaiUt ... ***AP's original investigation on sexual harassment on the Hill*** http://bit.ly/2zeKnOC

POLITICO FLORIDA -- "Six women accuse Florida Senate budget chair Latvala of groping, sexual harassment," by Marc Caputo, Matt Dixon and Alexandra Glorioso in Tallahassee: "Six women who work in Florida's Capitol say the state Senate's powerful budget chairman, Republican gubernatorial candidate Jack Latvala, has inappropriately touched them without their consent or uttered demeaning remarks about their bodies. ...

"Latvala, in an interview on Friday with POLITICO Florida , pointed to the fact that in 16 years in the Senate he has never had a complaint filed against him. 'The Senate provided you with a letter that I have never had a complaint filed against me in 16 years,' said Latvala. 'I'm sure that you have handpicked people and you are going to let anonymous people have this kind of impact on the career of a guy who has been there for 16 years,' he said. 'I've never had a complaint filed against me.' 'Govern yourself accordingly,' he told a POLITICO Florida reporter." http://politi.co/2hbzmXD

ON PRESIDENT DONALD TRUMP'S MIND -- @realDonaldTrump at 8:35 a.m.: "Unemployment is down to 4.1%, lowest in 17 years. 1.5 million new jobs created since I took office. Highest stock Market ever, up $5.4 trill" ... **at 8:49 a.m.:** "Would very much appreciate Saudi Arabia doing their IPO of Aramco with the New York Stock Exchange. Important to the United States!"

-- A TWEET LIKE THAT about Aramco could be worth a lot of money to a lot of people. The Aramco tweet was sent at 2:49 a.m. in Hawaii.

****** **A message from BP: Over the past 10 years, no energy company has invested more in the U.S. than BP - $90 billion in total.** *Take 15 seconds to see what we're doing to help keep America moving forward.* ******

DEPT. OF UNINTENDED CONSEQUENCES -- "Trump's push for inquiries challenges Justice Dept. independence," by Darren Samuelsohn: "With his forceful pleas via Twitter and recent media interviews to launch inquiries into everything from Hillary Clinton's e-mails to an Obama-era uranium deal, the president is essentially setting the department up for a major breach of protocol if it actually follows through on his requests, according to former government attorneys and prosecutors." http://politi.co/2xYSICl

THE BANNON EFFECT -- "Poll: Bannon's endorsement doesn't help in GOP primaries," by Eliana Johnson: "The Alabama Senate primary between Senator Luther Strange and Roy Moore raised questions about how powerful the endorsements of President Donald Trump and his former chief strategist, Steve Bannon, are on the campaign trail. Though Moore, Bannon's candidate, bested the Trump-backed Strange,

a new poll suggests that among voters in the upcoming midterm elections, Bannon's endorsement will make little difference.

"The survey, conducted by Firehouse Strategies and Optimus Consulting, found that just 13 percent of Republican voters said Bannon's endorsement made them more likely to support a candidate. Precisely the same number said the backing of the Breitbart chief would make them less likely to support a given candidate. Firehouse was founded by former aides to Sen. Marco Rubio, and Optimus is a Republican analytics firm." http://politi.co/2zdXbF3

ON TAX REFORM -- "Dems' plan to tank Trump's tax bill," by Elana Schor and Heather Caygle: "Democrats helped crush the GOP's Obamacare repeal push by maintaining total unity and generating broad public outrage. It's a powerful formula that fractured Republicans - but one that will be harder to replicate against the GOP tax bill. Already a handful of vulnerable Democrats in the House and Senate say they remain open to whatever tax legislation is ultimately produced. And while progressive groups and lawmakers are deploying plans to rev up the base, it's not clear taxes will energize people outside the Beltway as the more visceral topic of health care does." http://politi.co/2lPSrQN

-- "Lobbying Frenzy Begins on Tax Bill," by NYT's Jim Tankersley, Tom Kaplan and Ken Vogel: "The Republican tax rewrite unveiled on Thursday has set off a scramble among lobbyists and interest groups desperate to preserve prized tax breaks that are suddenly at risk in the sweeping bill moving through the House. Yet the ability of K Street to prevent longstanding tax provisions from getting the ax is running headfirst into Republicans' own mad dash as they attempt to quickly pass the tax rewrite and get it to President Trump's desk by Christmas.

"The rapid pace set out by Republican leaders is by design: They want to prevent the kind of arm-twisting that has long bedeviled previous tax overhaul efforts by leaving little time for outside groups to blitz lawmakers with concerns. Several consultants and lobbyists said on Friday that individual companies were just beginning to digest how the 400-plus page bill, which drastically changes how American businesses are taxed at home and abroad, would affect their bottom lines." http://nyti.ms/2y1K723

CATCHING YOU UP ON TRUMP ABROAD ...

FOLLOW POLITICO'S man with Trump in Asia: @AndrewRestuccia

IT'S CHALLENGING to cover trips like this -- the time difference is brutal -- so we'll try to find the best nuggets from stories and pool reports.

WSJ'S MIKE BENDER was pool yesterday, with **PRESIDENT TRUMP** in Hawaii: "At 1:14 p.m. local, POTUS & FLOTUS deplaned into 87 degree weather. The were greeted

with leis by Hawaii Gov. David Ige and his wife, Dawn Ige; US Navy Adm. Harry Harris, commander of the US Pacific Command, his wife, Bruni Bradley; and Mikayla Webb, the daughter of Adm. Harris's aid. ... POTUS arrived at US Pacific Command at 1:43 p.m. local, two minutes ahead of schedule for the first stop on his 12-day trip. ... 'I tell you this is very special being in Hawaii,' he said. ...

"**POTUS also appeared legitimately excited** about his visit this evening to Pearl Harbor, 'which I've read about, spoken about, heard about, studied, but I haven't seen. And that is going to be very exciting for me.' ... POTUS made a somber and short visit to the USS Arizona Memorial - about 13 hours before wheels-up to Japan. POTUS & FLOTUS spent about 20 minutes at the simple yet stark shrine to the 1,177 crewmen who died during the Dec. 7, 1941 attack on Pearl Harbor. The pair stood for about a minute in front of the white marble wall etched with the names of the fallen during a wreath laying ceremony.

"The first couple adjusted the wreath slightly before two soldiers placed it near the wall. The Trumps then threw white pikake flower petals into the water where the remains of more than 900 Arizona crewmen rest. ... Most of the president's top staff traveling with him joined the tour, including HR McMaster, Dina Powell, Rob Porter, Hope Hicks, Sarah Sanders, Matt Pottinger, Bob Lighthizer, Michael Anton, and Jared Kushner. ... From his first tweet this morning at 6:51 a.m. Eastern, to the return to his Honolulu hotel at 7:33 p.m. Hawaii time, that's nearly a 19-hour day for POTUS on the first day of his 12-day trip halfway around the world."

-- TRUMP'S WEEKEND: The president will leave Hawaii at 1:20 p.m. D.C. time (7:20 a.m. in Hawaii) for Tokyo. They land at 9:45 p.m. tonight. When Trump lands, he'll have an event at Yokota Air Base and then he'll have lunch with Japanese Prime Minister Shinzo Abe and the golfer Hideki Matsuyama at Kasumigaseki Country Club. Trump is having dinner with Abe with the first lady and Mrs. Abe at Ginza Ukai Tei in Tokyo.

-- BEING THERE: @JonLemire: "Lunch today on Air Force One: a taco bowl" http://bit.ly/2ytGVQZ

IVANKA ABROAD -- THE DAILY MAIL: "A cultural homage (kind of)! Ivanka Trump dons a $2,000 Italian faux kimono - and models a new wavy hairdo - as she enjoys dinner with Japanese Prime Minister Shinzo Abe" -- ***with 29 pix on one page*** http://dailym.ai/2zgWSJn

FOR OBAMA ALUMNI -- "Here's the letter Obama is sending to people who ask him about the state of the country," by Yahoo's Hunter Walker: https://yhoo.it/2y1AFve

THE RUSSIA INVESTIGATION -- JUDGE PROPOSES MAY 7 trial date for Manafort and Gates. http://politi.co/2j1GR43

--"Mueller braces for challenges to his authority," by Darren Samuelsohn and Josh

Gerstein: "Robert Mueller is on an early winning streak. Stacked with some of the country's premier prosecutors, the special counsel has beaten back a pair of preliminary attempts to block his subpoena power and limit who he can question as a potential witness. In July, Mueller's team also managed to win approval to execute a no-knock search warrant-unusual in a white-collar case.

"But as the criminal case against former Donald Trump campaign officials Paul Manafort and Rick Gates speeds toward a possible spring 2018 trial, Mueller's team is bracing for an array of challenges to its authority. The battle lines are already taking shape. Kevin Downing, Manafort's lead attorney, submitted a document Friday indicating that he anticipates filing pre-trial motions that question 'the legal basis for and sufficiency of the charges, the suppression of evidence improperly obtained by search warrant, subpoena or otherwise.' Downing also said he may try to prevent Mueller's prosecutors from presenting some of their evidence during the criminal trial." http://politi.co/2A7Qe5B

-- "McConnell: No need to pass bills to protect Mueller," by Brent D. Griffiths: "Senate Majority Leader Mitch McConnell said on Saturday that special counsel Robert Mueller is not in need of congressional protection from President Donald Trump. 'I don't hear much pressure to pass anything,' McConnell told MSNBC's Hugh Hewitt. 'There's been no indication that the President or the White House are not cooperating with the special counsel.' McConnell added, 'I think the view up here is let him do his job.'" http://politi.co/2yuNO4E

-- "Longtime Trump bodyguard to face questions about 2013 Moscow trip," by WaPo's Carol D. Leonnig and Greg Miller: "One of President Trump's most trusted confidants, a security chief who served as his sounding board for nearly two decades, will face questions from congressional investigators next week about Trump's 2013 trip to Moscow, according to people familiar with their plans. ... The House Intelligence Committee has called former longtime bodyguard Keith Schiller to appear for an interview Tuesday as part of its probe of Russian meddling in the 2016 election. Investigators plan to press Schiller about allegations in the 35-page dossier that Russian officials obtained compromising information about Trump's personal behavior when he visited Moscow for the 2013 Miss Universe pageant." http://wapo.st/2IN34DM

-- "Trump Campaign Adviser Met With Russian Officials in 2016," by NYT's Mark Mazzetti and Adam Goldman: "Carter Page, a foreign policy adviser to the Trump presidential campaign, met Russian government officials during a July 2016 trip he took to Moscow, according to testimony he gave on Thursday to the House Intelligence Committee. Shortly after the trip, Mr. Page sent an email to at least one Trump campaign aide describing insights he had after conversations with government officials, legislators and business executives during his time in Moscow, according to one person familiar with the contents of the message. The email was read aloud during the closed-door testimony." http://nyti.ms/2AkuLqY

NEW POLICY -- "Protected status no longer justified for Central Americans and

Haitians in U.S., State Dept. says," by WaPo's Nick Miroff and Karen DeYoung: "More than 300,000 Central Americans and Haitians living in the United States under a form of temporary permission no longer need to be shielded from deportation, the State Department told Homeland Security officials this week, a few days ahead of a highly anticipated DHS announcement about whether to renew that protection.

"On Tuesday, Secretary of State Rex Tillerson sent a letter to acting DHS secretary Elaine Duke to inform her that conditions in Central America and Haiti that had been used to justify the protection no longer necessitate a reprieve for the migrants, some of whom have been allowed to live and work in the United States for 20 years under a program known as Temporary Protected Status (TPS)." http://wapo.st/2A7oopO

Playbook Reads

PHOTO DU JOUR: President Donald Trump, donned in lei, greets servicemen after arriving aboard Air Force On at Joint Base Pearl Harbor Hickam in Honolulu, Hawaii, on Nov. 3. | Jamm Aquino/The Star-Advertiser via AP

K STREET FILES -- "Trump Offered Corey Lewandowski a New Job. Corey Turned It Down Because It Was 'Chump Change,'" by the Daily Beast's Lachlan Markay and Asawin Suebsaeng: "Trump had asked if he wanted a job that would place him in the Eisenhower Executive Office Building, across the way from the West Wing, sources in and outside the administration say. According to two people who spoke with Lewandowski, he 'strongly' considered taking the gig, in hopes of getting to serve Trump in an official capacity once more. However, he came to the conclusion that the job wasn't senior enough, telling friends that it was 'beneath him.' ... [T]hose close to Lewandowski say he told friends in October that he had been offered a senior post in the Office of Public Liaison." http://thebea.st/2h29ppH

TRUMP INC. -- "Trump wins permission for 70 foreign workers at Mar-a-Lago," by Palm Beach Post's Jeff Ostrowski: "Like other Palm Beach County employers who staff their clubs with foreign workers, President Donald Trump is boosting the number of employees he's bringing from overseas this winter. Trump won permission to hire 70 maids, cooks and servers at the Mar-a-Lago Club for the 2017-18 tourist season, according to newly released data from the U.S. Labor Department. In 2016-17, Trump hired 64 foreign workers at the Palm Beach property." http://pbpo.st/2j17lgy

MEDIAWATCH -- "Fresh questions about Trump administration's review of AT&T-Time Warner deal," by CNN's Brian Stelter: "Trump is not shy about his enemies list. It includes Hillary Clinton and several major news outlets, including CNN. That's why there are whispers in political and media circles that the president may be trying to interfere with AT&T's acquisition of Time Warner, especially now that the DOJ is reportedly considering a lawsuit to block the deal. ... According to my sources, executives at AT&T

and Time Warner have been under the impression that DOJ approval was right around the corner. The companies have been negotiating what's known as a 'consent decree." http://cnnmon.ie/2j2BDVt

--"Sean Hannity Gets Inducted Into the National Radio Hall of Fame" -- AdWeek: http://bit.ly/2zd4F92

WEINSTEIN UPDATE -- "NYPD is working to arrest Harvey Weinstein on rape allegations," by N.Y. Post's Tina Moore and Ruth Brown: "The NYPD is prepared to arrest Harvey Weinstein for raping 'Boardwalk Empire' star Paz de la Huerta -- and the next step is for the Manhattan district attorney to get an arrest warrant, a top department official said Friday. 'She put forth a credible and detailed narrative to us. We then sought to garner corroboration -- this happened seven years ago -- and we found corroboration,' Chief of Detectives Robert Boyce told reporters. ... When asked what made de la Huerta's case so credible, he explained it was her 'ability to articulate each and every movement of the crime - where she was, where they met, where this happened and what he did.'" http://pge.sx/2h3B7T7

CLICKER - "The nation's cartoonists on the week in politics," edited by Matt Wuerker -- ***14 keepers*** http://politi.co/2zctrsc

GREAT WEEKEND READS, curated by Daniel Lippman:

--"#Reviewing Destined for War: An Interview with Graham Allison" - Q&A by Brett Wesley in the Strategy Bridge: "'The Chinese believe the contest in the South China Sea is basically over, and that they won. All the governments in the region now ask first what will China do. China's naval budget will soon exceed our own, especially with regards to regional competition, and it's unlikely we can buy our way out of this problem.'" http://bit.ly/2it4vCs ... ***Graham Allison's book -- $19.04 on Amazon*** http://amzn.to/2tNVqbC

--"The Istanbul Derby," by Spencer Hall in SB Nation: "Soccer, fire and a game at the world's crossroads." http://bit.ly/2zcVsA4

--"Putin's Revenge" - PBS Frontline: "Frontline tells the inside story of how Vladimir Putin came to see the United States as an enemy - and why he decided to target an American election." http://to.pbs.org/2zhySpy

--"How to Tell If You're a Supertaster," by Rob DeSalle in Nautilus magazine: "For one thing, you won't like IPAs." http://bit.ly/2zhyilm

--"Mapping the Reformation in America," by Lyman Stone in In A State Of Migration on Medium: "The legacy of Luther in America. By the time the settlement of the United States was well underway, the longevity of Protestantism was essentially assured. Many of the early American settlers were religious dissidents calling for reformation. Protestant churches are strongest now in the midwest and great plains, Pennsylvania,

upland south, and central Texas. They correlate loosely with Northern European ancestry, pro-Trump voting, family stability, economic mobility, farming and heavy industry." http://bit.ly/2h1pkob

--"Eugenics 2.0: We're at the Dawn of Choosing Embryos by Health, Height, and More," by Antonio Regalado in Technology Review: "Will you be among the first to pick your kids' IQ? As machine learning unlocks predictions from DNA databases, scientists say parents could have choices never before possible." http://bit.ly/2zuTOu5

--"Typos on the Skin of Men: The Coalition Provisional Authority in Iraq," by Jay Herndon in the Strategy Bridge - per TheBrowser.com's description: "Perceptive account of the "quiet failures" of economic reform in Iraq under the Coalition Provisional Authority. American administrators were told to create a 'vibrant, free market' as a check on any future dictatorship. But their confidence far outstripped their expertise, and their mistakes laid the foundations for much of the chaos that followed. Said one: 'I don't give a s-t about international law. I made a commitment to the president that I'd privatize Iraq's businesses.'" http://bit.ly/2xYQRgM

--"A Very Old Man for a Wolf," by Emma Marris in Outside Magazine: "He was the alpha male of the first pack to live in Oregon since 1947. For years, a state biologist tracked him, collared him, counted his pups, weighed him, photographed him, and protected him. But then the animal known as OR4 broke one too many rules." http://bit.ly/2zd2ylH

--"The fax of life," by Vox's Sarah Kliff: "In the medical sector, the fax is as dominant as ever. It is the cockroach of American medicine: hated by doctors and medical professionals but able to survive - even thrive - in a hostile environment. By one private firm's estimate, the fax accounts for about 75 percent of all medical communication. It frustrates doctors, nurses, researchers, and entire hospitals, but a solution is evasive." http://bit.ly/2iZaToQ

--"Small-Town Noir," by Adam Thirlwell, reviewing "Twin Peaks: The Return" in the N.Y. Review of Books: David Lynch's "cinema is disreputably baroque, brimming with meaning that it disavows. He's of the same generation as Malick and Scorsese, but where they now seem historical, Lynch still has the fragility of the contemporary. The greatness of his art is linked to the kitsch of his materials, all the B-movie unheimlich maneuvers: doppelgängers, prosthetics, recurring numbers, dream sequences, animated corpses." http://bit.ly/2lRAyBd

--"Trapped in the clichés of Spain," by Andrea Aguilar in El Pais: "The crisis in Catalonia has demonstrated that the Iberian stereotypes persist in foreign media outlets." http://bit.ly/2zbLCfi

--"The Suicide Catcher," by Michael Paterniti in the Aug. 2010 issue of GQ: "In the rapidly modernizing, constantly churning city of Nanjing, China, there is a legendary bridge, four miles long, where day after day, week after week, the desperate and

melancholy and tormented come to end their lives. Most end up in the Yangtze River, 130 feet below. But some do not meet their maker. They meet someone else. They are pulled back from the brink-sometimes violently-by an odd and unlikely angel." http://bit.ly/2A4eHZg (h/t Longform.org)

--" **Is the artist behind 'Pay Trump bribes here' a protest messenger for our times?"** by WaPo's David Montgomery: http://wapo.st/2A4a1Th

--"The Disillusionment of Samuel Moyn," by Jon Baskin in the Chronicle of Higher Ed: "The Yale historian has become a prominent critic of liberalism. But what's he for?" http://bit.ly/2hDWw6b

--"Lost and Found," by Robert Sanchez in 5280: "Several long-serving members of NecroSearch, the world's preeminent group for locating and retrieving missing bodies, are nearing retirement age. What will happen to the Colorado-based volunteer organization once they're gone?" http://bit.ly/2itoaCc

Playbookers

SPOTTED: Denis McDonough yesterday at BWI ... Rep. Jim Himes (D-Conn.) on the 3:00 pm Acela heading north. ... Rep. Jerry Nadler (D-N.Y.) yesterday in first class on the Acela to New York ...

... Dick Wiley, former FCC chairman and current FCC commissioner Michael O'Rielly at an inside table; and Dontai Smalls, UPS lobbyist, and Paul Brathwaite at an outside table dining for lunch Friday afternoon at Fig & Olive ... former Rep. Steven Horsford (D-Nev.), wife Sonya and their kids celebrating one of their son's birthdays at the Wizards game with host Brandon Webb, chief of staff for Rep. Robin Kelly (D-Ill.)

WHITE HOUSE ARRIVAL LOUNGE - JUDD DEERE has been hired as the White House's director of state and local communications. He starts on Nov. 27. He most recently was communications director for Arkansas Attorney General Leslie Rutledge.

OUT AND ABOUT -- DOUGLAS SMITH of Kent Strategies celebrated his 50th birthday at Pearl Street Warehouse last night. **SPOTTED:** Liz Sears Smith, David Culver, Mary Morgan Limperis, Melissa Maxfield, Bruce Gates and Joyce Gates, Bruce Andrews, David and Amanda Bowker, Paul and Liz Dougherty, Liz and Robert Moore, Patrick Mellody, Erick Mullen, Kelly Craighead, Paul and Cecilie Horvath, David and Viktoria Metzner, Kathleen Matthews, Susan Blumenthal, Mike Zamore, Abigail Smith, Paul Tencher, Vince Frillici and Chris Lisi.

BIRTHWEEK (was yesterday): Minh-Thu Pham, executive director for policy at the United Nations Foundation in the NY office (hat tip: Courtney Hulse, who was on time) ... Edelman's Lauren Greco

BIRTHDAYS: Jeremy Bernard (h/t Tammy Haddad) ... Kathy Griffin ... Kit Seelye ... Laura Bush is 71 ... BuzzFeed editor-in-chief Ben Smith ... U.S. Chamber's Blair Latoff Holmes ... Craig Stevens ... Hal Malchow ... Rima Sirota of the Georgetown University Law Center, celebrating with Tom (h/t Jon Haber) ... Michael Fontneau ... Alice Tong ... Kenneth R. Weinstein, president and CEO of the Hudson Institute, is 56 ... Eric Wagner of Bloomberg Government ... Toby Lam ... AP's Alex Sanz ... WTOP's Hillary Howard ... WaPo's Mike DeBonis ... Carlos Gutierrez, chair at Albright Stonebridge and former Secretary of Commerce under Bush 43 and CEO of Kellogg (h/t Ben Chang) ... Will Shaw ... Michael Clauser ... Rep. John Yarmuth (D-Ky.) is 7-0 ... Rep. Richard Hudson (R-N.C.) is 46 ... Emma Kenyon of Sen. McCaskill's office (h/t Sophie White) ... Laylee Ghiasi ... Julie Siegel, currently banking counsel for Sen. Warren (D-Mass.) and an Obama WH, CFPB, and Harvard Law alum ... Jean Roseme ... Darla Bunting ... Jessica Reis, VP at Greenberg Quinlan Rosner, who races her husband every morning to see who can finish Playbook first (hubby tip: Anthony DeAngelo) ... Katie Hughes of CRC (h/t Garrett Ventry) ... Politico's Olivia Rogin ...

... Amanda Thayer, press secretary for NARAL Pro-Choice America ... Max Gleischman, celebrating with surprise birthday plans that will involve Dante in the West Village, his favorite place for a cocktail (h/t wife Rachel Racusen) ... Tim Saler of Grassroots Targeting (http://bit.ly/2hBgiyT) (h/t Matt Moon) ... Catherine De Castelbajac ... Ezra Mechaber, principal at Precision Strategies ... LinkedIn's Florencia Iriondo ... Lucy Tutwiler Hodas ... Brian J. Siebel ... L'Auberge Chez Francois' Jacques Haeringer (h/t Robb Watters) ... Ashley Estes Kavanaugh ... Kevin McVicker ... Trish Turner ... Elena Chiriboga ... Markus Palmgren ... Joe Vidunas ... Morgan Mohr ... Kari Kant ... Jeremy Chwat is 43 ... Ira Fishman, COO/managing director of the NFL Players Association ... Danny O'Driscoll ... Kristin Hardy-Artikaslan ... Jared Kleinstein ... Sloan Rappoport ... Julie Tippens ... Lynde Uihlein ... Susan Knapp ... Casey Sinnwell ... Hal Malchow (h/ts Teresa Vilmain)

THE SHOWS by @MattMackowiak, filing from Austin:

--Fox News' "Sunday Morning Futures": Vice President Mike Pence ... House Majority Whip Steve Scalise (R-La.) ... Rep. Tom MacArthur (R-N.J.). Panel: Al D'Amato and Jon Hilsenrath

--"Fox News Sunday": Speaker of the House Paul Ryan (R-Wis.) ... Sen. Lindsey Graham (R-S.C.). Panel: Karl Rove, Rachael Bade, Jason Riley and Juan Williams ... "Power Player of the Week": Mark Cuban

--ABC's "This Week": Donna Brazile ... Preet Bharara and Ken Starr ... Rep. Mark Meadows (R-N.C.) and Rep. Peter King (R-N.Y.). Panel: Charles Blow, Sara Fagen, Marc Lotter and Julie Pace

--CNN's "State of the Union": House Minority Leader Nancy Pelosi (D-Calif.) ... Sen. Dianne Feinstein (D-Calif.). Panel: Jen Psaki, Michael Caputo, Rep. Barbara Lee (D-

Calif.) and Rep. Charlie Dent (R-Pa.)

--NBC's "Meet the Press": Sen. Mark Warner (D-Va.) ... Sen. James Lankford (R-Okla.). Panel: Tom Brokaw, Kasie Hunt, Eugene Robinson and Peggy Noonan

--CBS's "Face the Nation": Sen. Mark Warner (D-Va.) ... House Majority Leader Kevin McCarthy (R-Calif.). Panel: Jamelle Bouie, Susan Page, Ramesh Ponnuru and Jerry Seib ... Michael Lewis and Pete Souza

--Fox News' "MediaBuzz": Ed Henry ... Mollie Hemingway ... Marie Harf ... Bill Bennett ... Marisa Guthrie

--CNN's "Inside Politics" with John King: Michael Shear, Nia-Malika Henderson, Mary Katharine Ham and Phil Mattingly

--CNN's "Fareed Zakaria GPS": Preet Bharara and Michael Hayden ... foreign policy panel: Kurt Campbell, Elise Hu and Kishore Mahbubani

--CNN's "Reliable Sources": Michael Isikoff, David Folkenflik, Eliana Johnson and Errol Louis ... Ronan Farrow and Indira Lakshmanan

--Univision's "Al Punto": Univision News correspondents Blanca Rosa Vilchez and Pablo Monsalvo ... Otto Reich and Bill Richardson... San Juan, Puerto Rico Mayor Carmen Yulín Cruz ... Puerto Rico Gov. Ricardo Rosselló ... Tom Perez ... pop duo Jesse y Joy

--C-SPAN's "The Communicators": Axios' David McCabe and Politico's Ashley Gold ... **"Newsmakers":** Sen. Ben Cardin (D-Md.), questioned by CQ Roll Call's Niels Lesniewski and Foreign Policy's Robbie Gramer ... " **Q&A":** Biographer Ron Chernow

--Washington Times' "Mack on Politics" weekly politics podcast with Matt Mackowiak (download on iTunes, Google Play, or Stitcher or listen at http://bit.ly/2omgw1D): Garrett Graff.

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Subject: Pruitt to sign Clean Power Plan repeal proposal Tuesday

By Alex Guillén

10/09/2017 11:14 AM EDT

EPA Administrator Scott Pruitt said today he will formally sign a proposal to withdraw the Obama administration's Clean Power Plan on Tuesday in Washington.

"That rule really was about picking winners and losers. Regulatory power should not be used by any power to pick winners and losers," Pruitt said an event in Kentucky's coal country with Senate Majority Leader Mitch McConnell.

"The last administration just simply made it up," he continued, referring to the regulation that was designed to curb carbon emissions from power plants. "When you think about the Clean Power Plan, it was not about regulating to make things regular. It was truly about regulating to pick winners and losers."

Text obtained by POLITICO on Friday shows EPA will argue that the Clean Power Plan exceeded EPA's regulatory authority by requiring fuel shifting. Pruitt reiterated that point in his remarks today.

"They really interpreted that 'best system of emission reduction' as generating electricity in ways that they didn't want to use fossil fuels, so they used authority to do otherwise," he said.

To view online:
https://www.politicopro.com/energy/whiteboard/2017/10/pruitt-to-sign-clean-power-plan-repeal-proposal-tomorrow-094065

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Subject: First Move: Californians Choke Over Blazes • Pruitt Heads to the Hill • Energy Regulator Speaks Again

What you need to know to start your day.

Californians Choke Over Blazes • Pruitt Heads to the Hill • Energy Regulator Speaks Again

By Chuck McCutcheon

How badly are California's worst-in-history wildfires hurting air quality? Really badly.

More than 7 million people in the San Francisco area have been exposed to unhealthy levels of air pollution. Of those, 1 million are facing air quality the EPA would deem extremely unhealthy.

A fire burns near Kenwood, Calif.
Photo by David McNew/Getty Images

And the health effects could linger even after the fires are brought under control, Jennifer Lu and Carolyn Whetzel report. Once a fire has passed or been extinguished, rising smoke from smoldering embers could remain for as long as a week.

Neighboring states are assessing whether the pollution will blow their direction. One of them, Oregon, uses satellite and meteorological data to show how traveling smoke affects air quality.

Iowa Republican Sen. Chuck Grassley is well-known for his advocacy of ethanol. Today, EPA Administrator Scott Pruitt will see that advocacy firsthand.

Grassley is expected to join several of his colleagues in a meeting with Pruitt to discuss the Renewable Fuel Standard and biofuels. The sit-down follows months of senators raising concerns that the Trump administration isn't living up to the president's 2016 campaign commitment to help their states' corn growers and processors of biofuels.

The lawmakers say the EPA's current proposed rule would mark a step backward for advanced biofuels by lowering how much should be blended into the nation's gasoline and diesel. The Renewable Fuel Standard adds to the cost of refining petroleum, oil and gas industry officials argue.

Grassley said last month on the Senate floor that Trump's policy "seems like a bait-and-switch. Big Oil and oil refineries are prevailing, despite assurances to the contrary." Abby Smith will monitor the meeting.

FERC's chairman is expected to speak today to an energy law conference. It will be the second time in less than a week that Neil Chatterjee publicly addresses a contentious Energy Department proposal asking FERC to help out the coal and nuclear industries.

That proposal has drawn lots of questions from other Federal Energy Regulatory Commission members and opposition from oil, natural gas, and other market sectors competing with coal and nuclear, along with environmental groups. Chatterjee said last week that he's "sympathetic" to Energy Secretary Rick Perry's proposal, which aims to prop up coal and nuclear plants in certain competitive energy markets, but is keen to explore a middle ground.

West Virginia Democrat Sen. Joe Manchin, one of Congress's biggest coal boosters, is among those encouraging Chatterjee and other members to back the department's proposal, while some energy company CEOs came out against it. Rebecca Kern is watching the developments.

Other Stories We're Covering

- Justice Department attorneys will seek to enforce subpoenas at a court hearing in Los Angeles seeking Exxon Mobil documents related to an explosion and another near-miss at the company's Torrance, Calif., refinery. Carolyn Whetzel will track.
- New York officials are objecting to the feds' approval of a proposed 7.8-mile natural gas line.
- Pruitt wants to curb EPA settlements with environmentalists.

Quote of the Day

"Dr. Strangelove is alive and lurking somewhere in the corridors of EPA."
— Jeff Ruch, executive director of a watchdog group of government workers and retirees, blasting new agency radiation guidelines that ease off on established safety levels.

Today's Events

- **9:30 a.m. • City Planning** • Wilson Center forum explores city planning to address air pollution and greenhouse gas emissions in Los Angeles, Hong Kong, and Pearl River Delta.
- **10 a.m. • Local Regulation** • American University professor discusses local regulations to address climate change.
- **All Day • Blacks in Energy** • American Association of Blacks in Energy holds

energy policy summit.

- **All Day • Water and Health** • University of North Carolina's Water Institute holds conference on drinking water supply, sanitation, hygiene, and water resources.
- **All Day • Exposure Science** • International Society of Exposure Science continues a meeting that began Sunday in Research Triangle Park, N.C.

Around the Web

- Some Puerto Ricans are using car batteries for power while relying on quickly depleting propane tanks to boil water.
- A Swiss company has begun extracting carbon dioxide from Iceland's air and storing it underground, with the expectation that the carbon dioxide turns to stone.
- One of Yucca Mountain's biggest critics predicts the government will never find enough money to open the Nevada nuclear-waste burial ground.

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TRUMP'S EPA: Agency at a crossroads -- Complete coverage

August 24, 2017

Latest News

EPA Struggling With Perchlorate Review, Raising Doubts On Court Deadline

EPA is struggling to complete a peer review of the science and modeling underlying its efforts to assess and regulate the ubiquitous rocket fuel ingredient perchlorate in drinking water, raising doubts that the agency will be able to meet its court-ordered October deadline for completing the work.

RGGI Floats Strict Post-2020 Cap, Drawing Praise From Environmentalists

The nine Northeast and Mid-Atlantic states that participate in the Regional Greenhouse Gas Initiative (RGGI) have released a “consensus” package of proposed changes to the cap-and-trade program after 2020, with the region's main emissions cap set to decline by 30 percent through 2030.

New Industry Coalition Launched On TSCA New Chemicals Review Issues

Bergeson & Campbell, a law firm that specializes in chemical industry issues, is creating a coalition of companies to craft uniform comments to EPA on industry concerns that have arisen with the agency’s process for reviewing “new” chemicals before they enter the market under the revised Toxic Substances Control Act (TSCA).

Domestic Biofuels Producers May Get Boost From Import Limit, RFS Push

Domestic biofuels producers may get a boost from the Commerce Department's plan to limit some imports of fuels that qualify as “advanced” biofuels under EPA's renewable fuel standard (RFS), and could also benefit if cellulosic biofuels producers succeed in their push for the agency to hike blending goals for those fuels in 2018.

New NPL 'Orphan' Sites May See Limited Impact From Superfund Reforms

Recommendations from an internal EPA task force to overhaul the Superfund program are expected to apply to the seven sites the agency recently placed on the National Priorities List (NPL), but their application may be limited given several of the sites could fall into the "orphan" category and are unlikely to attract third-party financing, according to an EPA source.

Environmentalists Seek High Bar For Challenges To CWA Citizen Lawsuits

Environmentalists are urging a federal district court to set a high bar for when companies can file legal challenges in response to notices of threatened future citizen suits to enforce the Clean Water Act (CWA), saying the water law requires that companies wait 60 days after such notices are filed before they can file "declaratory" challenges.

Daily Feed

4th Circuit issues mandate in Murray 'jobs' review case

The move formally adopts a precedent that limits courts' rights to oversee agency actions or inactions.

Quote-Unquote: Talking about water, coal, renewable fuels and GHGs

On the increasing court challenges to EPA actions, DOE's grid study, 2018 RFS, and vehicle GHG requirements.

2nd Circuit's CWA ruling could bolster Virginia pipeline fight

The 2nd Circuit upheld New York's denial of a water quality certification for the Constitution Pipeline, which could bolster environmentalists in Virginia who are urging the state to block construction of two natural gas pipelines.

Ewire: Environmentalists take their defense of EPA's budget to key states

Environmentalists and other EPA supporters are using the congressional recess to make the case that lawmakers should reject the Trump administration plans to slash the agency's budget and provide at least level funding.

Democratic states float arguments to vacate EPA's RMP delay

The officials charge the delay violates the Clean Air Act and is arbitrary and capricious because it misconstrues a federal arson finding as central to the Obama administration's regulation.

Read all the latest EPA news, analysis and documents →

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Mon 8/14/2017 12:07:16 PM
Subject: Aug. 14 -- EHS Federal Regulatory Alert

EHS Federal Regulatory Alert

August 14, 2017 - Number 155

You can create a report customized by topic, jurisdiction, and date range by using the Regulatory Summaries Report Tool. The report can be generated in Excel, Word, or PDF.

Summaries

AIR
California SIP/San Joaquin Valley Unified APCD
AIR

Final rule of the EPA approves a revision to the San Joaquin Valley Unified Air Pollution Control District (APCD) portion of the California SIP. The revision addresses a local rule concerning emissions of nitrogen oxides and particulate matter from boilers, steam generators, and process heaters. The revision specifies that the use of liquefied petroleum gas in tree nut pasteurizers is permitted in addition to Public Utilities Commission quality natural gas. The rule is effective Sept. 13, 2017. Contact: Nancy Levin; EPA Region 9; 415-972-3848; levin.nancy@epa.gov. Citations: 40 CFR 52.220

82 FR 37817 (08/14/2017)

Regulatory Update

AIR
Connecticut SIP/New Source Review Requirements for 2008 Ozone NAAQS
AIR

Direct final rule of the EPA approves a revision to the Connecticut SIP regarding nonattainment new source review permit requirements for the 2008 eight-hour ozone NAAQS for the Greater Connecticut area and the Connecticut portion of the New York-Northern New Jersey-Long Island nonattainment area. The revision addresses the change in classification of both nonattainment areas from marginal to moderate and specifies that the state's SIP complies with anti-backsliding requirements. The rule is effective Oct. 13, 2017, unless adverse comments are received by Sept. 13, 2017. Contact: Donald Dahl; EPA Region 1, Office of Ecosystem Protection; 617-918-1657; dahl.donald@epa.gov. Citations: 40 CFR 51.1105, 52.377

82 FR 37819 (08/14/2017)

Regulatory Update

AIR
Connecticut SIP/New Source Review Requirements for 2008 Ozone NAAQS
AIR

Proposed rule of the EPA would approve a revision to the Connecticut SIP regarding nonattainment new source review permit requirements for the 2008 eight-hour ozone NAAQS for the Greater Connecticut area and the Connecticut portion of the New York-Northern New Jersey-Long Island nonattainment area. The revision addresses the change in classification of both nonattainment areas from marginal to moderate and specifies that the state's SIP complies with anti-backsliding requirements. A concurrent final rule adopts the provisions, effective Oct. 13, 2017. Comments are due Sept. 13, 2017. Contact: Donald Dahl; EPA Region 1, Office of Ecosystem Protection; 617-918-1657; dahl.donald@epa.gov. Citations: 40 CFR 51.1105, 52.377

82 FR 37829 (08/14/2017)

Regulatory Update

AIR
Stationary Source Particulate Matter Monitoring
AIR

Final rule of the EPA revises new source performance standards for emission monitoring system quality assurance of particulate matter (PM) (Procedure 2). The rule modifies the procedure for assessing PM continuous emissions monitoring systems (CEMS) to allow facilities to extend the correlation regression line set during testing to the lowest PM CEMS response obtained during the annual response correlation audit or relative response audit when a PM CEMS response is less than the lowest response used to develop the existing correlation curve. The rule is effective Sept. 13, 2017. Contact: Kimberly Garnett; EPA, Office of Air Quality Planning and Standards; 919-541-1158; garnett.kim@epa.gov. Citations: 40 CFR 60, Appendix F

82 FR 37822 (08/14/2017)

Regulatory Update

ENDANGERED SPECIES
Atlantic Fleet Training and Testing Study Area/Marine Mammals Incidental Take
ENDANGERED SPECIES

Notice of the National Marine Fisheries Service announces the receipt of a request from the U.S. Navy for authorization to take marine mammals incidental to sonar activities conducted at the Atlantic Fleet Training and Testing Study Area in the western Atlantic Ocean, portions of the Caribbean Sea, and the Gulf of Mexico. The authorization would allow take in the form of Level A and Level B harassment from October 2018 through October 2023 of 39 marine mammals incidental to activities from the use of sonar and other transducers, in-water detonations, air guns, and impact pile driving/vibratory extraction. The authorization also would allow nine mortalities of four marine mammal species during ship shock trials and three takes by injury or mortality from vessel strikes. Comments are due Sept. 13, 2017. Contact: Stephanie Egger; NMFS, Office of Protected Resources; 301-427-8401

82 FR 37851 (08/14/2017)

Regulatory Update

ENDANGERED SPECIES
Virginia/Atlantic Sturgeon Chesapeake Bay DPS Incidental Take Permit
ENDANGERED SPECIES

Notice of the National Marine Fisheries Service announces the receipt of an application and draft habitat conservation plan from Dominion Virginia Power, of Richmond, Va., for a 10-year incidental take permit for the Chesapeake Bay distinct population segment of the endangered Atlantic sturgeon in connection to continued operation and maintenance of the Dominion Chesterfield Power Station in Chesterfield, Va. The authorization would allow take incidental to otherwise lawful activities associated with the withdrawal of cooling water from the James River and entrainment and impingement sampling. The notice also announces the availability of a draft environmental assessment for the proposed activities. Comments are due Sept. 13, 2017. Contact: Julie Crocker; NMFS; 978-282-8480

82 FR 37849 (08/14/2017)

Regulatory Update

ENDANGERED SPECIES
Washington State/Mazama Pocket Gopher Incidental Take Permit
ENDANGERED SPECIES

Notice of the U.S. Fish and Wildlife Service announces the receipt of an application and proposed habitat conservation plan from a private citizen for a two-year incidental take permit for the threatened Olympia subspecies of the Mazama pocket gopher in connection with the construction of a single-family home in Thurston County, Wash. The agency also has prepared a draft environmental action statement for its preliminary determination that the project is "low-effect" and is eligible for a categorical exclusion under the National Environmental Policy Act. Comments are due Sept. 13, 2017. Contact: Tim Romanski; USFWS, Washington Fish and Wildlife Office; 360-753-5823

82 FR 37896 (08/14/2017)

Regulatory Update

FOOD SAFETY
Ultrafiltered Milk in the Production of Standardized Cheeses
FOOD SAFETY

Notice of the FDA announces the availability of a guidance for industry for manufacturers seeking to use ultrafiltered (UF) milk or UF nonfat milk in the production of standardized cheeses and related cheese products. "UF milk" is defined as raw or pasteurized milk that passed over one or more semipermeable membranes to partially remove water, lactose, minerals, and water soluble vitamins, without altering the casein-whey protein ratio of the milk, resulting in a liquid product. "UF nonfat milk" is defined similarly, with the exception that raw or pasteurized nonfat milk is used. Upon completion of a rulemaking action, the agency intends to exercise enforcement discretion regarding the use of UF milk in the production of standardized cheese and related cheese products. The agency also will exercise enforcement discretion regarding the declaration

of ingredients in the labeling of such products when fluid UF milk and fluid UF nonfat milk are used as ingredients. Comments may be submitted at any time. Contact: Terri Wenger; FDA, Center for Food Safety and Applied Nutrition; 240-402-2373. Citations: 21 CFR 133

82 FR 37815 (08/14/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
International Drug Scheduling
GENERAL ENVIRONMENT AND SAFETY

Notice of the FDA announces a request for comments concerning abuse potential, actual abuse, medical usefulness, trafficking, and impact of scheduling changes on availability for medical use of 17 drug substances, including various synthetic opioids and cannabinoids. Comments received will be considered in preparing a response from the U.S. to the World Health Organization (WHO) regarding the abuse liability and diversion of the drugs. WHO will use the information to consider whether to recommend that certain international restrictions be placed on the drugs during the meeting of its 39th Expert Committee on Drug Dependence, scheduled for Nov. 6-10, 2017, in Geneva. Comments are due Sept. 13, 2017. Contact: James Hunter; FDA, Center for Drug Evaluation and Research; 301-796-3156; james.hunter@fda.hhs.gov

82 FR 37866 (08/14/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Maine/American Tissue Hydroelectric Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of an application by KEI (Maine) Power Management (III) LLC, of Gardiner, Maine, for a subsequent minor license for the American Tissue Hydroelectric Project, on the Cobbosseecontee Stream in Gardiner. The existing project involves a run-of-river mode with an average annual generation of 5,430 megawatt-hours. The proposed revision concerns the year-round release of minimum flows of 10 cubic feet per second (cfs) and 52 cfs into project facilities and the construction and operation of an upstream passage facility for American eel. The commission seeks comments concerning Scoping Document 1 that includes the information to be addressed in the environmental assessment. Comments are due Sept, 7, 2017. Contact: John Baummer; FERC; 202-502-6837; john.baummer@ferc.gov

82 FR 37856 (08/14/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY
Virginia/Claytor Hydroelectric Project
GENERAL ENVIRONMENT AND SAFETY

Notice of FERC announces the filing of a hydroelectric application for a project license amendment for the Claytor Hydroelectric Project on the New River in Pulaski County, Va. The licensee, Appalachian Power Co., of Roanoke, Va., seeks to revise the project's shoreline

management plan by updating the table to reflect current data, modifying vegetation removal requirements, adding permitting exceptions, and clarifying various terms. Comments, motions to intervene, and protests are due Sept. 6, 2017. Contact: Krista Sakallaris; FERC; 202-502-6302; Krista.Sakallaris@ferc.gov

82 FR 37854 (08/14/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Department of State International Maritime Organization Meeting
HAZARDOUS MATERIALS TRANSPORTATION

Notice of the State Department announces a meeting to prepare for the fourth session of the International Maritime Organization (IMO) Subcommittee on Carriage of Cargoes and Containers, to be held Sept. 11-15, 2017, in London. The meeting agenda includes discussions regarding other IMO body decisions; amendments to and interpretations of various codes, regulations, and conventions; and consideration of reports of incidents involving dangerous goods or marine pollutants in packaged form on board ships or in port areas. The agenda also includes discussions regarding the development of guidelines for low-flashpoint fuels and the suitability of high-manganese austenitic steel for cryogenic service. The meeting is scheduled for Aug. 30, 2017, in Washington, D.C., and via teleconference. Contact: Amy Parker; U.S. Coast Guard; 202-372-1423; Amy.M.Parker@uscg.mil

82 FR 37976 (08/14/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION
Industrial Plant and Tourist Railroad Bridge Safety Standards
HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Federal Railroad Administration announces the submission of a continuing information collection request to the OMB regarding industrial plant and insular tourist railroads subject to FRA bridge safety standards. The collection requires operators of industrial plants and tourist railroads exempt from reporting requirements to advise the FRA by email that there are bridges within the installation that are potentially subject to bridge safety standards. Comments are due Sept. 13, 2017. Contact: Robert Brogan; FRA, Office of Railroad Safety; 202-493-6292. Citations: 49 CFR 237

82 FR 37977 (08/14/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Advisory Board on Radiation and Worker Health/Dose Reconstruction Reviews Subcommittee Meeting
OCCUPATIONAL SAFETY AND HEALTH

Notice of the National Institute for Occupational Safety and Health announces a meeting of the Advisory Board on Radiation and Worker Health Subcommittee for Dose Reconstruction

Reviews. The meeting will address dose reconstruction cases from the Oak Ridge sites, Hanford, the Fernald Feed Materials Production Center, the Livermore National Laboratory, the Mound Plant, the Rocky Flats Plant, the Nevada test site, the Idaho National Laboratory, the Savannah River site, Brookhaven National Laboratory, Westinghouse, the Uranium Mill in Monticello, Ventron Corp., Weldon Springs Plant, other Energy Department and "Atomic Weapons Employer" facilities, and W.R. Grace & Co. The meeting is scheduled for Sept. 28, 2017, via conference call. Comments are due Sept. 28, 2017. Contact: Theodore Katz; NIOSH; 513-533-6800; ocas@cdc.gov

82 FR 37861 (08/14/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
NIOSH Board of Scientific Counselors Meeting
OCCUPATIONAL SAFETY AND HEALTH

Notice of the National Institute for Occupational Safety and Health announces a meeting of the Board of Scientific Counselors. The agenda addresses occupational safety and health issues concerning stockpiled surgical gowns and respirators, the increased use and complexity of robots, NIOSH's disaster science responder research, and fentanyl exposures to emergency responders. The meeting is scheduled for Sept. 26, 2017, in Washington, D.C., and via teleconference and via webcast. Comments are due Sept. 26, 2017. Contact: Alberto Garcia; NIOSH; 413-841-4596

82 FR 37858 (08/14/2017)

Regulatory Update

RADIATION
Louisiana/Entergy River Bend Station Unit 1
RADIATION

Notice of the NRC announces the receipt of a license renewal application from Entergy Operations Inc., of Jackson, Miss., for continued operation of the River Bend Station, Unit 1, boiling-water reactor located in St. Francisville, La. The applicant requests authorization to operate the unit for an additional 20 years beyond the current license expiration date of Aug. 29, 2025. The NRC will prepare an environmental impact statement as a supplement to the generic environmental impact statement for license renewal of nuclear power plants (NUREG-1437). Meetings will be announced at a later date. Hearing requests and petitions to intervene are due Oct. 13, 2017. Contact: Emmanuel Sayoc; NRC, Office of Nuclear Reactor Regulation; 301-415-4084; Emmanuel.Sayoc@nrc.gov. Citations: 10 CFR 51

82 FR 37908 (08/14/2017)

Regulatory Update

TOXIC SUBSTANCES
Scientific Advisory Committee on Alternative Toxicological Methods Meeting
TOXIC SUBSTANCES

Notice of the NIH announces a meeting of the Scientific Advisory Committee on Alternative

Toxicological Methods. The committee advises the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM), the National Toxicology Program (NTP) Interagency Center for the Evaluation of Alternative Toxicological Methods, and the director of the National Institute of Environmental Health Sciences and NTP. The agenda will include a discussion of the U.S. strategic roadmap for implementation of new approaches to safety evaluation and ICCVAM activities related to the development and implementation of alternative methods. The preliminary agenda, a roster of committee members, and background materials will be available by Aug. 15, 2017. The meeting is scheduled for Sept. 18-19, 2017, in Bethesda, Md., and via webcast. Comments are due Sept. 11, 2017. Contact: Mary Wolfe; NIH, Office of Liaison, Policy and Review; 919-541-7539; wolfe@niehs.nih.gov

82 FR 37885 (08/14/2017)

Regulatory Update

WATER
Texas/Lynx Terminals Liquefied Hazardous Gas Project
WATER

Notice of the U.S. Coast Guard announces the receipt of a letter of intent and preliminary waterways suitability assessment regarding a liquefied hazardous gas (LHG) terminal in Port Arthur, Texas, proposed by Lynx Terminals LLC. The project involves the handling and transportation of LHG at the Port Arthur docks and would increase LHG marine traffic on the Sabine-Neches Waterway. The USCG intends to task the Area Maritime Security Committee, Port Arthur, Texas, and the Southeast Texas Waterways Advisory Council with forming a subcommittee comprised of affected port users and stakeholders to assess the proposed project and potential impacts on navigational safety and maritime security. Comments are due Sept. 13, 2017. Contact: Loan O'Brien; USCG; 409-723-6564; Loan.T.O'Brien@uscg.mil. Citations: 33 CFR 127

82 FR 37887 (08/14/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Thur 8/3/2017 3:14:38 PM
Subject: We need your feedback! | POLITICO Pro Customer Survey

[redacted]

Hi Ryan,

[redacted]

At POLITICO Pro, we're committed to improving the service we provide to you, and your feedback is important for us to achieve this goal.

[redacted]

We're asking you as our valued customer to take a short survey about POLITICO Pro's service and product offerings. Your answers are confidential and will directly impact decisions about the future of Pro.

[redacted]

Start the Survey

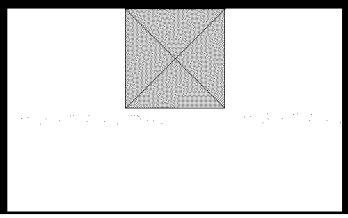
[redacted]

Please take a few minutes to complete the survey. We greatly appreciate your participation.

[redacted]

Thank you,
POLITICO Pro

[redacted]



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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Fri 12/1/2017 5:27:22 PM
Subject: BREAKING NEWS: Lawmaker behind secret $84K sexual harassment settlement unmasked

Rep. Blake Farenthold (R-Texas) used taxpayer money to settle a sexual harassment claim brought by his former spokesman - the only known sitting member of Congress to have used a little-known congressional account to pay an accuser, sources told POLITICO.

Read the full story here.

To change your alert settings, please go to https://secure.politico.com/settings

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Please click here and follow the steps to unsubscribe.

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Wed 11/8/2017 10:43:16 AM
Subject: Morning Energy, presented by ExxonMobil: Fireworks expected as White, Wheeler head to EPW — Democrats demand EPA officials testify — Reading the leaves on FERC comments

By Anthony Adragna | 11/08/2017 05:41 AM EDT

With help from Alex Guillén, Esther Whieldon, Darius Dixon and Eric Wolff

EPW TAKES UP WHEELER, WHITE NOMS: The Senate Environment and Public Works Committee will hear from two high-profile environmental nominees today: Andrew Wheeler for deputy EPA administrator and Kathleen Hartnett White to lead the White House's Council on Environmental Quality. White has a long history of controversial statements for Democrats to pull from, including her belief that "carbon dioxide is not a pollutant," her declaration that those who believe in climate change subscribe to a "kind of paganism " for "secular elites," and her 2014 blog post arguing fossil fuels helped end slavery in America.

But White's biggest liability may prove to be her position on the Renewable Fuel Standard. As ME wrote last week, Republican Sens. Deb Fischer and Joni Ernst are wary of White, who in 2013 called for repeal of the "counterproductive and ethically dubious" RFS. A single EPW defection could tank White's nomination, and Ernst proved last month with EPA air nominee William Wehrum that she's willing to walk the walk when defending ethanol.

Ranking member Tom Carper summed up his questions for White to ME: "I just want to ask her, 'Did you really say those things?' And there's a lot of them." Ahead of the hearing, nearly 50 environmental advocates sent a letter urging the committee to oppose her nomination. "Ms. White is unfit to hold the highest environmental post in the government to advise the president on the most pressing environmental issues our nation faces," the letter, signed by groups such as 350.org, the Natural Resources Defense Council and the Sierra Club, said.

More familiar face: Wheeler, meanwhile, is a known quantity for lawmakers who have been around for a while. He worked for Sen. Jim Inhofe in various capacities until 2009, when he departed as EPW staff director. He's been an attorney and lobbyist at Faegre Baker Daniels ever since, with his most notable client being Murray Energy, whose owner has proven adept at influencing the Trump administration. ME will be watching to see whether lawmakers delve into Wheeler's work with the ethanol group Growth Energy, which was first reported by POLITICO last month.

If you go: The hearing is at 10 a.m. in Dirksen 406.

BRIDENSTINE GETS COMMITTEE VOTE: The Senate Commerce Committee votes on Oklahoma Republican Rep. Jim Bridenstine's nomination to run NASA at 9:45 a.m. along with several other nominations. He's faced sharp criticism from Democrats, including ranking member Bill Nelson who slammed him in the nomination during his confirmation hearing: "NASA is not political. The leader should not be political." The panel also votes on Neil Jacobs' selection for another top NOAA post.

WELCOME TO WEDNESDAY! I'm your host Anthony Adragna, and the American Chemistry Council's Jonathan Corley was first to identify Sen. John Hoeven as the past president of North Dakota's state bank. For today: The father of which senator served three terms of governor of their state before corruption convictions ended their career? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter @AnthonyAdragna, @Morning_Energy and @POLITICOPro.

BIG NIGHT FOR DEMOCRATS: The League of Conservation Voters' $4 million investment in Virginia races paid off handsomely as Lt. Gov. Ralph Northam trounced Republican Ed Gillespie to become the commonwealth's next governor. In New Jersey, Democrat Phil Murphy (also backed by green groups) decisively beat Lt. Gov. Kim Guadagno for the governorship. In Flint, Mich., Mayor Karen Weaver survived a recall attempt by a wide margin. And Democrat Manka Dhingra appeared poised to win a Washington state Senate seat, effectively handing control of the entire state government to her party in a special election that drew millions in outside spending.

DEMOCRATS: IT'S TIME! More than 10 months after his confirmation, Senate and House Democrats are officially fed up with EPA Administrator Scott Pruitt's absence from congressional oversight hearings. After calling the lack of agency witnesses "unacceptable" during a Tuesday hearing, Energy and Commerce ranking member Frank Pallone demanded Chairman Greg Walden hold oversight hearings on EPA's review and management of chemicals under the revised Toxic Substances Control Act. "The Committee bears a responsibility to the American public to make sure EPA is protecting human health and the environment," he wrote, joined by senior committee Democrats Paul Tonko and Diana DeGette.

Not alone: All 16 Democrats on the House Science Committee sent their own letter to Chairman Lamar Smith demanding Pruitt come testify "as soon as possible," pointing out Gina McCarthy came before the full panel just four months after confirmation. "Not only is such oversight routine, but as a public official Administrator Pruitt has an obligation to address his conduct and management of EPA," they wrote.

And Carper too: "I wonder what my friend John Barrasso would have said if Gina McCarthy had refused to come before our committee for months? I wonder what my Republican EPW colleagues would have said if our committee hadn't held a single oversight hearing after a Democratic administration had issued multiple environmental executive orders and was the subject of several ongoing investigations? I heard them push for transparency for eight years, but suddenly there's silence over the last eight months."

TELL ME HOW YOU REALLY FEEL ABOUT THE DOE RULE (AGAIN!): Reply comments were due at FERC Tuesday night, and there was no less passion in this set of filings than in the first round two weeks ago. But ME was hard-pressed to see if anyone had really budged from their positions. FirstEnergy's comments started with a refrain that was almost poetic. "This proceeding is not about picking fuel supply winners and losers. This proceeding is not about the reliability of natural gas pipelines... This proceeding is not about the Polar Vortex...," former FERC general counsel Bill Scherman wrote on the company's behalf. Instead,

the company pressed for its own resiliency tariffs that would serve as a Band-Aid until new market rules were crafted. "Simply put, the imminent closure of resilient generation presents a clear and present danger to the Nation," Scherman wrote, echoing the call of Energy Secretary Rick Perry. "If the Commission does not act now, our national security will be put at risk."

Where FirstEnergy downplayed the usefulness of the 2014 "polar vortex," Murray Energy argued the critics just don't get it. "During the Polar Vortex, the country was relying on an unacceptably high percentage of interruptible gas-fired generation," the company said. There's been too much talk as it is, Murray said, and "FERC appears to have lost its moorings." Murray's filing even refers to an article by House Science Chairman Lamar Smith to tally how the federal government has repeatedly created energy subsidies with everything from tax policy to R&D funding.

Among those who tried to find middle ground was PJM itself, a critic and central target of Perry's plan, arguing that FERC should approve an alternative proposal that instructs all the grid operators to report back with new pricing or tariff proposals within 180 days. It also suggests creating a new docket aimed at defining resilience.

SOLAR FOR PUERTO RICO: The Solar Foundation, along with a host of companies and the Clinton Foundation, is launching an industry-wide push to get the lights back on in Puerto Rico and the U.S. Virgin Islands. Initial priorities will be restoring electricity to two food markets in San Juan and 62 rural medical clinics around the island. More on the project, Solar Saves Lives, available here.

** **Presented by ExxonMobil:** We're collaborating with FuelCell Energy on a novel idea to use fuel cells to capture carbon at natural gas power plants, and in the process reduce emissions and increase electrical output. This technology could be a game changer in addressing the world's growing need for energy, while also reducing the impact on the environment. Learn more. **

HYDROPOWER BILL STREAMS ONTO FLOOR: House lawmakers are expected today to consider H.R. 3043 (115), which would revamp the licensing process for hydropower projects. Ahead of the vote, utility and labor groups sent a letter encouraging support for what they called "a moderate proposal developed with bipartisan input" and warned "the current regulatory environment is placing hydropower at risk."

MODERATE CLIMATE REPUBLICAN HEADS FOR THE EXITS: South Jersey Republican Rep. Frank LoBiondo, one of the few congressional GOPers to land environmental group endorsements in recent years, will retire from Congress. With LoBiondo and Rep. Dave Reichert departing at the end of this Congress, Reps. Chris Smith and Leonard Lance will be the two remaining House Republicans that backed cap and trade legislation in 2009.

LET'S KICK AGAIN? Chatter's already getting louder that Congress may have to consider another kick-the-can extension of government funding by Dec. 8 to keep the lights on, but top Appropriators aren't throwing in the towel yet, Pro Budget & Appropriations Jennifer Scholtes and Sarah Ferris report. "So, hopefully, if we consider one, it will be very, very short," Appropriations Chairman Rodney Frelinghuysen told them. Others say it's too early to give up.

"I don't think we even need to be thinking about a CR," says Hal Rogers, who endured tough spending negotiations many times in his six years of chairing the House Appropriations panel.

TRUMP RELATIVE MOVES UP AT DOE: Kyle Yunaska, brother-in-law to Eric Trump, seems to be climbing the ladder at the Energy Department's Energy Policy and Systems Analysis office recently, adding the title of chief of staff to his resume, in addition to his senior adviser role. A DOE source told ME that Sean Cunningham, the head of EPSA, made the announcement in a staff email last week. Yunaska joined DOE early this year as a member of the "beachhead" team. His sister, Lara, married the president's son in 2014. (Greenwire first reported the move.)

ZINKE HIRES FORMER NAVY SEALS TO KEY ROLES: Interior Secretary Ryan Zinke has hired former Navy Seal Mike Argo as deputy chief of staff and former SEAL Captain Rick May to head up the agency's focus on increasing recreation opportunities on public land. Speaking at a webcast honoring veterans event in Interior's Washington headquarters, Zinke, who is himself a former SEAL, said "we're bringing recreation back."

MARKING ON UP: Nine bills are on the House Natural Resources Committee mark up agenda today, but most of the attention will be on the SECURE American Energy Act H.R. 4239 (115). Among other provisions, the bill would give more oil and gas permitting power to the states, create an offshore oil and gas revenue program for East Coast drilling and roll back Obama-era offshore drilling rules. ME hears the measure may be fast-tracked to the floor as quickly as next week. Also of note: H.R. 2907 (115) from Rep. Scott Tipton, which would require an all-of-the-above quadrennial federal onshore energy production strategy.

PANELS LOOKS AT GEOENGINEERING LATEST: Two House Science subcommittees today take a look at the latest technologies and possibilities concerning geoengineering, in which humans attempt to alter the worldwide climate system in effort to avoid human-caused climate change. The committee will hear from experts on reducing the total sunlight hitting the earth and pulling carbon from atmosphere. But ahead of the session, nearly two dozen leading proponents warn the committee in a letter that geoengineering should not be viewed as a substitute for swift action to curb greenhouse gases that are fueling climate change. "Geoengineering is not a silver bullet, and treating it as one could greatly increase already severe climate change risks," they wrote. The hearing kicks off at 10 a.m. in Rayburn 2318.

MAIL CALL! DON'T EXPAND CCS CREDITS: More than 40 environmental groups released a letter Tuesday urging lawmakers not to include an expansion and extension of the Section 45Q tax credit for carbon capture and sequestration in an emerging tax package. A second letter warned efforts to subsidize CCS technologies are "false solutions" to climate change and impose significant burdens on communities on the front lines.

CHANGE COURSE! Sixty-two members of Congress, led by Rep. Bill Foster, asked Pruitt to reverse a policy instituted last week barring any scientists receiving agency funds from serving on scientific advisory boards. Letter here.

NOT TO BE LEFT OUT: Representatives from the hydropower, biomass power, waste-to-energy and biogas industries sent a letter to the top Republican tax writers asking them to

"provide parity and a level playing field for all renewable energy technologies" as they work on the tax package. HR1 "would extend the same tax treatment to fiber-optic solar energy, fuel cells and small wind energy property that is afforded solar technology under current law," they write. "However, the bill fails to provide equal treatment for hydropower, biomass power, waste-to-energy and biogas."

COMMERCE SET TO DO ITS BIODIESEL DUTY: The Commerce Department is expected to announce a final decision on its countervailing duties and anti-dumping cases against Argentine and Indonesian imports of biodiesel. Commerce has already started collecting the duty after making a preliminary determination that both countries were undercutting U.S. biodiesel.

EPA SEEKS REMAND OF PARTS OF COAL ASH RULE AHEAD OF ARGUMENTS: EPA on Tuesday asked the D.C. Circuit Court of Appeals to remand key parts of the coal ash rule to the agency for reconsideration ahead of Nov. 20 oral arguments that could see the case put on ice. The court in September said it would not put the case on hold indefinitely while EPA reconsiders the rule, though it did order attorneys for all sides to be prepared to discuss abeyance at arguments. In a new motion, EPA asks that five specific parts of the rule be remanded without being vacated, meaning they would remain in place while EPA reworks them. Because it is reconsidering the rule, EPA argued, its attorneys "will likely be unable to represent EPA's present position on these issues at oral argument."

Four of the provisions are related to challenges brought by industry groups: rules for temporary coal ash piles; EPA's rules for inactive ponds; a lack of a risk-based compliance option; and a provision dealing with large piles of coal ash intended for "beneficial use" in products like wallboard. The fifth provision, dealing with regulation of legacy ponds, was raised by environmental groups. The industry challengers had no problem with the remand request, but greens plan to object to their provision being remanded.

APPROVED: The California State Water Resources Control Board green lighted a 10-year plan for adding new wildlife habitat and curbing toxic dust from the Salton Sea lake in Southern California, Pro's Esther Whieldon reports.

PERRY SPEAKS... ON TAX OVERHAUL: Even as he attends meetings this week in Paris, Energy Secretary Rick Perry released an op-ed in Syracuse, N.Y.'s local paper Tuesday strongly backing Republican tax overhaul efforts. "Americans deserve a low tax climate and responsible regulation to spur the economic and energy revolution we have been waiting for," the former Texas governor wrote.

NOT MINCING WORDS: Actor Alec Baldwin didn't hold back on his dislike of Pruitt during an interview with *Entertainment Weekly*. "He's done more damage to one department than anyone in American history," Baldwin, who plays Trump on SNL, said. "It's like being in a vegetarian restaurant and the chef decides he's only gonna cook steak, to insist everyone eat a meal that's abhorrent to them."

QUICK HITS

— Severe air pollution declared public health emergency in Delhi, India. ABC News.

— France backpedals on pledge to cut reliance on nuclear power. AP.

— Fresh From Deluge, Miami Weighs Bonds to Gird for Climate Change. Bloomberg.

— Kinder Morgan Canada denied expedited appeal for oil pipeline. Reuters.

— GOP tax bill would end deduction for wildfire and earthquake victims — but not recent hurricane victims. Los Angeles Times.

HAPPENING TODAY

9:45 a.m. — Senate Commerce Committee holds vote on the Bridenstine nomination and others, Dirksen 106

10:00 a.m. — The House Science Committee's Energy Subcommittee and Environment Subcommittee hold a joint hearing on "Geoengineering: Innovation, Research, and Technology," Rayburn 2318

10:00 a.m. — Markup on Offshore-Onshore Energy Bill, 8 Additional Measures, House Natural Resources Committee, 1324 Longworth

10:00 a.m. — Senate Environment and Public Works Committee holds hearing on White and Wheeler nominations, Dirken 406

10:30 a.m. — API hosts press call on latest efforts to reform the Renewable Fuel Standard, RSVP: press@api.org

12:15 p.m. — EPW Democrats hold press conference on environmental nominees, Senate Swamp

2:00 p.m. — Rep. Keith Ellison hosts briefing on zero waste and environmental justice, Cannon 122

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https://www.politicopro.com/tipsheets/morning-energy/2017/11/fireworks-expected-as-white-wheeler-head-to-epw-025437

Stories from POLITICO Pro

EPA deputy nominee Wheeler represented ethanol group Back

By Alex Guillén | 10/18/2017 03:47 PM EDT

Andrew Wheeler, the nominee for EPA deputy administrator, worked for the ethanol group Growth Energy this year, according to his financial disclosure documents.

Wheeler, an attorney at Faegre Baker Daniels, was previously known to lobby for coal producer Murray Energy, among several other companies, as revealed in lobbying disclosures. But his financial disclosure shows Wheeler provided "strategic advice and counseling" rather than lobbying services to Growth Energy.

Growth Energy hired FBD for lobbying earlier this year, according to records, but Wheeler was never named on those disclosures.

"We hired Faegre Baker Daniels for lobbying and consultant help on renewable fuels issues. Andrew Wheeler has not lobbied on our behalf but has provided consultant services," Growth Energy spokeswoman Jenni Roberson said in an email. Wheeler did not return a request for comment today.

Growth Energy was one of the groups that successfully sued EPA over its 2014-2016 Renewable Fuel Standard volumes. It has also opposed EPA Administrator Scott Pruitt's recent move to potentially weaken biodiesel requirements, a proposal that has angered several key corn state Republican senators and threatened to hold up several other EPA nominees.

The financial disclosure shows Wheeler also provided advice and counsel, but not lobbying work, to International Paper, Archer Daniels Midland and General Mills. Previously reported lobbying clients included Xcel Energy, Bear Head LNG and Energy Fuels Resources.

WHAT'S NEXT: Wheeler was nominated earlier this month and has yet to have a nomination hearing in the Senate.

To view online click here.

Back

Northam beats Gillespie in Virginia governor's race Back

By Gabriel Debenedetti | 11/07/2017 05:59 PM EDT

Democrat Ralph Northam was elected governor of Virginia on Tuesday in a sweeping victory that defied the conventional wisdom of a tightening race.

The lieutenant governor's victory joins Democrat Phil Murphy's win in New Jersey's gubernatorial race to hand Democrats new hope in the Donald Trump era.

After a bruising race against former Republican National Committee chairman Ed Gillespie, Northam outran Hillary Clinton in a state she carried by 5 points while losing the presidency in November 2016. A series of late-campaign controversies hitting Northam had Republicans cautiously optimistic that Gillespie could close the gap and pull off an upset, but Democrats rode a wave of anti-Trump backlash and satisfaction with outgoing Gov. Terry McAuliffe's administration.

"It was said that the eyes of the nation are now on the commonwealth," Northam said in his victory speech. "Today, Virginians have answered and spoken. Virginians have told us to end the divisiveness, that we will not condone hatred and bigotry, and to end the politics that have torn this country apart."

Murphy, a former U.S. ambassador, defeated Kim Guadagno, New Jersey's lieutenant governor, to replace unpopular Republican Gov. Chris Christie. Murphy led the race from the start by double digits.

The pair of off-year governors races is traditionally read as a bellwether for the next year's midterm elections, but this year the results — particularly in Virginia — are also likely to be read as referenda on the state of each party's national well-being in the age of Trump.

Democrats had eyed the race nervously, as an opportunity to both demonstrate political momentum and help the party dig out from a historic low in terms of governorships. Democrats currently have just 15 compared to Republicans' 34 (Alaska Gov. Bill Walker is an independent), so party officials had for months seen flipping the New Jersey seat and retaining Virginia's as top priorities. Come January, they will hold 16.

"This was a vote for an inclusive Virginia," said former Rep. Tom Perriello, who lost to Northam in the primary but went on to endorse him and help lead his party's charge in the House of Delegates, where Democrats on Tuesday elected the first Latina members of the House of Delegates and a transgender candidate. "Gillespie went all-in on an identity politics agenda, and we rejected it."

Near tears with excitement, Perriello sounded a bullish note on his party's future.

"We're seeing the Prop 187 of Virginia, and probably of America," he said, referring to the famous California ballot proposition targeting illegal immigration that helped Republicans win in 1994 but has been credited with turning state voters against the Republican Party ever since.

Gillespie sought to strike a balance between engaging moderates with talk of jobs and taxes and firing up his base by running ads on illegal immigration and sanctuary cities — which don't exist in Virginia — and cultural touchstones like Confederate monuments and NFL anthem protests. Gillespie did not initially home in on those subjects, but they became a bigger part of his

campaign after he nearly lost the June Republican primary to Trump's former Virginia campaign chairman.

Trump, who tweeted in support of Gillespie before the election, quickly turned on him after the race was called.

"Ed Gillespie worked hard but did not embrace me or what I stand for," Trump tweeted, before referencing Republican special election wins earlier this year. "Don't forget, Republicans won 4 out of 4 House seats, and with the economy doing record numbers, we will continue to win, even bigger than before!"

Democratic turnout in Virginia's primary skyrocketed from previous years' levels. Party leaders including former President Barack Obama and Vice President Joe Biden swooped into the state to back Northam in the final month.

"The initial goal was for Democrats to nationalize the race and make it about the president; our initial goal was to localize the race and make it about Virginia," Virginia Republican Party chairman John Whitbeck said before Tuesday's vote. "If we win, it will say that a mainstream conservative like Ed Gillespie can win in an era of uncertainty. What it says about the Democrats is they have a lot of soul-searching to do: I don't think they know what their message is, their agenda is."

Though Trump loomed over the race, Gillespie did not actually appear with him in Virginia — the first time in years a sitting president did not cross the Potomac River to campaign in the governor's race. "Ralph Northam will allow crime to be rampant in Virginia. He's weak on crime, weak on our GREAT VETS, Anti-Second Amendment and has been horrible on Virginia economy," Trump tweeted during his Asia trip on Tuesday. Gillespie appeared multiple times with Vice President Mike Pence, who is more popular among conservatives and perceived as less likely to fire up Democrats who can't stand the president.

In New Jersey, Murphy was heavily favored in large part because of the unpopularity of Christie. Guadagno, Christie's deputy, tried tacking away from Christie, but the former presidential candidate's abysmal 14 percent approval rating — according to a late October Suffolk poll — proved to be a serious drag on his hoped-for successor.

While Guadagno tried tarnishing Murphy's image by painting him in ads as soft on illegal immigration, Murphy — a former Goldman Sachs executive and Democratic National Committee finance chairman — relied heavily on support from local and national-level Democrats to pad his comfortable margin.

In Virginia, Democrats also aimed to peel back the GOP advantage in the state legislature. The party hopes that Northam's win, combined with continued down-ballot gains, will put Democrats in position to exert more influence over the next round of political map-drawing in Virginia at the end of this decade.

Democrats also won the closely watched mayoral races in Manchester, New Hampshire, and St.

Petersburg, Florida.

To view online click here.

Back

LoBiondo to retire from Congress Back

By Elena Schneider | 11/07/2017 02:51 PM EDT

New Jersey Rep. Frank LoBiondo, a senior Republican on the Armed Services Committee, will not run for reelection in 2018, he announced Tuesday.

LoBiondo cited committee term-limits for his departure, but the 12-term incumbent also took parting shots at partisan gridlock in Congress.

"There is no longer middle ground to honestly debate issues and put forward solutions," LoBiondo said in a statement. "... Those of us who came to Congress to change Washington for the better through good governance are now the outliers. In legislating, we previously fought against allowing the perfect to become the enemy of the good. Today a vocal and obstinate minority within both parties has hijacked good legislation in pursuit of no legislation.

LoBiondo said that his decision isn't "electoral" and that he was "very confident voters would again reelect me" in 2018 had he decided to run for reelection.

The decision opens a battleground district in southern New Jersey that LoBiondo has held easily since 1994. New Jersey's 2nd District backed President Donald Trump with 50.6 percent of the vote to Hillary Clinton's 46 percent in 2016. But former President Barack Obama also won the seat twice with between 53 and 54 percent of the vote.

Harry Hurley, a New Jersey talk radio host, first reported the news of LoBiondo's retirement.

LoBiondo raised $117,000 in the last fundraising quarter, among the lowest totals reported by House Republican incumbents, sparking speculation that he would retire instead of running for reelection. Though the district has 147,000 registered Democrats to 132,000 registered Republicans, LoBiondo has managed to easily and consistently win reelection thanks in part to strong labor ties.

National Democrats have actively recruited state Sen. Jeff Van Drew, a conservative-leaning Democrat, in years past, but he's declined to run. Democrat Tanzie Youngblood, a retired teacher, already launched her bid to challenge LoBiondo in July. Democrats also floated retired judge Ray Batten as a potential candidate for the district.

Republican operatives in the state floated two potential GOP candidates to replace LoBiondo: State Assemblyman Chris Brown, who's on the ballot for a state Senate seat on Tuesday, and

former Atlantic County Sheriff Frank Balles.

LoBiondo's retirement adds another major opportunity for Democrats to pick up a House seat in New Jersey. Already, two normally well-entrenched New Jersey GOP incumbents in the northern half of the state, Rodney Frelinghuysen and Leonard Lance, have attracted several credible Democratic challengers who are raising substantial amounts of campaign cash.

LoBiondo, a member of the moderate Tuesday Group caucus, is the latest in a string of what Rep. Charlie Dent (R-Pa.) called "governing-wing" Republicans who have opted against running for reelection in 2018. Dent, Florida Rep. Ileana Ros-Lehtinen, Washington Rep. Dave Reichert and Michigan Rep. Dave Trott have all announced their plans for retirement.

Matt Friedman, Jake Sherman and Alex Isenstadt contributed to this report.

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Back

Pruitt to reconsider parts of 2015 coal ash rule Back

By Alex Guillén | 09/14/2017 04:15 PM EDT

EPA will reconsider key portions of the 2015 coal ash rule, according to a letter from Administrator Scott Pruitt to industry officials released by Earthjustice.

Two petitions were filed in May by AES Puerto Rico and the Utility Solid Waste Activities Group, an umbrella group whose members include the Edison Electric Institute, National Rural Electric Cooperative Association, American Public Power Association and more than a hundred utilities and related companies.

Pruitt's letter does not specify which parts of the rule he plans to reconsider, but both USWAG and AES identified specific issues with the regulation.

USWAG's petition asked that pending deadlines be pushed back and called for the rule to be changed in the wake of a December 2016 law changing the enforcement scheme in order to accommodate new management options based on site-specific risk analyses rather than the original "burdensome, inflexible, and often impracticable requirements." USWAG also argued that various executive orders from President Donald Trump dealing with regulations justify cracking the rule open.

AES' petition focused on requirements for how power plants store their coal ash piles before they are moved off site to be disposed of or to make products such as concrete and wallboard.

Oral arguments at the D.C. Circuit Court of Appeals over the rule are currently scheduled for Oct. 17, but EPA is likely to ask the case be put on hold while it reconsiders the rule.

WHAT'S NEXT: Pruitt will initiate a formal reconsideration process. Any actual changes to the rule will have to go through public comment and will be open to legal challenge.

To view online click here.

Back

Court delays coal ash arguments to November Back

By Alex Guillén | 09/27/2017 04:54 PM EDT

The D.C. Circuit Court of Appeals today granted a one-month delay in arguments over EPA's 2015 coal ash rule following Administrator Scott Pruitt's decision to reconsider key parts of the regulation.

Arguments had been scheduled for Oct. 17, but a three-judge panel ordered them delayed until Nov. 20.

The judges ordered EPA to reveal by Nov. 15 which portions of the rule will be reconsidered "and setting forth with specificity the timeline for reconsideration." In addition, all sides, including industry and environmental challengers, are supposed to file new briefs by Oct. 11 addressing whether the new state-based coal ash permitting program that passed Congress as part of the Water Infrastructure Improvements for the Nation Act at the end of 2016 affect the broader lawsuit at all. And the court told attorneys to be ready at arguments to discuss whether a longer delay in the lawsuit is appropriate, opening up the possibility of further delay.

The court set 90 minutes' worth of arguments in total, split into four sections: Three dealing with various legal and technical challenges to the rule and one on whether the case should be delayed longer.

The case will be heard by Judges Karen LeCraft Henderson, a George H.W. Bush appointee, and two Obama appointees, Judges Patricia Millett and Cornelia Pillard.

WHAT'S NEXT: The parties must submit briefs regarding the permitting program by Oct. 11. Oral argument is scheduled for Nov. 20.

To view online click here.

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California board approves 10-year Salton Sea water mitigation plan Back

By Esther Whieldon | 11/07/2017 06:31 PM EDT

The California State Water Resources Control Board today approved the state's 10-year plan for adding new wildlife habitat and curbing toxic dust from the Salton Sea lake in Southern California.

The plan addresses expectations the 350-square-mile lake will shrink by one-third as the Imperial Irrigation District, other water users and states continue cutting back on water usage amid diminishing Colorado River supplies.

The lake is an ecological haven for migratory birds, but its receding shoreline is polluted with chemicals from farming irrigation drainage, and the resulting dust from the dry lake bed has caused asthma problems in nearby communities.

The plan is also key to Imperial agreeing to a voluntary water conservation compact among lower Colorado River basin states to preserve water levels at Lake Mead, the river's most important reservoir. Under a deal that expires this year, Imperial has been putting extra water into the Salton Sea in exchange for the state's pledge to install mitigation projects — a commitment California has failed to meet. Imperial has been reluctant to agree to further water cuts without assurances the state will actually act.

The plan outlines the state acreage goals for habitat creation and dust suppression, requires it to come up with a long-term mitigation plan for the Salton Sea by 2022, and would have board staff create a correction plan if the state falls more than 20 percent short of any annual goal.

WHAT'S NEXT: Californians will vote on a ballot measure in June 2018 to issue $200 million in bonds for Salton Sea projects.

To view online click here.

Back

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Environment & Energy
Wednesday, October 18, 2017

Highlights

Leading the News

Long-Awaited EPA Lead Pipe Rule Could Be Pushed Back Again

By *David Schultz*

The long-awaited revamp of the EPA's lead pipe regulations may be delayed once again, despite an urgency surrounding the issue following the Flint, Mich., lead water contamination crisis that began in 2014.

Longer, Costlier Legal Battles Ahead as EPA Vows No Settling

By *Jennifer Lu*

EPA Administer Scott Pruitt's refusal to settle environmental lawsuits means longer and more expensive legal battles, legal observers say.

Practitioner Insights

Practitioner Insights: California Tackles Climate Change

California has pledged to continue its climate change efforts after President Donald Trump announced the U.S. would withdraw from the international Paris climate change agreement. In this article Shannon S. Broome and Clare Ellis of Hunton & Williams LLP explore the steps the state has already taken and legal

limitations on California's ability to go further.

Today's News

Houston Tries to Hold the Line Against Future

Flooding

By *Nushin Huq*

Houston is grappling with how to ready itself for more frequent and powerful storms as it cleans up from its third 500-year flood in the last several years. But preparing for the next storm will prove complicated for a pro-growth region reliant on property taxes and where tying policies to a changing climate is shunned.

Energy Plan Wrong Way to Prop Up Nuclear Plants, Moniz Says

By *Rebecca Kern*

The federal government is responsible for driving investment in the U.S. nuclear energy industry to ensure national security, not state or regional market operators, as has been proposed by the Energy Department, former Energy Secretary Ernest Moniz said today.

Trump Tells EPA to Halt Ethanol Quota Changes Amid Iowa Uproar

By *Ari Natter, Jennifer A. Dlouhy* and *Jennifer Jacobs*

White House officials have directed the Environmental Protection Agency to stand down on efforts to weaken a federal biofuel mandate after pressure from Iowa politicians seeking to preserve demand for corn and soy, said people familiar with the decision.

Republicans May Use Budget to Open Arctic, Atlantic to Oil Rigs

By Ari Natter and Jennifer A. Dlouhy

Congressional Republicans have found a way to use the federal budget to open the Arctic National Wildlife Refuge to oil drilling—and they don't plan on stopping there.

Water Utilities Could Face More Liability, Permit Costs

By *Amena H. Saiyid*

Wastewater utilities, and potentially homeowners, could face greater liability if federal courts rule pollutants seeping into the Pacific Ocean or Long Island Sound through groundwater should be regulated under the Clean Water Act.

Costs of Closing NJ Landfill Not Recoverable Under Superfund

By *Peter Hayes*

A company that entered into an agreement to close a landfill and construct a solar farm on the site can't recover its closure costs under the Superfund law, the U.S. District Court for the District of New Jersey said.

States Go Head to Head in Rare 'Original Jurisdiction' Cases

By *Kimberly Strawbridge Robinson*

The U.S. Supreme Court's original jurisdiction cases—that is, the cases the court hears without any lower court litigation—are few and far between. But this term

the court is set to *hear two* : Texas v. New Mexico and Florida v. Georgia .

America's Miners Are Digging for Hotter Coals as Old Plants Shut

By Emma Ockerman and Tim Loh

Early next year, three massive coal-fired power plants in Texas will close for

good. And their absence will be felt 1,000 miles away in the coal pits of Wyoming and Montana.

World's First Floating Offshore Wind Farm Begins

Operating

By Anna Hirtenstein

The world's first floating offshore wind farm started delivering electricity to the grid in the north of Scotland.

Fiji Set to Issue Green Bonds to Reach 100% Clean Energy Target

By Jessica Shankleman

Fiji, the Pacific island nation that's presiding over global climate talks this year, will issue green bonds valued at 100 million Fijian dollars ($49 million) to help it reach a target of getting all of its energy from renewables.

BP's Oilfield Cleanup Plan Ruled Properly Rejected

By *Steven M. Sellers*

An oilfield contamination cleanup plan proposed by BP Products North America Inc. and other companies was properly rejected by a trial court as inadequate, a Louisiana appeals court ruled Oct. 18.

Tuesday Night Wrapup

Flood Insurance Program May Be Reauthorized in Third Supplemental

By *Brandon Ross*

The National Flood Insurance Program may be reauthorized in a third disaster aid supplemental, Sen. Mike Crapo (R-Idaho), Senate Banking Committee chairman, told reporters Oct. 17.

Democrats Urge Energy Regulator to Reject Pro-Coal Proposal

By *Rebecca Kern*

Sen. Maria Cantwell (D-Wash.) is pressing the Federal Energy Regulatory Commission to reject an Energy Department proposal aimed at propping up coal and nuclear plants in certain competitive energy markets, saying it's ultimately bad for consumers.

Australian Prime Minister's Clean Energy Plan Draws Criticism

By *Murray Griffin*

Australian Prime Minister Malcolm Turnbull calls his new energy policy a "game changer," but his plan is drawing criticism from environmentalists and some industries and faces an uphill battle.

Conservation Program Would Get Boost Under Senate Bill

By *Teaganne Finn*

The existing Regional Conservation Partnership Program would receive more funds and flexible resources to expand projects under a bipartisan bill introduced by members of the Senate Agriculture Committee.

Next Farm Bill May Include Revamp of Sodsaver

Provisions

By *Teaganne Finn*

A federal program designed to protect native grasslands may be added to the 2018 farm bill. It would expand to all 50 states and close what supporters characterize as a loophole in the existing statue giving farmers a crop insurance incentive to break native sod.

Energy Regulator Wants Faster Review of Gas Pipelines

By *Rebecca Kern*

The head of the Federal Energy Regulatory Commission wants to speed up natural gas pipeline certificate reviews, but said he disagrees with another commissioner's suggestion to rely less on existing pipeline contracts.

Most Companies' Financial Reports Don't Mention Climate Risks

By *Andrea Vittorio*

Almost three-quarters of companies worldwide don't include in annual financial reports the risks that climate change could pose to their business, according to new *research* from KPMG International.

With Brazil Ban Looming, Carbofuran Maker Shifts to Alternative Pesticides

By *Adam Allington*

The U.S. maker of the insecticide Furadan says it had been expecting its product would be banned in Brazil even before that country announced a six-month phaseout.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 8/9/2017 8:14:19 PM
Subject: Aug. 9 -- Energy and Climate Report - Afternoon Briefing

Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Climate Reports May Slow Trump's Push to Undo Obama-Era Rules

Posted August 09, 2017, 7:29 A.M. ET

By Christopher Flavelle and Brian K. Sullivan

A pair of highly anticipated government studies, one of them due to be released this week, could complicate President Donald Trump's effort to roll back federal climate regulations, according to people on both sides of the debate over global warming.

A National Oceanic and Atmospheric Administration-backed report summarizing the global effects of climate change in 2016 is scheduled for release Aug. 10. Its conclusion will be similar to previous years' versions, according to people familiar with the report: Climate change is real, it's man-made and it's dangerous.

That report dovetails with a broader National Climate Assessment, which is due next year from the administration. Drafts of the study, compiled by scientists from across the federal government, show that the effects of climate change in the U.S. are severe.

Both reports are at odds with Trump's contention that climate change is a "hoax" and may hinder his moves to undo President Barack Obama's efforts to address the issue, analysts say. Revoking Obama's rules requires agencies to give a legally sound justification for the policy pivots—such as arguing they are no longer necessary.

David Schnare, who worked on Trump's transition team at the Environmental Protection Agency and then advised EPA Administrator Scott Pruitt, said that both reports will make it harder for the agency to reverse the Obama administration's limits on carbon dioxide emissions from power plants, as well as the broader policy that defines those emissions as a danger to the public, called an endangerment finding.

"If the NCA comes out with an unflattering report on carbon dioxide, the only way EPA can change its endangerment finding is to reexamine all that science, and have a reasonable basis for rejecting" it, said Schnare, who left EPA in March. Once those reports become public, "it's hard to dodge," he said.

Opponents of Trump's climate policies agreed that the reports could slow his administration's repeal of Obama-era regulations.

"It will make it harder for them to justify," said David Hawkins, director of climate programs for the Natural Resources Defense Council. "It's yet another document that weighs against whatever claims Trump political appointees attempt to make about the state of the science."

The Aug. 10 report, which was written by more than 450 scientists in the U.S. and abroad, will show that ice levels in Antarctica have set a record low, according to Keith Seitter, executive director of the American Meteorological Society. Antarctic ice levels had previously been increasing, a point highlighted by those who say climate change is a hoax.

The study will be released in the group's Bulletin of the American Meteorological Society.

Otherwise, the report doesn't contain many surprises, according to Seitter—because the public has become accustomed to continually breaking temperature records. On Aug. 8, NOAA reported that 2017 is so far the second-warmest year to date.

"As a standard practice, NOAA does not discuss leaked or draft reports," said Brady Phillips, a spokesman for the agency.

NOAA's willingness to publicize data about the threat of climate change presents a stark contrast with other agencies. The EPA has removed information about climate change from its website; Pruitt has said human activity isn't the primary contributor to global warming, as has Secretary of Energy Rick Perry. And the Interior Department reassigned dozens of employees, including one scientist who said his transfer to an office processing revenue was in retaliation "for speaking out publicly about the dangers that climate change poses to Alaska Native communities."

An Interior spokeswoman declined to discuss specific personnel matters among the senior executive service and said the reassignments "are being conducted to better serve the taxpayer and the department's operations." The EPA didn't respond to a request for comment.

The difference, according to Schnare, reflects the fact that the Trump administration has yet to assign political appointees to NOAA, which has left the agency—a division of the Department of Commerce—with an unusual degree of independence. Nor has the administration filled key climate positions at the White House; the Office of Science and Technology Policy still has no confirmed director, preventing it from aligning policy across federal agencies.

"This administration has simply not gotten its coordinating process together," said Schnare. Ross Gillfillan, a spokesman for the science office, declined to comment.

National Assessment

A test of that coordinating process will be the National Climate Assessment, which the White House is required by Congress to release every four years. The last report, in 2014, concluded that average global temperatures had increased more than 1.5 degrees Fahrenheit (0.8 Celsius) since 1880, and predicted as much as four feet of sea-level rise by 2100. A draft version of the 2018 report projects temperatures in the U.S. will rise as much as 12 degrees if emissions aren't reduced. The New York Times reported Aug. 8 that scientists involved were worried the Trump administration would suppress that study.

"The White House will withhold comment on any draft report before its scheduled release date," White House spokeswoman Sarah Sanders said in a statement referring to the New York Times story.

Hawkins, of the Natural Resources Defense Council, said the administration could in theory try to stop publication of the final report, which must be approved by 13 federal agencies; it could even go so far as to reassign or fire the scientists working on it. But, he added, those strategies are unlikely to do much good.

"Now that the current draft report is public knowledge, firing people isn't going to undermine the validity of what's written down," Hawkins said. "They can't prevent the understanding of the science anymore than Canute could hold back the seas."

--With assistance from Jennifer A. Dlouhy.

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National Grid Modernization Plan May Get Massachusetts Approval

Posted August 09, 2017, 02:38 P.M. ET

By Adrianne Appel

National Grid expects to receive approval from Massachusetts in January on its plan to dramatically change electricity service for customers under a broad grid-modernization plan.

In June 2014, Massachusetts asked major electric suppliers Eversource Energy, National Grid and Unitil Corp. to submit blueprints to modernize their portions of the state's 60-year-old electric grid.

National Grid's plan would give customers real-time data each day about when it would be cheapest to run appliances and cool homes and businesses, Marcy Reed, president of National Grid in Massachusetts, said. The company also would make it easier for wind, solar and other renewable energy to deliver power to the grid.

The upgrades would cause monthly electric rates to rise, though the company estimates customers would save in the long run, Reed told Bloomberg BNA Aug. 8, after addressing state lawmakers attending a national meeting in Boston.

"The benefits will outweigh the costs," she said.

In Eclipse, Natural Gas Sees Its Future as Solar's Backstop

Posted August 09, 2017, 11:23 A.M. ET

By Christopher Martin, Mark Chediak and Naureen S. Malik

Natural gas is about to get a glimpse of its future role in the U.S. power mix as solar energy's backup.

During the upcoming Aug. 21 eclipse, operators of giant solar fields from California to the Carolinas will rely on power from fast-start natural gas generators as well as hydroelectric plants and other sources to fill the gaps as the sky darkens. The celestial event will provide owners of gas turbines a chance to shine even as the fossil fuel is expected to be displaced over time by solar and wind energy.

The eclipse comes as the U.S. power grid undergoes a transformation that will bring increasing amounts of flexible resources needed to complement growing supplies of solar and wind energy. Solar installations have grown ninefold since 2012 and renewable sources are forecast to supply just as much of America's electricity demand as gas by 2040, according to Bloomberg New Energy Finance.

The "electric grid of tomorrow" will increasingly have to deal with fluctuating power supplies from the wind and sun while incorporating quick-start gas turbines during events like the upcoming eclipse, said Stephen Berberich, president of California ISO, the state's grid operator. Operators will also use new technologies to control demand when the moon will completely block the sun along a 70-mile-wide (113-kilometer) corridor stretching from Oregon to South Carolina.

The eclipse, in which the moon will completely obscure the sun, will cast a shadow along a 70-mile-wide (113-kilometer) corridor stretching from Oregon to South Carolina. Based on a Bloomberg calculation of grid forecasts, more than 9,000 megawatts of solar power may go down. That's the equivalent of about nine nuclear reactors.

To help keep the lights on, the California Independent System Operator will tap the state's network of gas generators and hydroelectric dams to make up for the loss of about 6 gigawatts of solar output over two hours as the sun is obscured by the moon. Duke Energy Corp. said it will utilize gas generators in North Carolina, the biggest solar state after California, to make up for output that is expected to sink 92 percent to about 200 megawatts in 90 minutes.

Reliability Issues Not Foreseen

The North American Electric Reliability Corporation doesn't foresee any reliability issues as grid operators have been planning for the eclipse for months.

"Given that the timing and path of the eclipse are well understood and well reflected in solar generation forecasts by CAISO and other grid operators, generation dispatch or curtailment would be managed as a part of routine operations," said Steve Krum, a spokesman for First Solar Inc., the largest operator of solar plants in the U.S.

AutoGrid Systems Inc. says some utilities will be using its software systems to shut off unnecessary appliances during the height of the eclipse, and bring them on slowly as solar power returns, said Adam Todorski, a director of product technology for the Palo Alto, California-based company.

Shedding Demand

"It's a lot like a planned outage; you know it's coming," Todorski said. "You can get hundreds of megawatts by shedding things like water heaters and pool pumps, and heat pumps."

The California Solar Energy Industries Association is asking residents to "pledge" to turn off lights, unplug microwaves and dial back air conditioners in order to reduce the need for the state to use gas plants and to limit carbon emissions.

Demand for gas is forecast to stop growing by 2040 as new technologies such as battery storage ramp up to provide backup for wind and solar, according to Bloomberg New Energy Finance.

During a March, 2015 eclipse that crossed Europe, German grid operator TenneT TSO GmbH

brought on 8 gigawatts of generating capacity to compensate for the loss of solar power as the sun disappeared, double the usual amount. It also kept hydropower plants that can store energy on standby and coordinated its flows with neighboring grid operators.

Power prices in Germany's wholesale market surged then dipped for a short time as the first eclipse of the emerging solar age passed, briefly switched off thousands of panels that on the brightest days provide 40 percent of Germany's power.

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Samarco Executives' Homicide Charges Suspended in Brazil Spill

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By Michael Kepp

A Brazilian judge suspended and could potentially dismiss homicide charges against 21 officials of Samarco mining company, Vale SA and BHP Billiton Ltd., in connection with the rupture of an iron-ore tailings dam two years ago that killed 19 people.

The judge suspended criminal proceedings to determine whether wiretapping of the officials' phones by prosecutors was legal. If not, it "could result in the annulment of the case," the judge wrote.

The case stems from the Nov. 5, 2015, rupture of a Samarco tailings dam in Minas Gerais state that sent 62 million cubic meters of iron-ore waste into the valleys below, flattened a village of 600, left 19 dead and polluted the Doce River. Brazil's Environment Ministry called the spill "the country's worst environmental catastrophe."

The executives are charged with qualified homicide, which in Brazil means homicide aggravated by certain factors. When the charges were filed last year, prosecutor Jose Leite Sampaio said the Samarco executives knew or should have known that the dam was unsafe and at risk of failing.

Illegal Wiretapping?

Judge Jacques de Queiroz Ferreira of the first regional federal court in the Minas Gerais state municipality of Ponte Nova suspended the criminal case (No. 0002725-15.2016.4.01.3822) July 4, but the court just publicly confirmed the suspension, a court spokeswoman said Aug. 8. It is not known when the judge will decide how to proceed.

Former Samarco President Ricardo Vescovi and ex-director of Samarco operations and infrastructure Kleber Luiz de Mendonca Terra allege that phone wiretaps between executives charged in the case took place outside the time frame that the judge had authorized.

Those charged include 16 current or former executives of Samarco, the reservoir's operator, and five current or former executives of Samarco's two co-owners, the Brazilian iron-ore giant Vale S.A. and the Anglo-Australian BHP Billiton Ltd, on Samarco's board of directors. VOGBR, a geotechnical auditor that does reservoir safety inspections, and one of its employees were also criminally charged with presenting false reservoir stability reports.

Civil Settlement Pending